



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

AUG - 6 2004

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

Mr. Charles Phillips
Southern Service Center
61 Forsyth Street, S.W., Suite 17T75
Atlanta, GA 30303

Ref. No. 04-0164

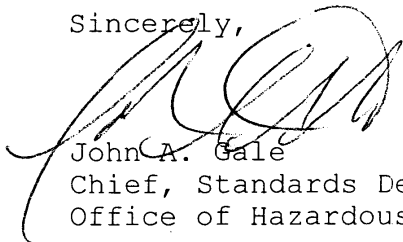
Dear Mr. Phillips:

This is in response to your July 21, 2004 letter concerning placarding requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a placard displayed on the front of a cargo body, but behind the drivers compartment of the transport vehicle, satisfies the requirement for visibility and display of placards in § 172.516.

You state the truck-tractor and cargo body make up a single transport vehicle. In addition, you included a picture of the placard on the front of the cargo body, which is obscured by the driver's compartment of the vehicle. Each placard on a motor vehicle must be visible from the direction it faces, except from the direction of "another transport vehicle" to which the motor vehicle is coupled (§ 172.516). In this case, the truck-tractor is not "another transport vehicle," because it is part of a single transport vehicle. Therefore, the obscured placard does not meet the visibility requirement in § 172.516. A placard placed on the front of the truck-tractor in accordance with § 172.516(b) would satisfy the visibility requirement of § 172.516(a).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



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



040164

172.516

BATT
§172.516
Placarding
04-0164

Quade, William

From: Phillips, Charles
Sent: Monday, June 28, 2004 1:26 PM
To: Quade, William
Cc: Simmons, James; Shelton, Danny; Delorenzo, Joseph; Evans, Joseph; Ramsey, Larry
Subject: FW: Photos

See the attached photos forwarded by the Oklahoma Division. It's a placarding issue and more specifically a 172.516 visibility issue. Apparently a minor squabble has erupted over whether this constitutes a violation of 172.516. I don't consider the scenario documented in the photos worth getting excited about (i.e. I'm not sure I would cite it as a violation). However, I've talked with our GA MCSAP agency and they indicate that some of their officers have written tickets on this type of scenario and others don't consider it a violation. They also indicated that this scenario comes up frequently as a question in the CVSA hazmat roadside/cargo tank course and they don't have a definitive answer for the students. They give a "use your best judgment" answer.

The RSPA interpretations related to this issue talk primarily about the tractor/semi-trailer exception for placarding on the front of the tractor in lieu of the front of the trailer. Nothing addresses the straight truck scenario. Of course, most propane haulers avoid any controversy by placarding the front of the straight truck as well as the front of the cargo tank. But apparently this person did not, and doesn't consider himself in violation.

In the grand scheme of things, there are more important things to worry about, but a little guidance from RSPA would be appreciated. What do they define as "clearly visible"?

Tim Phillips
Hazardous Materials Specialist
Southern Service Center

-----Original Message-----

From: Ramsey, Larry
Sent: Monday, June 28, 2004 5:32 AM
To: Phillips, Charles
Subject: Photos

Per our conversation.

Charles.Phillips@FMCSA.DOT.GOV
404-562-3609