



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

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

APR 14 1999

Mr. Randy L. Holloway  
Industrial Consulting Services  
P.O. Box 990  
Middleton, ID 83644

Ref. No. 99-0025

Dear Mr. Holloway:

This is in response to your letter dated January 10, 1999, regarding the requirements for visibility and display of placards on a transport vehicle as prescribed in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You asked what is the meaning of the phrase "substantially reduced" as used in 49 CFR 172.516(c)(6), regarding visibility of placards, and whether it would be a violation of the HMR to use duct tape located approximately 1/4 inch over the black inner border of the placard, although the symbol, identification number and hazard class are visible. You also asked whether a small amount of "road spray" may be on the placard and not be in violation of the HMR.

Section 172.516 requires that a placard must be displayed in a location clear of appurtenances and devices such as ladders, be located in a position so that dirt or water is not directed to it from the wheels of the transport vehicle and be visible from the direction it faces. In addition, the requirements specify that the visibility of the placard will not be "substantially reduced" due to damage, deterioration, or obscurement by dirt or other matter.

Although, you did not provide any photographs or drawings of the placards, based on the information you provided, it is the opinion of this Office that the duct tape (used to affix the placard to the motor vehicle) which covered the black solid line inner border is a violation of the requirements in 49 CFR 172.516(c)(6). In addition, if the placard is located on the motor vehicle where it is liable to be covered with dirt, snow, mud or other matter (e.g., "road spray"), it is a violation of HMR.



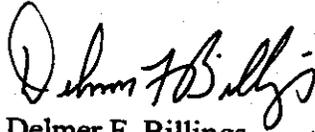
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172.516

The phrase "substantially reduced" is not defined in the HMR; however, its intent is to prohibit a placard on a motor vehicle whose format and legibility is diminished, such as by placing duct tape over the black solid line inner border (a required part of the placard design), or a placard that is damaged, deteriorated, or obscured, such as by "road spray".

I hope this satisfies your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards

# Industrial Consulting Services

P.O. Box 990 • Middleton, ID 83644 • (208) 585-2259 • Fax (208) 585-2972

January 20, 1999

Edward Mazzullo  
Director, Hazardous Materials Standards  
DOT-RSPA  
400 7<sup>th</sup> Street SW  
Washington, D.C. 20590

*E. Mazzullo*  
172.516  
99-0025

Dear Mr. Mazzullo,

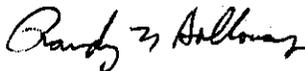
For some time, there has been a problem getting a uniform consensus among roadside inspectors regarding visibility of placards. §172.516(c)(6) states that placards must be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter. At issue is the meaning of the words "substantially reduced." I teach emergency response classes to firemen, police, and other first responders and know the importance of the information on placards. However, trucking companies that I work with have received roadside violations and citations where the placard was only slightly covered.

One inspection in California resulted in a citation where the driver attached a placard with duct tape. The tape went over the small black border by approximately 1/4 inch in one place. Even though the symbol, identification number, and the hazard class number were completely visible, we were issued a citation for an obscured placard. The inspector admitted that a placard holder would cover more of the placard than the duct tape did, but that was allowable since it was designed that way. I explained to the inspector that it is impossible to securely affix the placard without covering a small portion of the edge. He said a driver could never use duct tape and comply with the section.

Another recent inspection in Nevada occurred during a light rain. A driver was traveling down I-80 operating a gasoline tank truck and trailer. A small amount of road spray was on the placard. All required elements were clearly visible, but the inspector said anything on the placard violated the section, regardless of how much. The driver was written seven violations on the inspection form and an out of service violation with citation.

It would help to have some guidance for trucking companies and roadside inspectors on the meaning of the words "substantially reduced." Webster defines substantial as "considerable, ample, large." Some roadside inspectors define substantial as "any, minuscule, tiny." It would seem that if a person with 20/20 vision could identify the symbol, identification number, hazard class number, and color from a distance of 50 to 100 feet, the intent of the rule would be met.

Sincerely,



Randy L. Holloway