



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

MAY 18 2004

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

Ms. Lisa Marquiss  
1800 East 1<sup>st</sup> Avenue  
Anchorage, Alaska 10031-9120

Ref. No.04-0088

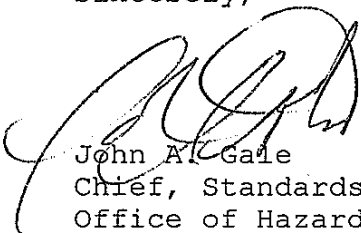
Dear Ms. Marquiss:

This is in response to your letter of March 30, 2004, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a shipper is required by the HMR to sign the shipping paper more than once.

Each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with the HMR by printing (manually or mechanically) on the shipping paper containing the required shipping description, the certification contained in § 172.204. The certification must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent; and (2) may be legibly signed manually, by typewriter, or by other mechanical means. Any additional signatures on a shipping paper (not associated with the certification statement) do not satisfy § 172.204(d) and are not required under the HMR.

I hope this satisfies your request.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



040088

172.204



**CARLILE TRANSPORTATION SYSTEMS, INC.**

1800 East 1st Avenue • Anchorage, AK 99501  
(907) 276-7797 • FAX (907) 278-7301

March 30, 2004

Edward Mazzullo  
Director, Office of Hazardous Materials Standards  
USDOT, RSPA, DHM-10  
400 Seventh Street S.W.  
Washington DC 20590

BAH  
3/172.204 (d)  
Shipping Papers  
04-0088

Dear Mr. Mazzullo,

Please find attached a copy of our uniform straight bill of lading. The concern is around the shipper's certification. The bill of lading attached was tendered as you see it. We requested that the shipper sign the shipper's certification statement that is accompanied with a signature line. Their contention was that signing the "SHIPPERS" line at the bottom of the bill of lading constituted certifying the shipment.

I had also made a request through the RSPA info-center and their response is as follows:

Dear Lisa,

The signature that is required by the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) is the one (on the fax you sent) at the bottom left; "This is to certify that the above-named.....". Any other signatures are not a requirement of the HMR. The shippers certification must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent; and (2) May be legibly signed manually, by typewriter, or by other mechanical means.

I hope this helps.

If you require further assistance, our Hazardous Materials Information Center is staffed with regulatory specialists who can quickly answer your questions by phone. Please do not hesitate to call, as the Information Center is open Monday through Friday, 9 am - 5 pm E.S.T. at (800) 467-4922 or (202) 366-4488.

Sincerely,

Arthur Pollack, Hazardous Materials Specialist

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A November 21, 1994 interpretation states signing anywhere on the bill of lading where the shipper's certification statement resides constitutes certification.

I am requesting an interpretation of what RSPA views as a certified bill of lading based on the design of the attached bill of lading.

Sincerely,



Lisa Marquiss  
Carlisle Transportation Systems  
Regulatory Compliance Director

*Attachment: Carlisle bill of lading 1686872*

**Carlile** SO. BOUND

TRANSPORTATION SYSTEMS, INC.

Corporate Offices / Terminal

1800 E. First Avenue  
Anchorage, AK 99501  
(907) 276-7797  
FAX (907) 278-7301

**Seattle Terminal**  
35225 Enchanted Parkway S.  
Federal Way, WA 98003  
(253) 874-2633  
FAX (253) 874-8615

**Fairbanks Terminal**  
900 Aurora Drive  
Fairbanks, AK 99701  
(907) 451-7155  
FAX (907) 456-5889

**Kenai Terminal**  
1216 Bridge Access Road  
Kenai, AK 99611  
(907) 283-2884  
FAX (907) 283-2294

**Seward Terminal**  
Mile 2 Nash Road  
Seward, AK 99664  
(907) 224-5413  
FAX (907) 224-3797

CONTROL NUMBER

1686872

SHIPPER'S NUMBER

NSU-0039

ICC NO. MC 153893

RECEIVED, Subject to the classification and tariffs in effect on the date of the issue of this Bill of Lading.

FROM **BP EXPLORATION ALASKA**

AT **NORTHSTAR**

AGENT'S NO.

DATE **3-2-04**

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination, it is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

CONSIGNEE TO: **BAKER PETROLITE**

(Mail or street address of consignee — for purposes of notification only.)

ADDRESS **9100 W. 21<sup>ST</sup> STREET**

CITY **SAND SPRINGS, OK 74063**

ROUTE

DELIVERING CARRIER **800-231-3606**

TRAILER NO.

TRUCK NO.

COLLECT ON DELIVERY

\$ \_\_\_\_\_ and remit to: \_\_\_\_\_ Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

THIRD PARTY BILLING ADDRESS (Third-party billing does not relieve consignor or consignee of responsibility for all charges)  
**BP EXPLORATION ALASKA ACCOUNTS PAYABLE**  
**PO BOX 196611 ANCHORAGE AK 99519**

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Prepaid   
 Collect   
 Third Party Billing   
 Driver Collect

NUMBER PACKAGES	★ HM	DESCRIPTION OF ARTICLES, SPECIAL MARKS, AND EXCEPTIONS Proper Shipping Name, Hazardous Class and UN or NA number for Hazardous Materials. (Contents and condition of contents of packages unknown)	**WEIGHT (SUB. TO COR.)	RATE	FREIGHT CHARGES
①	★	<b>COMBUSTIBLE LIQUID, N.O.S.</b> <b>NA 1993, P.G. III</b> <b>(CONTAINS ALKYL ALCOHOL ALPHA OLEFIN)</b> <b>* RESIDUE LAST CONTAINED *</b> <b>S/N 001074-16</b> <b>CHEMTREC 800-424-9300</b>	<b>494</b>		<b>NSFACMAIN</b>

\*\*If the shipment moves between two points by a carrier by water, the law requires that the bill of lading state whether it is "carrier's or shipper's weight."

Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding (if intrastate, see Section 11): \_\_\_\_\_ per \_\_\_\_\_

SHIPPERS CERTIFICATION: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled/placarded, and are in proper condition for transportation, according to the applicable regulations of the Department of Transportation.

Signature of Shipper: \_\_\_\_\_

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:  
 The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor) \_\_\_\_\_

per \_\_\_\_\_ (the signature here acknowledges only the amount prepaid)

Received \$ \_\_\_\_\_ to apply in prepayment of the charges on the property described hereon.

Agent of Carrier \_\_\_\_\_

RECEIVED the above specified property in apparent good order. \_\_\_\_\_ (AM) \_\_\_\_\_ (PM) \_\_\_\_\_ TIME \_\_\_\_\_ DATE \_\_\_\_\_

FOR CONSIGNEE

ORIGINAL BILL MUST ACCOMPANY CLAIM FOR OVERCHARGE, LOSS OR DAMAGE

SUBTOTAL	
C.O.D. FEE	
ADVANCES	
PREPAID TO APPLY	
TOTAL OR BALANCE DUE	

SHIPPER **BP EXPLORATION ALASKA NORTHSTAR** CARLILE P / U \_\_\_\_\_ BY \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ (AM) (PM)

BY **[Signature]** DATE **3-2-04** TIME \_\_\_\_\_ CARLILE DEL \_\_\_\_\_ BY \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ (AM) (PM)