

RSPA-1991-12755-1

184281

BEFORE THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

PETITION OF THE
ASSOCIATION OF AMERICAN RAILROADS

THE PLACEMENT OF PLACARDS ON CONTAINERS

Michael J. Rush
Counsel for the Ass'n of
American Railroads
50 F St., N.W.
Washington, D.C. 20001
(202) 639-2503

May 7, 1991

BEFORE THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

PETITION OF THE
ASSOCIATION OF AMERICAN RAILROADS

THE PLACEMENT OF PLACARDS ON CONTAINERS

The Association of American Railroads (AAR) is a trade association whose member railroads operate 81% of the line haul mileage, employ 93% of the workers, and produce 94% of the freight revenues of all railroads in the United States. On behalf of its members, AAR submits the following petition to amend the hazardous materials regulations of the Research and Special Programs Administration (RSPA). This petition addresses a problem that has arisen in recent years, the placement of placards on containers used in double stack service in locations where the visibility of the placards is obscured. AAR petitions that RSPA require that placards be placed on containers in locations where the placards can be seen clearly.

Placards placed near the bottom and the ends of the sides of containers used in double stack service can be obscured by the side walls and bottom structures of certain rail cars used to transport containers in double stack service. Exhibits A and B are photographs of placards on containers that are obscured by the structures of rail cars on which the containers have been placed. The transportation of containers containing hazardous materials with placards obscured from view violates 49 C.F.R. § 172.516. Unfortunately, the entities responsible for the placement of placards on containers are not aware of the visibility problem that is encountered. The railroads, themselves, cannot efficiently check the placement of placards. Furthermore, the placards usually are the stick-on type and therefore cannot be moved. In some cases, permanent placard holders are utilized and the holders can't be moved. A better system needs to be developed to prevent the unintended violation of 49 C.F.R. § 172.516.

The placard visibility problem can easily be solved by amending 49 C.F.R. § 172.516 to specify the location on all intermodal containers where placards should not be placed. It would not be sufficient to limit the applicability of such a requirement to containers shipped in double stack service, because shippers do not always know that their containers might be shipped in double stack service.

Placards on containers in double stack service would not be obscured if they were placed at least four feet from the bottom of the container and, for the side placards, five feet from the ends. Exhibit C is photograph showing a container on a rail car

with markings for the locations four feet from the bottom and five feet from the end. Exhibits D and E are photographs showing placards on containers at the outer limits of these dimensions. The placards are clearly visible.

Accordingly, AAR petitions that 49 C.F.R. § 172.516 be amended by relettering current paragraphs (d) and (e) as (e) and (f), respectively, and inserting a new paragraph (d) as follows:

(d) Placards on the sides and ends of an intermodal container must be placed not closer than four feet from the bottom of the container. Placards on the sides of an intermodal container also must not be placed closer than five feet from the ends of the container.

The action sought in this petition would represent partial fulfillment of DOT's responsibility under the Hazardous Materials Transportation Uniform Safety Act of 1990 "to determine methods of improving the current system of placarding." Pub. L. No. 101-615, § 25(a)(2)(A) (1990). The granting of this petition would improve safety by helping to ensure that, as required by 49 C.F.R. § 172.516, placards placed on intermodal containers will be visible at all times. AAR urges that this petition be acted on expeditiously.

Respectfully submitted,



Michael J. Rush
Counsel for the Ass'n of
American Railroads
50 F St., N.W.
Washington, D.C. 20001
(202) 639-2503

May 7, 1991