



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

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

OCT 13 2004

Mr. William J. Briner
Regulatory Affairs
Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167

Ref. No.: 04-0116

Dear Mr. Briner:

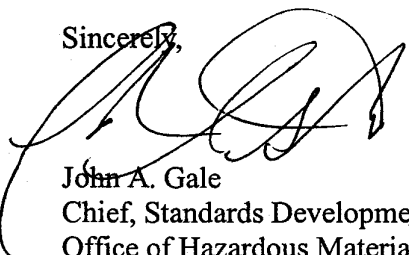
This responds to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) adopted under Docket HM-223 (final rule published October 30, 2003; 68 FR 61906), to operation of a forklift truck carrying hazardous materials between buildings of your corporate campus on private roads.

The forklift truck travels less than 1/4 mile on the facility's private roads. When the gates to the campus entrances are open, which is normally the case during daytime hours Monday through Friday, there is public access to the facility, but corporate security officers patrol the campus and monitor the entrances with cameras. You believe that the above-described scenario is considered a pre-transportation function performed prior to movement of the hazardous material and does not require a shipping paper, placards and a Commercial Driver's License (CDL) with a hazmat endorsement.

The movement of hazardous material that occurs entirely within a contiguous facility boundary where public access is restricted is not commercial transportation and therefore is not subject to the requirements of the HMR. The HMR do not apply to rail and motor vehicle movements of a hazardous material exclusively within a contiguous facility boundary where public access is restricted, except to the extent that the movement is on or crosses a public road or is on a track that is part of the general railroad system of transportation. If it is, access to the public road must be restricted by signals, lights, gates, or similar controls. Therefore, your company's movement of the hazardous material in a forklift truck between buildings of your corporate campus on private roads is not subject to the HMR and does not require a shipping paper, placards, or a Commercial Driver's License (CDL) with a hazmat endorsement.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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MONSANTO



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Applicability
04-0116

MONSANTO COMPANY
800 NORTH LINDBERGH BLVD
ST. LOUIS, MISSOURI 63167
<http://www.monsanto.com>

April 23, 2004

U.S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards
400 Seventh Street, S.W.
Washington, D.C. 20590
Attn: Mr. Delmer Billings

Dear Mr. Billings:

I am writing to request a written interpretation indicating if the operation of a forklift carrying hazardous materials between buildings of our corporate campus on private roads is subject to the DOT Hazardous Materials Regulations.

49 CFR 171.1(d)(4) indicates that motor vehicle movements exclusively within a contiguous facility boundary where public access is restricted, except to the extent that the movement is on or crosses a public road, is not subject to the HMR.

The forklift travels less than ¼ mile on the facility's private roads. When the gates to the campus entrances are open, which is normally the case during daytime hours Monday through Friday, there is public access to the facility, but corporate security officers patrol the campus and monitor the entrances with cameras.

Rather than transportation in commerce, we believe that this is a pre-transportation function performed prior to the movement of hazardous materials in commerce and that a shipping paper, placarding and a Commercial Driver's License with a hazmat endorsement should not be required

If you have any questions concerning this request, please call me at (314) 694-2999.

Thank you.

Sincerely,

William J. Briner
Regulatory Affairs Manager