



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 26, 2022

Roy Terwilliger
Sheetz, Inc.
5700 6th Avenue
Altoona, PA 16602

Reference No. 21-0112

Dear Mr. Terwilliger:

This letter is in response to your December 1, 2021, email and subsequent phone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. Specifically, you provided two photographs of a “UN1203” placard displayed on the rear of a cargo tank motor vehicle and ask whether it complies with § 172.516 because the white border on the lower left side of the placard is minimally obstructed by a yellow warning light from the direction it faces. You believe the placard display is consistent with the visibility requirements of the HMR and prior clarification provided in letters of interpretation (e.g., Ref. Nos. 14-0106, 15-0076, and 16-0035).

Based on the photographs you provided, it is the opinion of this Office that the display of the “UN1203” placard complies with the regulations for visibility and display of placards in § 172.516.

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".

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: FW: Placard Display Interpretation Requested 49 CFR 172.516(c)
Date: Friday, December 17, 2021 11:48:50 AM
Attachments: [Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Exhibit 3.pdf](#)

Dear Alice please see the below LOI request. The requestor has a different phone number that should be used for this letter request. The number is: 336 830-6275.

If you have any questions, please do not hesitate to reach out.

Regards,

Josh, HMIC

From: Roy Terwilliger <rterwill@sheetz.com>
Sent: Wednesday, December 1, 2021 11:01 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Placard Display Interpretation Requested 49 CFR 172.516(c)

INFOCNTR,

We are requesting an interpretation of a placard displayed below.

Based upon past interpretations from PHMSA (Exhibit 1, Exhibit 2, and Exhibit 3) attached for reference, we seek interpretation from PHMSA as to whether or not the placard displayed below (1203) is a violation of 172.516(c); as being obstructed by the yellow warning work-light, shown at the 7' o'clock position to the placard, to the point of being "substantially reduced" and thus a violation or is it consistent with past PHMSA interpretations.

172.516(a) states that, "each placard on a motor vehicle and each placard on a rail car must be **clearly visible from the direction it faces**". In our photos below of our trailer this is the view of the placard from the "*direction it faces*".

172.516(c)(6) states that placards “Be maintained by the carrier in a condition so that the format, legibility, color and visibility of the placard will not be “**substantially reduced**” due to damage, deterioration or **obscurement** by dirt or other matter.



PHMSA INTERPRETATIONS:

Exhibit 1: PHMSA offered an interpretation to the question, “what constitutes Placard Damaged/Deteriorated/Obscured per FMCSA 172.516(c)(6)”. PHMSA’s response was that, in their opinion, the placard would be acceptable under 172.516 despite a minor defect in the placard; and emphasized that the carrier must maintain the placard in a condition so that the format, legibility, color and visibility of the placard will not be **substantially reduced** due to damage, deterioration, or obscurement by dirt or other matter.”

Exhibit 2: PHMSA offered an interpretation regarding a placard that was, by definition, not compliant with the manufacturing design standard of 49 CFR 172.542(b) due to an obstruction of the placard caused by the placard holder. Yet, PHMSA once again ruled that despite the placard being *partially* obstructed was compliant with 49 CFR 172.516(c)(6) since the obstruction “*did not obstruct or cover any of the essential design elements*”.

Exhibit 3: PHMSA offered an interpretation regarding a placard that was in fact not compliant with the respective regulations, and held that the placard was “substantially reduced” because the **essential elements were reduced significantly** enough to be obscured and not meet the original manufacturing standard of 49 CFR 172.558.

Thank you for your consideration.

Roy Terwilliger
CLI Transport, LP
5700 6TH AVE
ALTOONA, PA 16602
(800) 582-0456
rterwill@sheetz.com



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUL 09 2015

Ms. Michele A. Jacobs
The Lane Construction Corporation
90 Fieldstone Court
Cheshire, CT 06410

Reference No. 15-0076

Dear Mr. Jacobs:

This is in response to your April 17, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placards. You ask what kind of damage would have to occur to a placard for it not to meet the placard specification in § 172.516. In your letter, you include a picture of a placard with a rivet hole and ask if it would be acceptable under § 172.516.

