



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

JAN 04 2016

1200 New Jersey Avenue, SE
Washington, DC 20590

Ms. Anaïs de Lausnay
Lawyer, Legal Department
Groupe Robert
20, boulevard Marie-Victorin
Boucherville, Québec J4B 1V5
Canada

Reference No. 16-0164

Dear Ms. de Lausnay:

This letter is in response to your October 4, 2016, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the storage of a shipping paper in a motor vehicle. Specifically, you ask about § 177.817(e)(2)(i) and (ii) regarding the requirement for a shipping paper to be stored in a holder mounted to the inside of the driver's side door.

We have paraphrased and answered your questions as follows:

- Q1. You ask if a shipping paper that is inserted into a clear plastic sleeve, which is then placed on the inside of the driver's side door (i.e., the manufactured compartment on the door), complies with § 177.817(e)(2)(i) and (ii).
- A1. The answer is yes. Section 177.817(e)(2)(i) states that when the driver is at the vehicle's controls, the shipping paper must be stored in a manner that is both (A) within his immediate reach while he is restrained by the lap belt; and (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle. In accordance with § 177.817(e)(2)(ii), when the driver is not at the vehicle's controls, the shipping paper must be either (A) in a holder which is mounted to the inside of the door on the driver's side of the vehicle; or (B) on the driver's seat in the vehicle.

In your scenario, the shipping paper and clear plastic sleeve is being placed in a compartment, or holder, that is mounted on the inside of the driver's side door. Therefore, it is the opinion of this Office that as long as the shipping paper is in immediate reach of the driver when at the vehicle's controls and restrained by the lap belt, the described scenario will meet the requirements of § 177.817(e)(2)(i). Additionally, as long as the shipping paper remains in the manufactured compartment on the inside of the driver's door when the driver is not at the vehicle's controls, it will meet the requirements of § 177.817(e)(2)(ii).

- Q2. You ask if a shipping paper that is inserted into a clear plastic sleeve, which is then affixed (i.e., by Velcro) to the inside of the driver's side door, complies with § 177.817(e)(2)(i) and (ii).
- A2. The answer is yes. In this scenario, the shipping paper is being stored in a clear plastic sleeve, or holder, that is mounted to the inside of the driver's side door. Therefore, similar to answer A1, as long as the shipping paper is in immediate reach of the driver when at the vehicle's controls and restrained by the lap belt, it will meet the requirements of § 177.817(e)(2)(i). Additionally, as long as the shipping paper remains in the sleeve affixed to the inside of the driver's side door when the driver is not at the vehicle's controls, it will meet the requirements of § 177.817(e)(2)(ii).
- Q3. You ask if the holder, as specified in § 177.817(e)(2)(i) and (ii), needs to be permanently affixed to the driver's side door to be considered "mounted."
- A3. The answer is no. There is no requirement for the holder to be permanently affixed to the driver's side door.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Celler
177.817(e)(2)(i)
Shipping Papers
16-0164

From: Rivera, Jordan CTR (PHMSA)
Sent: Thursday, October 06, 2016 3:16 PM
To: Hazmat Interps
Subject: FW: Interpretation letter request

Hi Shante/Alice,

Please submit this as a letter of interpretation. Ms. De Lausnay spoke with Isaac.

Please let me know if you have any questions.

Thanks,
Jordan

From: Anaïs de Lausnay [<mailto:anaïs.delausnay@robert.ca>]
Sent: Tuesday, October 04, 2016 3:33 PM
To: PHMSA HM InfoCenter
Subject: Interpretation letter request

Dear Mrs,
Dear Mr.,

We would like to receive an interpretation as to what means « in a holder which is mounted to the inside of the door on the driver's side of the vehicle » in CFR 177.817 (e)(2)(i) and (ii).

Can the hazardous material papers be inserted in a clear plastic sleeve (the kind we can easily find in a Staples or so) and placed in the inside of the door of the driver's side of the vehicle?

Can the clear plastic sleeve be considerate as a holder?

And finally, does the holder needs to be permanently fixed to the inside of the door of the driver's side of the vehicle to be considerate as mounted?

I would like to thank you in advance for your time and help. Should you have any questions or need some clarifications, please do not hesitate to contact me.

Best regards,

ANAÏS DE LAUSNAY

Avocate, Service juridique | Lawyer, Legal department

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