

CHAPTER 205**SHIPMENT AND TRANSPORTATION BY MOTOR CARRIER OF DANGEROUS ARTICLES****Authority**

Unless otherwise expressly noted, all provisions of this Chapter 205 were adopted by the Commissioner of Labor and Industry, pursuant to authority delegated at N.J.S.A. 39:5B-1 et seq., filed and effective prior to September 1, 1969.

Chapter Expiration Date

Chapter 205, Shipment and Transportation by Motor Carrier of Dangerous Articles, expires on July 1, 2006.

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SUBCHAPTER 1. SCOPE AND PURPOSE**12:205-1.1 Applicability**

These safety specifications are applicable to both the shipment, including preparation therefor, of dangerous articles as herein defined by motor carrier and the transportation as cargo thereof by motor carrier, including but not limited to common, contract and private carriers, over the

highways of this State; included also are transportation of dangerous articles by bus and private motor vehicle (passenger car or truck); shipment and transportation of dangerous articles by rail or water are not included.

12:205-1.2 Minimum safety requirements

These safety specifications are intended to provide minimum requirements for the reasonable safety to life and limb of persons and the protection of property of others in connection with the shipping by motor carrier or the transportation by motor carrier of dangerous articles over the highways of this State.

12:205-1.3 Facilitate statutes

These safety specifications are intended to facilitate the administration and enforcement of N.J.S.A. 39:5B-1 et seq., entitled, "An Act Concerning the Transportation of Dangerous Articles".

12:205-1.4 Exceptions

Nothing in these safety specifications shall be construed as affecting the shipment and transportation of:

- a. Explosives, which are governed by other laws and regulations;
- b. Flammable liquids when transported in tank trucks, tank full trailers or tank semi-trailers that have been approved and licensed by the Division of Motor Vehicles;
- c. Dangerous articles when such shipment and transportation is being done by the regular military or naval forces of the United States; the duly authorized militia of any State or territory; the police or fire departments of this State; providing the same are acting within their official capacity and in the performance of their duties.

SUBCHAPTER 2. DEFINITIONS**12:205-2.1 Words and phases defined**

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise.

2.1 "Approved" means approved by the Commissioner of Labor and Industry or his authorized representative.

2.2 "Commissioner" means Commissioner of Labor and Industry, or his authorized representative.

2.3 "Cargo" means the goods, merchandise, lading or freight of a vehicle but excluding for the purpose of these specifications and regulations—persons; dangerous articles

carried as emergency equipment on ambulances, fire department vehicles, police department vehicles or similar vehicles of a public safety department; dangerous articles carried as necessary equipment for the required operations of the several building trades.

2.4 "Cargo tank" means any tank designed to be permanently attached to any motor vehicle and in which a dangerous article is to be transported.

2.5 "Cargo tank vehicle" means any motor vehicle designed or used for the transportation of liquids or gases or other dangerous articles in any cargo tank.

2.6 "Dangerous articles" means flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances and radioactive materials, as herebelow defined, when transported as cargo by motor vehicles on a highway.

2.6.1 "Flammable liquids" means any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester, as used for test of burning oils) at or below a temperature of 80 degrees Fahrenheit.

2.6.2 "Flammable solids" means a solid substance other than one classified as an explosive which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

2.6.3 "Oxidizing Material" means a substance such as a chlorate, permanganate, peroxide or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

2.6.4 "Corrosive liquids" means those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue will cause severe damage of such tissue by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

2.6.5 "Compressed gas" means any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70 degrees Fahrenheit or an absolute pressure exceeding 104 pounds per square inch at 130 degrees Fahrenheit, or both, or any liquid flammable material having a Reid flammable material having a Reid¹ Vapor pressure exceeding 40 pounds per square inch absolute at 100 degrees Fahrenheit.

2.6.6 "Poisonous substances" means liquids and gases of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life; or such liquid or solid substances as upon contact with fire or when exposed to air give off dangerous or intensely irritating fumes; or substances which are chiefly dangerous by external contact with the body or by being taken internally.

2.6.7 "Radioactive material" means any material or combination of materials that spontaneously emits ionizing radiation.

2.7 "Enforcement officer" means the Commissioner or his authorized representatives; State; State agency, county and municipal police or peace officer; State Motor Vehicle Inspector.

2.8 "Highway" means any public street, alley, road, tunnel, bridge, viaduct, turnpike or parkway.

2.9 "I.C.C. regulations" means Interstate Commerce Commission regulations applying to shipments made by way of common and contract carriers by public highway and regulations for transportation of explosives and other dangerous articles by freight.

2.10 "Label" means the caution label required by ICC regulations to be affixed to outside containers of dangerous articles.

2.11 "Marked" refers to the descriptive name, instructions, cautions, weight data or specification marks that are required by ICC regulations to be placed upon outside containers of dangerous articles.

2.12 "Marking" refers to the specific caution lettering on both sides and the rear of vehicles transporting dangerous articles.

2.13 "Motor vehicle" includes motor vehicle, bus, passenger motor vehicle, motor truck.

2.14 "Person" means any individual, partnership, association or corporation.

2.15 "Placarding" refers to caution lettering on placard attached to both sides and rear of vehicles transporting dangerous articles.

2.16 "Singular, plural". Words used in the singular may be construed to mean the plural and the plural the singular.

2.17 "Shipping papers" means a manifest, memorandum receipt, bill of lading, shipping order or other memorandum setting forth for each class of dangerous article being transported; the shipping name; the total quantity by weight, volume or otherwise; and the prescribed label when required for the outside container together with certification thereon if the container has not been certified by the shipper.

¹ American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

SUBCHAPTER 3. GENERAL PROVISIONS**12:205-3.1 Applicability to shippers**

These safety specifications with respect to scope and purpose; definitions; packing, marking, labeling of containers, preparation of shipping papers and their certification; apply to all shippers offering dangerous articles for transportation as cargo by motor vehicle on a highway.

12:205-3.2 Persons covered

The provisions of these safety specifications are binding upon all persons who ship, cause to be shipped, transport or cause to be transported any dangerous articles as cargo by motor vehicle over the highways of this State.

12:205-3.3 Observation of specifications

The provisions of these safety specifications shall be observed by all persons owning, operating or in charge of motor vehicles subject thereto; all shippers, their agents or other persons offering dangerous articles for transportation as cargo by motor vehicle over a highway; all persons engaged in the acceptance and handling of dangerous articles for such transportation; all shippers and carriers for their purpose of instructing their employees with respect to the requirements herein set forth.

12:205-3.4 Relief from other provisions

Nothing contained in these safety specifications shall be construed as relieving any shipper or motor carrier from any other Federal, State, county or local law, ordinance or regulation.

12:205-3.5 Vehicles subject to specifications

These safety specifications apply to all motor vehicles including semitrailers, trailers, motor trucks, passenger cars and buses.

12:205-3.6 ICC compliance

Where not inconsistent with the provisions of law or these safety specifications, compliance with ICC regulations covering shipment; packing, marking, labeling of shipping containers for transportation of; handling and safe operation of motor vehicles for the transportation of dangerous articles shall constitute compliance with the requirements of these safety specifications.

SUBCHAPTER 4. PACKING, MARKING AND LABELING OF CONTAINERS**12:205-4.1 ICC regulations**

I.C.C. regulations in effect at the time of shipment with respect to the packing, marking and labeling of containers of

dangerous articles shall apply to shippers preparing shipments for transportation by motor vehicle as cargo and such regulations are hereby adopted and form part of these safety specifications.

SUBCHAPTER 5. MARKING OR PLACARDING OF VEHICLES *

* This Subchapter is equivalent to the regulation provided for by N.J.S.A. 39:5B-11.

12:205-5.1 Subject vehicles

All motor vehicles, semitrailers, trailers and cargo tank vehicles shall be conspicuously and legibly marked or placarded as herein set forth in order of desirability.

12:205-5.2 When required

Marking on vehicles shall be required whenever the following specified quantities of dangerous articles are to be transported as cargo over a highway. Specific articles of the several groups of dangerous articles are found in the list of dangerous articles.

5.2.1 Every cargo tank vehicle used for the transportation of any quantity of flammable solid, oxidizing material, corrosive liquid, compressed gas or poisonous substance regardless of the quantity being transported, or whether loaded or empty shall be conspicuously and legibly marked or placarded on each side and the rear thereof in letters on a background of sharply contrasting color as specified under marking requirements.

5.2.2 Every motor vehicle, semitrailer or trailer, other than a cargo tank vehicle when transporting:

a. Any quantity of poison gas, Class A; or radioactive material, poison Class D Red radioactive material label; or,

b. More than 55 gallons in drums, or more than 500 pounds in shipping containers of any flammable solid or oxidizing material (note: drums and shipping containers must be constructed in accordance with ICC specifications and used in accordance with ICC regulations); or

c. 2,500 pounds or more of flammable liquids, corrosive liquids, compressed gas or tear gas, or 5,000 pounds or more of two or more of these groups; shall be marked or placarded on each side and the rear thereof with a placard or lettering in letters on a contrasting background as specified under marking requirements.

12:205-5.3 Marking requirements

When required the lettering on vehicles shall conform to the following requirements:

5.3.1 Cargo tank vehicles transporting flammable solids, oxidizing materials, corrosive liquids, less dangerous poison Class B shall have a sign or lettering in letters at least three inches high, optionally as follows:

- a. With the word "DANGEROUS"; or
- b. With the common or generic name of the dangerous article being transported; or
- c. With words describing the principal hazard.

5.3.2 Cargo tank vehicles transporting any compressed gas shall have a sign or lettering on the tank in letters at least six inches high as follows:

- a. With words as appropriate, "COMPRESSED GAS", or, "FLAMMABLE COMPRESSED GAS"; and in letters at least two inches high with the common or generic name; or
- b. With the word "DANGEROUS".

5.3.3 Every cargo tank vehicle transporting any compressed gas shall be marked with the name of the motor carrier who owns the vehicle of which such tank forms a part; or, if the operator of the vehicle is not the owner, the name of the owner thereof.

5.3.4 Motor vehicles, semitrailers and trailers other than cargo tank vehicles shall be marked or placarded as follows in letters not less than three inches high:

<i>a. TYPE OF DANGEROUS ARTICLE</i>	<i>REQUIRED MARKING ON VEHICLE</i>
Flammable liquid	DANGEROUS
Flammable solid	DANGEROUS
Oxidizing material	DANGEROUS
Corrosive liquid	DANGEROUS
Compressed gas	COMPRESSED GAS
Poison gas	POISON GAS
Tear gas	DANGEROUS
Radioactive materials	DANGEROUS—RADIO-ACTIVE MATERIAL

or,

- b. with the word "DANGEROUS" for any dangerous article, or
- c. with the common or generic name of the dangerous article, or
- d. with the words describing the principal hazard of the dangerous article.

12:205-5.4 Removal of signs or lettering

Every sign or lettering herein specified shall be removed from or covered on any vehicle to which it is attached or affixed when such vehicle is not transporting the article for which the sign is appropriate except that no such sign or lettering is required to be removed or covered when such vehicle is used exclusively in the transportation of any article for which the sign or lettering is appropriate.

12:205-5.5 Only one marking required

Whenever any vehicle is transporting more than one class of dangerous article for which signs or placards are required to be lettered on or affixed to any such vehicle, no more than one kind of sign, lettering or placard is required for display. The sign, lettering or placard used shall be the one which in the judgment of the motor carrier, designates the most dangerous article being transported.

SUBCHAPTER 6. LIST OF DANGEROUS ARTICLES

12:205-6.1 ICC equivalent

The list of dangerous articles as defined by these specifications is equivalent to the list of dangerous articles contained in the ICC regulations including supplements thereto.