



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

1200 New Jersey Ave., S.E.  
Washington, DC 20590

OCT 27 2011

Ms. Holly Stringer  
Transportation Compliance Manager  
Kiewit Infrastructure South Company  
13119 Old Denton Road  
Fort Worth, TX 76177

Reference No. 11-0167

Dear Ms. Stringer:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you note that § 177.817(e)(2)(ii)(A) of the HMR requires a driver of a motor vehicle to store a hazardous materials shipping paper in a holder mounted to the inside of the door on the driver's side of the vehicle when the driver is not at the vehicle's controls. You state your organization has created a book that contains the required information for your hazardous materials shipment (such as shipping papers, material safety data sheets, emergency response information, insurance, registrations, and permits) but that this book will not fit in the door pocket of vehicles.

In your letter, you enclosed two photographs displaying two types of holders that appear to be affixed to a framing member attached to the left side of the driver's chair or the wall that is behind and to the left of the driver's chair. You also enclosed a photograph of what appears to be the front of a red notebook that has: the words "HAZMAT BOOK" centered and printed in black capital letters at the top; the numbers "03-0026" printed on a sheet of paper and placed in a plastic sleeve in the middle; and additional information printed on a sheet of paper and placed in a plastic sleeve at the bottom of the notebook listing the type and quantity of hazardous material on board the vehicle, the location of the shipping paper within the notebook, emergency contact and guidebook information, and the company name and address. You ask if placing this book in a holder installed to the left of the driver's seat but not on the door itself satisfies the shipping paper accessibility requirement specified in § 177.817.

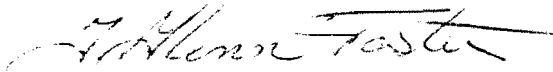
When the driver is at the vehicle's controls, the answer is yes. In this instance, the HMR require that the shipping paper must be within the driver's immediate reach while he is restrained by the lap belt, and either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle (see § 177.817(e)(2)(i)(A) and (e)(2)(i)(B)). When the driver is not at the vehicle's

controls, the answer is no. In this instance, the HMR require that the shipping paper must be in a holder which is mounted to the inside of the door on the driver's side of the vehicle or on the driver's seat in the vehicle (see § 177.817(e)(2)(ii)(A) and (e)(2)(ii)(B)). These longstanding requirements were established to standardize shipping paper locations so emergency response personnel could better locate them during an incident or other transportation need (see 41 FR 15972; Docket Nos. HM-103 and HM-112).

Because the holder you describe is not in conformance with § 177.817(e)(2) when the driver is not at the vehicle's controls, your company may wish to apply for a special permit to authorize its use. If so, the procedures for applying for a special permit are prescribed in 49 CFR Part 107, Subpart B. Your application should be directed to the Associate Administrator for Hazardous Materials Safety and must contain sufficient information to demonstrate that, if a special permit is issued, a level of safety will be achieved that is equal to or greater than that required under the HMR. You may also obtain this information from our website at "<http://www.phmsa.dot.gov/hazmat/regs/sp-a>."

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke at the end.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division



Edmonson  
§ 177.817(e)(2)(ii)(A)  
Shipping Papers  
11-0167

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

To Whom It May Concern,

I handle compliance for multiple companies. My question is regarding 49CFR 177.817(e)(2)(ii)(A). We have placed all required information, (shipping papers, MSDS sheets, Emergency response information, Insurance, registrations, any permits) in a specially made book. We wanted anything an officer would need to be readily available and in one spot, consistent though-out all our fleets. Unfortunately, this book will not fit in the door pocket of the vehicles.

I have attached a photo of holders we have installed to the left of the driver seat. The book is red and marked 'HAZMAT BOOK'. It has the Unit number of the vehicle and the hazardous material information in a pouch on the front (photos also attached).

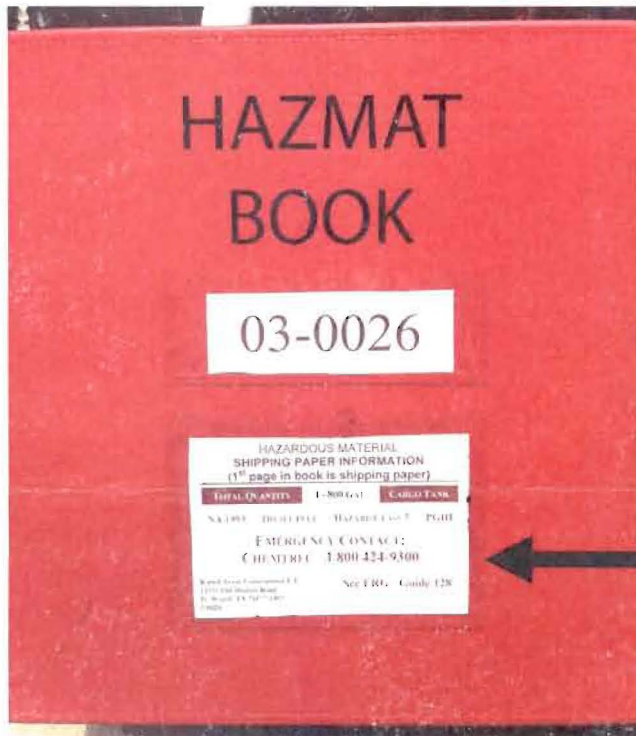
These are the first thing you see when you open the door on the drivers' side. It has helped us to avoid the paperwork in our vehicles not being readily available. We have never been cited for these not being on the doors, but would like a clarification on the acceptability of these holders.

Even though these are not actually on the door itself, can these holders be used to satisfy this regulation?

Thank you for your assistance on this matter.

Holly Stringer  
Transportation Compliance Manager  
Kiewit Infrastructure South Co.





# HAZMAT BOOK

03-0026

HAZARDOUS MATERIAL  
SHIPPING PAPER INFORMATION  
(1<sup>st</sup> page in book is shipping paper)

TOTAL QUANTITY	1-800 GAL.	CARGO TANK
NA 1993	DIESEL FUEL	HAZARD CLASS 3 PGIII

EMERGENCY CONTACT:  
CHEMTREC 1-800-424-9300

Kiewit Infrastructure South Co.  
13119 Old Denton Road  
Ft. Worth, TX 76177-2403  
3-0026

See ERG - Guide 128

## HAZARDOUS MATERIAL SHIPPING PAPER INFORMATION (1<sup>st</sup> page in book is shipping paper)

TOTAL QUANTITY	1 - 800 GAL.	CARGO TANK
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NA 1993    DIESEL FUEL    HAZARD CLASS 3    PGIII

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