

Pipeline and Hazardous Materials Safety Administration

MAR 1 5 2017

Captain Dean House Office of Motor Vehicle Enforcement 6310 SE Convenience Boulevard Ankeny, IA 50021

Reference No. 16-0085R

Dear Captain House:

This letter is in response to your May 9, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to agricultural shipments of hazardous materials.

We have paraphrased and answered your questions as follows:

- Q1. You ask if § 173.5(a) limits the package size of shipments transported between fields.
- A1. The answer is no. There are no limits to the size of the package provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q2. You ask if § 173.5(a) limits the distance hazardous materials can be transported between fields.
- A2. The answer is no. There are no limits to the distance the package can travel provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q3. You ask if § 173.5(b) is a standalone provision and thereby does not affect the applicability of § 173.5(a).

A3. The answer is yes. Under the HMR, § 173.5(a) applies to agricultural products being transported between fields of the same farm on local roads. The roads that connect fields of the same farm are considered local roads and not public roads. Section 173.5(b) applies to agricultural products being transported to and from a farm within 150 miles of a farm and within the scope of the authorized mileage.

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

Sincerely,

Dirk Der Kinderen

Chief, Standards Development Branch Standards and Rulemaking Division

## **Dodd, Alice (PHMSA)**

From:

INFOCNTR (PHMSA)

Sent:

Wednesday, November 16, 2016 4:29 PM

To:

Hazmat Interps

Subject:

FW: Clarification on Interpretation Reference NO. 16-0085

**Attachments:** 

20160826090019820.pdf

**Follow Up Flag:** 

Follow up

Flag Status:

Flagged

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. House spoke with Eamonn.

Please let me know if you have any questions.

Thanks, Jordan

**From:** House, Dean [mailto:Dean.House@iowadot.us] **Sent:** Wednesday, November 16, 2016 9:25 AM

To: INFOCNTR (PHMSA)

Subject: FW: Clarification on Interpretation Reference NO. 16-0085

Captain Dean House T402 Office of Motor Vehicle Enforcement Phone # (515) 237-3214 Cell # (515) 298-2328 Fax # (515) 237-3387 Email: dean.house@iowadot.us

Mailing Address: Captain Dean House Office of Motor Vehicle Enforcement 6310 SE Convenience Blvd Ankeny, IA 50021

From: House, Dean [DOT]

**Sent:** Monday, August 29, 2016 9:52 AM **To:** 'INFOCNTR.INFOCNTR@dot.gov' <>

Subject: Clarification on Interpretation Reference NO. 16-0085

I am seeking clarification of interpretation No 16-0085, the response to question 3 in regards to the part of the answer that refers to public roads. The regulations allows transportation over local roads. The response to 173.5(a) says applies to shipments made between fields that do not use public roads.

My question is what is meant by shipments made between fields that do not use public roads?

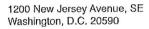
173.5(a) For other than a Class 2 material, the transportation of an agricultural product over <u>local roads</u> between fields of the same farm is excepted from the requirements.

Thank You,

Dean

Captain Dean House T402 Office of Motor Vehicle Enforcement Cell # (515) 298-2328 Fax # (515) 237-3387 Email: dean.house@dot.iowa.gov

Mailing Address: Captain Dean House Office of Motor Vehicle Enforcement 6310 SE Convenience Blvd Ankeny, IA 50021





Pipeline and Hazardous Materials Safety Administration

AUG 0 2 2016

Captain Dean House Office of Motor Vehicle Enforcement 6310 SE Convenience Boulevard Ankeny, IA 50021

Reference No. 16-0085

Dear Captain House:

This letter is in response to your May 9, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to agricultural shipments of hazardous materials. We have paraphrased and answered your questions as follows:

- Q1: You ask if § 173.5(a) limits the package size of shipments transported between fields.
- A1: The answer is no. There are no limits to the size of the package provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q2: You ask if § 173.5(a) limits the distance hazardous materials can be transported between fields.
- A2: The answer is no. There are no limits to the distance the package can travel provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q3: You ask if § 173.5(b) is a standalone section and thereby does not affect the applicability of § 173.5(a).
- A3: The answer is yes. Section 173.5(a) applies to shipments made between fields that do not use public roads. Section 173.5(b) applies to shipments made to and from a farm using public roads.

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

Sincerely,

T. Glenn Foster

Chief, Regulatory Review and Reinvention Branch

Standards and Rulemaking Division

7 Allen Foster