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Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Motor Vehicle Mounted Fuel Systems

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in an October 25th interpretive letter the application of the federal Hazardous Materials Regulations (“HMR”) applicable to fuel systems powering equipment mounted on a motor vehicle.

PHMSA was responding to a May 17th request for interpretation from Mr. Wayne W. Carver of Inliner Solutions (“IS”).

PHMSA states that IS asks whether the tanks fueling its equipment require placarding and therefore require a driver with a hazmat endorsement on his or her commercial driver’s license.

PHMSA notes that a fuel tank, as defined in § 171.8, is 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, PHMSA’s response states that if 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

– then the mounted fuel tanks are not subject to the HMR with respect to their use on the vehicle.

A copy of the PHMSA interpretive letter can be downloaded [here](#).