

## LETTER OF INTERPRETATION

February 5, 1996 02/05/96 - 171.1

Mr. Steve Farrell  
Wright State University  
3640 Colonel Glenn Highway  
Room 104, Health Sciences Building  
Dayton, OH 45435

Dear Mr. Farrell:

This is in response to your letter dated November 13, 1995 concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts [171,172,173,174,175,176,177,178,179,180](#)). Wright State University (WSU) transports hazardous materials in their own State vehicle driven by WSU employees for non-commercial university purposes. This transportation is conducted over both public and private roads.

As specified in § [171.1](#) the HMR govern the safe transportation of hazardous materials in intrastate, interstate and foreign commerce. "In commerce" excludes from regulation the transportation of hazardous materials in a private vehicle where the material is for personal use. It also excludes from regulation hazardous materials transportation that occurs entirely on private property.

Shipments of hazardous materials transported by WSU in vehicles operated by WSU personnel for non-commercial purposes are not subject to the HMR on public or private roads. However, if the purpose is commercial or WSU offers hazardous materials for transportation to commercial carriers, the HMR will apply. For your information, a letter developed by our Office of General Counsel on the subject is enclosed.

If we can be of further assistance, please contact us.

Sincerely,  
Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards  
File:[171.1](#)