



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 06 2012

Ms. Donna Horn
EHS & Hazmat Manager
New Century Transportation, Inc.
45 E Park Drive
Westampton, NJ 08060

Ref. No.: 12-0131

Dear Ms. Horn:

This responds to your June 1, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for self-accelerated decomposition temperature (SADT) materials. Your questions are paraphrased and answered as follows:

- Q1. Would a single driver be able to transport a temperature control material as listed in 49 CFR § 173.225 if the transportation is longer than the permissible Hours-of-Service for the driver to drive, i.e. TX to NY?
- A1. The HMR does not specify Hours-of-Service requirements. Hours-of-Service regulations are under the jurisdiction of the Federal Motor Carrier Safety Administration (e.g., the Federal Motor Carrier Safety Regulations (FMCSR; 49 CFR Parts 350-399)). Under the HMR, we have no provisions regarding single v. multiple drivers or Hours-of-Service requirements for SADT materials. However, as required by § 173.21(f)(3)(i)(A), a material meeting the criteria of § 173.21(f) may be transported only in a transport vehicle, freight container, or motor vehicle equipped with a mechanical refrigeration unit, or loaded with a consumable refrigerant, capable of maintaining the inside temperature of the hazardous material at or below the control temperature required for the material during transportation.
- Q2. Would the control temperature log have to be done if there is a visible warning device on the refrigerated unit? Further, would a single driver be able to transport if longer than the permissible Hours of Service for the driver to drive? (Driver would not be able to see or hear alarm if in sleeper's berth.)
- A2. As required by § 173.21(f)(3)(i)(C), the vehicle operator shall monitor the inside temperature of the transport vehicle, freight container, or motor vehicle and enter that temperature on a written record at the time the package is loaded and thereafter at intervals not exceeding two hours. Alternatively, a transport vehicle, freight

container, or motor vehicle may be equipped with a visible or audible warning device that activates when the inside temperature of the transport vehicle, freight container, or motor vehicle exceeds the control temperature required for the material. The warning device must be readily visible or audible, as appropriate, from the vehicle operator's seat in the vehicle. In order to be in compliance, either a written record is required to be completed or, as an alternative, a visible or audible warning device. Finally, please see A1 regarding Hours-of-Service or single v. multiple drivers issues.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

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

NEWCENTURY
TRANSPORTATION, INC.®

Nickels

§173.21(f)(i)(c)

§173.225

Applicability
12-0131

June 1, 2012

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH 10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590

Re: Interpretation – 49CFR 173.21(f)(i)(C)

To Whom It May Concern:

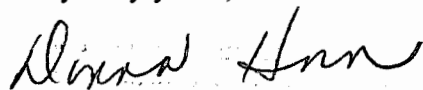
To clarify the subject regulation, can you provide PHMSA's interpretation for the following:

1. Would a single driver be able to transport a temperature control material as listed in 49CFR173.225 if the transportation is longer than the permissible Hours of Service for the driver to drive. i.e. TX to NY.
2. Would the control temperature log have to be done if there is a visible warning device on the refrigerated unit. Further, would a single driver be able to transport if longer than the permissible Hours of Service for the driver to drive. Driver would not be able to see or hear alarm if in sleeper's berth.

My contact information is: Donna Horn, EHS&Hazmat Manager, New Century Transportation, Inc. 45 E Park Drive, Westampton, NJ 08060, 609-265-1110 x6679, fax number 609-265-1746.

Thank you for your attention in this matter.

Very truly yours,



Donna C. Horn