



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

February 3, 2022

Ms. Marie Copeman  
XPO Logistics  
2211 Old Earhart Road  
Ann Arbor, MI 48105

Reference No. 21-0059

Dear Ms. Copeman:

This letter is in response to your May 25, 2021, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. In your email, you describe a scenario where a vehicle is placarded on four sides—two sides with rail combustible liquid placards and two sides with standard combustible liquid placards. You ask whether it is permissible to placard a vehicle using both the rail combustible liquid placards as described in § 172.332(c)(4) and the standard combustible liquid placards as described in § 172.544, at the same time.

The answer is yes. As you noted in your email, § 172.332(c)(4) states “For a COMBUSTIBLE placard used to display an identification number, the entire background below the white background for the identification number must be white during transportation by rail and may be white during transportation by highway.” Although not specified, there is no prohibition in the HMR from using a combination of the two authorized combustible liquid placards on the same motor vehicle by highway transportation. Therefore, it is the opinion of this Office that using both placards on the same motor vehicle is permitted under the HMR only during highway transportation.

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster".

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Letter of Interpretation Requested  
**Date:** Wednesday, May 26, 2021 10:16:38 AM  
**Attachments:** [Inspection Report Redacted.pdf](#)

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Good Morning Alice,

Please see the below Interpretation request and attachment.

Let us know if you need anything else from us.

Regards,

-Breanna

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**From:** Marie Copeman [mailto:Marie.Copeman@xpo.com]  
**Sent:** Tuesday, May 25, 2021 1:41 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Subject:** Letter of Interpretation Requested

**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.

Good Afternoon,

One of our drivers received a violation from the Missouri State Highway Patrol. The violation was for using two of four bulk combustible rail placards with the white bottom and the other two being the regular combustible bulk placard with the red bottom. I called the HMIC and was told, after the person discussed it with a standards colleague, that there was no restriction for using these placards on the same vehicle during highway transportation. Based on our discussion, I disputed the violation, however, the officer stated "We reached out to FMCSA and they provided the attached PHMSA interpretation, which ways that each side and each end of a freight container, unit load device, transport vehicle, or rail car must have identical placards of design and quantity. PHMSA Interp # 20-0022".

These were bulk containers containing a combustible liquid. Per 172.302 - General marking requirements for bulk packagings, the vehicle was required to be marked as required by 172.332 (see 172.302(a)). 172.332(c)(4) states: "(4) For a COMBUSTIBLE placard used to display an identification number, the entire background below the white background for the identification number must be white during transportation by rail and may be white during transportation by highway."

The letter of interpretation is below. A copy of the inspection report (personal information redacted) is attached.

Based on the conversation I had with your office I do not feel this letter of interpretation applies. Please provide us with a letter of interpretation which will clarify this specific

situation.

## Interpretation Response #20-0022

Below is the interpretation response detail and a list of regulations sections applicable to this response.

### Interpretation Response Details

**Response Publish Date:** 05-07-2020

**Company Name:** Railsback HazMat Safety Professionals LLC   **Individual Name:** Rex Railsback

**Location state:** KS   **Country:** US

View the [Interpretation Document](#)

#### Response text:

May 7, 2020

Rex Railsback  
HazMat Specialist  
Railsback HazMat Safety Professionals LLC  
312 Lawrence Ave  
Lawrence, KS 66049

Reference No. 20-0022

Dear Mr. Railsback:

This letter is in response to your March 5, 2020 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. Specifically, you request the applicability of the response in previous Letter of Interpretation (LOI) No. 05-0108 as it relates to a number of scenarios you describe. You state the scenario in LOI No. 05-0108 involves a transport vehicle that requires placards, but also meets the requirements to utilize the "Dangerous" placard as specified in § 172.504(b). In the same scenario, a vehicle is placarded on two ends with "Flammable Gas" placards, and on two sides with "Dangerous" placards. You state that LOI No. 05-0108 specifies that such placarding would not be authorized by the HMR, and that the vehicle should be placarded with the same placard(s) on both ends and both sides. Lastly, you state it is your understanding that this letter implies a person cannot mix required placards with other placards that are authorized by an exception.

