



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

**JUL 09 2015**

Ms. Michele A. Jacobs  
The Lane Construction Corporation  
90 Fieldstone Court  
Cheshire, CT 06410

Reference No. 15-0076

Dear Mr. Jacobs:

This is in response to your April 17, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placards. You ask what kind of damage would have to occur to a placard for it not to meet the placard specification in § 172.516. In your letter, you include a picture of a placard with a rivet hole and ask if it would be acceptable under § 172.516.

The answer is yes. It is the opinion of this Office that the placard depicted in your letter would be acceptable under § 172.516. As required by § 172.516(c)(6), each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter. The Pipeline and Hazardous Materials Safety Administration (PHMSA) cannot make a broad determination about what would be considered substantial damage to a placard. Therefore, PHMSA must consider whether the condition of a placard is still acceptable on a case-by-case basis.

I hope this satisfies your request.

Sincerely,

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

Andrews  
§ 172.516 (c)(6)  
Usability and display  
of Placards

15-0076

**Dodd, Alice (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Tuesday, April 21, 2015 3:47 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)  
**Attachments:** April 17, 2015 Hazmat Letter of Interpretation 49 CFR 172.516 (c)(6).docx

Dear Shante and Alice,

Attached is a formal letter of interpretation. Ms Jacobs spoke with Victoria Lehman and was also given interpretation reference number 99-0025 and 14-0106.

Thanks,  
Shelby

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**From:** Michele A. Jacobs [<mailto:majacobs@laneconstruct.com>]  
**Sent:** Tuesday, April 21, 2015 2:15 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** FW: Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)

Please see attached document for a request for a formal letter of interpretation of 49 CFR 172.516 (c)(6).

Thank you,

**Michele A. Jacobs**  
**LANE**  
Corporate Safety and Fleet Manager  
The Lane Construction Corporation  
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: [MAJacobs@LaneConstruct.com](mailto:MAJacobs@LaneConstruct.com)  
☎: 704.395.3243 | 📠: 704.394.5354 | Cell: 704.201.1249

**6 Point Focus**

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**From:** Michele A. Jacobs  
**Sent:** Friday, April 17, 2015 6:40 PM  
**To:** 'phmsa.webmaster@dot.gov'  
**Subject:** Request for Letter of Interpretation - 49 CFR 172.516 (c)(6)

Please see attached document for a request for a letter of interpretation of 49 CFR 172.516 (c)(6).

Thank you,

**Michele A. Jacobs**

**LANE**

Corporate Safety and Fleet Manager  
The Lane Construction Corporation  
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: [MAJacobs@LaneConstruct.com](mailto:MAJacobs@LaneConstruct.com)

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# LANE

Office of Pipeline Safety  
Pipeline and Hazardous Material Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
East Building, 2nd Floor  
Washington, DC 20590

April 17, 2015

RE: Request – Letter of Interpretation – 49 CFR 172.516 (c)(6)

To Whom It May Concern:

I am looking for clarification on what constitutes “Placard Damaged/Deteriorated/Obscured per FMCSA 172.516 (c)(6). Would a scratch or pealed section the size of a small rivet head be considered damaged under 172.516? Would a slight tear or scratch around the perimeter or inside the placard be considered damaged? These conditions could occur from a rock hitting the placard during a normal route of driving on the road to a destination. Can you provide guidance to show when a placard is considered to NOT meet the standard that states “must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter”.

Does the 1993 placard pictured below meet the guidelines of 172.516(c)(6) and therefore would not be considered in violation? The area is a small circle just above the finger in the picture.



# LANE

We would greatly appreciate more definitive answers to these questions so that we can appropriately instruct our drivers as to what is considered damaged placards during our training sessions.

We do keep extra placards in all of our hazmat vehicles, however, when a driver does not think there is damage that constitutes replacement and then receives a violation for a minor imperfection it is difficult to know how to proceed. In summary we are looking for guidance in determining the point at which damage to a placard constitutes replacement.

Thank you very much for your time and we look forward to your response.

Sincerely,

**Michele A. Jacobs**

**LANE**

Corporate Safety and Fleet Manager  
The Lane Construction Corporation  
8205 Wilkinson Blvd. | Charlotte, NC 28214

✉: [MAJacobs@LaneConstruct.com](mailto:MAJacobs@LaneConstruct.com)

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**The Lane Construction Corporation**

90 Fieldstone Court Cheshire, CT 06410 USA ☎ 203.235.3351

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## **Dodd, Alice (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Tuesday, April 21, 2015 10:22 AM  
**To:** Hazmat Interps  
**Subject:** FW: Formal Letter of interpretation

Dear Shante and Alice,

Attached is a formal letter of interpretation request. Mr. McElhoe spoke with Jordan Rivera. His mailing address is:

Scott McElhoe  
Northland Services Inc.  
6700 W. Marginal Way SW  
Seattle, WA 98106

Thanks,  
Shelby

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**From:** Scott McElhoe [<mailto:smcelhoe@Lynden.com>]  
**Sent:** Wednesday, April 15, 2015 2:35 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Formal Letter of interpretation

Mailing addressed requested 4/16/2015 ta 12:57 pm

Am I correct to interpret 49 CFR 176.410(e) that UN0332, Agent blasting Type E, 1.5D, II, may be stowed in the same freight container as UN1942, Ammonium nitrate, 5.1, III? If so, is segregation required between a freight container of UN0332 and a freight container of UN1942?

Regards,

*Scott McElhoe, CSP*  
Assistant General Manager  
Northland Services Inc.  
(206) 892-2788