



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

OCT 13 2006

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

Mr. Lars E. Gulbrandsen  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4497

Ref. No.: 06-0196

Dear Mr. Gulbrandsen:

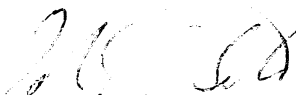
This responds to your letter dated August 17, 2006 regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a motor vehicle, operating under its own motive power that stores energy during braking in a large compressed gas accumulator containing nitrogen.

According to your letter, your client plans to manufacture and sell an auxiliary power system for trucks, such as garbage trucks. The auxiliary power system is similar in purpose to batteries incorporated into hybrid-electric vehicles. The auxiliary power system stores the energy generated during braking in a large compressed gas accumulator containing nitrogen, and then releases that energy to produce better fuel economy. Specifically, you ask if your understanding is correct that § 173.220 applies to the transportation of a self-propelled vehicle "when transported as cargo" on a transport vehicle, but would not apply when a self-propelled vehicle is operated under its own motive power.

Your understanding is correct. The requirements in § 173.220 do not apply to a self-propelled vehicle not carried as cargo on a transport vehicle and operated under its own motive power.

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



060196

173.220  
173.301



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August 17, 2006

Engrum  
§ 173.220  
§ 173.301  
Applicability  
06-0196

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
400 7th Street S.W.  
Washington DC 20590-0001

Dear Mr. Mazzullo:

I am writing with a general question regarding the applicability of the Hazardous Material Regulations ("HMR") to component parts of motor vehicles. More specifically, my question is whether the HMR apply to components incorporated into a motor vehicle when that motor vehicle is being operated under its own power.

My client, Eaton Corporation, plans to manufacture and sell an auxiliary power system for trucks, such as garbage trucks. The auxiliary power system is referred to as the Hydraulic Launch Assist ("HLA"). The HLA is similar in purpose to batteries incorporated into hybrid-electric vehicles. The idea is to capture energy generated during braking and then release that energy in order to produce better fuel economy. The HLA stores the energy generated during braking in a large compressed gas accumulator containing nitrogen.

I understand that 49 CFR ch. 173.220 applies to the transportation of self-propelled vehicles "when transported as cargo on a transport vehicle." My understanding is that 173.220 would not apply when a vehicle is operated under its own power. Does any section of the HMR apply to a vehicle operated under its own incorporating the HLA?

For instance, 49 CFR ch. 173.301(a) provides that "[a] Class 2 material (gas) offered for transportation in a cylinder must be prepared in accordance with this section and sections 173.301a through 173.305, as applicable." Would a vehicle incorporating the HLA, and specifically the accumulator, be regulated by 49 CFR ch. 173.301 even if the vehicle is operating under its own power?

Mr. Edward T. Mazzullo  
August 17, 2006  
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Thank you for your attention to this matter. I look forward to your response.

Very truly yours,

**QUARLES & BRADY LLP**

A handwritten signature in blue ink, appearing to read "Lars E. Gulbrandsen", is written over the typed name.

Lars E. Gulbrandsen

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