We have paraphrased and answered your questions as follows:

Q1. You ask whether use of the "Flammable" and "Corrosive" placards on three sides of a vehicle and the "Dangerous" placard on the fourth side in accordance with the exception requirements for the "Dangerous" placard in § 172.504(b) is permitted for a transport vehicle that is loaded with 600 lbs. of Class 3 (Flammable) material in non-bulk packages and 600 lbs. of Class 8 (Corrosive) material in non-bulk packages.

A1. The answer is no. A freight container, unit load device, transport vehicle, or rail car which contains non-bulk packages with two or more categories of hazardous materials that require different placards specified in table 2 of § 172.504(e) may be placarded with a "Dangerous" placard instead of the separate placarding specified for each of the materials in table 2. However, each side and each end of a freight container, unit load device, transport vehicle, or rail car must have identical placards in design and quantity.

Q2. You ask whether use of the "Flammable Gas" placard on two ends of the vehicle and the "Flammable Gas" and "Non-Flammable Gas" placards on two sides of the vehicle using the exception for the "Non-Flammable Gas" placard in § 172.504(f)(3) is permitted for a transport vehicle that is loaded with 600 lbs. of Division 2.1 (Flammable Gas) material in non-bulk packages and 600 lbs. of Division 2.2 (Non-flammable Gas) material in non-bulk packages.

A2. The answer is no. Each side and each end of a freight container, unit load device, transport vehicle, or rail car must have identical placards in design and quantity.

Q3. You ask whether use of the "Non-Flammable Gas" placards on two ends of the vehicle and the "Oxygen" placard on two sides of the vehicle in accordance with the exception for the "Oxygen" placard in § 172.504(f)(7) is permitted if a transport vehicle is loaded with 1,200 lbs. of Division 2.2, Oxygen, compressed in non-bulk packages.

A3. The answer is no. Each side and each end of a freight container, unit load device, transport vehicle, or rail car must have identical placards in design and quantity.

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

Sincerely,

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

172.504(b), 172.504(e), 172.504(f)(3), 172.504(f)(7)

Respectfully,

**Marie Copeman**

**Less-Than-Truckload**

Manager of Safety Compliance

**XPOLogistics**

2211 Old Earhart Road

Ann Arbor USA

# DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Missouri State Highway Patrol  
Commercial Vehicle Enforcement Division  
P.O. Box 568, Jefferson City, MO 65102-0568  
Phone: (573)526-6128 cvemail@mshp.dps.mo.gov  
Return of report NOT required.

Report Number: MO00SH004596  
Inspection Date: 04/05/2021  
Start: 08:53 AM CT End: 9:30:00 AM CT  
Inspection Level: II - Walk-Around  
HM Inspection Type: Bulk

XPO LOGISTICS FREIGHT INC  
2211 OLD EARHART ROAD  
ANN ARBOR, MI 48105-2751

USDOT#: 00241829 Phone#: (734)994-6600  
MC/MX#: 165377 Fax#:  
State#:

Location: 1900 N JEFFERSON  
Highway: I64  
County: SAINT LOUIS CITY, MO

MilePost:  
Origin: ALVIN, TX  
Destination: ST LOUIS, MO

Driver: [REDACTED]  
License#: [REDACTED] State: MO  
Date of Birth: [REDACTED]  
CoDriver:  
License#: [REDACTED] State:  
Date of Birth: [REDACTED]  
Shipper: EXCEL CHEMICAL, ALVIN TX 77511  
Bill of Lading: 738-383192  
Cargo: NA1993

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2015	IN	2498332	5784609	1FUBCXCY5FHGE6842	34,000			
2	ST	UNK	1995	IN	P613598	315-3515	1RZ1KC1A4S1001491	40,000			

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
172.504A	172.504(a)	2	N		N	N	Vehicle not placarded as required: 2 of 4 placards have a white bottom while the other 2 of 4 have a red bottom

**HazMat:** 3 Combustible Liquid

**Placard:** Yes **Cargo Tank:**

**Special Checks:** Traffic Enforcement; Local Enforcement

## State Information:

AGENCY: SLMPD;

I certify that the above violation(s) was/were corrected.

Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



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