



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

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

MAR 30 2004

Ms. Connie Sauer  
Sauer Express, Inc.  
3202 Renwood Blvd., #203  
Louisville, KY 40214

Ref. No. 04-0067

Dear Ms. Sauer:

This is in response to your March 19, 2004 letter requesting clarification regarding cargo tank inspections and tests required under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about testing and marking requirements for unlined cargo tanks that are tested and marked in accordance with § 180.407(i). In your letter, you state that a Michigan State Patrol Officer issued a violation to your company for failing to perform the required periodic thickness test on your cargo tank.

Section 180.407(i) establishes thickness testing requirements for unlined cargo tanks. Generally, the shell and head thickness of all unlined cargo tanks used for the transportation of materials corrosive to the tank must be measured at least once every 2 years. Although your tank was initially tested and marked in accordance with § 180.407(i), there is no requirement to periodically perform this test when no materials corrosive to the tank are being transported. Additionally, the HMR do not require that thickness testing markings that are no longer applicable be covered during transportation. However, we recommend that to prevent future frustration of your shipments that you cover the thickness marking, when these markings are not applicable.

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

Sincerely,

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



040067

180.407



**Sauer Express, Inc.**  
PO Box 88443  
Sioux Falls, SD 57109  
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**Louisville Terminal**  
3202 Renwood Blvd #203  
Louisville, KY 40214  
Phone & Fax #502-935-4472  
Tony's Cell Phone #586-764-2247  
Connie's Cell Phone #605-321-4990

March 19, 2004

Office of Hazardous Material Standards  
Research & Special Programs Admin.  
Attn: Edward Mazzullo, Director, EHM-10  
US Department of Transportation  
400 7<sup>th</sup> St. SW  
Washington, DC 20590-001

*Beets*  
\$180.407 (1)  
Testing of Cargo Tanks  
04-0067

RE: Cargo Tank Thickness Testing for Corrosive Hazardous Material

To: Edward Mazzullo,

We have received a ticket from Michigan on Thickness Testing on Cargo Tanks. In talking to your representative he indicated if I wanted any information on this particular part of the tank test for cargo tanks hauling hazardous material, I would need to request it in writing.

When we first were hauling hazardous material, we were also picking up loads and using vans on occasion. We did the thickness test in case we would pick up some corrosive material. We have never hauled corrosive material in our tank wagons. Therefore we do not perform the thickness test any longer. In talking to your representative on the phone, he indicated that was correct and we should remove or cover up the "T" on our tanks.

We are fighting the ticket, (see attached copies), we received in Michigan. Our court date is April 1<sup>st</sup>, 2004. I would like a copy of the cargo tank thickness test requirements in writing to take to that trial. If you could fax the information to our Louisville, KY terminal, I will be leaving from here to go to the trial. (Fax #502-935-4472)

Thanks for your help.

Sauer Express, Inc.

*Connie Sauer*  
Connie Sauer