The answer is yes. It is the opinion of this Office that the placard depicted in your letter would be acceptable under § 172.516. As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter. The Pipeline and Hazardous Materials Safety Administration (PHMSA) cannot make a broad determination about what would be considered substantial damage to a placard. Therefore, PHMSA must consider whether the condition of a placard is still acceptable on a case-by-case basis.

I hope this satisfies your request.

Sincerely,

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

Dodd, Alice (PHMSA)

Andrews
§ 172.516 (c)(6)
Usability and display
of Placards

15-0076

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, April 21, 2015 3:47 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)
Attachments: April 17, 2015 Hazmat Letter of Interpretation 49 CFR 172.516 (c)(6).docx

Dear Shante and Alice,

Attached is a formal letter of interpretation. Ms Jacobs spoke with Victoria Lehman and was also given interpretation reference number 99-0025 and 14-0106.

Thanks,
Shelby

From: Michele A. Jacobs [<mailto:majacobs@laneconstruct.com>]
Sent: Tuesday, April 21, 2015 2:15 PM
To: INFOCNTR (PHMSA)
Subject: FW: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)

Please see attached document for a request for a formal letter of interpretation of 49 CFR 172.516 (c)(6).

Thank you,

Michele A. Jacobs
LANE
Corporate Safety and Fleet Manager
The Lane Construction Corporation
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: MAJacobs@LaneConstruct.com
☎: 704.395.3243 | 📠: 704.394.5354 | Cell: 704.201.1249

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From: Michele A. Jacobs
Sent: Friday, April 17, 2015 6:40 PM
To: 'phmsa.webmaster@dot.gov'
Subject: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)

Please see attached document for a request for a letter of interpretation of 49 CFR 172.516 (c)(6).



Thank you,

Michele A. Jacobs

LANE

Corporate Safety and Fleet Manager
The Lane Construction Corporation
8205 Wilkinson Blvd. | Charlotte, NC 28214

: MAJacobs@LaneConstruct.com

: 704.395.3243 | : 704.394.5354 | Cell: 704.201.1249

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LANE

Office of Pipeline Safety
Pipeline and Hazardous Material Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, DC 20590

April 17, 2015

RE: Request – Letter of Interpretation – 49 CFR 172.516 (c)(6)

To Whom It May Concern:

I am looking for clarification on what constitutes "Placard Damaged/Deteriorated/Obscured per FMCSA 172.516 (c)(6). Would a scratch or peeled section the size of a small rivet head be considered damaged under 172.516? Would a slight tear or scratch around the perimeter or inside the placard be considered damaged? These conditions could occur from a rock hitting the placard during a normal route of driving on the road to a destination. Can you provide guidance to show when a placard is considered to NOT meet the standard that states "must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter".

Does the 1993 placard pictured below meet the guidelines of 172.516(c)(6) and therefore would not be considered in violation? The area is a small circle just above the finger in the picture.





We would greatly appreciate more definitive answers to these questions so that we can appropriately instruct our drivers as to what is considered damaged placards during our training sessions.

We do keep extra placards in all of our hazmat vehicles, however, when a driver does not think there is damage that constitutes replacement and then receives a violation for a minor imperfection it is difficult to know how to proceed. In summary we are looking for guidance in determining the point at which damage to a placard constitutes replacement.

Thank you very much for your time and we look forward to your response.

