



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 2 2005

Mr. Michael P. Valoski
Chief, Toxic Agents Branch
Mine Safety and Health Administration
U.S. Department of Labor
P. O. Box 18233
Pittsburgh, PA 15236

Reference No.: 05-0230

Dear Mr. Valoski:

This is in response to your letter concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to government agencies transporting hazardous materials. Your letter states that the Mine Safety and Health Administration purchased a truck that will be used as a mobile laboratory by agency personnel responding to mine fires and/or explosions. The mobile laboratory will contain instruments that use various compressed gases in their analyses. Your questions pertain to quantity limitations and special precautions applicable to compressed gases, vehicle placarding requirements, training and licensing requirements for the vehicle driver, and weight limitations for the vehicle.

The statutory authority granted to the Department of Transportation under the Federal hazardous materials transportation law (49 U.S.C. 5101 et. seq.) is limited to transportation in commerce. Hazardous materials transported by a government entity in vehicles operated by government personnel for noncommercial purposes are not subject to the HMR. Thus, the quantity limitations and placarding requirement do not apply. Cylinders that are used at a work site and not offered for transportation in commerce come under the jurisdiction of the Department of Labor's Occupational Safety and Health Administration (OSHA). You should contact OSHA for information concerning such cylinders.

The Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) is the agency responsible for compliance with regulations governing qualifications for



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171.1 (d)(5)

commercial drivers as well as vehicle weight limitations. Please contact the Federal Motor Carrier Safety Administration at (202) 366-6121 for information on these issues.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink that reads "Hattie L. Mitchell". The signature is written in a cursive style with a large, stylized initial "H".

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

U.S. Department of Labor

Mine Safety and Health Administration
Pittsburgh Safety & Health Technology Center
P.O. Box 18233
Pittsburgh, PA 15236
Physical and Toxic Agents Division



September 6, 2005

Ms. Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
U. S. Department of Transportation
400 Seventh Street, S.W.
Washington, D. C. 20590

Corbin
§ 171.1 (d)(5)
Applicability
05-0230

Dear Ms Mitchell:

Our office has been in touch with you. Recently the Mine Safety and Health Administration (part of the US Department of Labor) purchased a truck (GVWR 26000 pounds) that will be used as a mobile analytical laboratory for responding to mine fires and/or explosions. The laboratory, which will be operated by government employees, is equipped with scientific instruments (gas chromatographs) that measure the concentrations of gases in the mine atmosphere. To conduct the analyses compressed gases are used by the gas chromatographs. These gases include helium, compressed air, nitrogen, argon, and hydrogen.

Before the mobile laboratory is placed into service, the Agency wants to comply with all applicable regulations. Please advise us with respect to the following issues:

1. The truck is specially designed as a mobile analytical laboratory and is equipped with racks to store and transport six gas cylinders. How much compressed gas can be legally transported in the laboratory without special precautions? Does the type of gas affect the quantity carried? What additional precautions are required?
2. We will place compressed gas placards on the vehicle. Are any other required?
3. The Agency will provide task training on driving the vehicle. Do the drivers need special driver's licenses and/or other training?
4. As this is a U. S. Government emergency vehicle, do we need to stop at weigh stations or for other inspections?
5. Are there any other pertinent regulations with which we must comply?

If you have any questions please phone me at (412) 386-6984 or email me at valoski.michael@dol.gov.

Let me thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Valoski". The signature is written in a cursive style with a large initial "M".

Michael P. Valoski
Chief, Toxic Agents Branch