



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

SEP 21 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

Ms. Sylvia M. Smith
Manager, Service Development
Broward County Transit
Community Services Department
Mass Transit Division
3201 W. Copans Road
Pompano Beach, FL 33069

Ref No. 00-0119

Dear Ms. Smith:

This responds to your letter regarding the transportation of electric and gasoline powered bicycles on public buses carrying passengers for hire under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether these bicycles are regulated under the HMR and what authority you may have in order to implement your own policy in the interest of public safety.

Under § 173.220 of the HMR, a battery and flammable liquid powered bicycle transported in commerce on a motor vehicle would not be subject to any other requirements of the HMR under the following conditions:

- (1) the fuel tanks are securely closed;
- (2) installed batteries are protected from short circuits and leakage;
- (3) safety devices or other hazardous materials that are not necessary for the operation of the bicycle or for the safety of the operator and its passenger are removed from the bicycle, and are packaged and transported in accordance with the HMR.

The Federal hazardous materials transportation law sets forth the circumstances under which a differing state or local law on the transportation of hazardous material is preempted. See 49 U.S.C. § 5125. If the County applies the same conditions set forth in 49 CFR 173.220 to the transportation of battery and flammable liquid powered bicycles on a motor vehicle, its requirements would not be preempted.



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I trust this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Community Services Department
Mass Transit Division

3201 W. Copans Road, Pompano Beach, FL 33069

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Transit Information Systems (954) 357-6792 / FAX (954) 357-8305

April 5, 2000

Mr. Edward Mazzullo, Director
Office of Hazardous Materials Standards
U. S. Department of Transportation
400 Seventh Street, Southwest
Washington, D. C. 20590

Stevens
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Dear Mr. Mazzullo:

I recently called the Hazardous Materials Hotline and spoke with a representative, who indicated that my request was an unusual one and that I should write a letter.

Because of the increasing popularity of the e-bicycle (electric and gasoline powered), Broward County Transit (BCT) bus operators have been requested to allow gasoline powered bicycles on the bicycle racks, which are mounted on the front of BCT buses. I searched the UMTAct and the more recent Department of Transportation Regulations 49 CFR, parts 100-199 and found nothing regarding gasoline powered bicycles being transported on public transit vehicles.

Please advise whether or not there is a U. S. DOT regulation regarding this issue. We realize that we have the authority to implement a policy on transporting other than traditional bicycles in the interest of public and employee safety. However, this is not an issue that is isolated and may have implications for public transit nationwide.

I look forward to hearing from you in the near future.

Sincerely,

Sylvia M. Smith, Manager
Service Development

- c: Larry Lietzke, Director, Community Services Department
Robert Roth, Director, Mass Transit Division
William "Bill" Sorrells, Superintendent Safety and Training
Sharon Thorsen, Assistant County Attorney
Pam Madison, Director, Office of Public & Governmental Relations
William W. Millar, President, American Public Transportation Association

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