



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

JUL 1 1 2016

Brad Wagner  
Nebraska State Patrol  
P.O.Box 94907  
Lincoln, NE 68509-4907

Ref. No. 16-0058

Dear Sergeant Wagner:

This responds to your March 24, 2016 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding. You request clarification on whether an advertisement located on the outside of a transport vehicle would be considered a prohibited placard in accordance with § 172.502(a)(2). In your letter, you provide an example of a blue square-on-point advertisement with a white "W" in the middle.

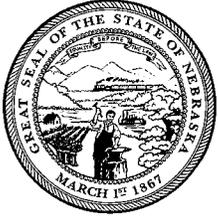
Section 172.502(a)(2) of the HMR states that, "any sign, advertisement, slogan (such as "Drive Safely"), or device that, by its color, design, shape or content, could be confused with any placard prescribed in this subpart is prohibited." This prohibition is intended to limit the potential dilution of hazard communication provided by the appropriate hazardous materials placards.

It is the opinion of this Office that the advertisement would be considered a prohibited placard. Based on the particulars of the example provided, the advertisement is of a similar shape (e.g., square-on-point configuration), size (e.g., 8.5 inches by 8.5 inches and 15 inches by 15 inches) and color (e.g., similar to the "DANGEROUS WHEN WET" placard) to a placard prescribed in Subpart F of Part 172. Moreover, the advertisement is located on the transport vehicle where placards would normally be found (e.g., on the rear and sides of the box trailer). It is our belief that this advertisement could be confused for a placard in an emergency response situation.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division



**Pete Ricketts**  
Governor

STATE OF NEBRASKA

**NEBRASKA STATE PATROL**  
**Colonel Brad Rice**  
Superintendent  
P.O. Box 94907  
Lincoln, NE 68509-4907  
Phone (402) 471-4545

*Ciccarone*  
*§ 172.502(a)(2)*  
*Placarding*  
*16-0058*

March 24, 2016

Charles E. Betts  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Dear Mr. Betts:

Please provide an interpretation on whether a square on point advertisement with a "W" in the middle as evidenced in the attached photos constitute a prohibited sign under §172.502(a)(2). As you can see from the photos the color and design is the same as a dangerous when wet placard. One of the signs is approximately 1 inch smaller than a placards minimum dimension and two are approximately 6 inches larger than the minimum dimensions.

Your assistance in determining whether these advertisements violate §172.502(a)(2) is greatly appreciated.

Thank you for your time and attention in this matter.

Respectfully,

*Brad Wagner*

Brad Wagner, Sergeant  
Carrier Enforcement Division

Enclosures: (2)

Cc: Captain Krolkowski  
File



