



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

APR 7 2009

Mr. Rex Railsback
MCSAP, Troop I, Olathe
1220 S. Enterprise
Olathe, KS 66061

Ref. No. 09-0055

Dear Mr. Railsback:

This responds to your March 12, 2009 letter requesting clarification of the requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185) applicable to the visibility and display of placards. Accompanying your letter are photographs of a Sterling straight truck with clearly visible placards mounted on the front of the cargo railing. Specifically, you ask whether the placarded vehicle, as depicted in the photographs, satisfies the requirements of §§ 172.504 and 172.516.

When placarding is required by § 172.504(a) of the HMR, a transport vehicle must be placarded on each side and each end. The HMR require a placard to be clearly visible from the direction it faces, except from the direction of another transport vehicle to which it is coupled (see § 172.516(a)). For purposes of the HMR, a "transport vehicle" is a cargo-carrying vehicle such as an automobile, van, tractor, truck, semi-trailer, tank car or rail car used for the transportation of cargo by any mode.

In this specific case, the placards on the front of the cargo-carrying portion of the transport vehicle are clearly visible from the direction they face, and comply with the requirements of §§ 172.504(a) and 172.516(a). Generally, placards on the sides and ends of the cargo-carrying portion of a vehicles cargo body satisfy requirements for placarding the sides and ends, even if they are not located at the outer perimeter of the vehicle, as long as they are readily visible and not obscured by appurtenances in the direction they face. In order to clarify this issue more thoroughly, we may address this in a future rulemaking.

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

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

Nickels
\$ 172.504
\$ 172.516

Drakeford, Carolyn <PHMSA>

Placarding
09-0055

From: INFOCNTR <PHMSA>
Sent: Thursday, March 12, 2009 12:29 PM
To: Drakeford, Carolyn <PHMSA>
Cc: Supko, Ben <PHMSA>
Subject: FW: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Carolyn,
Here is another request for a written interpretation. I tried to give him some existing letters but they were not specific enough for him. I have included both of his correspondences.

Rob

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Thursday, March 12, 2009 12:19 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

This is ref. my two previous emails regarding the placement of the required placard(s) on the front of the cargo box of the straight truck instead of on the front bumper (end) on the same vehicle. You found a letter (07-0058) that addressed the issue, but the section you ref. (172.516(b)) only deals with "Truck Tractors" and not "Trucks" (see second, email).

In 07-0058 you advised that placement of the placard on the cargo box is allowed as long as it meets the requirements of 172.516(a), but you use 172.516(b) for justification of your answer. In reading 172.516(b), that section deals only with the placement of a placard on a truck tractor in place of or addition to the placard on the front of a vehicle attached to the truck tractor. This ref. to 172.516(b) is a contradiction to your written "OK" of placing a placard on the front of a cargo box instead of on the front end of the vehicle as describe in my previous two emails. What I'm looking for is an interp. that says "each end" as stated in 172.504(a) can be met as long as the required placard(s) are visible and meet the requirements of 172.516(a).

Once again, the letters I've look through on your web site are not as clear as they may need to be, because there are some enforcement personnel in several states that are requiring placards to be on the "front end" as required by 172.504(a), even though the placard on the cargo box met the requirements of 172.516(a). I'm a NTC instructor for General HazMat and we've always taught that as long as placard placement met 172,516(a) it was deemed to have met the "front end" requirement of 172.504(a), but with the number on conflicting letters on your web site, several enforcement officers are holding carriers to the letter of 172.504(a). Any assistance you can offer would be appreciated.

Rex Railsback

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City: Olathe
Zip Code: 66061
Phone: 785-256-5046

05-0309
04-0164

Sirs,

First let me say that I feel you did not understand my question ref. placard visibility requirements found in 172.516 or 172.504(a) that I emailed on 3/10/09.

My question dealt with a single vehicle (Truck, see def. below) and not a combination vehicle (Tractor cargo body, see def. of Truck Tractor below) as you ref. in your phone msg. to me and interp. #05-0063. Since the HMRs do not define a "Truck" or a "Tractor", I pulled those def. from 49 CFR 390.5 and since 171.8 def. of a "Transport vehicle" includes a "Truck" and "Tractor" as a part of the def. I think they needed to be included for ref.

My question again is as follows.

If I have a "Truck" with a cargo box, i.e. straight truck for local deliveries, that is transporting a placardable amount of HM, would a placard mounted to the front of the cargo box above the cab and clearly visible in the direction it faces (as req. by 172.516(a)), be in violation of 172.504(a) "Except as otherwise provided in this subchapter, each bulk packaging, freight container, unit load device, transport vehicle or rail car containing any quantity of a hazardous material must be placarded on each side and each end...", for not being on the front "end" of the vehicle, i.e. the front bumper.

The location of the placard attached to the cargo box is approx. 10 feet from the front bumper, but once again it is clearly visible to anyone standing at the front of the truck and in a continuous arc of about 140 deg. either direction from center front (top of arc)

The interp. you ref. (05-0063) dealt with the question of a placard on the front of a "trailer" (they called it a cargo body) which was being pulled by a "truck tractor" (they said attached to the cargo body). I'm fully aware of what 172.516(a) & (b) say and allow, ref. not requiring the placard to be visible from the direction of a vehicle attached to the transport vehicle with the HM.

