



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 27 1999

SMSGT Timothy W. Stern, USAF
CEM, Air Force Vehicle Maintenance
Vehicle and Equipment Division
Directorate of Transportation
Department of the Air Force
1030 Air Force Pentagon
Washington, DC 20330-1030

Ref. No. 99-0073

Dear Sergeant Stern:

This is in response to your letter of April 22, 1999, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to U.S. Air Force vehicles traveling on public highways.

The transport of hazardous materials in military vehicles operated by military personnel solely for noncommercial military purposes are not subject to the HMR. This also applies to the transport of hazardous material by other government agencies. However, if the purpose is commercial, or if the government entity offers hazardous material for transportation to commercial carriers, then the HMR would apply.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan
Acting Director, Office of Hazardous
Materials Standards



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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

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§ 171.1

22 April 1999

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MEMORANDUM FOR US DEPARTMENT OF TRANSPORTATION
ATTN: RESEARCH AND SPECIAL PROGRAM
ADMINISTRATION

FROM: AF/ILTV
1030 Air Force Pentagon
Washington DC 20330-1030

SUBJECT: Clarification of Hazardous Materials Regulations

Request clarification on the applicability of Hazardous Materials Regulations, 49 CFR parts 171-180, to US Air Force vehicles traveling on public highways. On occasion, the US Air Force (USAF) has requirements to transport motor vehicle and aviation fuel in support of Department of Defense activities on public highways. The vehicles used to transport the fuels are USAF owned, and operator by government personnel. Our interpretation of the referenced CFR is that Hazardous Materials Regulations are applicable to entities engaged in commerce, thus USAF vehicles are exempt.

Thank you for your assistance in clarifying this matter. If there is a requirement for additional information, I may be reached by telephone at (703) 697-3374, or by facsimile machine at (703) 692-9756.

Timothy W. Stern
TIMOTHY W. STERN, SMSgt, USAF
CEM, Air Force Vehicle Maintenance
Vehicle and Equipment Division
Directorate of Transportation