



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 17, 2023

Jerry Hudson
Safety Manager
Usher Transport
3801 Shanks Lane
Louisville, KY 40216

Reference No. 22-0133

Dear Mr. Hudson:

This letter is in response to your September 20, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the recordkeeping requirements for the Pipeline and Hazardous Materials Administration (PHMSA) Certificate of Registration and the Federal Motor Carrier Safety Administration (FMCSA) Hazardous Materials Safety Permit.

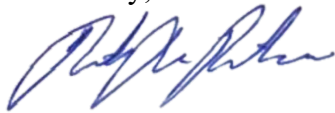
We have paraphrased and answered your questions as follows:

- Q1. You ask whether a copy of the PHMSA Certificate of Registration stored on an electronic device on-board a motor vehicle (e.g., on a driver's tablet) is an acceptable way to comply with the recordkeeping requirements in § 107.620(b).
- A1. The answer is yes. The registration requirements for persons who offer or transport hazardous materials—as prescribed in 49 CFR Part 107 Subpart G—do not stipulate specifically that a paper copy of the PHMSA Certificate of Registration must be carried when transported aboard a motor vehicle. The motor carrier must carry a copy of the current PHMSA Certificate of Registration or another document bearing the registration number on board each truck and truck tractor—neither specifies that it must be in hard copy (paper) form. Therefore, storing a copy electronically on a driver's tablet is acceptable, provided that it is made available upon request (e.g., by enforcement personnel).
- Q2. You ask whether a copy of the FMCSA Hazardous Materials Safety Permit stored on an electronic device on-board a motor vehicle (e.g., on a driver's tablet) is an acceptable way to comply with the recordkeeping requirements in 49 CFR § 385.415.

A2. The answer is yes. As provided in 49 CFR § 385.415(a), each commercial motor vehicle that transports a hazardous material listed in § 385.403 must carry a copy of the safety permit or another document showing the permit number, provided that document clearly indicates the number is the FMCSA Safety Permit number. While this is beyond the scope of the PHMSA Hazardous Materials Program Procedures and the HMR, the FMCSA has stated that according to 49 CFR § 390.32, which is applicable to 49 CFR Part 385, an electronic copy of the Hazardous Materials Safety Permit is an acceptable form of the document as required in 49 CFR § 385.415.

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: [Dodd, Alice \(PHMSA\)](#)
To: [DerKinderen, Dirk \(PHMSA\)](#)
Subject: RE: Letter Requesting Interpretation
Date: Friday, September 23, 2022 7:03:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Will do.

From: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>
Sent: Thursday, September 22, 2022 6:10 PM
To: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>; Dodd, Alice (PHMSA) <Alice.Dodd@dot.gov>; Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Hillman, Kenetha CTR (PHMSA) <kenetha.hillman.CTR@dot.gov>; Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>; Patrick, Eamonn (PHMSA) <eamonn.patrick@dot.gov>
Subject: FW: Letter Requesting Interpretation

Alice,

Please log into the system and ensure the specialist assigned the letter includes Shane in the coordination of the letter.

Thanks,
Dirk Der Kinderen
Chief, Standards Development Branch
PHMSA
202-366-4460 (desk)
202-365-4684 (cell)

From: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Sent: Thursday, September 22, 2022 4:47 PM
To: DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>
Subject: Fwd: Letter Requesting Interpretation

For logging and response. Please include me in coordination chain. Thanks

From: Quade, William (PHMSA) <william.quade@dot.gov>
Sent: Wednesday, September 21, 2022 10:53:23 AM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: FW: Letter Requesting Interpretation

Shane,

Can you please have someone address this request for interp?

Thanks,
BQ

From: jhudson@ushertransport.com <jhudson@ushertransport.com>
Sent: Tuesday, September 20, 2022 3:38 PM
To: Quade, William (PHMSA) <william.quade@dot.gov>
Subject: Letter Requesting Interpretation

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.

Bill,

Please see the attached letter requesting interpretation.

Respectfully,

Jed Hudson

[Safety Manager](#) | [Safety & Risk Management](#) | CDS



T: (502)449-4000

M: (859)661-2034

jhudson@ushertransport.com - www.ushertransport.com

3801 Shanks Lane, Louisville, KY 40216 USA



"In valor there is hope." - Publius Cornelius Tacitus





OUR ONLY PRODUCT IS SERVICE

To Whom It May Concern,

Usher Transport Inc. is seeking guidance on using electronic PHMSA Hazmat Registration and the FMCSA Hazmat Safety Permit. According to regulation both must be present in the vehicle upon request.

107.620(b) states, "After January 1, 1993, each motor carrier subject to the requirements of this subpart must carry a copy of its current Certificate of Registration issued by PHMSA or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the requirements of this subpart. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel."

And

385.415(a)(1) states, "**Information that must be carried in the vehicle.** During transportation, the following must be maintained in each commercial motor vehicle that transports a hazardous material listed in [§ 385.403](#) and must be made available to an authorized official of a Federal, State, or local government agency upon request.

(1) A copy of the safety permit or another document showing the permit number, provided that document clearly indicates the number is the FMCSA Safety Permit number"

We have an electronic copy of both documents on our driver's tablets. We would like to know if the electronic document meets the regulations? Neither are like a shipping paper or ERG. These documents are simply for proof that the carrier is in compliance and by not having a paper copy or the numbers displayed on a piece of paper, would not hinder any type of emergency response.

FMCSA already has a federal interpretation for enforcement agencies to accept other federally required documents. However, 385 and 172.620 are not included in the interpretation. This interpretation was put in place by the Paperwork Reduction Act that was aimed at reducing the burden for small businesses. By requiring two paper documents, a carrier cannot have paperless permitting which creates room for error.

Respectfully, *Jerry C. Hudson*
Safety Manager | Safety & Risk Management



T: (502)449-4000

M: (859)661-2034

jhudson@ushertransport.com - www.ushertransport.com