



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 27 2018

Collin Mooney  
Commercial Vehicle Safety Alliance  
6303 Ivy Lane, Suite 310  
Greenbelt, MD 20770

Reference No. 18-0005

Dear Mr. Mooney:

This letter is in response to your January 5, 2018, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the marking requirements for bulk packagings.

We have paraphrased and answered your questions as follows:

- Q1. You ask when identification numbers are required on all four sides of the transport vehicle.
- A1. If the identification number marking required by § 172.302(a) for portable tanks, IBCs, and consumer storage containers is not visible, the transport vehicle or freight container used to transport the bulk packaging must be marked on each side and each end as required by § 172.332 with the identification number specified for the material in the § 172.101 Hazardous Materials Table (see §§ 172.326 and 172.331).
- Q2. You ask if the marking requirements for a transport vehicle are different for bulk packagings with a capacity of less than 1,000 gallons.
- A2. The answer is no. See A1.

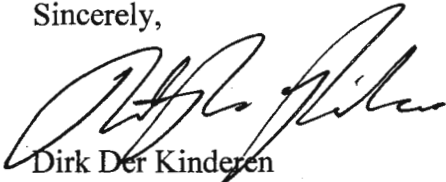
Additionally, you are correct in your understanding of the requirement in § 172.330(b) that a motor vehicle used to transport a multi-unit tank car tank containing a hazardous material must be marked on each side and each end regardless of the visibility of the identification number marking on the bulk packaging itself. However, for bulk packagings other than multi-unit tank car tanks, if the identification number marking required by § 172.302(a) is visible no additional identification number markings are required on the transport vehicle.

Q3. You ask if it is the Pipeline and Hazardous Materials Safety Administration's intent that the display of the identification number marking on transport vehicles per 49 CFR, Subpart D be consistent with the placarding requirements in 49 CFR, Subpart F.

A3. The answer is no. Although the requirements for placarding and marking bulk packagings may be similar and resemble consistency, they are two separate requirements in the HMR.

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 "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D".

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



# Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

January 5, 2018

Shane Kelley  
Acting Director  
Standard and Rulemaking (PHH-10)  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Mr. Kelley,

The Commercial Vehicle Safety Alliance (CVSA) is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

With support from the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Community Safety Grant program, CVSA provides in-depth training to hazardous materials inspectors throughout the country. During a recent CVSA Regional Cooperative Hazardous Materials Enforcement Development (COHMED) Training session, our instructors were asked a question about displaying identification numbers on a transport vehicle transporting an intermediate bulk container (IBC) when the identification numbers displayed on the IBC are visible from the sides of the transport vehicle. This would be a common scenario when a flatbed straight truck is used to transport IBCs or other bulk packaging less than 1000 gallons. In this case, are the identification numbers required on the front and rear of the transport vehicle?

This same scenario would be applicable to portable tanks less than 1000 gallons marked according to §172.326, multi-unit tank car tanks marked according to §172.330, other bulk packaging marked according to §172.331 and consumer storage containers less than 1000 gallons shipped per §173.315(j). This scenario would only occur when the bulk packaging is less than 1000 gallons and the packaging is visible.

We asked several hazardous materials specialists and instructors around the country this question. They all agreed that the vehicle requires identification numbers on all four sides and have taught that for many years.

We looked at every interpretation applicable to §172.302, §172.326, §172.330, §172.331, §172.332 and §173.315. The following interpretations address the display of identification numbers and this issue either directly or indirectly: 98-0044, 01-0286, 02-0029, 03-0206, 08-0175, 09-0171, 12-0055, 13-0206, 14-0183, 15-0120 and 16-0004.

Subpart D in Part 172 does not have a specific section that addresses identification number marking on transport vehicles. Instead, it is addressed in the following code sections: §172.326(c)(1), §172.330(b) and §172.331(c).

Both §172.326(c)(1) and §172.331(c) address when identification numbers are not visible on a bulk packaging. In those cases, the transport vehicle must display identification numbers on each side and each end. Neither code specifies how many identification numbers must be displayed on the transport vehicle when the identification numbers on the bulk packaging are visible.

§172.330(b) requires a motor vehicle transporting multi-unit tank car tanks (ton cylinders) to display the identification number on both sides and each end of the motor vehicle, regardless of whether or not the identification numbers displayed on the tank(s) are visible.

Interpretation 13-0206 gives specific guidance on this issue, which seems to be inconsistent with other guidance and what is currently being taught. The following is an excerpt from that interpretation with the language that is a concern underlined.

*“This is in response to your October 31, 2013 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to identification numbers on Intermediate Bulk Containers (IBCs). In your scenario, a 500 gallon IBC containing a Class 8 corrosive liquid is transported on an open-sided flatbed truck. The IBC has the correct United Nations (UN) identification number on orange panels on two opposing sides in accordance with §172.302(a)(2). These identification numbers are viewable from either side of the flatbed. You ask if the flatbed is also required to display the UN identification numbers on the front and rear of the vehicle.”*

*The answer is no. As prescribed in §172.302(a), bulk packages with a capacity of less than 1,000 gallons capacity are required to display identification numbers only on two opposing sides. For bulk packages of 1,000 gallons capacity or more, identification numbers must be displayed on all four sides.”*

From our analysis, the display of identification numbers on transport vehicles is not specifically addressed in the regulations. Specifically, with bulk packaging less than 1000 gallons.

We request interpretation on the following issues, so the matter can be uniformly enforced by roadside inspectors and the motor carrier industry has a clear understanding of the marking requirements.

1. When are identification numbers required on all four sides of a transport vehicle?
2. Are the requirements for marking a transport vehicle different for bulk packaging(s) less than 1000 gallons?
3. Is it PHMSA's intent that the display of identification number markings on transport vehicles per Subpart D be consistent with placarding requirements in Subpart F?

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the opportunity to comment on this proposal and the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at [collinm@cvsa.org](mailto:collinm@cvsa.org).

Respectfully,



Collin B. Mooney, MPA, CAE  
Executive Director  
Commercial Vehicle Safety Alliance