

BASF Wyandotte Corporation

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May 7, 1980

Dockets Branch
MATERIALS TRANSPORTATION BUREAU
Nassif Building, Room 8426
400 Seventh Street, S.W.
Washington, DC 20590

Re: Application for Inconsistency Ruling
City of Boston Ordinance
Invitation to Comment

Dear Sir:

BASF Wyandotte Corporation is a major supplier of regulated hazardous materials and as such, has a vital interest in the subject application for an inconsistency ruling on the City of Boston's Ordinance regulating the transportation of hazardous materials. We appreciate the opportunity to comment on this matter in the following manner.

It is our opinion that Congress anticipated the problems that could result from the passage of state/local laws or ordinances which would or could interrupt the safe movement of hazardous materials by providing for their preemption under the Hazardous Materials Transportation Act (HMTA) at 49 USC 1811. Specifically codified at 49 CFR 107.21 - 107.225, the regulations clearly reflect the intent of Congress to Federally preempt state and local laws conflicting with the purposes of the HMTA.

We believe the MTB should declare the Boston ordinance inconsistent with the Federal regulatory program already in place in order to discourage other jurisdictions from creating a multiplicity of local regulations with the potential for varying degrees of conflict in the area of hazardous materials transportation.

BWC fully supports the joint Application for Inconsistency filed by the Hazardous Materials Advisory Council and the Massachusetts Motor Truck Association and subscribes to all of its comments concerning each portion of the Boston Ordinance.

We request the MTB to find the Boston Ordinance inconsistent in its entirety.

Respectfully submitted,

Caesar E. Nuti
Manager - Regulatory Services

I hereby certify that a copy of these comments has been sent to the Honorable Kevin H. White, Messrs. Christopher Ianella, Lawrence W. Bierlien and William E. Johns at the address noted in the Federal Register publication.

Caesar E. Nuti