



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 2 1999

Mr. Mark R. Maki
626 N. Way Street
Barberton, OH 44203

Ref. No. 99-0046

Dear Mr. Maki:

This is in response to your letter dated February 5, 1999, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. May a vehicle transport hazardous material on private property without displaying placards?
- A1. As specified in § 171.1, the HMR govern the safe transportation of hazardous material in intrastate, interstate, and foreign commerce. Vehicles containing hazardous materials that are moved on private property are not subject to the HMR (including placarding).
- Q2. May a vehicle which contains no hazardous material display placards when moved on private property?
- A2. Same answer as A1.
- Q3. When must placards be applied to and removed from a motor vehicle?
- A3. The HMR do not specify when placards must be applied to or removed from a motor vehicle. However, under § 172.506(a) each person offering a motor carrier a hazardous material for transportation shall provide to the motor carrier the required placards for the material being offered prior to or at the same time the material is offered for transportation. In addition, no motor carrier may transport a hazardous material in a motor vehicle, unless the placards required for the hazardous material are affixed thereto.



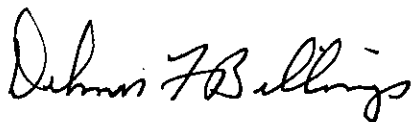
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You should also be aware that the Occupational Safety and Health Administration (OSHA) of the Department of Labor requires an employer to retain all hazardous materials markings, labels and placards on incoming packages, freight containers, rail freight cars, motor vehicles and transport vehicles containing hazardous materials, until the material is sufficiently removed from the package, container or vehicle to prevent any potential hazard (29 CFR 1910.1201).

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Delmer F. Billings". The signature is written in dark ink and is positioned above the typed name.

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

Mark R. Maki
626 N. Way Street
Barberton, Ohio 44203
Home Phone 330-745-7607

BAH
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February 05, 1999
99-0046

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

Dear Mr. Mazzullo,

I am interested in learning the specific regulations and/or interpretations relating to the placarding of commercial motor vehicles requiring placards. I have previously addressed this issue with my company's safety department and was unable to obtain any tangible information.

I am employed by a common carrier. When myself and others report to work we are called upon when our units are ready and this time are offered the manifests and bills of lading. The vehicles at this point are positioned on what is referred to as the "ready line," which is an area of the yard at the terminal where drivers are able to inspect the vehicle to assure that it is in compliance with the Federal Motor Carrier Safety Regulations prior to transport. It is a regular occurrence upon this inspection that vehicles laden with hazardous materials requiring placards are discovered not to have the corresponding placards affixed to them. To a lesser degree, myself and others have also experienced finding placards on the transport vehicle that contain no hazardous materials at all. In the very least this appears to be a significant failure in communicating the potential hazard or falsely alerting a potential hazard to anyone nearby.

Although I have read the applicable Hazardous Material Regulations Part 172 Subpart F concerning placarding, I cannot find anything specific as to the time placards are to be applied and removed in relation to the location of the transport vehicle to properly communicate the hazard risk. Is it in compliance with the HMRs to have a transport vehicle laden with hazardous materials requiring placards move about private property and then offer it for transport to a driver without such required placards? Is it in compliance to have a transport vehicle on private property placarded when no hazardous materials are present in the vehicle?

I appreciate any information you have relating to these issues and I look forward to hearing from you.

Best regards,

Mark R. Maki

Mark R. Maki

cc: Mike Fleming, Vice President/BA Local 24
David McLaughlin, Road Shop Steward
Jerry Lynch, Safety