



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, D.C. 20590

NOV 29 2007

**Pipeline and Hazardous
Materials Safety Administration**

Mr. Leo J Bakersmith
Environmental Specialist II
State of Florida / Department of Health
Environmental Health
Bureau of Radiation Control / Inspections
South Tower, Suite S-529
400 W. Robinson Street
Orlando, FL 32801-1782

Ref No.: 07-0198

Dear Mr. Bakersmith:

This is in response to your letter dated October 1, 2007 regarding the shipping paper requirements in § 177.817 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for a definition of “readily visible” as used in § 177.817(e)(2)(i)(B).

Section 177.817(e) requires a driver of a motor vehicle containing a hazardous material, and each carrier using such a vehicle, to ensure that the shipping paper accompanying the shipment is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, when the driver is at the vehicle's controls, the shipping paper must be within his immediate reach while he is restrained by the lap belt, and either readily visible to a person entering the driver's compartment or in a holder mounted to the inside of the door on the driver's side of the vehicle.

As used in § 177.817(e)(2)(i)(B) the term “readily visible” means that the shipping paper must be easily viewed by any person opening the driver's compartment from the driver's side of the vehicle. Based on our experience, the best way to make the shipping paper “readily visible” and ensure that it does not become dislodged during an accident situation is to place it in a clear sleeve mounted on the driver's door.

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

Supko
§177.817(e)
Shipping Papers
07-0198

Troia, Agnes <PHMSA>

From: Eichenlaub, Kurt <PHMSA>
Sent: Monday, October 01, 2007 1:16 PM
To: Troia, Agnes <PHMSA>
Subject: FW: Interp request
Importance: High

Could you log this question as a request for interpretation? Thank you.

Kurt Eichenlaub
Transportation Regulations Specialist
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor, PHH-10
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001
Phone: 202-366-8553
Fax: 202-366-7435

From: Plessas, Karen <PHMSA>
Sent: Monday, October 01, 2007 9:24 AM
To: Eichenlaub, Kurt <PHMSA>
Cc: LaMagdelaine, Ray <PHMSA>; Leo_Bakersmith@doh.state.fl.us
Subject: FW: Enforcement question
Importance: High

Kurt, I am forwarding Mr. Bakersmith's question to you. He would like a formal interpretation of what "readily visible" means with respect to shipping papers.
Thanks,
Karen

From: Leo_Bakersmith@doh.state.fl.us [mailto:Leo_Bakersmith@doh.state.fl.us]
Sent: Monday, October 01, 2007 7:31 AM
To: Plessas, Karen <PHMSA>
Subject: RE: Enforcement question
Importance: High

Karen,

Thanks for getting back to me and if you would forward that request to the Office of Standards I would appreciate it. We have a running debate on where **readily visible** is. First responders who need the shipping papers to readily identify the hazard they are dealing with need immediate access to the shipping papers and ERI. In Florida's case we would not accept a back seat location of any kind. With Cardinal Health we have accepted the well marked pouch as a way to stow shipping papers. The front passenger seat is another location that is deemed acceptable so long as they are the top or first set of papers. I guess the debate stems from an accident and where would the papers end up if they were not in the drivers side door. Keeping the First Responder confident of his or her safety is important.

I look forward to reading the response.

10/1/2007

Leo J Bakersmith
Environmental Specialist II
State of Florida / Department of Health
Environmental Health
Bureau of Radiation Control / Inspections
South Tower, Suite S-529
400 W. Robinson Street
Orlando, FL 32801-1782
(407)245-0865
(407)317-7319 FAX
Leo_Bakersmith@doh.state.fl.us

Internet: www.doh.state.fl.us/environment/radiation

How are we doing? Please take our survey:

<http://www.doh.state.fl.us/environment/radiation/survey.htm>

Mission: To promote and protect the health and safety of all people in Florida through the delivery of quality public health services and promotion of health care standards.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Karen.Plessas@dot.gov [mailto:Karen.Plessas@dot.gov]
Sent: Fri 9/28/2007 3:27 PM
To: Bakersmith, Leo
Subject: FW: Enforcement question

Leo,

I have searched all of the DOT regs and I can find no interpretations or clarifications about what "readily visible" (49 CFR 177.817(e)) with respect to shipping papers in commerce means. These regulations were written to allow law enforcement personnel to gain easy access to shipping papers in the event of an accident/incident, and any placement of shipping papers in a vehicle should be done with this in mind.

