



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

AUG 13 1999

Mr. Gerald L. Blase
Manager, Asplundh Railroad Division
708 Blair Mill Road
Willow Grove, PA 19090-1784

Ref. No. 99-0193

Dear Mr. Blase:

This is in response to your letter dated July 20, 1999, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) as they relate to the transportation of Class 9 hazardous materials. Specifically, you ask whether a CLASS 9 placard is required to be displayed for domestic transportation.

As provided by § 172.504 (f)(9), the answer is no; a CLASS 9 placard is not required for domestic transportation. This exclusion from the CLASS 9 placarding requirement applies to both non-bulk and bulk packages. Each non-bulk package must be marked with the proper shipping name and identification (ID) number as provided for by § 172.301 and must display a CLASS 9 Label as provided by § 172.400. In addition, if a non-bulk package contains a hazardous substance, the letters "RQ" must be marked on the package in association with the proper shipping name as provided for by § 172.324. Each bulk package must be marked on each side and each end with the appropriate ID number displayed on a placard, orange panel, or when appropriate a white square-on-point configuration. However, if a carrier chooses to display CLASS 9 placards on a bulk package, the ID number may be displayed on the placard or orange panel as provided by § 172.332(c).

I hope this information is helpful. Should you have further questions, please contact us.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

cc: West Virginia Public Service Commission



990193

8736

172.504

ASPLUNDH

ASPLUNDH RAILROAD DIVISION

708 BLAIR MILL ROAD, WILLOW GROVE, PA 19090-1784 • AREA CODE 215 • TELEPHONE 784-4206 • FAX 784-1366

Betts
8172.504
99-0193

Tuesday, July 20, 1999

US Dept. Of Transportation
Resources & Special Projects Adm.
Office of Haz. Mat. Standards DHM10
400 7th Street SW
Washington, DC 20590

Dear Sir/Madam:

In discussions with Mr. Raymond L. LaMagdelaine of your office, he suggests I present my problem to you for a determination to be made on the facts, and a written statement issued.

Some of the products which we transport are listed in APPENDIX A and classed as "Other Regulated Substances" which do not require placards. However ID numbers may apply to certain shipments, only if the "RQ" (in our case 100 lb.) of the active ingredient is packaged in a single container. None of these products are transported by us in bulk containers.

It is our understanding of the regulations, 49 CFR (October 1, 1998 edition) section 172.504(f)(9). the Identification number in a white square on point display configuration is an acceptable and PROPER marking for this shipment, and that a **CLASS 9 Placard is NOT REQUIRED FOR DOMESTIC SHIPMENTS.**

Our drivers are being cited, and in one instance (see Citation enclosed) the vehicle was placed "Out of Service" for not having a Class 9 Placard displayed (the ID# was properly displayed) and remained "out of service" until the driver switched the Placard to a Class 9. The Citation also lists not having W.Va. Hazardous Material Credentials which are required for "Bulk Carriers of Haz. Mats. of 3,500 gal or 468 cu.ft. in a single container(which is a State issue)

Is my understanding and interpretations of the Class 9 Placard regulations correct? **Can you please send me a written determination so that my drivers will have it available when they are challenged on this issue.** Also, is it possible to remove this particular out of service violation from our DOT # 0101328 since we **WERE** moving a vehicle that was properly marked (177.823A)

I appreciate your assistance in this matter.

Sincerely,



Gerald L. Blase
Manager Asplundh Railroad Division

enclosure: WV report # 00227965