



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 11 2006

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

Mr. John P. Plasencia
Hazardous Materials Manager
Seaboard Marine, Ltd.
1630 Port Blvd.
Port of Miami
Miami, Florida 33132

Ref. No. 06-0059

Dear Mr. Plasencia:

This responds to your letter requesting clarification of the rolling stock stowage requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Must rolling stock be literally "rolled-on" or "rolled-off" a RO/RO vessel that is specially suitable for vehicles in order to be eligible for the exceptions in § 176.905(i)?

A1. Rolling stock does not have to be "rolled-on" or "rolled-off" the vessel. Section 176.905(i)(3) is a stowage requirement; the compartment or hold must be specially suited for vehicles in accordance with 46 CFR 70.10-1 or 90.10-38, as appropriate. The requirement does not address loading/unloading operations.

For example, a bulldozer on a flatbed trailer loaded in a compartment or hold that is specially fitted for vehicles is eligible for the exception in 49 CFR 176.905(i)(3) provided the equipment is suitably secured. However, a vehicle in a freight container stowed in a compartment or hold that is specially suited for vehicles is not eligible for the exemption. A freight container is an enclosed space and, in the event of a fuel leak, can collect vapors and create an explosive atmosphere within the container.

Q2. Is an automobile staged for transportation in a port area subject to the HMR if it meets the conditions for exception from the HMR in § 176.905(i)?



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176.905

A2. The answer is no if the automobile conforms to the requirements of § 176.905(i) and is intended for transportation by vessel or has been offloaded from a vessel. In addition, an automobile is not subject to the HMR if it conforms to the requirements specified in § 173.220 and is to be transported by highway or rail.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned above the typed name.

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

Seaboard Marine, LTD

1630 Port Blvd, Miami, FL 33132

Stevens
§ 176.1
§ 176.905
Vessel
06-0059

Dear Sir or Madam,

In regards to the exceptions delineated in 49 CFR 176.905 (i)(3), my questions are as follows:

1. My understanding is that this sub-paragraph facilitates Roll-on/Roll-off designated vessels. Therefore, a motor vehicle driven, towed, pushed, or otherwise "rolled" onto a RO/RO vessel, meets this exception. However, in the case in which it is not loaded in this manner (i.e. oversized heavy machinery, such as a bulldozer), but instead is loaded on an open flatbed unit and then loaded (not rolled on) via crane onto the top deck of a RO/RO vessel, does it still meet this exception? What if it is an automobile either on an open flatbed unit or inside a freight container, loaded on the top deck?

2. If a vehicle shipment is booked as non-hazardous due to the fact that it meets one of the exceptions found in 176.905, then is it still subject to the HMR while staged on our waterfront facility (i.e. 1/4 tank of gas or less, key out of the ignition, etc.)?

Thank you in advance for your guidance in this matter.

Best regards,

John P. Plasencia
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