

Additional Information

Regulatory Requirements for an HMSP

The Federal Motor Carrier Safety Regulations (FMCSR) 49 CFR Part 385, Subpart E – Hazardous Materials Safety Permits (49 CFR Parts 40, 325, 350 & 355-399).

<http://www.fmcsa.dot.gov/safety-security/hazmat/hm-permitting.htm>

To Apply for the HMSP and Obtain a USDOT Number

http://www.fmcsa.dot.gov/registration-licensing/online_registration/onlineregdescription.htm

Current Crash Rate and Inspection Out of Service (OOS) Rates

<http://safer.fmcsa.dot.gov/HazMatRates.aspx>

PHMSA Online Registration and Information (49 CFR Part 107 Subpart G)

<http://phmsa.dot.gov/hazmat/registration>

HM Security Awareness Training (49 CFR Part 172 Subpart H)

<http://phmsa.dot.gov/staticfiles/PHMSA/Hazmat/digipak/index.html>

To Check the Status of a Carrier's HMSP

http://mcmis.volpe.dot.gov/mcs150t/pkg_shipper.prc_shipper_request

Fixed HMSP Program Rates

(Effective 6/27/2012)

Crash Rate	0.136
Driver OOS Rate	9.68
Vehicle OOS Rate	33.33
Hazmat OOS Rate	6.82

Detailed information is published on FMCSA's SAFER website at: <http://www.safersys.org/HazMatRates.aspx>.

Revocation or Suspension of a HMSP:

Pursuant to 49 CFR §385.421, a safety permit will be subject to revocation or suspension by FMCSA for the following reasons:

- Failure to submit the MCS-150B;
- Filing false information;
- A safety rating of less than “satisfactory;”
- Failure to maintain a satisfactory security plan;
- Failure to show a fitness and ability to transport hazardous materials covered by the HMSP;
- Failure to comply with an Out-of-Service order;
- Failure to comply with other orders that show an inability to show fitness and ability to transport covered hazardous materials;
- Failure to maintain minimum levels of financial responsibility;
- Failure to maintain the carrier's HM Registration with PHMSA; or
- Loss of operating rights or suspension of registration due to failure to pay a civil penalty or abide by a payment plan.

When and How to File an Administrative Review

Pursuant to 49 CFR §385.423, a motor carrier may appeal FMCSA's decision to deny, suspend or revoke a HMSP by submitting a written request within 30 days after service of a written notice that FMCSA has denied, suspended or revoked a HMSP, or FMCSA has proposed to suspend or revoke a HMSP. Additionally, a carrier may request an administrative review if it has been assigned a proposed safety rating that is less than satisfactory (as set forth in §385.15), or a change to a proposed safety rating based on corrective action, (as set forth in §385.17). The carrier must submit its request in writing to the Chief Safety Officer, Attention: Adjudications Counsel (MC-CC), FMCSA, 1200 New Jersey Ave., S.E. Washington, DC 20590-0001. A copy must also be sent to Chief Counsel (MC-CC) at the same address.

The HAZARDOUS MATERIALS SAFETY PERMIT PROGRAM

Since January 1, 2005, intrastate, interstate, and foreign motor carriers transporting certain types and amounts of hazardous materials (HM) are required to hold a Federal Hazardous Materials Safety Permit (HMSP) issued by the Federal Motor Carrier Safety Administration (FMCSA).



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Federal Motor Carrier Safety
Administration

HM Types and Quantities That Require a HMSP

As stated in 49 CFR §385.403, the following HM transported in these quantities require the motor carrier to have a HMSP:

Radioactive Materials – A highway route-controlled quantity (HRCQ) of Class 7 materials, as defined in 49 CFR §173.403.

Explosives – More than 25kg (55 pounds) net weight of a Division 1.1, 1.2 or 1.3 material, or an amount of a Division 1.5 material requiring a placard. (See: 49 CFR Part 172 Subpart F).

Toxic by Inhalation Materials in Hazard Zone A materials in a packaging with a capacity greater than 1 liter (0.26 gallons).

Toxic by Inhalation Materials in Hazard Zone B materials in a bulk packaging having a capacity greater than 450 L [119 gallons], for liquids and a water capacity greater than 454 kg, [1,000 pounds] for gas receptacles. (49 CFR §171.8 defines bulk packaging for liquids, solids and gases.)

