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Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Fuel Systems Powering Equipment

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in an October 25th Interpretive Letter a question regarding the application of the Hazardous Materials Regulations (“HMR”) applicable to fuel systems powering equipment mounted on a motor vehicle. See Reference No. 22-0051.

PHMSA was responding to a request from Wayne W. Carver of Inliner Solutions (“IN”).

IN asked whether the tanks fueling its equipment require placarding and a driver with hazmat endorsement on his or her Commercial Driver’s License.

PHMSA noted that 49 CFR § 171.8 defines a fuel tank as a tank:

. . . other than a cargo tank – used to transport flammable or combustible liquid, or compressed gas, for the purpose of supplying fuel for propulsion of the transport vehicle to which it is attached, or for the operation of other equipment on the transport vehicle.

As a result, the October 25th PHMSA letter states that:

. . . provided the permanently-mounted tanks:

1. meet the requirements of 49 CFR §§ 393.65 and 393.67 of the Federal Motor Carrier Safety Regulations for liquid fuel systems;
2. are used only for supplying fuel for the operation of the motor vehicle or its auxiliary equipment; and
3. are not marked as Department of Transportation specification cargo tanks nor meet the definition of a cargo tank, as defined in § 171.8

If so, the mounted fuel tanks are deemed by PHMSA to not be subject to the HMR with respect to their use on the vehicle.

A copy of the October 25th interpretive response can be downloaded [here](#).