Sincerely,

Michele A. Jacobs

LANE

Corporate Safety and Fleet Manager
The Lane Construction Corporation
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: MAJacobs@LaneConstruct.com

☎: 704.395.3243 | 📠: 704.394.5354 | Cell: 704.201.1249

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The Lane Construction Corporation

90 Fieldstone Court Cheshire, CT 06410 USA ☎ 203.235.3351

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LaneConstruct.com

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, April 21, 2015 10:22 AM
To: Hazmat Interps
Subject: FW: Formal Letter of interpretation

Dear Shante and Alice,

Attached is a formal letter of interpretation request. Mr. McElhoe spoke with Jordan Rivera. His mailing address is:

Scott McElhoe
Northland Services Inc.
6700 W. Marginal Way SW
Seattle, WA 98106

Thanks,
Shelby

From: Scott McElhoe [<mailto:smcelhoe@Lynden.com>]
Sent: Wednesday, April 15, 2015 2:35 PM
To: INFOCNTR (PHMSA)
Subject: Formal Letter of interpretation

Mailing addressed requested 4/16/2015 ta 12:57 pm

Am I correct to interpret 49 CFR 176.410(e) that UN0332, Agent blasting Type E, 1.5D, II, may be stowed in the same freight container as UN1942, Ammonium nitrate, 5.1, III? If so, is segregation required between a freight container of UN0332 and a freight container of UN1942?

Regards,

Scott McElhoe, CSP
Assistant General Manager
Northland Services Inc.
(206) 892-2788



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUL 26 2016

Maureen Levy Poole
SJ Transportation Co, Inc.
1176 US Route 40 PO Box 169
Woodstown, NJ 08098

Ref. No. 16-0035

Dear Ms. Poole:

This responds to your March 3, 2016 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. You request clarification on what constitutes substantially reduced placard visibility, as provided in § 172.516. In your email, you provide an example of a placard that is partially obstructed by a placard holder and ask whether this is considered damaged.

The answer is no. We do not consider the example placard provided to be damaged. However, we note that the picture you provided shows a placard that does not fit precisely in the placard holder, which appears to be designed according to the placard holder specifications in Appendix C to Part 172. The Dimensional Specifications for Recommended Placard Holder in Appendix C to Part 172 were originally adopted to be consistent with the larger minimum size requirements of 273 mm x 273 mm (or 10 ¾ in. x 10 ¾ in.) for placards prior to the publication of final rule HM-218F on July 20, 2011 [76 FR 43510]. The HM-218F rule reduced the placard minimum size requirements to 250 mm x 250 mm (~ 9 ¾ in. x 9 ¾ in.) to harmonize with international standards.

The horizontal cross members of the recommended placard holder do not obstruct or cover any of the essential design elements of the original larger minimum size placard (i.e., a 273 mm x 273 mm placard). Yet, if a placard is designed to the current minimum size requirements (i.e., a 250 mm x 250 mm placard), it would not fit precisely in a placard holder strictly designed to Appendix C standards. The specifications in Appendix C are not intended to be fixed and should be adjusted accordingly for consistency with the size of the placard it is intended to hold.

Regardless of which size placard is affixed to a transport vehicle, the placard holder used should not obscure the format of the placard.

As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or *obscurement* (emphasis added) by dirt or other matter.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written over a horizontal line.

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

Ciccarone
§ 172.516(c)(6)
Placarding

Dodd, Alice (PHMSA)

16-0035

From: Geller, Shelby CTR (PHMSA)
Sent: Wednesday, March 02, 2016 3:46 PM
To: Hazmat Interps
Subject: FW: 49 CFR 172.516 (c)(6)
Attachments: 0226160723-00.jpg

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Ms Levy spoke with Jordan in the HMIC.

Thanks,
Shelby

From: Maureen Levy [<mailto:mlevy@sjtransportation.com>]
Sent: Tuesday, March 01, 2016 1:28 PM
To: PHMSA HM InfoCenter
Subject: 49 CFR 172.516 (c)(6)

Good Afternoon,

I am seeking to gain clarification of the placarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180. Specifically, clarification on what constitutes substantially reduced placard visibility, as referenced in § 172.516.

Attached is an example of a placard. Can you please advise if this would be considered damaged? Thank you for your help with this matter.

Safe Travels!

