



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

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

FEB 2 2004

Mr. Samuel V. Yardumian  
Hazardous Materials Specialist  
Jevic Transportation  
700 Creek Road  
Delanco, NJ 08075

Ref. No. 04-0015

Dear Mr. Yardumian:

This is in response to your letter dated January 9, 2004 requesting guidance pertaining to large quantities of a single hazardous material transported in non-bulk packages, as established under § 172.301(a)(3) of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180). Specifically, you state that a shipper loads 11,000 pounds of flammable liquid, that is marked with the same identification number and proper shipping name, at one loading facility. Further, you state that you are not required to mark the transport vehicle on each side and each end with the identification number because there is other freight present on the vehicle when the flammable liquid is loaded. However, you ask if a driver is required to affix the identification number corresponding to 11,000 pounds of flammable liquid if he delivers all of the non-hazardous freight, leaving only the 11,000 pounds of flammable liquid on the transport vehicle.

The answer is no. The marking requirement found in § 172.301(a)(3) is applicable to the material within the transport vehicle at the time that a large quantity of a single hazardous material in non-bulk packages is loaded. In your example, the transport vehicle contains other freight when the flammable liquid is loaded; therefore, the transport vehicle is not required to be marked with the identification number of the flammable liquid. In our opinion, so long as the shipping paper indicates that the vehicle once held other freight and the driver is familiar with § 172.301(a)(3), these provisions would apply for the duration of the deliveries.

Additionally, the identification number may be permissively displayed on the transport vehicle on each side and each end. This practice would identify the material and alleviate the potential for a frustrated shipment.

I hope this satisfies your request.

Sincerely,



Susan Gorsky  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



040015

172.301(a)(3)



DOT/RSPA/OHMS  
UNIT

04 JAN 21 PM 5:28

Jevic Transportation  
700 Creek Road  
Delanco, NJ 08075  
800.257.0427ff  
888-GoJevic (465-3842)  
[www.jevic.com](http://www.jevic.com)

*Supko*  
*§ 172.301(a)(3)*  
*marking for*  
*non-bulk packaging*  
*04-0015*

Mr. Delmer F. Billings, Chief, Standards Development  
Research & Special Programs Administration DHM-11  
U.S. Department of Transportation  
400 7<sup>th</sup> St. S.W.  
Washington, D.C. 20590-0001

January 9, 2004

Ref: 49 CFR 172.301(a)(3)

Dear Mr. Billings:

Jevic Transportation, Inc. requests regulatory guidance with respect to the following fact situation: A vehicle is loaded at the carrier's facility with several shipments from different shippers. The first shipment loaded into the vehicle is 11,000 lbs. of a single Table 2 Hazardous Material, in this instance, "Flammable Liquid." The shipment is in non-bulk packaging, from one shipper to one consignee and is the only hazardous material on board. Given the presence of other freight, the driver is instructed to display FLAMMABLE placards on the vehicle.

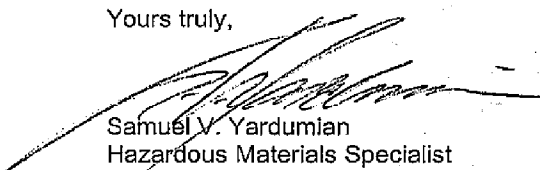
The driver makes deliveries of all of the non-hazardous shipments, leaving only the 11,000 lbs. of Flammable Liquid in the vehicle.

May the vehicle continue to the last delivery point with only the FLAMMABLE placards, or must it now also be marked with the I.D. number of the hazardous material on board?

We request that a written interpretation or guidance be issued. We have had drivers questioned on it on previous occasions. Recently, an Out-of-Service order was issued by the state of Illinois against our vehicle in such a situation.

We appreciate your attention to this request.

Yours truly,

  
Samuel V. Yardumian  
Hazardous Materials Specialist

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