



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAY 30 2006

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

Mr. Robert Petrancosta
Director, Safety and Environmental Compliance
Con-way
110 Parkland Plaza
Ann Arbor, MI 48103

Ref. No.: 06-0108

Dear Mr. Petrancosta:

This is in response to your letter and subsequent conversations with Del Billings concerning the placement of placards on a vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provided a description and photographs of a placard holder on the side of a transport vehicle. The placard holder is positioned on top of multi-colored stripes that run horizontally along the trailer. You ask if the location of the placard, as described and shown in the photographs, is in compliance with the HMR.

It is the opinion of this Office that the placement of the placards over the horizontal stripes as described in your letter and shown in your photographs is not a violation of the HMR. In accordance with § 172.502(a)(2), it is prohibited to affix or display any sign, advertisement, slogan, or device that, by its color, design, shape or content, could be confused with any placard prescribed in Part 172, Subpart F. The painted stripe is not a sign, advertisement, slogan, or device and could not be confused with a placard. Additionally, the placard must be displayed away from any marking (including advertising) that could substantially reduce its effectiveness (see § 172.516(c)(4)). The painted stripe is seen as a background color rather than a marking and does not substantially reduce the effectiveness of the placard and; therefore, is permissible. Finally, in the event a placard shares the same color as a part of the horizontal striped background, a dotted or solid line outer border may be used when needed to provide contrast with the background color (see § 172.519(b)(2)).

I hope this satisfies your request.

Sincerely,

Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Standards



060108

172.502(a)(2)
172.516(c)(4)

BAA
 §172.502(a)(2)
 §172.516(c)(4)
 Placarding
 06-0108

Drakeford, Carolyn <PHMSA>

From: Mazzullo, Ed <PHMSA>
Sent: Friday, May 05, 2006 9:14 AM
To: Drakeford, Carolyn <PHMSA>
Cc: Betts, Charles <PHMSA>; Gale, John <PHMSA>; Gorsky, Susan <PHMSA>; Mazzullo, Ed <PHMSA>; Mitchell, Hattie <PHMSA>
Subject: FW: Interpretation

Carolyn: Please assign for response.

Specialist: Del Billings and I spoke to Mr. Petrancosta in person and told him the placement of placards over a stripe is not a violation of anything. He would like written confirmation; please respond by letter to this email.

172.502(a)(2): The painted stripe is not a sign, advertisement, slogan, or device and could not be confused with a placard.

172.516(c)(4): We view the painted stripe as a background color rather than a marking and in any case something that would not reduce the effectiveness of the placard.

172.519(b)(2): Assuming a placard the same color as a part of the stripe (Dangerous When Wet?) the contrast requirement can be met by the contrasting color of the placard holder or by a dotted or solid line on the placard (which most placards have).

Ed

-----Original Message-----

From: Petrancosta, Robert G - CTS [<mailto:Petrancosta.Robert@con-way.com>]
Sent: Thursday, May 04, 2006 5:33 PM
To: Mazzullo, Ed <PHMSA>
Subject: Interpretation

Dear Mr. Mazzullo;

Per our previous conversation, I have attached a photo of a proposed branding of our company trailers. The question I have is whether the multi-colored stripes that run horizontally across the trailer, abutting the placard holders, would be in compliance to standards under 49CFR 172.516(c)(4), which says a placard must be "located away from any marking (such as advertising) that could substantially reduce its effectiveness, and in any case at least 3 inches ... away from such marking"; 172.502(a)(2), which prohibits the placement on a trailer of "[a]ny sign, advertisement, slogan ... , or device that, by its color, design, shape or content, could be confused with any placard prescribed" in PHMSA's regulations; and 172.519(b)(2), which permits use of "a dotted or solid line outer border ... when needed to indicate the full size of a placard that is ... on a background of a non-contrasting color."

I look forward to your response.

Thank you.

<<Placards.pdf>>

5/8/2006

Robert Petrancosta
Director, Safety and Environmental Compliance
Con-way
110 Parkland Plaza
Ann Arbor, MI 48103
T: 734-214-5629
F: 734-214-5652
petrancosta.robert@con-way.com

5/8/2006