Toxic by Inhalation Materials in Hazard Zone C or D materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500) gallons.

Methane – A shipment of compressed or refrigerated liquid methane or natural gas or other liquefied gas with a methane content of at least 85% in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).

Requirements for Issuance of the HMSP

Pursuant to 49 CFR §385.407, FMCSA may only issue a HMSP to a motor carrier that has:

- A “satisfactory” safety rating;
- A crash rate below the threshold for the current registration cycle that FMCSA has determined represents the percentage above which the carrier falls into the top, or worst-performing 30 percent of the national average;
- Driver, vehicle, and hazardous material out-of-service rates below the respective threshold in each of

these areas, FMCSA has determined represents the percentage above which the carrier falls into the top, or worst-performing 30 percent of the National average;

- A satisfactory security program (and associated training) according to 49 CFR §172.802;
- A current Certificate of Registration with PHMSA;
- A system of communication that enables the vehicle operator to contact the motor carrier during the course of transportation including maintenance of these communications records; and
- A written route plan that meets the requirements of §397.101 of this chapter for highway route-controlled Class 7 (radioactive) materials or §397.67 of this chapter for Division 1.1, 1.2, and 1.3 (explosive) materials.

How to Apply for a HMSP

Submit the MCS-150B Online:

- The form MCS-150B (Combined Motor Carrier Identification Report and HMSP Application) must be filed with FMCSA before the motor carrier conducts operations in commerce that require a safety permit.
- The HMSP application (the MCS-150B) is available on the FMCSA Web site at www.fmcsa.dot.gov. The application may be filed online, as follows:
 - o Go to www.fmcsa.dot.gov and click on ‘**Registration & Licensing.**’
 - o Under the heading ‘How to Register,’ click on ‘Online Registration’ and follow the step-by-step instructions.

NOTE: If you are unable to access a computer and file online, you may obtain a hardcopy of the MCS-150B by calling the FMCSA Support Center at (800) 832-5660 or (703) 280-4001. Fax the completed registration to the Center at (703) 280-4003.

Submit Proof of Required Insurance (DOT Form MCS-90) and Pipeline and Hazardous Materials Safety Administration’s (PHMSA) HM Registration:

- To have your MCS-150B application processed, you must submit the following documents by either e-mail or fax to the HM Division of FMCSA at FMCSA.HMSP@dot.gov (e-mail), or (202) 366-3621 (Fax).

1. Submit your company’s proof of insurance on the MCS-90, stating the level of coverage required by 49 CFR Part 387 for the permitted materials your company transports. You can obtain a copy of the DOT Form MCS-90 from the FMCSA Web site at: <http://www.fmcsa.dot.gov/registration-licensing/print-forms/print-forms.htm>, and
2. Submit a current copy of your PHMSA Certificate of Registration (See: 49 CFR Part 107 Subpart G).

NOTE: Upon receipt of all required information, FMCSA will issue or deny the HMSP on the following work day. Approved HMSPs are sent within 24 hours to companies who supply their e-mail addresses or fax numbers. Otherwise allow for at least two days for delivery by the postal service. Temporary HMSPs will be issued to carriers without safety ratings and will be valid for a period of 180 days. The time period may be extended for 60 days if the motor carrier does not receive a safety rating within the initial 180 days.

When and How to Renew a HMSP

- The HMSP must be renewed every two years, according to the carrier’s DOT number. The HMSP renewal date is determined according to 49 CFR §390.19, which indicates the month of MCS-150 filing and HMSP renewal based on the last number of the motor carrier’s US DOT number. The next to last digit, if odd, determines the update to be filed in the required month of an odd numbered year, and, if even, in the required month of an even calendar year. Please be aware that the filing schedule pursuant to §390.19 may result in a HMSP renewal date that is earlier than the two-year anniversary date of the HMSP.
- The HMSP must be renewed within the 30-day period before its expiration date. (NOTE: If you attempt to renew before the 30-day period, a duplicate HMSP will be issued with the same expiration date as the original and will still require renewal.)
- To renew, submit the MCS-150B, HMSP renewal application, a current DOT Form MCS-90 and the PHMSA Certificate of Registration as explained above.
- If your HMSP application is submitted in a timely manner in accordance with the schedule in §390.19, your existing HMSP will remain in effect during the processing of your renewal application.