



US Department  
of Transportation

Research and  
Special Programs  
Administration

Office of the  
Chief Counsel

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

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Lawrence W. Bierlein, Esq.  
Swidler & Berlin  
3000 K Street, N.W.  
Suite 300  
Washington, DC 2007-5116

Dear Mr. Bierlein:

I am responding to your inquiry concerning applicability of the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, which implement the Hazardous Materials Transportation Act (HMTA), 49 App. U.S.C. 1801 et seq.

You inquired about the applicability of the HMR to hazardous materials transportation occurring solely within a privately owned industrial park. The HMTA and the HMR apply only to transportation "in commerce." 49 App. U.S.C. §§ 1801, 1803 and 1804; 49 CFR § 171.2 (a) and (b). Transportation occurring solely on private property is not transportation in commerce; therefore, that transportation is not subject to the HMTA or the HMR.

Sincerely,

Edward H. Bonekemper, III  
Assistant Chief Counsel  
for Hazardous Materials Safety &  
Research and Technology Law