



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

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

MAR 20 2003

Mr. John R. Macpherson  
Corp. QC Manager  
CHS Cooperatives  
16682B 245<sup>th</sup> Street  
Mason City, IA 50401

Ref. No. 02-0263

Dear Mr. Macpherson,

This is in response to your September 23, 2002, letter regarding placarding requirements on a cargo tank motor vehicle under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask based on the photographs you provided, if you are in violation of § 172.516(c)(4).

The placards and markings shown in the provided photographs are not in violation of § 172.516(c)(4). Section 172.516(c)(4) states that the placard must be located away from any markings (such as advertising) that could substantially reduce its effectiveness and in any case at least 3 inches (76.0mm.) away from such marking. The markings displayed next to the placards in the submitted photographs are required by § 172.328 and Special Provision 13. Therefore, § 172.516(c)(4) is not applicable to these markings.

I hope this satisfies your request.

Sincerely,



John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



020263

172516



BAH  
§ 172.516 (c)(4)  
Placarding  
02-0268

Cenex Fleet Service Center  
16682B 245<sup>th</sup> Street  
Mason City, IA 50401  
Phone: (641) 422-9346  
Fax: (641) 422-9348

September 23, 2002

Mr. Edward T Madzulla  
Director of Hazardous Material Standards  
US-D.O.T. - RSPA (DHM-10)  
400 7th Street  
Washington, DC 20590-0001

RE: 172.516(c)(4) Visibility and display of placards.

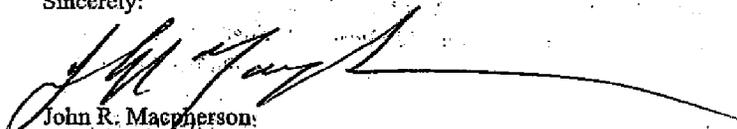
Dear Mr. Madzulla:

Our company is in need of an interpretation of this regulation. This regulation specifically states: Be located away from any marking (such as advertising) that could substantially reduce its effectiveness, and in any case at least 76.0 mm (3 inches) away from such markings.

We operate 350 plus MC 331 DOT Cargo transport vessels through out the US and Canada. The capacities of these vessels range from 9200-gallons to 15,200-gallons. We have encountered a problem with the way we are placarding these vessels in Connecticut and Massachusetts. We have enclosed 4 pictures of exactly how we are placarding these vessels. The problem we are encountering is that the label is to close to the placards. The 2 above mentioned states are issuing citations at a fine of \$500 for each one of these on the vessel. There are 4 per vessel for a total fine of \$2000 per unit. Since we are trying to convey a hazard to the public and emergency personnel, we cannot understand how this can reduce the effectiveness of the placard and contend that this improves the effectiveness in conveying the hazard associated with the products we are transporting. Please give us your departments interpretation, so we have a clear understanding of this regulation.

Your quick response to this matter will be greatly appreciated.

Sincerely:



John R. Macpherson  
Corp. QC Manager

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Fax: (641) 422-9348  
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