



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

AUG 24 2006
Mr. Richard B. Loden
3959 Chestnut Avenue
Concord, CA 94519

Ref. No. 06-0165

Dear Mr. Loden:

This responds to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of a loaded personal firearm lawfully carried by a commercial motor vehicle operator while in the performance of his or her duties. Specifically, you ask whether the transportation of such a firearm is prohibited by the HMR under the "forbidden explosives" clause in § 173.54(f).

The answer to your question is no. Unless otherwise specified in § 173.54(f), a personal loaded or unloaded firearm lawfully carried by a commercial motor vehicle operator is not considered in commerce and therefore not subject to the HMR. Under this scenario, a commercial motor vehicle operator who carries a personal firearm while in the performance of his or her duties is subject to local or State jurisdiction regarding such matters. This response has been coordinated with the Federal Motor Carrier Safety Administration.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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



060165

173.54(f)

Richard B. Loden

3959 Chestnut Avenue
Concord, CA 94519

July 11, 2006

Stevens
§173.54(f)
Forbidden Explosives
(Firearms)
06-0165

Mr. Edward T. Mazzullo
US Department of Transportation
Office of Hazardous Materials Standards
PHH-10
400 7th Street SW
Washington, DC 20590-0001

Reference: My letter of May 25th (attached)
Your reply of July 6th (attached)

Dear Mr. Mazzullo:

It appeared that I did not properly phrase my question in my previous letter. I am aware that the HMR does not apply to a private citizen transporting hazardous materials for non-commercial purposes.

49CFR §173.54(f) classes a loaded firearm as a forbidden explosive and does not allow one to be offered for transportation or transported.

Does this prohibition apply to a **commercial** driver's personal firearm while that driver is operating a **commercial** vehicle, which may or may not be transporting other hazardous materials? It is assumed that all other federal, state, or local laws and regulations pertaining to the carry and transport of firearms are being followed?

Sincerely,


Richard B. Loden