



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

1200 New Jersey Avenue, SE
Washington, DC 20590

June 3, 2025

Michael Colaner
Consultant
Michael Colaner, LLC
Behalf of Quality Carriers, Inc.
10 Timber Wolf Drive
Hamilton, NJ 08620

Reference No. 25-0016

Dear Mr. Colaner:

This letter is in response to your February 9, 2025 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the display of the emergency response telephone number on shipping papers. You explain that Quality Carriers, Inc.—the company you represent—has a bill of lading (*i.e.*, a shipping paper) where the emergency response telephone number is displayed in a separate box. You note that the emergency response telephone number in a separate box is not highlighted; and the font size and color are the same as other information provided on the shipping paper. Does this method of placing the emergency contact telephone number in a separate box without highlighting, larger font, or font of a different color satisfy § 172.604(a)(3)? In addition, you reference a previously published letter of interpretation (Reference No. 16-0157) which states that “[s]ection 172.604(a)(3)(ii) requires the emergency contact telephone number to be entered once on the shipping paper in a manner that sets it apart for quick and easy recognition.” In this regard, is the response in Reference No. 16-0157 still valid?

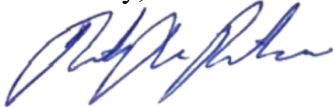
Yes, using the method of placing the emergency contact telephone number in a separate box is consistent with § 172.604(a)(3) and letter Reference No. 16-0157 remains valid. According to § 172.604(a), a person who offers a hazardous material for transportation must provide a numeric emergency telephone number for use in an emergency involving hazardous materials. Section 172.604(a)(3)(ii) specifies how the emergency response telephone number must be displayed on a shipping paper. Specifically, the number must be entered once on a shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found—such as by highlighting, etc.—or in a manner that otherwise sets the information apart from other information provided on a shipping paper for quick and easy recognition. Based on the shipping paper you provided, the placement of the emergency response

telephone number under the driver's signature is consistent with requirements in § 172.604(a)(3)(ii).

Please note that highlighting, using a larger font, or employing a different font color from the surrounding text are alternative methods for making the emergency response telephone number "easily and quickly found" on a shipping paper but are not required methods for achieving the performance standard.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen", written in a cursive style.

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: PHMSA Letter of Interpretation request in ref to 49 CFR 172.604(a)(3)(ii)
Date: Monday, February 10, 2025 12:26:44 PM
Attachments: [datags_details_4909774_202502091635.pdf](#)
[Quality Carriers DataQ 4909774 mc ltr.pdf](#)
[Quality Carriers DataQ 4909774 5A10 results.pdf](#)
[PD0043 Phillip Davis RSI TXV241586909 with BOL.pdf](#)
[160157 copy.pdf](#)
[QC TXDPS.pdf](#)

Hello Alice,

Please see the below interpretation request and attached documents.
His phone number is (848) 448-1571.

Let us know if you need anything.

Sincerely,
Janaye

From: Michael Colaner <mcolaner5038@gmail.com>
Sent: Sunday, February 9, 2025 4:42 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: Frederick Marsicano <fmarsica@qualitycarriers.com>; Joe Delgado <jodelgad@qualitycarriers.com>; Carol Creamer <ccreamers@qualitycarriers.com>; Ami Kelley <akelley@qualitycarriers.com>
Subject: PHMSA Letter of Interpretation request in ref to 49 CFR 172.604(a)(3)(ii)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

February 9, 2025

Director Kelley,

I am Michael Colaner, a Transportation and Hazardous Material consultant representing Quality Carriers Inc. I am writing to formally request a PHMSA Letter of Interpretation regarding whether the display of the Emergency Response Phone Number on a Shipping Paper in a separate box without the aid of highlighting, use of a larger font, or a font that is a different color from other text and

information, meets and satisfies the requirements setting the information apart to provide for quick and easy recognition as outlined in 49 CFR 172.604(a)(3)(ii).

Recently, this became a point of contention when Quality Carriers were subjected to a roadside inspection by a Texas Department of Public Safety (DPS) Inspector. The Inspector cited QC for allegedly violating 49 CFR 172.604. The Inspector noted in his report that the information "does not stand out from other types." This assertion raises significant concerns from both a compliance and an interpretative perspective.

The Data-Q and subsequent appeals we filed with the Texas DPS referenced PHMSA Letter of Interpretation #16-0157, particularly question #4. It stated, "Section 172.604(a)(3)(ii) requires that the emergency contact telephone number be entered once on the shipping paper in a manner that sets the information apart to provide for quick and easy recognition." The separate box method we employed aligns with this interpretation, emphasizing compliance.

However, the DPS Inspector disputed this reasoning and gave this explanation. "This section requires it to be prominent and readily identifiable, and clearly visible manner to be easily and quickly found such as highlighting, use of larger font, or a different color font. The manner you used is in the same type, and same color as everything else. It is not easily identifiable or stand out from other type in that section."

The Texas DPS Inspector's interpretation of this Hazardous Material Regulation (HMR) introduces unnecessary subjectivity, diverges from the established Commercial Vehicle Safety Alliance (CVSA) General Hazardous Materials course guidelines, and does not consider the display of the Emergency Response Number in a separate box.

