



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 16 2006

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

Mr. Richard D. Kaczynski
Safety Manger
A Duie Pyle Companies
P.O. Box 564
West Chester, PA 19381

Ref. No.: 06-0130

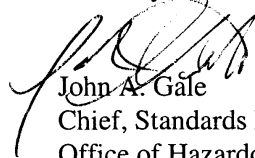
Dear Mr. Kaczynski:

This is in response to your letter requesting clarification of the placarding requirements located in § 172.506 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if an offeror is required to verify that the carrier's vehicle is properly placarded prior to leaving his facility. You indicate, that under § 172.506 it is the offeror's responsibility to furnish placards to the carrier and the carrier's responsibility to affix those placards to the transport vehicle.

Under § 172.506(a) each person offering a motor carrier a hazardous material for transportation must provide the motor carrier the required placards for the material being offered prior to or at the same time the material is offered for transportation. The HMR do not specify when placards must be applied to or removed from a motor vehicle. However, § 172.506(a)(1) specifically states that no motor carrier may transport a hazardous material in a motor vehicle unless the placards required for the hazardous material are affixed thereto. Therefore, if the offeror provides the required placards, it becomes the motor carrier's responsibility to affix those placards or, if other hazardous materials are already on the motor vehicle, the placards required by Part 172, Subpart F.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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



060130

172.506

A Duie Pyle Companies

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May 15, 2006

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7TH Street S.W.
Washington, D.C. 20590-0001

Suplko
\$172.506
\$177.823 (a)
Placarding
06-01

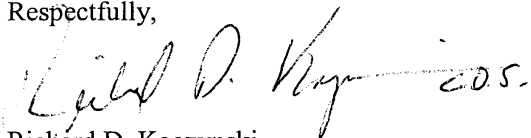
Dear Mr. Mazzullo;

I am writing to you in regards to a recent placarding violation my Company received. One of the divisions of our Company is a very busy warehousing and distribution operation. We store a variety of different commodities for various customers and tender them to different carriers as arranged by our warehouse customer. A while back we tendered a shipment to a carrier that consisted of 11,000 lbs of class 8 (corrosive) as well as 3,784 lbs. of class 5.1 (oxidizer) on the same truck. Our shipping paper had the required information in addition as to what placards were required for that load. Placards were offered and the carrier was off on his way to Texas. While traveling through Pennsylvania he was stopped by a trooper and inspected. The inspection by the trooper revealed that the vehicle was not properly placarded. The truck only had a corrosive placard on all four sides of the vehicle and failed to display the oxidizer for the 3,784 lbs. of material. Not only was the carrier fined but also so were we as the offeror for failing to be in compliance with 172.500(a).

My question for you is are we the offeror required to make sure that the vehicle is properly placarded prior to leaving the facility or is that the driver's ultimate responsibility? Our interpretation under 49 CFR 172.506(a) says that we as the offeror only have to provide the placards and 172.506(b) says that the driver is responsible for affixing them. Furthermore, 177.823(a) reads to us that the carrier cannot move a vehicle unless it is properly marked and placarded. Is there anything in 49CFR that says that the offeror has to do anything additionally other than just providing the placards or are we required to inspect each truck prior to leaving our facilities to make sure that they are placarded properly?

Thanking you in advance for your thoughts and guidance.

Respectfully,



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