



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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AUG _7 1999

Mr. Michael Ritchie
Hazardous Materials Specialist
Minnesota Department of Transportation
Office of Motor Carrier Services, Mail Stop 420
1110 Centre Pointe Curve
Mendota Heights, MN 55118

Ref. No. 98-0372

Dear Mr. Ritchie:

This is in response to your letter of December 3, 1998, regarding the transportation of fuel for machinery under § 177.834(h) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are answered as follows:

- Q1. May a carrier transporting gasoline in a cargo tank to fuel equipment not used in road construction, for example a lawn and garden service fueling mowers and related equipment, unload fuel from the vehicle to that equipment?
- A1. Nothing in the HMR prohibits the refueling of equipment including, but not limited to, road construction, lawn and garden, and other equipment. Section 177.834(h) states that discharge of contents of any container, other than a cargo tank or IM portable tank, must not be made prior to removal from the motor vehicle.
- Q2. If a carrier transports gasoline in an authorized DOT specification portable tank or intermediate bulk container (IBC), may the contents of that container be discharged while that packaging is on the vehicle to fuel machinery or vehicles used in road construction or maintenance?
- A2. Section 177.834(h) states that discharge of contents of any container, other than a cargo tank or IM portable tank, must not be made prior to removal from the motor vehicle. However, a portable tank may be used as a cargo tank if it conforms to all of the requirements prescribed for cargo tank containers (§ 173.32(a)(1)). IBCs may not



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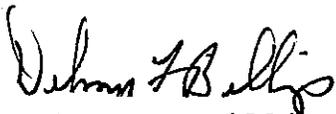
177.834

be unloaded prior to removal from the motor vehicle.

- Q3. If the carrier is fueling machinery not used in road construction, may he or she use portable tanks or IBCs mounted on a vehicle?
- A3. A portable tank may be loaded or unloaded without removing it from a trailer only if it meets all HMR requirements for cargo tank containers (§ 173.32(a)(1)). IBCs may not be unloaded unless they are first removed from the motor vehicle.
- Q4. If discharge of fuel is allowed from a portable tank or IBC mounted on a truck, are there any additional inspections or equipment required for those bulk packages?
- A4. Portable tanks must conform to the requirements for cargo tank containers in § 173.33. (See § 173.32(a)(1)). IM portable tanks must meet the outlet requirements in § 178.345-11 of this subchapter and must be attended by a qualified person during the unloading in accordance with § 177.834(i). (See § 177.834(o)). IBCs are not allowed to be unloaded while on a motor vehicle.
- Q5. Is it permissible to discharge gasoline from a non-bulk package secured on a truck, for example a UN standard 55 gallon drum equipped with a pump, to fuel road construction machinery or to fuel machinery or equipment not used in road construction or maintenance?
- A5. Removal of any contents from the drums must be made after the drums have been removed from the motor vehicle.

I hope this satisfies your inquiry.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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December 3, 1998

George
§177.834
98-0372

Edward Mazzullo
Director, Office of
Hazardous Materials Standards
USDOT/RSPA/DHM-10
400 Seventh Street SW
Washington, DC 20590-0001

Re: Request for interpretation.

Dear Mr. Mazzullo,

49 CFR 177.834 (h) states, in part, "There must be no tampering with such containers or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, must not be made prior to removal from the motor vehicle. Nothing contained in this paragraph shall be so construed as to prohibit fueling of machinery or vehicles used in road construction or maintenance."

Please give guidance in the following situations. In all cases the carrier is in commerce, and subject to the Hazardous Materials Regulations.

1. May a carrier transporting gasoline in a cargo tank to fuel equipment not used in road construction, for example a lawn and garden service fueling mowers or related equipment, unload fuel from the vehicle to that equipment?

2. If a carrier transports gasoline in an authorized DOT specification portable tank or Intermediate Bulk Container (IBC), may the contents of that container be discharged while that packaging is on the vehicle to fuel machinery or vehicles used in road construction or maintenance?

3. If the carrier is fueling machinery not used in road construction, may they use portable tanks or IBC's mounted on a vehicle.?

4. If discharge of fuel is allowed from the portable tank or IBC mounted on a truck, are there any additional inspections or equipment required for those bulk package?

5. Is it permissible to discharge gasoline from a non-bulk package secured on a truck, for example an UN standard 55 gallon drum equipped with a pump, to fuel road construction machinery? To fuel machinery or equipment not used in road construction or maintenance?

My office is getting many questions from carriers exploring options on transporting fuel to machinery. You or your staff can reach me at (651) 405-6120. Thank you for your assistance.

Yours truly,



Michael Ritchie
Hazardous Materials Specialist
Minnesota Department of Transportation