The Hazardous Material Regulations allow the shippers to determine how to present the Emergency Response Phone Number. The permissive term "OR" within the regulation underscores this flexibility. The HMRs do not bestow this authority upon the Inspector to dictate their preferred method of presentation.

Displaying the Emergency Response Phone Number in a separate box clearly supports the regulation's intent. It does not create confusion and enhances the clarity and effectiveness of the information provided.

Thank you for your attention to this essential matter.

Sincerely,
Michael Colaner
Michael Colaner LLC
10 Timber Wolf Drive
Hamilton, NJ 08620
MColaner5038@gmail.com

On behalf of

Quality Carriers Inc.
1208 E Kennedy BLVD Suite 132
Tampa, FL 33602

Supporting Documents

PLEASE USE THE FOLLOWING GUIDELINES WHEN COMPLETING THIS SECTION.

☒ **No Corrective Action Required - report should stand as is: (Detailed explanation required.)**

This section requires it to be prominent and readily identifiable, and clearly visible manner to be easily and quickly found, such as highlighting, use of larger font, or a different color font. The manner you used is in the same type, and same color as everything else. It is not easily identifiable or stand out from other type in that section.

☐ **Process the following changes: (Detailed explanation required.)**



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 12 2016

Mr. W. A. Winters
President
Regulatory Resources Inc.
379 Aragon Avenue
Los Alamos, NM 87544

Reference No. 16-0157

Dear Mr. Winters:

This letter is in response to your September 23, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you ask questions pertaining to the placement of certain entries as they relate to an example shipping paper you included in your letter. We have paraphrased and answered your questions as follows:

- Q1. Section 172.202(c) requires the total quantity of hazardous material covered by one description to appear before or after, or both before and after, the description required and authorized by Subpart C of Part 172. What other information, if any, is authorized to be placed before the required description?
- A1. As prescribed in §§ 172.201(a)(4) and 172.202(c), certain information may be placed before the basic description, such as quantity shipped, the type of packaging, and destination marks. Otherwise, additional information must be entered on the shipping paper after the basic description prescribed in § 172.202(a).
- Q2. In the same scenario as Q1, how much “after” the required description can the total quantity of material be indicated for a shipping paper to be considered acceptable? Does our example shipping paper meet that standard?
- A2. There are no boundaries—written or otherwise—with regard to what is considered an acceptable “after” location for the quantity of material covered by a description so long as it is not considered excessive. To that end, the location depicted in the example shipping paper you provided is acceptable.
- Q3. Does the type of package indicated in our example shipping paper meet the requirements of § 172.202(a)(7)?

- A3. The answer is no. The number and type of packages must be indicated on a shipping paper either before or after the required basic description. See §§ 172.202(a)(7) and 172.202(c). The type of packages must be indicated as a description of the package (i.e., "12 drums"). The example shipping paper provided with your letter does not meet that standard because the "RIDGED OR SHARPS US DOT TRANSPORT CONTAINER" field does not sufficiently describe a commonly recognizable package type.
- Q4. Does the emergency contact telephone number depicted in our example shipping paper meet the requirements of § 172.604(a)(3)(ii)?
- A4. The answer is yes. Section 172.604(a)(3)(ii) requires that the emergency contact telephone number be entered once on the shipping paper in a manner that sets the information apart to provide for quick and easy recognition. The example location and method depicted in the shipping paper you provided meets this requirement.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster", with a stylized flourish at the end.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, September 23, 2016 6:04 PM
To: Hazmat Interps
Subject: FW: Request for Clarification
Attachments: New Interp Request.pdf

Stevens
172.202(c)
Shipping Papers
16-0157

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,

Attached is a request for clarification regarding the Hazardous Materials Regulations. Please contact me if you have any questions.

Thank you,
Wade Winters
505-393-0111



Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Dear Standards and Rulemaking Division,

RRI is a training and consulting company. We often will use bad examples as a training tool in compliance. Discussions have ensued with regard to the example shipping description/paper provided. RRI is seeking PHMSA's opinion on the questions below.

The requirement for the quantity to be identified for a description of hazardous material on a shipping paper is located in 172.202(c). This information may be entered before or after (or both) the required description. Paragraph 172.201(a)(4) stipulates that any additional information may be included but must be placed after the required description. My questions are:

- (1) Given 172.201(a)(4), would the quantity location before the required hazardous material description be better stated as "immediately before"? In other words, is any other information, other than specified in 172.201, allowed to be placed before the required description?
- (2) Are there any unwritten boundaries on what is acceptable with regard to the "after" location of the quantity of material covered by a description? For example, given the hazardous materials shipping paper shown below, would the location of the quantity be acceptable?

On other subjects, with regard to the shipping paper example provided:

- (3) Is the type of package indicated in the example shipping paper sufficient to meet the requirement of 172.202(a)(7)?
- (4) Does the means by which the emergency contact telephone number is displayed meet the intent of 172.604(a)(3)(ii)?

Please contact me if you have any questions. Our office number is 505-393-0111. Thank you,

W. A. Winters President
379 Aragon Avenue
Los Alamos, NM 87544
voice: 505-393-0111
hazmat@regulatoryresources.net
www.regulatoryresources.net

WAW/lom

Regulatory Resources, Inc.
379 Aragon Avenue
Los Alamos, NM 87544

505-393-0111
hazmat@regulatoryresources.net
www.regulatoryresources.net

Storage Facility/Station:
555 Anystreet - Anywhere, AW 98765

UN3291
REGULATED MEDICAL WASTE, n.o.s.
CLASS 6.2
PG. II

RRI RMW Inc.
PO Box 1234
Anywhere, AW 98765
555-555-1212 - Fax 555-555-1234

MANIFEST NO:
RRI NO.: 070861

BIOHAZARDOUS REGULATED MEDICAL (SPECIAL) WASTE MANIFEST / TRACKING DOCUMENT

In case of emergency, please call: 555-555-5666 (24-hr RRI RMW, Inc. emergency response telephone number)										
GENERATOR/CUSTOMER	CUSTOMER / GENERATOR / ORIGIN WASTE TYPE RMW Generator Inc.						TELEPHONE NUMBER 555-555-3434			
	ADDRESS 123 Medical Street, Medical, AW 98567									
	WASTE TYPE Regulated Medical Waste	NO. OF RIDGED OR SHARPS US DOT TRANSPORT CONTAINERS COLLECTED 10 GAL 17 GAL 31 GAL 32 GAL 43 GAL 90+ GAL OTHER 6						CERTIFIED TOTAL WT. OF CONTAINERS 215.5 lbs		
	GENERATOR'S CERTIFICATION: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, and that such waste has been managed, packaged, containerized and labeled in accordance with the requirements of 49 CFR 173.133 (Special Waste Requirements) in addition to any other applicable federal, state or local regulations. Ima Shipper NAME OF COMPANY REPRESENTATIVE (Print) Ima Shipper SIGNATURE OF REPRESENTATIVE DATE 5/1/2016									
SPECIAL HANDLING INSTRUCTIONS										
PRIMARY TRANSPORTER	NAME(S) OF PERSONS COLLECTING, TRANSPORTING OR UNLOADING WASTE						INITIALS			
	COMPANY NAME RMW Transporter, Inc.						TELEPHONE NUMBER			
	ADDRESS P.O. Box 666, Somewhere, AW 98234						DATE BIOHAZARDOUS MEDICAL (SPECIAL) WASTE COLLECTED			
	REGISTRATION No. AWED 003456	NO. OF RIDGED OR SHARPS US DOT TRANSPORT CONTAINERS COLLECTED 10 GAL 17 GAL 31 GAL 32 GAL 43 GAL 90+ GAL OTHER						CERTIFIED TOTAL WT. OF CONTAINERS		
	I acknowledge receipt of the included biohazardous medical (special) waste and I certify that the information provided above is true and correct and that only untreated biohazardous medical (special) wastes are contained in this load. I am aware that falsification of this document may result in forfeiture of my transporter's registration and/or the privilege of utilizing State authorized facilities. NAME OF COMPANY REPRESENTATIVE (Print) SIGNATURE OF REPRESENTATIVE DATE									
SECONDARY TRANSPORTER	STORAGE STATION NAME Anywhere, AW						RFQ AWED003456	SIGNATURE OF REPRESENTATIVE		DATE RECEIVED
	NAME(S) OF PERSONS COLLECTING, TRANSPORTING OR UNLOADING WASTE						INITIALS			
	COMPANY NAME						TELEPHONE NUMBER			
	ADDRESS						DATE BIOHAZARDOUS MEDICAL (SPECIAL) WASTE COLLECTED			
	REGISTRATION No.	NO. OF RIDGED OR SHARPS US DOT TRANSPORT CONTAINERS COLLECTED 10 GAL 17 GAL 31 GAL 32 GAL 43 GAL 90+ GAL OTHER						CERTIFIED TOTAL WT. OF CONTAINERS		
I acknowledge receipt of the included biohazardous medical (special) waste and I certify that the information provided above is true and correct and that only untreated biohazardous medical (special) wastes are contained in this load. I am aware that falsification of this document may result in forfeiture of my transporter's registration and/or the privilege of utilizing State authorized facilities. NAME OF COMPANY REPRESENTATIVE (Print) SIGNATURE OF REPRESENTATIVE DATE										
TREATMENT FACILITY	COMPANY NAME RMW Treatment, Inc.						TELEPHONE NUMBER 555-555-1111			
	ADDRESS 999 Treatment Street, Nothere, AW 98567									
	PERMIT NUMBER AWED 09876	DATE WASTE RECEIVED				TOTAL NET WEIGHT RECEIVED				
	DISCREPANCY INDICATION SPACE									
	I certify that I have been authorized by the State of _____ to accept untreated biohazardous medical (special) waste for treatment and final disposal; and that I have received the above indicated wastes in accordance with the requirements outlined in that authorization. NAME OF COMPANY REPRESENTATIVE (Print) SIGNATURE OF REPRESENTATIVE DATE									

Biohazardous Medical (Special) Waste Tracking Document shall be retained by each responsible party for a period of time as required by the regulations of the state's respective State government agencies.

