



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

DEC 20 2002

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

Mr. Milo A. Thomas
Mark Rite Lines Equipment Company, Inc.
5379 Southgate Drive
Billings, MT 59107-1154

Ref. No. 02-0307

Dear Mr. Thomas:

This is in response to your letter dated November 12, 2002, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to your "highway striping vehicle" with propane tanks permanently mounted to the truck. Specifically, you request clarification of the placarding requirements for your highway striping vehicle that is equipped with a large permanently mounted propane tank used to supply fuel to auxiliary equipment.

It is the opinion of this office that if the propane tank meets the requirements for all fuel systems under §§ 393.65 and 393.69 of the Federal Motor Carrier Safety Regulations (FMCSR), including marking, and is maintained in accordance with the National Fire Protection Association's and the American Society of Mechanical Engineers' standards for fuel systems, and not used as a packaging for hazardous materials, e.g., a cargo tank, then the tank is subject only to the FMCSR and as such the vehicle would not be required to be placarded. However, if the tank does not meet the FMCSR requirements for fuel systems, then the fuel tank would depending on size meet the definition of a non-bulk or bulk packaging (see § 171.8). Under the HMR, propane in a non-bulk or bulk packaging is subject to specification packaging, shipping papers, marking, placarding, and emergency response information requirements.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



020307

171.8



MRL

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5379 Southgate Drive / PO Box 31154
Billings, MT 59101
Phone: (406) 869-9900

Betts
\$171.8
\$172.504
Definitions/Placarding
02-0307

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12 November, 2002

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

U.S. Department of Transportation
400 Seventh Street SW
Washington, D.C. 20580

Dear Mr. Billings:

This letter is in response to a recent inquiry concerning the use of place cards on highway striping equipment. My situation in question is a large LP tank permanently attached to the truck that is used to supply fuel to auxiliary equipment also permanently mounted to the truck. Often when the truck is in transit from job sight to job sight this auxiliary equipment is not in use, leaving me to believe the tanks may be considered a cargo tank.

I have contacted a representative from your department who sent me a copy of a letter sent to Mr. Kent C. Write dated 13 April, 1999 and a letter sent to Mr. Wayland Little dated 11 January, 1995. It is my interpretation from these letters and a careful review of §§ 393.65 and 393.69 of the Federal Motor Carrier Safety Regulations (FMCSR), and the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) in particular (49.CFR §171.8), that the truck does not need place carding because it is considered a fuel system under the §393.65 part (a.) of the FMCSR.

Because there is nothing specifically stating the use of place cards I am asking you to reply with your comments regarding my interpretation.

Sincerely,

Milo A. Thomas
Engineering
MRL Equipment

Is striping material transported as elevated material?

issue
That was brought forward and addressed years ago.
When hot the vehicles are properly marked per 172.325

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