



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 25 2012

Sergeant Brad Wagner
Carrier Enforcement Division
Nebraska State Patrol
P.O. Box 94907
Lincoln, Nebraska 68509-4907

Ref. No. 12-0139

Dear Sergeant Wagner:

This responds to your June 19, 2012 request for clarification on prohibited placarding under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked if a red "N" on a white square on point background shown in your attached photographs constitutes a prohibited sign under § 172.502(a)(2).

Section 172.502(a)(2) provides that: [N]o person may affix or display on a packaging, freight container, unit load device, motor vehicle or rail car...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.

This prohibition is intended to limit the potential dilution of hazard communication provided by the appropriate hazardous materials placards. The display in the photographs you provided is similar in "shape" (square on point configuration) to that of hazardous materials placards, and could be confused with prescribed placards in the HMR. Therefore, the red "N" on a white square on point background is prohibited under § 172.502(a)(2).

I hope this answers your inquiry. If you need additional assistance, contact this office at (202) 366-8553.

Sincerely,

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA STATE PATROL
Colonel David A. Sankey
Superintendent
P.O. Box 94907
Lincoln, Nebraska 68509-4907
Phone: (402) 471-4545

June 19, 2012

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 a determination on whether a red "N" on a white square on point background in the attached photos constitute a prohibited sign under §172.502(a)(2).

Thank you for your time and attention in this matter.

Respectfully,

Brad Wagner, Sergeant
Carrier Enforcement Division

Enclosures: (2)

Cc: Captain Krolikowski

File

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§172.502(a)(2)
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