GENERATOR

TXV241586909

CP#: 0141078

DATE: Nov-03-2024 07:22

VI TX 2024-1588909

LOCATION: I-10 WB MM 52, , El Paso,

LESSEE:

Addr:

PHONE#

USDOT#

ICC/MC#

TXDMV#

OWNER: QUALITY CARRIERS INC

Addr: 1208 E KENNEDY BLVD SUITE 132 TAMPA, FL 33602

PHONE#

USDOT#

ICC/MC#

TXDMV#

800-292-2031

76600

127840

DRIVER: PHILLIP DAVIS

ADDRESS: 6078 MINGLE DR Memphis, TN 38115

RACE/ETHNICITY/SEX: B/N/M DOB: Jun-19-1978

PHONE#:

MED CARD

06-12-2025

CLASS: CDL - CLASS

A

DL: 086668220

DL STATE: TN

CONSTRUCTION ZONE	NO	CDL REQUIRED	YES	ALCH	NO	DS	NO
OCCUPIED	NO	ROADSIDE	YES	SW	NO	TE	NO
INTERSTATE	YES	ESCREEN	NO	FIXED	NO	CMV	YES

BUS TYPE				BUS CATEGORY		
UNIT	TYPE	MAKE	CO#	PLATE	STATE	VIN
1	TT - TRUCK TRACTOR	FRHT	924150	P1223057	IL	3AKJHHDV0RSVF0286
2	TK - TANK TRL	LIQU	4195	23TLR464	ME	3B9TS71E7EG007550

AXLES:

X--00--00

PERMIT #: NONE

RG WT #1	80000	GVWR #1	52500
RG WT #2	0	GVWR #2	65100

LOAD DISP:

GROSS WEIGHT:

GROSS DISTANCE:

R										
	AX 1	AX 2	AX 3	AX 4	AX 5	AX 6	AX 7	AX 8	AX 9	AX 10
L										

VIOLATIONS DISCOVERED

(Cited FMCSR infractions are
filed in violation of TRC 644.151)

TICKET/ WARNING	VIOL. CITE	UNIT NO.	OOS YES/NO	OOS DISP	POST CRASH
WARNING	393.9(a)	2			

Inoperable/Obscured Side Marker Lamp(s)

WAS OUT OF HOLDER FACING TOWARDS ROADWAY

WARNING	171.2(b)	2			
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Transporting HM w/out Having Registered With USDOT/No DOT HM
Registration

EXPIRED 6/30/24

WARNING	172.604(a)	1			
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No/Improper Emergency Response Number for HM for Transportation
DOES NOT STAND OUT FROM OTHER TYPE

SEAL #S REMOVED:	DEPT. SEAL #: INSTALLED	CVSA DECAL

ALLEGED SPEED	
SPEED LIMIT	
RADAR CAL.	
CRASH	NO

SHIPPING #:	1101254751
COMMODITY	OTHER - UN 1993
ORIGIN:	Mount Pleasant, TN
DESTINATION:	SAFFORD, AZ

HAZMAT CATEGORY	SPEC TANK	CODE	REPORTABLE QUANTITY	HAZARDOUS WASTE?	PLACARDS REQUIRED?
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CYTEC INDUSTRIES INC.
504 CARNEGIE CENTER,
PRINCETON, NJ, 08540
US

Bill of Lading - Short Form - Not Negotiable

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise, to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (i) in Uniform Freight Classification if effect on the date hereof, if it is a rail or rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification of tariff which governs the transportation of this shipment and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

SHIP FROM

CYTEC INDUSTRIES INC.
7910 MT JOY ROAD
MOUNT PLEASANT 38474
TN US

Carrier: Include this Shipment # on Freight bills

Shipment/BOL No: 1101254751

Page 1/1

SHIP TO

7008 / Quality Carriers Safford
CYTEC INDUSTRIES INC.
962 E US HWY 70
SAFFORD AZ 85546 US
Delivery time:

Carrier Name : QUALITY CARRIERS INC
Car or Vehicle : M4195
Seal Number: 005429-005446
Delivering Carrier / Route:

Customer Order Information

Shipping Date:	Delivery Date:	Cust. Purchase Order#:	Carrier	Customer	If changes are to be prepaid write or stamp here: "To Be Prepaid."
11.01.2024	11.06.2024		QLYC	2092177	Prepaid

Units	HM	Description of Materials, Special Marks and Exceptions	Weight	PREPAID SHIPMENTS ONLY INVOICING INSTRUCTIONS FOR PAYMENT
1 T/T	X	<p>Delivery No: 281085955 Order: 4505077125</p> <p>NA 1993 COMBUSTIBLE LIQUID, N.O.S. (Petroleum distillates), NONE, III</p> <p>Marine Pollutant (Salicylaldehyde derivative)</p> <p>ERG GUIDE No. 128</p> <p>O/Y Material reference.: 163061/ ACORGA® M5490 SOLVENT EXTRACTION REAGENT Batch MP24GK885 19,314.161 KG</p>	42579.999 LB	<p>CYTEC INDUSTRIES (US) C/O CASS INFOR Po box : 67 SAINT LOUIS MO 63166-0067 US</p> <p>Subject to Section 7 of Conditions of applicable bill of lading. If the shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement.</p> <p>The carrier shall not make delivery of the shipment without payment of freight and all other lawful charges.</p> <p>CYTEC INDUSTRIES INC. (Signature of consignor)</p>
1	TOTAL UNITS SHIPPED: PALLETS 0 LOOSE		TOTAL WEIGHT 42579.999 LB	<p>C.O.D. Amt. _____</p> <p>Collection Fee _____</p> <p>Total Charges _____</p>

