



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

February 16, 2011

Mr. James La Porte
1670 Axtell
Troy, MI 48084

Reference No. 10-0270

Dear Mr. La Porte,

This is in response to your e-mail inquiry requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of portable generators containing gasoline. Specifically, you ask whether gasoline may remain in portable generators being transported via ground if the fuel tank is securely closed and, if so, whether the amount of gasoline in the generator must meet the quantity limitations in § 173.6 pertaining to the material of trade (MOT) exceptions. You also ask whether any other HMR requirements must be met. You reference a previous letter issued to you from this Office on July 28, 2009 (#09-0145) responding to similar questions for portable generators containing [diesel] fuel.

The modal exceptions in § 173.220(b)(4) apply to flammable liquid fuels and the answer to your questions above are the same as provided in the July 28, 2009 response. As explained in that letter, a portable generator containing more than 17 ounces of liquid fuel is excepted from the HMR provided the requirements in § 173.220(b)(4) are met. This also applies to portable generators containing gasoline. Therefore, for transportation by motor vehicle or rail car, provided the fuel tanks are securely closed as specified in § 173.220(b)(4)(i), a portable generator containing gasoline is excepted from all other HMR requirements (see § 173.220(g)), which includes the 440-pound weight limit for MOTs shipments.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster", with a long, sweeping horizontal line extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

McIntyre
§173.220

Drakeford, Carolyn (PHMSA)

Portable Generator
10-0270

From: McIntyre, Joan (PHMSA)
Sent: Tuesday, November 30, 2010 5:39 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Another Question
Attachments: DOT Letter - MOT.pdf

Carolyn,

I am going to reply to Mr. La Porte that you will be logging this in as an interp - OK? (I will copy you.) It should be 173.220. I will be glad to have it as my next assigned letter if you like.

Joan
540/286-0523

-----Original Message-----

From: LA PORTE, JAMES J (ATTS) [mailto:jl17454@att.com]
Sent: Tuesday, November 30, 2010 1:13 PM
To: Drakeford, Carolyn (PHMSA); McIntyre, Joan (PHMSA)
Subject: Re: Another Question

Carolyn/Joan,

My questions relates to gasoline in a standby portable generator that is being transported in or on trailer via ground transport (truck or trailer). I had submitted and received a letter for diesel fuel (<<DOT Letter - MOT.pdf>>).

My questions relates to whether gasoline can remain in a stand by generator that is transported by ground on a truck or in a trailer and if the gasoline is subject to the HMR rules including the DOT MOT regulations. Under 49 CFR 173.220(b)(4) it states that:

(4) Modal exceptions. Quantities of flammable liquid fuel greater than 500 mL (17 ounces) may remain in self-propelled vehicles and mechanical equipment only under the following conditions: (i) For transportation by motor vehicle or rail car, the fuel tanks must be securely closed.

In this case, could a stand-by gasoline generator (a piece of mechanical) equipment be transported in a trailer or on a truck via ground transport if the tank is securely closed. If so, does the quantity of gasoline subject to the DOT MOT regulations.

I would like a written response if possible.

Regards,

Jim La Porte



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JUL 28 2009

Mr. James La Porte
1670 Axtell
Troy, MI 48084

Ref. No. 09-0145

Dear Mr. La Porte:

This responds to your June 17, 2009 inquiry concerning requirements applicable to the transportation of portable generators containing fuel under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if portable generators that contain fuel are excepted from the HMR under § 173.220(b)(4).

The answer is yes. In accordance with provisions in §§ 173.220(b)(4) and 173.220(g), a portable generator containing more than 17 ounces of liquid fuel that is transported by highway or rail is excepted from HMR requirements provided all the conditions listed in paragraph (b)(4) are met.

You also ask whether the 440-pound weight limit in the materials of trade (MOTs) exception in § 173.6 applies to the shipment of your portable generators containing fuel. A portable generator transported in accordance with § 173.220(b)(4) is excepted from all other HMR requirements. Thus, the 440-pound weight limit for MOTs shipments does not apply.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards