



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

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

MAY 5 2000

Mr. Philip R. Recht
Mayer, Brown & Platt
350 South Grand Avenue, 25th Floor
Los Angeles, CA 90071-1503

Ref. No. 00-0101

Dear Mr. Recht:

This is in response to your letter dated April 3, 2000, requesting whether your client's "NationsRent, Inc." logo used on its commercial vehicles is prohibited under Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed an example of the logo.

Displaying or affixing a sign, advertisement, slogan, or device on a transport vehicle or freight container that, by its color, design, shape, or content, could be confused with, or mistaken for, a hazard warning label or placard is prohibited under §§172.401(b) and 172.502(a)(2)). This prohibition is intended to limit the potential for dilution of hazard warning communication provided by the appropriate hazardous materials labels and placards. Based on our review, it is our opinion that the "NationsRent, Inc." logo, as shown in your enclosure, is sufficiently distinct from a placard referenced by the HMR. Therefore, this logo is not prohibited under the provisions of §§ 172.401(b) and 172.502(a)(3).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



000101

172.502

MAYER, BROWN & PLATT

350 SOUTH GRAND AVENUE

25TH FLOOR

LOS ANGELES, CALIFORNIA 90071-1503

Engrum
\$ 172.502
00-0101

MAIN TELEPHONE
213-229-9500
MAIN FAX
213-625-0248

PHILIP R. RECHT
DIRECT DIAL (213) 229-9512
precht@mayerbrown.com

April 3, 2000

Mr. Delmer Billings
Office of Hazardous Materials Safety
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Billings,

A client of our firm, NationsRent, Inc., which is involved in the construction and industrial equipment rental business, has designed a logo (copy enclosed) to be placed on its transportation fleet and rental equipment.

We believe the logo could not be confused with or conflict with a hazardous materials placard or label prescribed by the Department of Transportation and, thus, would not be prohibited under the provisions 49 CFR Sections 172.401(b) or 172.502(a).

Please let us know if, based on the enclosed design and the pictures earlier provided, your agency concurs in this view. If you are in need of any additional information, do not hesitate to get in touch.

Thank you for your assistance in this matter.

Sincerely,



Philip R. Recht

Enclosures

28392461.1 40300 1720P 99608374