I've added the sec. ref. below. I'm teaching a General HM class this week and my not be available while in front of the class which is why I missed your return call on 3/10/09.

172.516(a) Each placard on a motor vehicle and each placard on a rail car must be clearly visible from the direction it faces, except from the direction of another transport vehicle or rail car to which the motor vehicle or rail car is coupled. This requirement may be met by the placards displayed on the freight containers or portable tanks loaded on a motor vehicle or rail car.

172.516(b) The required placarding of the front of a motor vehicle may be on the front of a truck-tractor instead of or in addition to the placarding on the front of the cargo body to which a truck-tractor is attached.

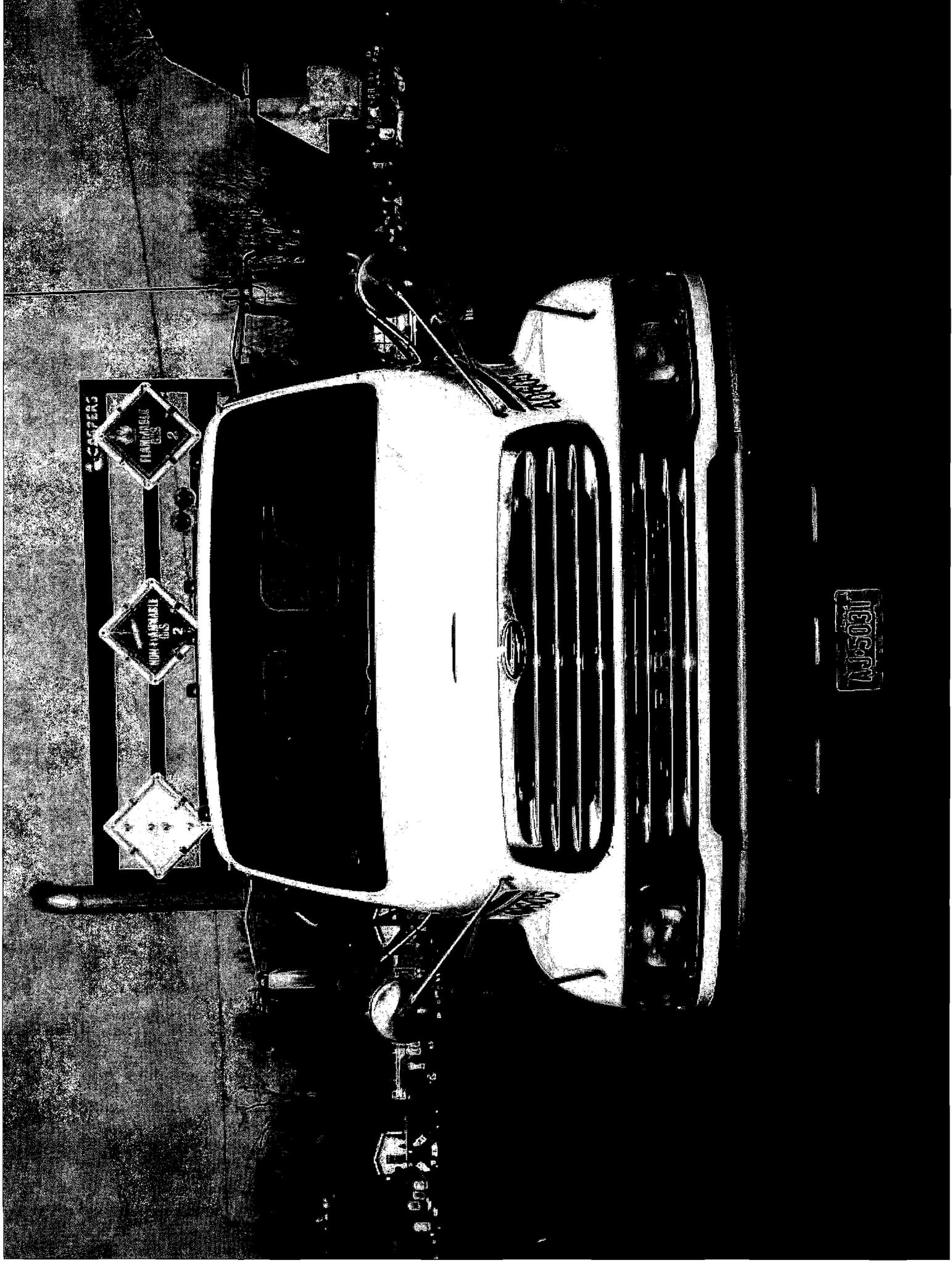
171.8 Motor vehicle includes a vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

171.8 Transport vehicle means a cargo-carrying vehicle such as an automobile, van, tractor, truck, semitrailer, tank car or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, rail car, etc.) is a separate transport vehicle.

390.5 Truck means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property.

390.5 Truck tractor means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles.

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CARRERS

TRAVELERS
BUS

ADAPTABLE
BUS

[Obscured sign]

1950

