Part 387

**Section § 387.9: Financial responsibility, minimum levels.**

## Guidance Q&A

**Question 4: What level of insurance is required for a carrier operating a multi-compartment cargo tank that is transporting a hazardous substance, where each compartment is less than 3,500 water gallon capacity, and the total capacity is greater than 3,500 water gallons capacity?**

**Guidance:** $5,000,000 of insurance is required. The table in §387.9 requires that amount of coverage for hazardous substances transported in “cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons.” The transporting vehicle must have “a gross vehicle weight rating of 10,000 or more pounds.” Section 171.8 of title 49, C.F.R., defines a “cargo tank motor vehicle” as a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle. Additionally, the use of the plural to describe the tanks and the singular to describe the truck implies that the standard is met if several tanks with a combined capacity of 3,500 water gallons are transported on the same vehicle. This is consistent with the purpose of the financial responsibility requirement — in this case, to protect the public from financial loss following an accidental release of hazardous material—because all of the compartments in a single tank trailer could be damaged in one crash. Here, the compartments on the vehicle have a total capacity of greater than 3,500 water gallons, therefore $5,000,000 of insurance is required.