PROPER PLACARDS IN PLACE:
☒ YES ☐ NOT REQUIRED

☒ ERG is in cab of Tractor# 1094150
☐ ERG# _____ received by driver.
☒ MSDS for Haz Mat Received by driver

Driver's Signature: *[Signature]*
Date: 11/1/24

FREIGHT CHARGE

FOR EMERGENCIES INVOLVING A SPILL, LEAK, FIRE, EXPOSURE OR ACCIDENT, CONTACT CHEMTREC (24-Hour Number): +1-800-424-9300 within the United States and Canada, or +1-703-527-3887 for international collect calls.

"If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is 'carrier's or shipper's weight'."
NOTE: -- Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

This is to certify that the above named materials are properly classified, described packaged, marked and labeled, and are in the proper condition for transportation, according to the applicable regulations of the Department of Transportation.

Shipper Signature/Date

Carrier/Pickup Date

Driver (sign)

[Signature] 11/1/24

QC 11/1/24

[Signature]



Quality Carriers

Roadside/Citation Checklist (Form SAF-906-003b)

Driver ID: PD0043	Terminal # 174
Driver Name: Philip Davis	Inspection / Citation # TXV241586909
Date of Inspection: 11/03/24	State: Texas
Tractor # Q24150	Trailer or Chassis # 702318M4195

Please follow the instructions for completing and submitting all Roadside Inspections (RSI) and citations to the Safety Department.

If you feel a violation should be submitted for Data-Q, please DO NOT sign the RSI. Send it in immediately with an explanation.

Roadside Inspection packets must be sent to: RSIDOC@QUALITYCARRIERS.COM

Roadside Inspections: Check each box below for completion:

Hazmat Equipment Violation: ☐ Yes ☒ No

Hazmat Non-Equipment Violation: ☒ Yes ☐ No

- ☐ Roadside Inspection document with associated pictures of defect (if possible)
- ☐ RSI Proof of Correction/Self Repairs Form (Form 2.49a) and/or repair order
- ☐ DVIR for Date of RSI (Required only for Mechanical or Maintenance Violations)
- ☒ Log for Date of RSI (Must be On Duty and Certified)

☒ **Corrective Action or Breach of Contract Attached**

Unless otherwise noted on the document, a representative with the terminal must sign the RSI report, verifying all measures have been taken to correct the violation(s)

Citations: Answer each of the following questions by selecting **YES** or **NO**

- Front and back copies of the citation included: YES NO
- Citation amount: \$ _____ Late fees (if applicable): \$ _____

***Only one should be answered YES below**

- Safety to process & Chargeback Driver for the citation: YES NO
- (Chargeback is Not Applicable to Company or Affiliate Drivers)
- Safety to process & Charge Terminal: YES NO
- Hold processing - Driver fighting the citation: YES NO
- Terminal processing & paying citation (MUST provide proof of payment): YES NO
- Driver is paying for their own citation (MUST provide proof of payment): YES NO

Driver must sign below acknowledging he/she is aware the citation will be deducted from his/her settlement.

**I, [Signature] (Terminal Rep) have talked with our driver _____ (Driver Signature) and he/she understands that this citation (and credit card service fee, if applicable) will be deducted from his/her settlement.

NOTE: Delay in communicating how a citation is to be paid that results in late fees and/or suspension from the state, will be the terminal's responsibility.

Corrective Action

Date: 11/05/2024

Employee's Name: Philip Davis

Supervisor's/ Manager's Name: Paul Sanders

Type of action: ☐ Coaching Event ☒ Verbal Warning ☐ Written Warning ☐ Final Written Warning

Violation of Company policies and rules may warrant corrective action. The Company has established a system of corrective action that may include verbal warning and written warnings. The system is not formal and the Company may, in its sole discretion, utilize whatever form of corrective action deemed appropriate under the circumstances, up to and including termination of employment.

Issue:

☐ Attendance ☐ Behavior ☒ Safety violation ☒ Policy and/or procedure violation

☐ Job performance ☐ Other:

Explanation of Issue: Driver Philip Davis was given a roadside citation for 3 violations of which include Inoperable/obscured side marker lamp, expired US DOT hazardous material Registration, No/Improper Emergency response number for HM. Driver stated that the lights are functioning properly and even sent a video to the driver manager of them working in different functions as well as the placement of the side marker lights. Driver during pre-trip inspection upon the start of the trip didn't review the permit book for expired permits or forms leading to the driver receiving a current citation for permit invalid and driver forgot that he can pull this document from isaac shared documents.

