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# Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Finalizes First Set of Frequently Asked Questions

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The Pipeline and Hazardous Materials Safety Administration ("PHMSA") in a March 22nd Federal Register Notice announced an initiative to convert historical letters of interpretation ("LOI") applicable to its Hazardous Materials Regulations ("HMR") into broadly applicable frequently asked questions ("FAQs") See 87 Fed. Reg. 16308.

The stated purpose of the FAQs is to facilitate better public understanding and awareness of the HMR.

PHMSA emphasizes that it believes the FAQs:

- Are not substantive rules
- Do not create legally enforceable rights, assigned duties, or impose new obligations not otherwise contained in the existing regulations.

The intent of the FAQs is to demonstrate compliance with the relevant regulations.

PHMSA in the December 9th Federal Notice is finalizing the first set of FAQs. This set of FAQs addresses the applicability of the HMR to persons and functions.

The questions addressed (and answered) in the first set of FAQs include:

1. Is a federal, state, local government agency subject to the HMR?
2. Are state universities subject to the HMR when transporting hazardous materials?
3. Is the hazardous material transported on private roads subject to the HMR?
4. Is the hazardous material subject to the HMR if it only crosses the road the public access?
5. Are hazardous materials installed or used in or on a motor vehicle (e.g., gasoline in the motor vehicle's fuel tank) subject to the HMR?
6. Is the filling of a package with the hazardous material subject to the HMR if it is not being offered for transportation in commerce?
7. Are stationary (storage) tanks containing the hazardous material such as propane subject to the HMR?
8. Are hazardous materials being transported for personal use subject to the HMR?

9. Are privately-owned department of transportation cylinders used for scuba diving subject to the HMR even when not transported in commerce?
10. Are government-owned hazardous materials transported for government purposes by contract or personnel subject to HMR?
11. Are gasoline cans transported by a landscaping company by motor vehicle subject to the HMR?
12. Is hazardous waste transported by persons to a county drop-off facility subject to the HMR?

The Federal Register Notice also supplies the answers.

PHMSA states that the next set of FAQs which it will be developing will address:

. . . questions regarding the incident reporting requirements specified in §§ 171.15 and 171.16.

A copy of the Federal Register Notice can be downloaded [here](#).