



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 21 2000

Mr. George McLaughlan
Montana Highway Patrol
P.O. Box 201419
Helena, MT 59620-1419

Ref. No. 99-0282

Dear Mr. McLaughlin:

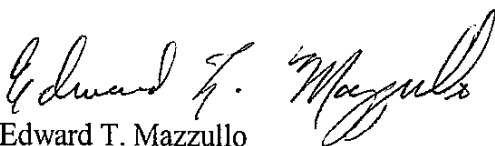
This is in response to your letter and subsequent telephone conversations with Michael Johnsen of my staff concerning the placement of placards on a vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You provided a description and photograph of a placard holder under the bed of a trailer, mounted behind the rear-under-ride protection device. The rear door of the trailer is painted with an elaborate advertising design. You ask if the location of a placard, as described and shown in the photograph, is in compliance with the HMR.

It is the opinion of this Office that a placard located below the bed of a trailer and behind a rear under-ride protection device significantly reduces the visibility of the placard and allows water, dirt, and other debris to be directed onto the placard. Display of a placard in such a location does not comply with the provisions in § 172.516. Additionally, if a placard is displayed on the rear door of the vehicle in the photograph, the placard must be displayed away from any marking (including advertising) that could substantially reduce its effectiveness. The placard must also be affixed to a background of contrasting color, or must have a dotted or solid line outer border which contrasts with the background color (see § 172.516(c)(4) and (7)). This response has been coordinated with the Federal Motor Carrier Safety Administration Hazardous Materials Unit.

I hope this satisfies your request.

Sincerely,


Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



990282

172.510

STATE OF MONTANA
DEPARTMENT OF JUSTICE
MONTANA HIGHWAY PATROL DIVISION

Johnsen
§ 172.510
99-0282

Joseph P. Mazurek
Attorney General



2550 Prospect
PO Box 201419
Helena, MT 59620-1419

October 20, 1999

Mike Johnsen
RSPA OHMS
400 7th Street S
Washington DC, 20590

Mike:

The below listed problem was discussed during the Region 4 meeting, at the 1999 Fall COHMED Conference. The overall feeling of the members present was that a definite problem exists. I was referred to you by Anne Christenson of the RSPA Office of the Chief Counsel to obtain a decision if there is a violation of Section 172.502(a)(2) or not.

The following information pertaining to the incident is submitted;

The Carrier is Interstate Distributor Co, DOT # 008273, 333 South Woodland, Woodburn, Oregon 97071, contact person Rod Brady. Carrier is under contract to del-ver the trailer and cargo to designated customers of Do-It-Best, Ore. The cargo consists of assorted hardware sundries/tools/paints and related materials. The majority of the loads consist of Hazardous Materials (mainly Class 3). Over 75% of the time the load requires the display of HM placards.

The attached pictures show the rear portion of the shippers trailers and the design that has been displayed. The rear of the trailer creates the illusion that the rear door is open when in transport going down the roadway. The illusion has caused numerous situations where enforcement units stop the vehicle to get the driver to close the rear door. Civilian motorists are also continually pulling along side the tractor trying to get the drivers attention to get the driver to pull over and close the rear door. This has caused numerous cases where crashes have been barely avoided. The side placards when displaying the 'red Class 3' placards at certain times blend into the red of the side paint finish. Due to the fact that Hazardous Materials are part if the cargo most times makes the potential of a serious situation that much more serious.

Interstate Distributors Co. has discussed the problem with the shipper, getting a negative response as to altering the design of the rear door of the trailers. The positioning of the rear placard on the rear end protection to get as far away from the rear door design makes the visibility of the placard very poor. (In inclement weather the placard will be obscured by road dirt and

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snow/ice, which at that time the vehicle will be in an out-of-service condition. A roadside inspection MT#MTAD001776 has a violation of 172.502(a)(2) noted. Attached is a letter from Interstate Distributor Co (carrier) requesting assistance.

Upon receipt of your response I will transmit same to Interstate Distributor Co and CMV enforcement units in the area.

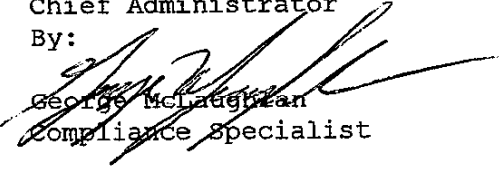
Please send your response to; Montana Highway Patrol, Motor /Vehicle Inspection Bureau, Prospect Avenue, P O Box 1419, Helena , Montana 50620-1419, Attn;George McLaughlan.

Thanks.

Sincerely

Colonel Bert J. Obert
Chief Administrator

By:


George McLaughlan
Compliance Specialist

cc: Colonel Bert J Obert
Rod Brady, Interstate Distributor Co.

*tires
far as possible from wheels
visibility*

*Body of cargo carrying vehicle
Under a frame is not by side or ends
Higher off the road the better*

7-27-99

George,

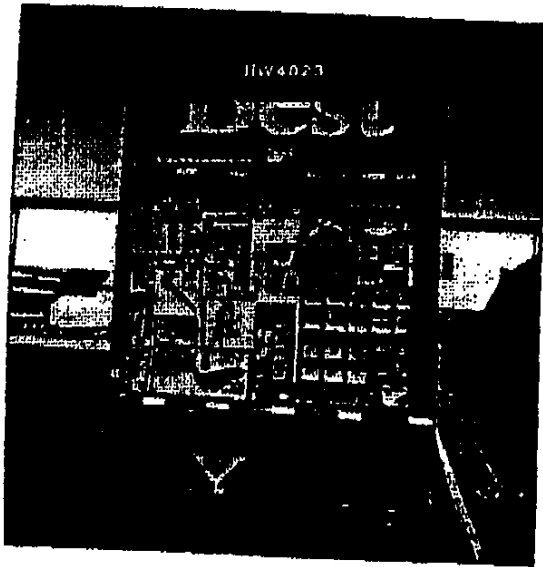
Enclosed is a copy of a picture, (rear view), of one of our trailers loaded for Do-It-Best, along with a copy of the vehicle inspection report for your review.

As you can see in the picture, The placard hangers are positioned away from the picture on the back door.

Please call at your convenience to comment.

Thank-you for your assistance,

Rod Brady

**ROD BRADY****ON-SITE MANAGER**

Interstate Distributor Co.
333 S. Woodland
Woodburn, OR 97071

Toll Free: (800) 877-3209
Cell Phone: (800) 497-3313
Home: (503) 780-1086