Maureen Levy Poole
Director of HR & Risk Management
SJ Transportation Co, Inc.
1176 US Route 40
PO Box 169
Woodstown, NJ 08098
856-769-2741 ext. 125 ~ Phone
856-769-9811 ~ Fax
www.sjtransportation.com ~ Website

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U.S. Department
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Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 24 2014

Mr. James Cherry
J.B. Hunt Transport, Inc.
615 J B Hunt Corporate Drive
Lowell, AR 72745

Ref No. 14-0106

Dear Mr. Cherry:

This is a response to your May 30, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to placarding. Specifically, you request clarification on what constitutes substantially reduced placard visibility.

In your email, you provide examples of damaged placards. As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter.

All are considered "substantially reduced" because for each example provided, the format has been substantially reduced. The format of the corrosive placard must be as shown in § 172.558.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

Suchak
§ 172.516 (c)(6)
Placarding
14-0106

From: INFOCNTR (PHMSA)
Sent: Friday, May 30, 2014 4:36 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request letter of interpretation - 49 CFR 172.516 (c)(6)

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,

Victoria

From: James_Cherry@jbhunt.com [mailto:James_Cherry@jbhunt.com]
Sent: Friday, May 30, 2014 9:25 AM
To: INFOCNTR (PHMSA)
Cc: HAZMAT@jbhunt.com
Subject: Request letter of interpretation - 49 CFR 172.516 (c)(6)

(6) Be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter;

To whom it may concern:

I am looking for clarification on what constitutes "substantially reduced" visibility of the placard due to factors such as damage from road debris or weather. The way I train drivers is that any damage can be interpreted as "substantial," and the DOT allows inspectors wide latitude in enforcing the regulation; drivers must inspect their placards regularly and repair or replace them if there is any visible damage. On the other hand, if a reasonable person can clearly perceive that it is a hazmat placard, determine the hazard class, etc the case can be made that the placard was provided by the shipper in good faith, affixed by the driver in good faith and that road damage caused the placard to get out-of-spec, non preventable, without adversely impacting safety.

Example 1:



Example 2:



Example 3:



Example 4:



Example 5:



Example 6:



Thanks,

James Cherry | Hazardous Materials Coordinator | Safety - Compliance



479.419.3838 (O) | 479.236.6792 (C) | 479.820.5723 (F)

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U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUL 09 2015

Ms. Michele A. Jacobs
The Lane Construction Corporation
90 Fieldstone Court
Cheshire, CT 06410

Reference No. 15-0076

Dear Mr. Jacobs:

This is in response to your April 17, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placards. You ask what kind of damage would have to occur to a placard for it not to meet the placard specification in § 172.516. In your letter, you include a picture of a placard with a rivet hole and ask if it would be acceptable under § 172.516.

The answer is yes. It is the opinion of this Office that the placard depicted in your letter would be acceptable under § 172.516. As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter. The Pipeline and Hazardous Materials Safety Administration (PHMSA) cannot make a broad determination about what would be considered substantial damage to a placard. Therefore, PHMSA must consider whether the condition of a placard is still acceptable on a case-by-case basis.

I hope this satisfies your request.

Sincerely,

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

Dodd, Alice (PHMSA)

Andrews
§ 172.516 (c)(6)
Usability and display
of placards
15-0076

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, April 21, 2015 3:47 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)
Attachments: April 17, 2015 Hazmat Letter of Interpretation 49 CFR 172.516 (c)(6).docx

Dear Shante and Alice,

Attached is a formal letter of interpretation. Ms Jacobs spoke with Victoria Lehman and was also given interpretation reference number 99-0025 and 14-0106.

Thanks,
Shelby

From: Michele A. Jacobs [<mailto:majacobs@laneconstruct.com>]
Sent: Tuesday, April 21, 2015 2:15 PM
To: INFOCNTR (PHMSA)
Subject: FW: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)

Please see attached document for a request for a formal letter of interpretation of 49 CFR 172.516 (c)(6).

