



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

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

MAR 24 2004

Mr. Mark Finarty  
Dane County Risk Management  
210 Martin Luther King Jr. Blvd.  
Room 425 CCB  
Madison, WI 53703

Ref. No. 04-0052

Dear Mr. Finarty:

This is in response to your letter requesting clarification of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of asphalt. Specifically, you ask whether placarding and marking are required for three scenarios as presented in your letter. You also ask whether a commercial driver's license (CDL) requires a hazardous materials endorsement for the driver of a vehicle transporting asphalt. Your scenarios and questions are paraphrased and answered below.

Question: Are placards, markings, and hazardous material endorsements on CDLs required for the following three scenarios?

Scenario #1. A medium curing asphalt is being transported by highway "in bulk up to 1200 gallons." The material has a flashpoint of 100 °F - 140 °F and is transported at a temperature of approximately 250 °F.

Answer: A bulk packaging containing a Class 3 elevated temperature material must display FLAMMABLE placards on both sides and both ends (see § 172.504(a)). In addition, a bulk packaging containing an elevated temperature material must display the HOT marking on two opposing sides, as specified in § 173.325. It is not clear from your letter whether "in bulk up to 1200 gallons" refers to the amount of asphalt or the capacity of the packaging. If the bulk packaging has a capacity of 1,000 gallons or more, it must be marked with the identification number on both sides and both ends (see § 172.302(a)(1)). If the bulk packaging has a capacity of less than 1,000 gallons, it must be marked with the identification number on two opposing sides (see § 172.302(a)(2)).



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172.504

With regard to whether a hazardous materials endorsement is required on a CDL for a driver transporting this material, the answer is yes. The Federal Motor Carrier Safety Regulations (FMCSR), 49 CFR Part 383, issued by the Federal Motor Carrier Safety Administration (FMCSA), address the requirements for hazardous material endorsements on CDLs. Section 383.93 requires a hazardous material endorsement for drivers transporting a hazardous material that is required to be placarded. For additional information on hazardous material endorsements, please contact FMCSA Headquarters in Washington, D.C. at 202/366-1790 or FMCSA's field office in Madison, Wisconsin at 608/829-7530.

Scenario #2. An asphalt emulsion is being transported by highway "in bulk up to 2000 gallons." The material has a flashpoint greater than 212 °F and is transported at a temperature of approximately 160 °F to 200 °F.

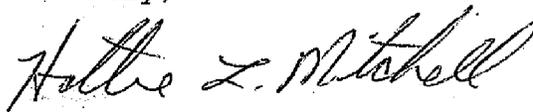
Answer: Under § 172.504(f)(9), for domestic transportation, a bulk packaging containing a Class 9 elevated temperature material does not require a Class 9 placard; however, the appropriate identification number for the material must be marked on both sides and both ends of the bulk packaging or on two opposing sides, depending on the capacity of the packaging (see Scenario #1). The identification number may be displayed on a Class 9 placard, an orange panel, or a white-square-on-point configuration. In addition, for elevated temperature materials, the HOT marking must be displayed on two opposing sides of the bulk packaging, as specified in § 173.325. For information on hazardous material endorsements, see the answer to Scenario #1.

Scenario #3: A rubber modified asphalt is being transported by highway "in bulk up to 400 gallons." The material has a flashpoint of 424 °F and is transported at a temperature of 300 °F to 400 °F.

Answer: The answers to Scenario #2 apply.

I hope this information is helpful. Please contact this office if you need further assistance.

Sincerely,



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



**COUNTY OF DANE**  
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McIntyre  
 § 172.504  
 § 172.101(a)

Applicability & Placarding  
 04-0052

MARK R. FINAKIY  
 Safety Coordinator  
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BARBARA WEGNER, A.R.M.  
 Risk Manager

March 3, 2004

Mr. Edward T. Mazzullo  
 Director, Office of Hazardous Materials Standards  
 U.S. DOT/RSPA (DHM-10)  
 400 7<sup>th</sup> Street S.W.  
 Washington, D.C. 20590-001

Dear Mr. Mazzullo:

Dane County would like clarification of the placarding requirements of some of our highway maintenance operations. Please review the following operation descriptions and answer the questions:

Operation #1: Hauling and applying a medium curing asphalt, MC-800, in bulk up to 1200 gallons. The material has a flashpoint of 100 to 140 degrees Fahrenheit. The material is transported and applied at a temperature of approximately 250 degrees Fahrenheit.

- Is placarding required? Would the interpretation letter dated July 11, 1994 addressed to Mr. Marvin J. Ford III apply directly to this operation? If not, what?
- Is marking required? If so, what?
- Would a hazardous materials endorsement on a commercial driver's license be required to transport?

Not Applicable  
 NA 1999  
 ETC  
 11/11/03

Operation #2: Hauling and applying an anionic asphalt emulsion, HFRS-2P, in bulk up to 2000 gallons. The material has a flashpoint greater than 212 degrees Fahrenheit. The material is transported and applied at a temperature of approximately 160 to 200 degrees Fahrenheit.

- Is placarding required? If so, what?
- Is marking required? If so, what?
- Would a hazardous materials endorsement on a commercial driver's license be required to transport?

Operation #3: Hauling and applying a rubber modified asphalt in bulk up to 400 gallons. The material has a flashpoint of 424 degrees Fahrenheit. The material is transported and applied at a temperature of 300 to 400 degrees.

- Is placarding required? If so, what?
- Is marking required? If so, what?

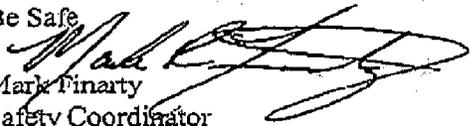
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100°C = 212°F

- Would a hazardous materials endorsement on a commercial driver's license be required to transport?

Your answers to the above questions should clarify our hazardous material requirements in our operations. Feel free to contact me if you have questions or comments. Thank you.

Be Safe

  
Mark Pinarty  
Safety Coordinator

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