



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

MAY 02 2016

Mr. Kerry M. Fitzgerald  
Renaldo Sales & Service, Inc.  
1770 Milestrip Road  
North Collins, NY 14111

Reference No. 15-0079

Dear Mr. Fitzgerald:

This letter is in response to your April 10, 2015, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the inspection of cargo tank components as required by § 180.407. Your questions have been paraphrased and answered as follows:

Q1. What is the meaning of “suspension system attachments” and “connecting structures” as these words are used in § 180.407(d)(2)(viii)?

A1. Section 180.407(d)(2)(viii) requires that all major appurtenances and structural parts directly attached to the cargo tank shell, including suspension system attachments and connecting structures, must be inspected for any corrosion or damage as part of the cargo tank’s external visual inspection and testing. The HMR do not define “suspension system attachments.”

The HMR define “connecting structure” in §§ 178.320(a) and 178.345-1(c) as “the structure joining two cargo tanks” in one multiple-tank cargo tank. The requirements in § 178.320 apply to all DOT-specification cargo tanks and, therefore, also apply to the external visual inspection and testing of cargo tanks in § 180.407(d)(2)(viii).

Q2. If a cargo tank’s chassis suspension system (i.e., springs, U-bolts, axles, wheel drums, tires, steering controls, brakes) is meant to be inspected under § 180.407, exactly what components of this system are required to be included in that inspection?

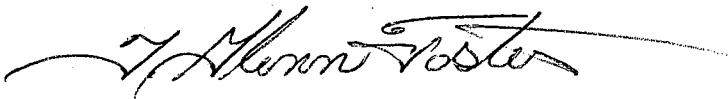
A2. The inspection required under § 180.407 of the HMR is limited to both those structures directly attached to the cargo tank shell and those having a direct impact on the integrity of the tank itself, including those that attach the cargo tank to the chassis. Other components of a cargo tank motor vehicle’s chassis, suspension system, and running gear are described in and required to be inspected under the Federal Motor Carrier Safety Regulations (FMCSR; see 49 CFR, Subtitle B, Chapter III, Subchapter B, Appendix G—Minimum Periodic Inspection Standards).

Federal Motor Carrier Safety Regulations (FMCSR; see 49 CFR, Subtitle B, Chapter III, Subchapter B, Appendix G—Minimum Periodic Inspection Standards).

- Q3. It is my understanding that the HMR require inspections of cargo tanks and their components to occur on a pass/fail basis. If this is the case, should inspections concerning cargo tank “suspension system attachments” include the inspection requirements prescribed in 49 CFR 397.17 (Tires)?
- A3. Your understanding is correct. The HMR require the inspection of a cargo tank’s attachment to a cargo tank to occur on a pass/fail basis. However, the FMCSR require the regulation and inspection of a cargo tank’s tires, lights, brake lines, etc., as prescribed in 49 CFR Part 396, with requirements for tire maintenance further specified in § 397.17, as you stated.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster", with a long horizontal flourish extending to the right.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division



**Manufacturing & Custom Fabrication**  
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*15-0079*

April 10, 2015

Mr. Charles E. Betts  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590

Re: MC 331 Inspection and testing  
49 CFR 180.407(d)(2)(viii) External visual inspection and testing.

Dear Mr. Betts,

Section 49 CFR 180.407(d)(2)(viii) refers to the inspection of "suspension system attachments, connecting structures". I would like clarification on the definitions of these two terms in regard to this section.

In 178.337-13, the term restraining devices is used to describe the anchoring/connection of the cargo tank to the vehicle chassis. It is assumed that connecting structures and restraining devices are one and the same.

Interpretation 08-0097 states that Registered Inspectors are not required to perform compliance reviews subject to Part 396 of the FMCSR as part of the annual inspection in 396.17. However, the term suspension system attachments seems to imply more than the anchoring of the cargo tank to the truck chassis frame. If indeed, the chassis suspension system (springs, U-bolts, axles, wheel drums, tires, steering controls, (brakes?)) is meant to be inspected by 180.407, exactly what components would be included in this? In speaking with your office today, it would seem that the suspension system (and attachments) should be inspected, but there was evidently no clear end as to what components should be taken into consideration. There are many components on a truck chassis, that if defective, would have a direct effect on the overall operational safety of the cargo tank motor vehicle.

Certainly common sense should prevail, as in the Interpretation 08-0097, where it is recommended that the Registered Inspector bring any deficiencies that would be covered in 396.17 to the operator's attention. Given that it is specifically mandated in this section to inspect suspension system attachments and components as part of this inspection, it must be made clear as to what components should be inspected as part of the inspection. Cargo tank inspections, and their components, as required by the regulations are on a pass/fail basis. In this case, should particular sections of 396.17 be addressed in this inspection as they relate to "suspension system attachments?"

I appreciate your assistance in advance in this matter.

