



Baker, Y.
26-0043

Fwd: Formal letter for interpretation request

2 messages

INFOCNTR (PHMSA) <infocntr.infocntr@dot.gov>
To: "Baker, Yul (PHMSA)" <yul.baker@dot.gov>
Cc: Hazmat Interps <hazmatinterps@dot.gov>

Mon, Mar 16, 2026 at 4:26 PM

Good afternoon,

Please see the following letter of interpretation request. Let us know if you need anything else.

Best,

Aminah

----- Forwarded message -----

From: **Hiya** <lqqing2you@aol.com>
Date: Mon, Mar 16, 2026 at 3:04 PM
Subject: Formal letter for interpretation request
To: <infocntr@dot.gov>

I am requesting written clarification regarding driver responsibilities under 49 CFR 177.817, specifically the meaning of "acceptance" and what duties it places on a driver. My carrier is assigning drivers the responsibility to verify the correctness of hazardous materials shipping papers, including the accuracy of the proper shipping name, UN/NA number, hazard class, and subsidiary hazards.

They are stating that this falls under the driver's "acceptance" responsibilities. My understanding is that under 49 CFR 172.200–172.204, the shipper is responsible for classification and correctness of the shipping description, and that 49 CFR 177.817 assigns drivers the responsibility to ensure the shipping paper is present, in the proper sequence, and accessible — but does not assign drivers the duty to verify classification or correctness.

Can you please confirm in writing whether DOT defines "acceptance" under 49 CFR 177.817 as requiring drivers to verify the correctness of the shipping description, or if correctness remains solely the shipper's responsibility under 49 CFR 172.200–172.204? If possible, please provide the interpretation by email so I can document it for my carrier.

Thank you for your consideration on this matter.

Sincerely;
Troy Berube
8340 W Herzog Ave
Magna Utah 84044
(801)300-7023

Nickels, Matthew <matthew.nickels@dot.gov>
To: Hazmat Interps <hazmatinterps@dot.gov>
Cc: "Baker, Yul (PHMSA)" <yul.baker@dot.gov>, "Wolcott, Alexander (PHMSA)" <alexander.wolcott@dot.gov>

Mon, Mar 30, 2026 at 5:48 PM

Hey guys, interp #2 (of 2) below in my open stack - did this get assigned, or closed out, or withdrawn - etc.? Any help you can provide, thank you!

[Quoted text hidden]



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

1200 New Jersey Avenue, SE
Washington, DC 20590

August 17, 2026

Troy Berube
8340 W Herzog Ave
Magna, UT 84044

Reference No. 26-0043

Dear Mr. Berube:

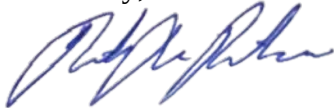
This letter is in response to your March 16, 2026 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to motor carrier and driver responsibilities under § 177.817. Specifically, in the context of a motor carrier assigning drivers the responsibility of verifying “correctness” of shipping papers, you ask if this is within the scope of “acceptance” requirements associated with receiving a shipping paper prepared in accordance with the HMR (*see* § 177.817(a)).

It is the carrier’s responsibility to determine how they will comply with § 177.817(a), which states that a person may not accept or transport hazardous material by highway unless that person has received a shipping paper prepared in accordance with Part 172 of the HMR. Although the HMR does not define “acceptance” responsibilities in this context, the responsibility for accurately classifying and describing hazardous materials is an offeror responsibility (*see* §§ 172.204 and 173.22). Accordingly, while a motor carrier may not transport hazardous materials unless it is accompanied by a shipping paper prepared in accordance with Part 172 of the HMR, the carrier may rely on the information provided by the offeror (or a prior carrier). That reliance stands unless the carrier knows or a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information is incorrect (§ 171.2(f)).

In addition to acceptance, § 177.817(e) sets out driver responsibilities regarding the presence, placement, and accessibility of shipping papers during transportation. Furthermore, motor carriers are tasked with ensuring each hazmat employee, including drivers involved in transportation, receives training specific to the functions for which the employee is responsible (see § 172.704(a)(2)). Because drivers are trained in these specific functions, they are expected to exercise reasonable care by reviewing the shipping paper to ensure apparent regulatory requirements are met (such as the visible presence of the basic description).

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