Thank you,

Michele A. Jacobs
LANE
Corporate Safety and Fleet Manager
The Lane Construction Corporation
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: MAJacobs@LaneConstruct.com
☎: 704.395.3243 | 📠: 704.394.5354 | Cell: 704.201.1249

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From: Michele A. Jacobs
Sent: Friday, April 17, 2015 6:40 PM
To: 'phmsa.webmaster@dot.gov'
Subject: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)

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Thank you,

Michele A. Jacobs

LANE

Corporate Safety and Fleet Manager
The Lane Construction Corporation
8205 Wilkinson Blvd. | Charlotte, NC 28214

: MAJacobs@LaneConstruct.com

: 704.395.3243 | : 704.394.5354 | Cell: 704.201.1249

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LANE

Office of Pipeline Safety
Pipeline and Hazardous Material Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, DC 20590

April 17, 2015

RE: Request – Letter of Interpretation – 49 CFR 172.516 (c)(6)

To Whom It May Concern:

I am looking for clarification on what constitutes "Placard Damaged/Deteriorated/Obscured per FMCSA 172.516 (c)(6). Would a scratch or peeled section the size of a small rivet head be considered damaged under 172.516? Would a slight tear or scratch around the perimeter or inside the placard be considered damaged? These conditions could occur from a rock hitting the placard during a normal route of driving on the road to a destination. Can you provide guidance to show when a placard is considered to NOT meet the standard that states "must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter".

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We do keep extra placards in all of our hazmat vehicles, however, when a driver does not think there is damage that constitutes replacement and then receives a violation for a minor imperfection it is difficult to know how to proceed. In summary we are looking for guidance in determining the point at which damage to a placard constitutes replacement.

Thank you very much for your time and we look forward to your response.

Sincerely,

Michele A. Jacobs

LANE

Corporate Safety and Fleet Manager
The Lane Construction Corporation
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: MAJacobs@LaneConstruct.com

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LaneConstruct.com

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Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, April 21, 2015 10:22 AM
To: Hazmat Interps
Subject: FW: Formal Letter of interpretation

Dear Shante and Alice,

Attached is a formal letter of interpretation request. Mr. McElhoe spoke with Jordan Rivera. His mailing address is:

Scott McElhoe
Northland Services Inc.
6700 W. Marginal Way SW
Seattle, WA 98106

Thanks,
Shelby

From: Scott McElhoe [<mailto:smcelhoe@Lynden.com>]
Sent: Wednesday, April 15, 2015 2:35 PM
To: INFOCNTR (PHMSA)
Subject: Formal Letter of interpretation

Mailing addressed requested 4/16/2015 ta 12:57 pm

Am I correct to interpret 49 CFR 176.410(e) that UN0332, Agent blasting Type E, 1.5D, II, may be stowed in the same freight container as UN1942, Ammonium nitrate, 5.1, III? If so, is segregation required between a freight container of UN0332 and a freight container of UN1942?

Regards,

Scott McElhoe, CSP
Assistant General Manager
Northland Services Inc.
(206) 892-2788



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUL 26 2016

Maureen Levy Poole
SJ Transportation Co, Inc.
1176 US Route 40 PO Box 169
Woodstown, NJ 08098

Ref. No. 16-0035

Dear Ms. Poole:

This responds to your March 3, 2016 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. You request clarification on what constitutes substantially reduced placard visibility, as provided in § 172.516. In your email, you provide an example of a placard that is partially obstructed by a placard holder and ask whether this is considered damaged.

The answer is no. We do not consider the example placard provided to be damaged. However, we note that the picture you provided shows a placard that does not fit precisely in the placard holder, which appears to be designed according to the placard holder specifications in Appendix C to Part 172. The Dimensional Specifications for Recommended Placard Holder in Appendix C to Part 172 were originally adopted to be consistent with the larger minimum size requirements of 273 mm x 273 mm (or 10 ¾ in. x 10 ¾ in.) for placards prior to the publication of final rule HM-218F on July 20, 2011 [76 FR 43510]. The HM-218F rule reduced the placard minimum size requirements to 250 mm x 250 mm (~ 9 ¾ in. x 9 ¾ in.) to harmonize with international standards.

