



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

Erin Jarman
Environmental Scientist
AECOM
1600 Perimeter Drive, Suite 400
Morrisville, NC 27560

MAY 22 2017

Reference No. 16-0203

Dear Ms. Jarman:

This letter is in response to your December 22, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of a cargo heater during the transportation of a Class 3 flammable liquid. You provide a scenario in which there is a closed trailer that has a retractable top and sides, allowing it to become similar to a flatbed truck during loading and unloading but to remain closed in transportation.

We have paraphrased and answered your questions as follows:

- Q1. Noting that a closed trailer equipped with a cargo heater contains a Class 3 flammable liquid and does not meet the requirements of § 177.834(1)(2), you ask if the trailer may be transported provided the cargo heater remains off during transportation.
- A1. The answer is yes. The requirements of § 177.834(1)(2) only apply to a cargo heater that is turned on or in use while in transportation. This Office further recommends rendering the heater inoperable to avoid opportunity for inadvertent activation.
- Q2. You ask if the requirements of § 177.834(1)(2) apply provided the trailer described in the scenario has its top and sides fully retracted to become similar to a flatbed trailer during loading/unloading activities.
- A2. See A1. If the cargo heater is not turned on (and inoperable) during loading/unloading and transportation, the requirements of § 177.834(1)(2) do not apply. However, if the cargo heater is turned on (and operable), the requirements of § 177.834(1)(2) apply. The HMR does not distinguish between a closed and flatbed trailer in regards to a motor vehicle equipped with an operable cargo heater.

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



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Luccarone
§ 177.834(1)
General Requirements
16-0203
919 461 1100 tel
919 461 1415 fax

December 22, 2016

Mr. Charles Betts, Division Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a written Department of Transportation (DOT) interpretation concerning the use of cargo heaters in a motor vehicle with a closed trailer when transporting Class 3 flammable liquids. The particular closed trailer in question has retractable top and sides, where it basically becomes a flatbed truck during loading and unloading activities, but remains closed in transport.

As set out in 49 CFR 177.834(1), there is a requirement whereby a motor vehicle equipped with a combustion cargo heater may be used to transport Class 3 (flammable liquid) materials only when certain conditions are met. The cargo heater meets all required criteria in 49 CFR 177.834(1).

Question 1: If the above-described motor vehicle with a closed trailer does not meet all of the requirements set out in 49 CFR 177.834(1), but the cargo heater is never turned on during transportation, would the cargo heater be allowed to remain in the closed trailer during transportation? [For example, electrical apparatus retrofitted into the trailer is not certified non-sparking or explosion proof as required by 49 CFR 177.834(1)(2)(i)(A)(1), but the electrical equipment is never turned on in transportation.]

Question 2: If the trailer with retractable top and sides is positioned such that the top and sides are fully retracted and the cargo heater is not turned on, and the trailer essentially becomes a flatbed truck during loading/unloading activities, would the requirements of 49 CFR 177.834(1) apply, as trailer is fully open and not functioning as a closed trailer?

I appreciate your assistance with these questions.

Sincerely,

Erin N. Jarman

Environmental Scientist

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