



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 29 1998

Mr. Jack Curry
Manager, Safety/Hazardous Materials
Farmland Industries, Inc.
P.O. Box 7305
Kansas City, MO 64114-0005

Dear Mr. Curry:

This is in response to your letter of March 13, 1998, concerning clarifications of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your first question concerns the requirement for a shipper's certification for a shipment that was shipped to the wrong location and had a new shipping paper assigned to it. Your second question concerned whether it is permissible to continue to include a "placarded" notation on your shipping papers even though it is not required.

In response to your first question, when a shipment is offered for transportation and a shipping paper is required, you are subject to § 172.204 which requires a shipper's certification unless excepted in § 172.204(b). Since you created a new shipping paper for the shipment, it must include a signed certification statement.

In response to your second question, you may include a "placarded" notation on your shipping paper even though the HMR do not require you to do so. As provided in § 172.201(a)(4), additional information may be included on a shipping paper after the basic description required by § 172.202(a).

I hope this answers your questions. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



Farmland Industries, Inc.
Post Office Box 7305
Kansas City, Missouri 64116-0005
Telephone: 816 459-6000
Facsimile: 816 459-6979

Contractor
File: 172.204
SC: 224, 210

March 13, 1998

Mr. Alan Roberts
Research and Special Programs Administration
US Department of Transportation
400 S.W. Seventh Street
Washington, DC 20590-0001

Dear Mr. Roberts:

I recently received an internal audit of bills of lading from the Burlington Northern Railroad in which they took exception to some issues, which I question.

One of the issues or to use their language exception which they found dealt with the need for a shipper certification 172.204 on a "rebilled" rail car of ammonia. The car was shipped originally destined for one location. Upon arrival at that location, it was determined that the car needed to be relocated to another location. The car, at that point was rebilled. My question is regarding the need for a shipper certification on this type movement. Is a shipper certification required on movement of a hazardous materials shipment once it has passed it's original intended destination?

The audit committee, also took exception to the fact that Farmland has elected to continue to place a Placarded notation on our bills of lading. We are fully aware that the requirement no longer exists in the regulation. It was decided that Farmland would continue to place this information on the bills. As long as that information appears following any basic description, is there a problem with the display of a placarded statement?

Considering the number of problems that BNSF as well as all the other railroads are having with service complaints, I find it interesting that they have the time or take the trouble to question a shipper regarding the above requested information. Regardless, I look forward to your response, in order to draft response to BNSF.

Sincerely,

Jack Curry, Manager
Safety/Hazardous Materials