



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 15 2011

Mr. Aubrey Campbell
Senior Transportation Specialist
Baker Petrolite Corporation
12645 West Airport Boulevard
Sugar Land, TX 77478

Ref. No. 11-0030

Dear Mr. Campbell:

This responds to your letter of January 31, 2011 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire as to whether carrying shipping papers inside a clipboard with a metal cover located beside the driver during transportation complies with § 177.817(e)(2)(i).

The answer to your question is no. The language in § 177.817(e)(2)(i)(B) states that the shipping papers must be "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 the scenario you provide, the clipboard is readily visible, but the fact that it contained shipping papers is not apparent. If the metal cover to the clipboard was clearly marked with the terminology "Shipping Papers," for example, you would comply with § 177.817(e)(2)(i). Furthermore, as you note in your letter, § 177.817(e)(1) requires the driver and the carrier to clearly distinguish the shipping paper, if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or by having it appear first.

I hope this answers your inquiry. If you need additional assistance, please contact this office at 202-366-8553.

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



Winter
§177.817
Shipping Papers
11-0030

January 31, 2011

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration,
Attn: PHH-10
U.S. Department of Transportation
East Building, 1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Letter of Interpretation

Dear Office of Hazardous Materials Standards:

Baker Petrolite Corporation (BPC) requests a letter of interpretation regarding shipping paper accessibility as specified in Title 49 Code of Federal Regulation (CFR) Part 177.817(e)(2)(i). Our specific issue concerns the phrase, “(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.” Some of our drivers keep their shipping papers and logbooks inside a metal clipboard to ensure papers do not fly throughout the cab in the event of an accident or sudden stop. During a road side Driver/Vehicle Inspection, we received a violation for having the shipping papers inside the metal clipboard. The driver was at the control of the vehicle and the shipping papers (inside metal clipboard) were on the passenger seat within his immediate reach while he was restrained by the lap belt.

BPC believes this violation is unwarranted because the regulations allows for shipping papers to not be **readily visible** according to 177.817(e)(1), where it states, “...Clearly distinguish the shipping paper, if it is carried with other shipping papers or other papers of any kind, **by either** distinctively **tabbing it** or by having it **appear first**...” In this case, the shipping paper may not be “readily” visible to a person entering the driver’s compartment because it may be under other papers although **tabbed**. In our case, the shipping papers were not readily visible because they were under the metal cover on the clipboard, yet on top of other papers inside the metal clip board.