I do know that several shippers, including Cardinal Health, place the shipping papers in a portable pouch that sits over the back portion of the passenger seat and we have accepted that as an appropriate location for the shipping papers - even though the shipping papers themselves are not clearly visible - because the portable pouch is well known by law enforcement personnel as a place to carry shipping papers and emergency response information. In addition, the driver can easily access the required information while strapped in the driver's seat.

Since this issue hasn't been addressed before, I can forward your request to our Office of Standards for an official interpretation if you would like.

It sounds like you already know how to access our interpretations, but I will send you the link just in case:
<http://www.myregs.com/dotphmsa/>

I'm sorry I couldn't be of more help here.
Karen

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

10/1/2007

From: Plessas, Karen <PHMSA>
Sent: Wednesday, September 26, 2007 12:56 PM
To: 'Leo_Bakersmith@doh.state.fl.us'
Subject: Re: Enforcement question

Leo,
I am very much looking forward to coming to Florida soon and working with you! I don,t have a date yet but if you get a serious situation, please call me or email me because then I can justify a rapid response and come to Florida without all the normal scheduling it takes to plan a trip!

Normally the shipping papers can be anywhere within the driver's reach. Placing the papers in the passenger seat would be acceptable, however placing the shipping papers in the back seat would not be acceptable unless the driver could prove that he can reach the paperwork while at the vehicle controls.

I am at the OAS Conference at the moment and do not have my regs immediately available so I will email you on Friday with the specific regulation cites. I will also get you a link to our interpretations.

Karen

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

From: Leo_Bakersmith@doh.state.fl.us <Leo_Bakersmith@doh.state.fl.us>
To: Plessas, Karen <PHMSA>
Sent: Wed Sep 26 11:32:29 2007
Subject: RE: Enforcement question

Karen,

I am looking forward to you coming to Florida in the future. We are creating an in house training program for our bureau and I wanted to ask you a question. Looking at 177.817 I have read some of the interps but what are reasonable locations for shipping papers and ERI other than the drivers side door? I understand tabbing or first document but where are acceptable locations that are considered readily visible?

Sincerely

Leo J Bakersmith
Environmental Specialist III
State of Florida / Department of Health
Environmental Health
Bureau of Radiation Control / Inspections
South Tower, Suite S-529
400 W. Robinson Street
Orlando, FL 32801-1782
(407)245-0865
(407)317-7319 FAX
Leo_Bakersmith@doh.state.fl.us
Internet: www.doh.state.fl.us/environment/radiation
<blocked::www.doh.state.fl.us/environment/radiation>
How are we doing? Please take our survey:
<http://www.doh.state.fl.us/environment/radiation/survey.htm>
<blocked::http://www.doh.state.fl.us/environment/radiation/survey.htm>
Mission: To promote and protect the health and safety of all people in Florida through the delivery of quality public health services and promotion of health care standards.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

--

BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 159341918) is spam:

Spam: <https://antispam.doh.ad.state.fl.us/canit/b.php?c=s&i=159341918&m=d75e09805a30>

Not spam: <https://antispam.doh.ad.state.fl.us/canit/b.php?c=n&i=159341918&m=d75e09805a30>

Forget vote: <https://antispam.doh.ad.state.fl.us/canit/b.php?c=f&i=159341918&m=d75e09805a30>

END-ANTISPAM-VOTING-LINKS