



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

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

DEC 2 1999

Ref. No: 99-0059

Mr. Terrence J. Moore
Commercial Vehicle Safety Section
Illinois Department of Transportation
Post Office Box 19212
Springfield, Illinois 62794-9212

Dear Mr. Moore:

This is in response to your letter requesting clarification of exceptions provided for the transportation of agricultural products under § 173.5 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). I apologize for the delay in responding.

Your questions are paraphrased and answered as follows:

Q. Section 173.5(b)(2) uses the term "single vehicle" in establishing limits for the transportation of agricultural products. Is this term synonymous with "single motor vehicle"? Will this terminology be clarified in a future rulemaking?

A. The term "single vehicle" is intended to mean a single motor vehicle. This terminology will be clarified in a future rulemaking.

Q. Section 173.5(b)(2) specifies limits for the amount of agricultural products that may be transported in a single vehicle. Specifically, up to 7,300 kg of ammonium nitrate fertilizer properly classed as a Division 5.1, PG III, in a bulk packaging or up to 1900 L for liquids or gases, or 2,300 kg for solids of any other agricultural product. May a farmer transport a bulk packaging of ammonium nitrate meeting the above conditions and additional amounts of liquid or solid agricultural products on the same vehicle?

A. The answer is yes. Any combination of agricultural products may be transported on a single motor vehicle as long as none of the quantity limitation is exceeded.



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Q. What is meant by transportation "between fields of the same farm" as used in § 173.5(a)?
Would temporary stops between fields of the same farm be permitted (e.g., meals, picking up
equipment or personnel)?

A. The same farm is considered a farm owned or under direct control of the same person.
There is no limit on the distance traveled as long as all transportation is intrastate. Temporary
stops are permitted.

I hope this information is helpful.

Sincerely,



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



Illinois Department of Transportation

Division of Traffic Safety
3215 Executive Park Drive / P.O. Box 19212 / Springfield, Illinois / 62794-9212

March 8, 1999

Diane LaValle
Research & Special Programs Administration
Office of Hazardous Materials Safety
400 7th Street S.W.
Washington, D.C. 20590-0001

Dear Ms. LaValle:

Thank you for your consideration in our telephone conversation of March 5, 1999. Per our conversation, I am submitting a request for written clarification of the following issues related to the Hazardous Materials Transportation Regulations (HMTR).

1. Section 173.5(b)(2) refers to the term "single vehicle" in establishing limits for the transportation of agricultural products (AP). Illinois interprets "single vehicle" to mean the same as "motor vehicle" currently defined in Section 171.8 HMR. **Does RSPA agree?**

If RSPA does agree, will RSPA correct this terminology in a future rulemaking to read "motor vehicle" rather than "single vehicle"?

2. Section 173.5(b)(2) specifies limits for amounts of AP that may be transported under the agricultural exception. Illinois' interpretation of the limits per motor vehicle are as follows:
 - (a) 173.5(b)(2)(i) allows up to 7300 kg. (16,094 lbs.) of ammonium nitrate fertilizer, 5.1, PG III transported in bulk packaging; or
 - (b) 173.5(b)(2)(ii) allows up to 1900L (502 gallons) for liquids or gases, or 2300 kg (5,070 lbs.) for solids, for any other AP.

Under our interpretation, each subparagraph stands alone. One motor vehicle may not transport both bulk ammonium nitrate fertilizer and other liquids, gases or solids. Secondly, subparagraph 173.5(b)(2)(ii) allows for mixing or matching liquids, gases or solids within the aggregate amounts specified.

Do you agree with our interpretation? If so, will any clarification be made to 173.5(b)(2)(i) and (ii) to clarify these options?

3. Section 173.5(a) includes unclear terminology; "between fields of the same farm" and "local roads". It is Illinois' interpretation that "between fields of the same farm" means fields which are: (a) owned by that person; or (b) are under the direct control of that person? **Do you agree?**

It is also our interpretation that no distance measure limits this terminology. The only limiting factor to distance would be remaining intrastate. **Is this also correct?**

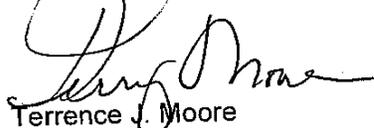
It is Illinois' interpretation that local roads includes all public roadways except the Interstate Highway System. **Do you agree?**

4. For the purposes of clarifying transportation from field to field of the same farm, would temporary stops between fields of the same farm be allowed? Such stops, for example, would include: meals, picking up other non-hazardous materials, supplies, equipment or personnel, attending religious services or other non-farming tasks.

Illinois is in the process of providing education outreach seminars for its farming community. The above issues have been raised by the regulated public and indicate that clarification is required for some of these issues.

Please contact me at (217) 785-1181 if I can provide any further information. Thank you for your help in this matter.

Sincerely,



Terrence J. Moore
Commercial Vehicle Safety Section