



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

SEP 24 2013

Mr. Jeff Messer  
Safety Analyst  
Con-Way Truckload  
4701 E. 32<sup>nd</sup> Street  
Joplin, MO 64803

Ref. No. 13-0165

Dear Mr. Messer:

This responds to your July 31, 2013 request for clarifications on shipper and carrier responsibility for placarding under the Hazardous Materials Regulations (HMR; Parts 171-180). In your incoming letter you state that state inspection stations are writing violations to carriers who were not provided proper placards or were provided improper placards. You believe those violations should not be applied to the carrier based on the requirements specified in §§ 171.8, 171.2(f) and 172.506.

Your questions are paraphrased and answered below:

Q1. Is the carrier allowed to trust that a shipper is knowledgeable and that a shipment was prepared in compliance with all HMR requirements?

A1. In accordance with § 171.2(f), each carrier who transports a hazardous material in commerce may rely on information provided by the offeror of the hazardous material, or a prior carrier, unless the carrier knows or, a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the offeror or prior carrier is incorrect.

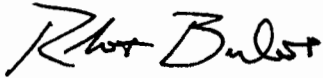
Q2. Is the intent of §172.506(a) to mandate that if a driver has the proper placards he must affix, if not already affixed, and maintain those placards on the trailer while transporting the hazardous materials?

A2. As stated in § 172.506(a)(1), each person offering a motor carrier a hazardous material for transportation by highway must provide the motor carrier with the required placards for the material being offered prior to or at the same time the

material is offered for transportation, unless the carrier's motor vehicle is already placarded for the material. A motor carrier may not transport a hazardous material in a motor vehicle, unless the required placards for the hazardous materials are affixed as required by the HMR.

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict". The signature is written in a cursive, slightly slanted style.

Robert Benedict  
Chief, Standards Development Branch  
Standards and Rulemaking Division



Never Settle for Less.

July 31, 2013

U.S. Department of Transportation  
Pipeline and Hazardous Material Safety Administration  
Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

Boothe  
\$172.506  
\$173.22  
\$171.2 (f)  
Shipper's Responsibility  
13-0165

To Whom It May Concern:

I am looking for clarification on regulations involving carrier and shipper responsibility regarding proper placards. State inspection stations are writing violations to carriers when we're not provided proper placards or were provided improper placards. I believe that those violations should not be applied to the carrier because of the regulations cited below.

In CFR 100-185, under 171.8 Pre-transportation functions performed by the offeror. (14) Selecting, providing, or affixing placards for a freight container or transportation vehicle to indicate that it contains a hazardous material.

Under 171.2(f) No person may transport a hazardous material in commerce unless the hazardous material is transported in accordance with applicable requirements of this subchapter, or exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter. **Each carrier who transports a hazardous material in commerce may rely on information provided by the offeror of the hazardous material,** or a prior carrier, unless the carrier knows or, a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the offeror or prior carrier is incorrect.

Under 172.506(a) Each person offering a motor carrier a hazardous material for transportation by highway shall provide to the motor carrier the **required placards for the material being offered** prior to or at the time the material is offered for transportation unless the carrier's motor vehicle is already placarded for the material as required by this subpart.



*Never Settle for Less.*

Under 172.506(a) (1) No motor carrier may transport a hazardous material in a motor vehicle, unless the placards required for the hazardous materials are affixed thereto as required by this subpart.

*Is the intent of 172.506(a) to mandate that if a driver has the proper placards he must affix, if not already affixed, and maintain those placards on the trailer while transporting the hazardous material?*

I read these regulations as saying that the carrier is allowed to trust that the shipper is knowledgeable and is following all pre-transportations functions, and what they provide, or do not provide, will be in compliance with all 49 CFR regulations.

Please feel free to contact me for further clarification of our position on this matter. Thank you in advance for your time.

Sincerely,

Jeff Messer  
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