Corrective Action Required: Driver has been coached to remind him of having the ability to pull the documents via Issac, but driver other violations we believe to be inaccurate as these items are functional and clearly provided such as the Emergency Number that is attached to the BOL for the load driver was carrying at the time of inspection. Driver has been assigned training Being Prepared for Roadside Inspections via Luma to remind the driver that areas of pre-trip inspection also include the documentation such as permit book and BOL for load.

Consequences: This is a Verbal warning. Future conduct similar to that described above may result in further corrective action, up to and DOT remedial training of Being Prepared for Roadside Inspections.

My manager has discussed the above with me. I understand the contents and acknowledge and understand the corrective action required. I also acknowledge and understand the potential consequences of non-compliance.

Employee: _____

Date: _____

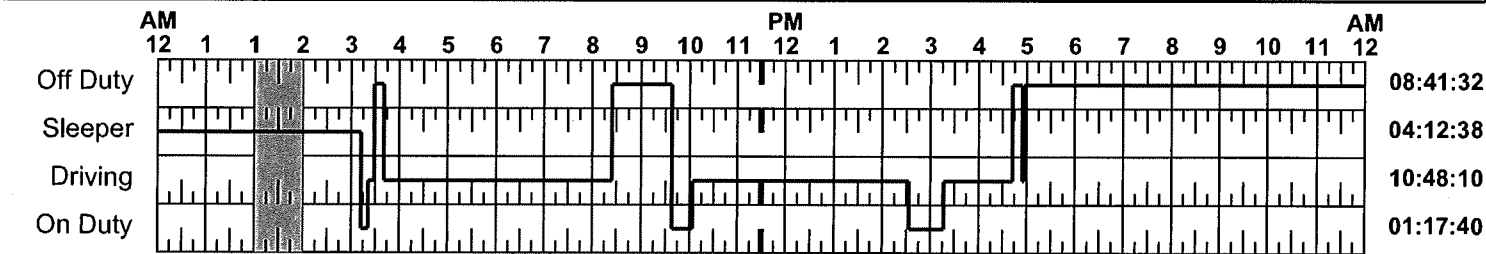
Supervisor: _____

Date: _____

Daily Logbook

Date	11/3/2024	Cycle	USA Property 70h/8d
Operator	Phillip Davis(150150975)	Time Zone	(UTC-05:00) Central Standard Time (DST)
Carrier Name	Quality Carriers, Inc. (03:12) 1208 E Kennedy Blvd Suite 132, Tampa, FL, United States, 33602. (800-282-2031)		
Terminal Address	1029 Channel Ave, MEMPHIS, TN, United States, 38113. (1-800-282-2031)		
Shipping Documents	Order 174018177		
Trailers	702318(T500228 (IL)), M4195(2446451 (ME)), M4195(2346451 (ME))		

Vehicle	Odometer (mi)		Distance (mi)
	Start	End	Today
924150 (P1223057 (IL))	109158	109825	667



Start	Status	Duration	Distance	Location	Comment / Annotation
3:12:38 AM	On Duty	00:07:17		Big Spring, TX	
3:19:55 AM	On Duty	00:01:21		Big Spring, TX	
3:21:16 AM	Driving	00:07:28	0	Big Spring, TX	
3:28:44 AM	Off Duty	00:12:14		Big Spring, TX	
3:40:58 AM	Driving	04:43:31	315	Big Spring, TX	
8:24:29 AM	Off Duty	01:13:36		Fabens, TX	
9:38:05 AM	On Duty	00:25:26		Fabens, TX	
10:03:31 AM	Driving	04:29:27	271	Fabens, TX	
2:32:58 PM	On Duty	00:12:11		Thatcher, AZ	
2:45:09 PM	On Duty	00:14:36	0	Thatcher, AZ	
2:59:45 PM	On Duty	00:16:49		Thatcher, AZ	
3:16:34 PM	Driving	01:25:51	79	Thatcher, AZ	
4:42:25 PM	Off Duty	00:12:17		Lordsburg, NM	
4:54:42 PM	Driving	00:01:53	0	Lordsburg, NM	
4:56:35 PM	Off Duty	07:03:25		Lordsburg, NM	

Signature: Digitally signed by Phillip Davis(150150975)



Texas Department of Public Safety

Motor Carrier Bureau



DATA Q INVESTIGATION RESPONSE FORM

Instructions:

- Complete **ALL** fields below in Part B only.
- Form must be signed by both Investigating Trooper/Officer & approving Supervisor.
- Return **scanned** form to MotorCarrierBureau@dps.texas.gov , or send form by facsimile to: (512) 424-5262.

