



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 30 2002

Mr. Michael Ritchie
Minnesota Department of Transportation
Office of Motor Carrier Services
1110 Centre Pointe Curve, Mail Stop 420
Mendota Heights, MN 55120

Ref. No. 02-0211

Dear Mr. Ritchie:

This is in response to your letter dated August 19, 2002, requesting clarification of the prohibited placarding provisions. Specifically, you ask if white or orange placard holders, when placed on a contrasting background, would be prohibited under § 172.502(a)(2) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed several photographs of white and orange placard holders.

Displaying or affixing a sign, advertisement, slogan, or device on a transport vehicle or freight container that, by its color, design, shape, or content, could be confused with, or mistaken for, a hazard warning placard is prohibited under § 172.502(a)(2). This prohibition is intended to limit the potential for dilution of the hazard warning communication that would be provided by an appropriate hazardous materials placard. Based on our review of the photographs that you provided, it is our opinion that the orange placard holders that are affixed to a contrasting background, as depicted in your enclosures, could be confused by color, design and shape with an explosive placard. Therefore, the orange placard holders shown on a contrasting background are prohibited under § 172.502(a)(2). The white placard holders that are affixed to a contrasting background, as depicted in your enclosures, are not prohibited under § 172.502(a)(2).



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172.502

It is our opinion that neither the white placard holders nor the orange holders displayed on an orange background would be confused with, or mistaken for, a hazard warning placard and, therefore, neither is prohibited under § 172.502 (b) (2).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzone
Edward T. Mazzone
Director, Office of Hazardous
Materials Standards

INFOCNTR

From: Mike Ritchie [Michael.Ritchie@dot.state.mn.us]
Sent: Monday, August 19, 2002 3:12 PM
To: Infocntr, Infocntr <RSPA>
Subject: Request for clarification of 49 CFR 172.502 & 172.516

BAAH
§ 172.502
§ 172.516
Placarding
02-0211



usfholland4.JPG



1holland08132002.JPG



Mike Ritchie.vcf

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Edward Mazzullo

Director, Office of Hazardous Materials Standards
USDOT/ RSPA

Dear Mr. Mazzullo,

Transportation Program Specialists from our office have issued warnings and tickets on apparent violations of the placarding requirements of 49 CFR Subpart F.

49 CFR 172.502 (a) (2) prohibits any sign or device that by its color, shape, design or content could be confused with a placard. Section 172.516 (c) (7) requires placards to be affixed to a background of contrasting color, or be surrounded by a border of a dotted or solid line that contrasts with the background color.

Attached are photographs taken during a recent CVSA Level One truck inspection. The photo titled usfholland4 , shows a placard holder that has been painted orange, that is displayed on an orange, blue, and white background. From a distance, this empty placard holder could be confused for a class one placard because of color. Is this a violation of the placard display requirements?

The photo titled 1 holland081 shows a side view of a trailer. A hinged placard painted white on the empty side, and another orange placard holder are displayed on an orange background. Is display of a white background on an empty placard holder or the "empty" side of a hinged placard a violation because it may resemble a class 6 poison placard? Would display of a class 6 placard on a white background with no border be a violation?

Thank you for your attention to this matter. If you have any questions please contact me.

Yours truly,

Michael Ritchie
Hazardous Materials Specialist
Minnesota Department of Transportation
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