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August 16, 1993

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Federal Highway Administration  
Room 4232  
400 Seventh Street, SW  
Washington, DC 20590

FHWA-97-2180-30

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Written Comments of the Natural Gas Vehicle Coalition,  
Docket No. MC92-4

Dear Sir:

On June 17, 1993, the Department of Transportation, Federal Highway Administration ("FHWA"), published a Notice of Proposed Rulemaking in the Federal Register in the above-referenced docket regarding transportation of hazardous materials. 58 Fed. Reg. 33,418 (June 17, 1993). The Natural Gas Vehicle Coalition ("NGVC") hereby submits its written comments.

The NGV Coalition is a national organization of over 200 members, including vehicle manufacturers; natural gas vehicle component manufacturers; natural gas distribution, transmission, and production companies; natural gas development organizations; environmental and non-profit advocacy organizations; state and local government agencies; and fleet operators. The NGV Coalition is dedicated to developing long-term markets for natural gas vehicles (NGVs) and building an NGV infrastructure, including the installation of fueling stations, manufacturing NGVs, setting industry standards, and providing training.

Briefly, Section 8 of the Hazardous Materials Transportation Uniform Safety Act of 1990 ("HMTUSA"), signed by the President on November 16, 1990 ("Pub. L. 101-615, 104 Stat. 3244), prohibits a motor carrier from transporting, by motor vehicle in commerce (interstate and intrastate), certain hazardous materials designated by the Secretary of Transportation, unless the motor carrier holds a "safety permit" issued by the Secretary. Section 106 of the Hazardous Materials Transportation Act ("HMTA") (49 U.S.C. app. 1801, et seq.), as amended by the HMTUSA, requires the Secretary to issue regulations implementing the safety permit requirements for various materials, including liquified natural gas.

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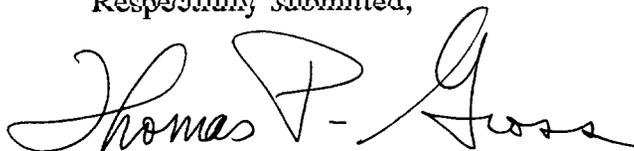
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The NGVC requests acknowledgement that the proposed regulations will not apply to LNG that is transported within a vehicle and is consumed as fuel for that vehicle. Section 397.39 of the proposed regulations defines certain "designated high-risk hazardous materials" as, among other things "liquefied natural gas in bulk." The term "in bulk" is defined to mean a "containment system that has a capacity in excess of 3,500 water gallons or 468 cubic feet." Natural gas vehicles typically carry less than this amount as fuel for propulsion of the vehicle. Even larger vehicles, such as buses or trucks, will not exceed the 3,500 water gallon or 468 cubic feet threshold set forth in the proposed regulations.

Accordingly, the NGVC understands that these regulations will not apply to vehicles that use liquefied natural gas for propulsion. If the final rule contemplates a revision to the proposed definition of "in bulk," NGVC respectfully requests that the FHWA specifically exclude natural gas in any form that vehicles use for fuel.

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas P. Gross". The signature is written in a cursive style with a large, stylized initial "T".

Thomas P. Gross

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