PART A - MOTOR CARRIER BUREAU		
Data Q Number: 4909774	Data Q Request Date: 12/09/2024	MCB Tracking Number: 2024-003595
Document to Review/ Challenge Type: Inspection TXV241586909 / Inspection - Incorrect Violation	Date Due 12/17/2024	Challenge filed by/Motor Carrier: North American Transportation Consultant Quality Carriers Inc

PART B - Investigation		
Date Received: 12/10/24	Date Assigned for Investigation: 12/10/24	Date Returned to MCB 1/11/25
Investigator(s) Assigned: Senior Corporal Shannon Mauney		
Based on the findings and conclusions noted below: <input checked="" type="checkbox"/> No Corrective Action Required - report should stand as is: (Detailed explanation required.) I have read the interpretation 16-0157 that you have provided. There is no explanation that it being in its own box meets the requirements of 172.604. Looking at the shipping paper that was provided for question in the interpretation, the information sticks out because it is smaller print than everything else around it. Due to this fact I believe the violation should stand. <input type="checkbox"/> Process the following changes: (Detailed explanation required.)		
Investigating Trooper/Officer Shannon Mauney <i>Shannon Mauney</i>	Date 01/10/25	Rank/Title Senior Corporal
Printed Name and Signature Required	Date	Rank/Title

Approval by Supervisor (Must be a Sergeant/Field Supervisor or above)

Chad Foster



1/11/25

Sergeant

Printed Name and Signature Required**Date****Rank/Title**



FREEMAN F. MARTIN
COLONEL
WALT GOODSON
JASON C. TAYLOR
LIEUTENANT COLONELS

TEXAS DEPARTMENT OF PUBLIC SAFETY

6200 GUADALUPE STREET / PO BOX 4087

AUSTIN, TX 78773-0522

(512) 424-2051

www.dps.texas.gov

MOTOR CARRIER BUREAU



STEVEN P. MACH, CHAIRMAN
NELDA L. BLAIR
DAN HORD III
LARRY B. LONG
STEVEN H. STODGHILL

December 10, 2024

Michael Colaner
North American Transportation Consultant
MC: Quality Carriers Inc
PO Box 1440
Hightstown NJ 08520

Mr./Ms. Colaner:

The Texas Department of Public Safety Motor Carrier Bureau has received Data Q Challenge ID # 4909774 filed on the Commercial Vehicle Inspection TXV241586909.

Any changes to the report must be made by the reporting Officer in conjunction with his/her Supervisor's approval.

Your challenge has been forwarded to Lieutenant Mark Gumaer, who will initiate the appropriate investigation. You and the Motor Carrier Bureau will be notified of the investigation results. If you have any questions, he/she can be reached at the following address and telephone number:

Lieutenant Mark Gumaer
Texas Department of Public Safety
Texas Highway Patrol Division
1404 Lubbock Business Park Blvd, Ste 100
Lubbock TX 79403
(806)740-8931

If additional assistance is required, contact Filberto Martinez Monday – Friday 7:00 A.M. – 4:00 P.M. at (512) 424-2850.

Sincerely,

Major Omar A. Villarreal
Motor Carrier Bureau

OV:ks

cc: Lieutenant Mark Gumaer

8/5/2021 rev

Detailed view of ID# 4909774

Date Entered: 12/09/2024	Report State: TX	Type: Inspection - Incorrect Violation
Report Date: 11/03/2024	Report Number: V241586909	Status: Closed - No Data Correction Made
USDOT#: 76600 (SMS)	Assigned Agency#: 512-424-2850/2050	Assigned to: TX DPS

Request Summary

Requestor Profile

Name: Michael Colaner	Address: P.O.Box 1440
Username: mcolaner	City/State/Zip: Hightstown, NJ 08520
User Role: Motor Carrier Service Provider	Phone: 609-426-0555
Company/Agency Name: North American Transportation Consultalt	Fax: 609-443-0004
USDOT#:	Email Address: mcolaner5038@gmail.com

Explanation of Request for Data Review

Where did you view the data you want reviewed?: Inspection Report

Supporting Document: [160157 copy.pdf](#)

Supporting Document: [PD0043 Phillip Davis RSI TXV241586909 with BOL.pdf](#)

Status: Closed - No Data Correction Made | **Federal Violation Code:** 172.604(a)

Federal Violation Description:
Improper Emergency Response

Why should the violation be reviewed?:

Quality Carriers (QC) respectfully appeals the denial of our RDR to have the 172.604(a) violation removed for the following explanation. PHMSA recognizes, and has issued an interpretation identified as 16-0157 (attached) that the QC shipping papers abides by. Our denial was based on "This section requires it to be prominent and readily identifiable, and clearly visible manner to be easily and quickly found, such as highlighting, use of larger font. The manner you used is in the same type, and same color as everything else. It is not easily identifiable or stand out from other type in that section." PHMSA's Interpretation 16-0157 recognizes that the Emergency Response Information required by 172.604(a)(3)(ii) suggests that the methods used for denial of our RDR are not required. The usage of "OR" allows motor carriers and/or shippers to place the Emergency Response Information anywhere on the shipping paper in its own box as is the case here. While QC understands the inspectors concern however, neither highlighting nor the use of larger font is required. We spoke with the PHMSA (202-366-4900) to verify that there is not a newer interpretation, there is not. PHMSA agreed that Emergency Response Information placed in its own box meets the requirements of 172.604(a)(3)(ii). Additionally, we contacted the CVSA COHMED Leadership who also agreed with our method.