Sincerely,

Kerry M. Fitzgerald

Renaldo Sales & Service, Inc.  
1770 Milestrip Rd.  
North Collins, NY 14111

Enc: Copy of Interpretation 08-0097  
Copy of email response from the U.S. DOT Reference Service

**Renaldo Sales & Service, Inc.**

1770 Mile Strip Road • North Collins, NY 14111 • U.S.A. • 1-800-424-5564 • FAX: 337-2756 • Toll: 716-337-3760



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

DEC 30 2008

Mr. Anthony Reid;  
C&R Fleet Services, Inc.  
353 O'Dell Road  
Griffin, Georgia 30224

Ref. No.: 08-0097

Dear Mr. Reid:

This responds to your letter regarding whether Registered Inspectors performing requalification inspections in accordance with the Hazardous Materials Regulations (HMR), §180.407, specifically VKIP tests on a cargo tank motor vehicle, must also comply with Federal Motor Carrier Safety Administration Regulations (FMCSR), § 396.21, Subchapter B, Appendix G, known as "Annual" inspection. This inspection covers components such as brake system, coupling devices, exhaust system, fuel system, lighting devices, safe loading, steering mechanism, suspension, frame, tires, wheels and rims, windshield glazing, and windshield wipers.

The HMR do not require DOT Registered Inspectors to perform compliance reviews subject to Part 396 of the FMCSR. Also, a person who performs only the inspections specified in Part 396 of the FMCSR is not required to be a DOT Registered Inspector. As a matter of courtesy, if a Registered Inspector observes deficiencies in the components covered by the FMCSR inspection, the inspector should bring it to the motor carrier's or owner's attention.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



DOT/RSPA/OHMS  
UNIT

08 APR -7 PM 4:47

Engrum  
§180.407  
Cargo Tanks  
08-0097

March 27, 2008

Hazardous Materials Division  
Research and Special Programs Administration  
Department of Transportation  
Washington, DC 20590-001

C & R Fleet Services, Inc  
353 O'Dell Road  
Griffin, Georgia 30224

Subject: Request for Interpretation of Hazardous Material Regulation 180.407

Sir:

This letter is to request an interpretation as to if it is intended for Registered Inspectors performing requalification inspections under HM Regulation 180.407, specifically VKIP tests on cargo tank motor vehicles to inspect for compliance with FMCSR 396.21 subpart B Appendix G, commonly known as an "Annual" inspection.

The fundamental question at hand is, does a HM tank mounted on a motor vehicle create an entity that requires inspection at requalification to ascertain the overall compliance of the vehicle to both HM and FMCSR safety guidelines? We frequently see vessels which meet HM 180 code for requalification but fail to meet standards outlined in FMCSR 396.21 subpart B appendix G. However, we are unclear as to the jurisdiction of the Registered Inspector during this requalification.

Please advise us as to your interpretation of these regulations and their intent.

If you require additional information please feel free to call (770) 412-8211.

Thank You,

Anthony Reid  
RI - CT 7588

353 O'Dell Road \* Griffin, Georgia 30224 \* 770-412-8211 \* Fax 770-412-0576

[www.CandRFleetServices.com](http://www.CandRFleetServices.com)

## Definition of suspension system attachments [Incident: 150409-000042]

US Department of Transportation Reference Service (ntl1@mailwc.custhelp.com)  
4/09/15

To: fitzgas@hotmail.com

Recently you requested assistance from the US Department of Transportation. Below is our response to your request.

If this issue is not resolved to your satisfaction, you may reopen it within the next 0 days.

Thank you for allowing us to be of service to you.

### Subject

Definition of suspension system attachments

### Discussion Thread

Response Via Email (US DOT Reference Service)

04/09/2015 03:24 PM

The situation you have described would seem to be appropriate for a ruling or approval by the Pipeline and Hazardous Materials Safety Administration.

PHMSA's Approvals and Permits Division is responsible for the issuance of DOT Special Permits and Approvals. A Special Permit sets forth alternative requirements, or variances, to the requirements in the HMR. Federal hazardous materials transportation law authorizes PHMSA to issue such variances in a way that achieves a safety level that is at least equal to the safety level required under Federal hazmat law or is consistent with the public interest if a required safety level does not exist. An approval is written consent, including a competent authority approval, from the Associate Administrator or other designated Department official, to perform a function that requires prior consent under the HMR.

Please contact the Office of Hazardous Materials Safety Approvals and Permits Division with questions by going to <http://www.phmsa.dot.gov/hazmat/regs/contact>

Sincerely,

Reference Services  
National Transportation Library  
Bureau of Transportation Statistics  
Office of the Secretary for Research

U.S. Department of Transportation

**Auto-Response**

04/09/2015 01:35 PM

The following answers might help you immediately. (Answers open in a separate window.)

Answer Link: [Commercial Driver's License Regulations](#)

Answer Link: [Using 15-passenger Vans to Transport Children](#)

Answer Link: [National Driver Register](#)

Answer Link: [Definition of a Commercial Motor Vehicle](#)

Answer Link: [Interstate Highway Design Standards](#)

**Customer By Web Form**

04/09/2015 01:35 PM

As in section 180.407(d)(2)(viii), what is the definition of suspension system attachments?

**Question Reference #150409-000042**

**Mode of Transportation:** Highway

**Date Created:** 04/09/2015 01:35 PM

**Last Updated:** 04/09/2015 03:24 PM

**Status:** Solved

[---001:001918:62966---]