



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 23 2003

Mr. Richard Palava
Palava Consulting Services
1735 Indian Wells Avenue
Ocala, Florida 34472-8402

Ref. No. 03-0102

Dear Mr. Palava:

This is in further response to your April 2, 2003 letter requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to carriers transporting hazardous materials in commerce. You were specifically concerned about the applicability of the HMR to transport vehicles that have been cleaned and purged of the hazardous materials they previously contained.

Our May 27, 2003 reply to your letter indicated that the HMR do not apply to the transportation of an empty trailer that has been cleaned and purged of hazardous materials. We should have noted that, for cargo tank motor vehicles and other bulk packagings that are marked to indicate conformance with the packaging specification requirements in the HMR, the packaging must conform to all applicable regulatory requirements even if the packaging has been cleaned and purged of all hazardous materials. Thus, a specification cargo tank motor vehicle that has been cleaned and purged must comply with all applicable specification, requalification, and maintenance requirements or the specification marking must be covered or removed.

I hope this information is helpful. Please accept my apology for any confusion our previous letter may have caused.

Sincerely,

Susan Gorsky
Senior Regulations Specialist
Office of Hazardous Materials Standards



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MAY 27 2003

Mr. Richard Palava
Palava Consulting Services
1735 Indian Wells Ave.
Ocala, Florida 34472-8402

Ref. No. 03-0102

Dear Mr. Palava:

This responds to your April 2, 2003 letter requesting clarification regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask when the HMR apply to carriers transporting hazardous materials and empty trailers that have been cleaned and purged.

In accordance with § 171.1, the HMR apply to any person who offers for transportation or transports hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, or vessel. A carrier is subject to the HMR from the time it takes possession of the hazardous materials until the shipment is delivered to its destination, including loading, unloading, and storage incidental to transportation. The HMR do not apply to an empty trailer that has been cleaned and purged of hazardous materials.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer F. Billings".

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



1735 Indian Wells Ave.
Ocala, Florida 34472-8402

Specializing in Motor Carrier Compliance
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and Risk Management

352 624-0206
Fax 352 624-4136
E-Mail rpalava@aol.com

April 2, 2003

Booth
§ 171.2
Applicability
03-0102

Office of Hazardous Materials Standards
U. S. DOT/RSPA (DHM-10)
400 7th Street, S.W.
Washington, D.C. 20590-0001

Mr. Edward T. Mazzullo

RE: Request for a formal written Interpretation.

Dear Mr. Mazzullo;

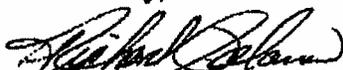
I am requesting a written interpretation in regard to the Hazardous Materials Regulations.

When do the hazardous material regulations apply to the motor carrier? Do they apply when they take possession of the material and end when the shipment is delivered to its destination according to the shipping paper? Or is it that, if the motor carrier transports any hazardous material the motor carrier then become subject to the regulation from that time on? This is taking into consideration that the transport vehicle has been cleaned and purged of all hazardous materials and all placards have been removed at the delivery location, as required by the regulations, before moving the vehicles after delivery.

Under the same type of operation, if the driver dropped a loaded hazardous material trailer and picks up an empty (clean and purged) trailer, is the driver still subject to the hazardous material regulations?

Thank You

Sincerely,


Richard Palava