The horizontal cross members of the recommended placard holder do not obstruct or cover any of the essential design elements of the original larger minimum size placard (i.e., a 273 mm x 273 mm placard). Yet, if a placard is designed to the current minimum size requirements (i.e., a 250 mm x 250 mm placard), it would not fit precisely in a placard holder strictly designed to Appendix C standards. The specifications in Appendix C are not intended to be fixed and should be adjusted accordingly for consistency with the size of the placard it is intended to hold.

Regardless of which size placard is affixed to a transport vehicle, the placard holder used should not obscure the format of the placard.

As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or *obscurement* (emphasis added) by dirt or other matter.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written over a horizontal line.

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

Ciccarone
§ 172.516(c)(6)
Placarding

16-0035

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Wednesday, March 02, 2016 3:46 PM
To: Hazmat Interps
Subject: FW: 49 CFR 172.516 (c)(6)
Attachments: 0226160723-00.jpg

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Ms Levy spoke with Jordan in the HMIC.

Thanks,
Shelby

From: Maureen Levy [<mailto:mlevy@sjtransportation.com>]
Sent: Tuesday, March 01, 2016 1:28 PM
To: PHMSA HM InfoCenter
Subject: 49 CFR 172.516 (c)(6)

Good Afternoon,

I am seeking to gain clarification of the placarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180. Specifically, clarification on what constitutes substantially reduced placard visibility, as referenced in § 172.516.

Attached is an example of a placard. Can you please advise if this would be considered damaged? Thank you for your help with this matter.

Safe Travels!

Maureen Levy Poole
Director of HR & Risk Management
SJ Transportation Co, Inc.
1176 US Route 40
PO Box 169
Woodstown, NJ 08098
856-769-2741 ext. 125 ~ Phone
856-769-9811 ~ Fax
www.sjtransportation.com ~ Website

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U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 24 2014

Mr. James Cherry
J.B. Hunt Transport, Inc.
615 J B Hunt Corporate Drive
Lowell, AR 72745

Ref No. 14-0106

Dear Mr. Cherry:

This is a response to your May 30, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to placarding. Specifically, you request clarification on what constitutes substantially reduced placard visibility.

In your email, you provide examples of damaged placards. As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter.

All are considered "substantially reduced" because for each example provided, the format has been substantially reduced. The format of the corrosive placard must be as shown in § 172.558.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

Suchak
§ 172.516 (c)(6)
Placarding
14-0106

From: INFOCNTR (PHMSA)
Sent: Friday, May 30, 2014 4:36 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request letter of interpretation - 49 CFR 172.516 (c)(6)

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,

Victoria

From: James_Cherry@jbhunt.com [mailto:James_Cherry@jbhunt.com]
Sent: Friday, May 30, 2014 9:25 AM
To: INFOCNTR (PHMSA)
Cc: HAZMAT@jbhunt.com
Subject: Request letter of interpretation - 49 CFR 172.516 (c)(6)

(6) Be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter;

To whom it may concern:

I am looking for clarification on what constitutes "substantially reduced" visibility of the placard due to factors such as damage from road debris or weather. The way I train drivers is that any damage can be interpreted as "substantial," and the DOT allows inspectors wide latitude in enforcing the regulation; drivers must inspect their placards regularly and repair or replace them if there is any visible damage. On the other hand, if a reasonable person can clearly perceive that it is a hazmat placard, determine the hazard class, etc the case can be made that the placard was provided by the shipper in good faith, affixed by the driver in good faith and that road damage caused the placard to get out-of-spec, non preventable, without adversely impacting safety.

Example 1:



Example 2:



Example 3:



Example 4:



Example 5:



Example 6:



Thanks,

James Cherry | Hazardous Materials Coordinator | Safety - Compliance



479.419.3838 (O) | 479.236.6792 (C) | 479.820.5723 (F)

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