Detailed Information from Inspection Record

Report State: TX	Reporting Officer ID: 10856
Report Number: V241586909	City/Location: I-10 WB MM 52
Date: 11/03/2024	Event County: EL PASO
Event Time: 7:22 AM	State: TX

Carrier Information from Inspection Report

Carrier Name: QUALITY CARRIERS	City: TAMPA
USDOT#: 76600 (SMS)	Country: US
MC/MX#:	State: FL
Address (1): 1208 E KENNEDY BLVD SUITE 132	Zip: 33602
Address (2):	

Driver Information from Inspection Record

Driver Name: Phillip Davis

Related Requests

ID#	Date Entered	Status	Type	Last Updated	Entered By	Company Name
4859385	11/06/2024 02:53 PM	Closed - No Data Correction Made	Inspection - Incorrect Violation	11/14/2024 03:51 PM	*****	QUALITY CARRIERS

Response List

Response Date: 02/06/2025 03:18 PM

Entered By: Filberto Martinez

Phone: 512-424-2051

Response To: 172.604(a)

Status Changed to: Closed - No Data Correction Made

Status Prior to Response: Open - Pending Agency Review

Agency Name: TX DPS

Response Description: To discuss the investigation results, contact Lieutenant Mark Gumaer, Texas Department of Public Safety, Texas Highway Patrol Division, at 806-740-8931 or his assistant 806-740-8992. Once contact is made allow sufficient time for a response.

Response Date: 02/04/2025 07:09 PM

Entered By: Michael Colaner

Phone: 609-426-0555

Response To: 172.604(a)

Status Changed to: Open - Pending Agency Review

Status Prior to Response: Closed - No Data Correction Made

Agency Name: Motor Carrier Service Provider

Response Description: Quality Carriers has submitted this RDR twice, both times receiving an unjust denial. We are now submitting it for a third time, firmly seeking the relief we believe is warranted.

We discussed this issue with the CVSA COHMED leadership while attending the 2025 conference last week. They concluded that the inspector and supervisor lack a fundamental understanding of this hazardous materials regulation (HMR) and concurred with Quality Carriers did not violate 172.604(a).

Furthermore, I presented this matter to Texas DPS Sergeant Brad Gibson and other DPS members at the COHMED Region II meeting, where they unanimously affirmed that there is no violation concerning the Emergency Response phone number. We request a second reevaluation of our request based on this consensus.

Response Date: 01/13/2025 07:59 AM

Entered By: Filberto Martinez

Phone: 512-424-2051

Response To: 172.604(a)

Status Changed to: Closed - No Data Correction Made

Status Prior to Response: Open - Pending Local Agency Comments

Agency Name: TX DPS

Supporting Document: [Quality Carriers DataQ 4909774 5A10 results.pdf](#)

Response Description: As a result of the investigation conducted, it has been concluded the inspection report will stand as issued. Investigation results attached as supporting documentation.

Response Date: 01/11/2025 09:13 AM

Entered By: Michael Colaner

Phone: 609-426-0555

Response To: 172.604(a)

Status Changed to:

Status Prior to Response: Open - Pending Local Agency Comments

Agency Name: Motor Carrier Service Provider

Response Description: Quality Carriers respectfully requests an update to our appeal filed December 9th. The initial denial which we believe is in error was returned in only 3 days.

Response Date: 12/11/2024 08:54 AM

Entered By: Filberto Martinez

Phone: 512-424-2051

Response To: 172.604(a)

Status Changed to: Open - Pending Local Agency Comments

Status Prior to Response: Open - In Review

Agency Name: TX DPS

Supporting Document: [Quality Carriers DataQ 4909774 mc ltr.pdf](#)

Response Description: Your challenge has been forwarded for review. A letter explaining the process will be attached to this challenge as supporting documentation. MCPI 3595/2024

Documents List

Supporting Documents

Title Name	Document Name	Date Uploaded	Size
mc ltr	Quality Carriers DataQ 4909774 mc ltr.pdf	12/11/2024 08:54 AM	0.31 MB
Results	Quality Carriers DataQ 4909774 5A10 results.pdf	01/13/2025 07:59 AM	0.42 MB
Law Enforcement report	PD0043 Phillip Davis RSI TXV241586909 with BOL.pdf Original Upload	12/09/2024 02:57 PM	1.69 MB
PHMSA Interp	160157 copy.pdf Original Upload	12/09/2024 02:50 PM	0.14 MB

SYSTEM MESSAGE: You have submitted your request. To help expedite the review process, submit all of the documentation you may have to support your request. You may upload or fax in documentation, or add a response with further details using the buttons above. The more information you provide now, the faster your request can be processed! When the assigned to agency has further questions or requests any documentation, it will respond above and an email copy will be sent to you. Once the request is closed and a correction is made to the record, you will see it on the next update of the respective system. For example, the Safety Measurement System (SMS) Website is updated monthly based on a snapshot of the data. To review crash and inspection records prior to the snapshot, visit the FMCSA Portal. The Pre-Employment Screening Program (PSP) report is updated monthly based on the same snapshot used on the SMS Website. For more details about the update schedule, visit the SMS Information Center at <http://ai.fmcsa.dot.gov/SMS/HelpCenter/Index.aspx#faq30897>.