



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

JAN 23 2004

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

Mr. Cliff Bartley
Horizon Lines
5800-1 William Mills Street
Blount Island
Jacksonville, FL 32226

Ref. No. 03-0148

Dear Mr. Bartley:

This is in response to your request for clarification of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding certain requirements applicable to "Vehicles, flammable liquid powered," UN3166, being transported in freight containers. You state that the shipment meets the requirements in §§ 173.220 and 176.905. Your questions are paraphrased and answered below.

Q1. It is my understanding that a warning label, as required by § 176.905(a)(5), is required only for shipments being transported by vessel and is not required for shipments being transported by rail or highway. Is this correct?

A1. Yes.

Q2. Most vehicles weigh in excess of 3,000 pounds; however, the total amount of the hazardous material is no more than 1/4 of a tank. If the total weight indicated on the shipping paper includes the vehicle, is a shipment being transported as "Vehicles, flammable liquid powered," UN3166 required to display a Class 9 placard?

A2. No. Vehicles being transported in accordance with § 173.220 are excepted from placarding (see § 173.220(f)(1) and (f)(2)). For "Vehicles, flammable liquid powered,"



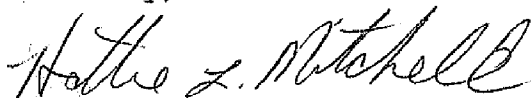
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172.500

UN3166, indicating the total weight, for example, "1 automobile" or "1 automobile in freight container" on the shipping paper, does not subject the shipment to the placarding requirements.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,

A handwritten signature in cursive script, reading "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



6/30/03
Monday, June 16, 2003

Mr. Ed Mazzullo
Director Office of Hazardous Material
Hazardous Materials Standards
USDOT / RSPA / DHM10
400 7th Street S.W.
Washington, DC 20590

McIntyre
§ 172.500(f)(9)
Placarding
03-0148

Re: 49CFR172.500(f)(9) – Class 9 Placarding

Dear Mr. Mazzullo,

We are involved as an containerized cargo ocean carrier in the transportation of automobiles that are flammable liquid fuel powered and moving in the domestic trade lane over water. The cargo moves in containers under "UN3166, Vehicle, Flammable, Liquid Powered" and it meets the requirements of 49CFR173.220 & 49CFR176.905 including the hazardous fuel limitations of ¼ tank, access door marking and key removal.

In reading the referenced sections in the Code of Federal Regulations title 49, I understand that a warning label on the access door of the container is not required for movement by rail or highway based on 49CFR173.220(e)(2) but it is required for movement by water under 49CFR176.905(a)(5). It is also my understanding that although the cargo moves as a class 9 shipment, no class 9 placards are required for truck, rail and water shipments based on 49CFR172.500(f)(9).

Please confirm the regulations on the shipments of "UN3166, Vehicles Flammable Liquid Powered" in containers as it pertains to placarding and markings. I also need clarification on the weight of the shipment. Most vehicles weigh in excess of 3000 pounds but the total weight is not the hazardous portion of the cargo. In addition, indicating a weight of this magnitude may render the shipment as bulk and thereby make it subject to the placarding regulations.

Please provide guidance on the following:

- What weight is to be taken into consideration and declared when describing the cargo on a shipping document?
- Do Class 9 vehicles moving in containers require placarding? ~~(f)(9)~~ NO ~~REG. 172.500(f)(9)~~
- Is the warning label required for highway and rail modes of transportation? - NO

Your comments will ease the movement of this cargo through the transportation chain.

Sincerely,


Cliff Bartley,
Manager Hazardous Materials/ Maintenance