

CHAPTER 49

TRANSPORTATION OF HAZARDOUS MATERIALS

Authority

N.J.S.A. 6:1-32, 27:1A-5, 27:1A-6, and the Air Safety and Zoning Act of 1983, P.L. 1983, c.260, as amended.

Source and Effective Date

R.2000 d.7, effective December 7, 1999.
See: 31 N.J.R. 2692(a), 32 N.J.R. 102(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 49, Transportation of Hazardous Materials, expires on June 5, 2005. See: 37 N.J.R. 32(a).

Chapter Historical Note

Chapter 49, Transportation of Hazardous Materials, was adopted as R.1985 d.123, effective March 18, 1985. See: 16 N.J.R. 2979(a), 17 N.J.R. 712(a).

Pursuant to Executive Order No. 66(1978), Chapter 49, Transportation of Hazardous Materials, was readopted as R.1990 d.156, effective February 8, 1990. See: 22 N.J.R. 21(a), 22 N.J.R. 837(c).

Pursuant to Executive Order No. 66(1978), Chapter 49, Transportation of Hazardous Materials, was readopted as R.1995 d.74, effective January 12, 1995. See: 26 N.J.R. 4488(b), 27 N.J.R. 509(a).

Pursuant to Executive Order No. 66(1978), Chapter 49, Transportation of Hazardous Materials, was readopted as R.2000 d.7, effective December 7, 1999. See: Source and Effective Date. See, also, section annotations.

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APPENDIX TO THE REGULATIONS REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS

SUBCHAPTER 1. GENERAL REQUIREMENTS

16:49-1.1 Purpose

This chapter prescribes the requirements of the New Jersey Department of Transportation (“Department”) governing the transportation of hazardous materials in the State of New Jersey. This chapter is adopted to establish comprehensive regulation of the shipping, packaging, marking, labelling, placarding, handling, and transportation of hazardous materials, and is established consistent with the regulations issued by the United States Department of Transportation.

Amended by R.1990 d.550, effective November 19, 1990.
See: 22 N.J.R. 2676(a), 22 N.J.R. 3500(c).
Stylistic changes.

16:49-1.2 Application

(a) This chapter shall apply to:

1. Every shipper and motor carrier and its officers, drivers, agents, employees, and representatives involved or in any manner related to the transportation of interstate and/or intrastate commerce, shall comply with and be bound by these regulations or any future amendments, and shall take such measures as are necessary to insure compliance therewith.

2. All officers, agents, representatives, drivers, and employees of shippers and carriers involved or concerned with the management, maintenance, operation or driving of vehicles, shall be conversant and knowledgeable with the rules and regulations set forth in this chapter.

Case Notes

State law governing transportation of hazardous materials preempted enforcement of city resolution. Consolidated Rail Corp. v. City of Bayonne, D.N.J.1989, 724 F.Supp. 320.

16:49-1.3 General requirements

(a) Hazardous materials that do not comply with the requirements of this chapter shall not be offered for transportation, accepted for transportation, or transported.

(b) Vehicles, railroad cars, containers, shipping records, carrier records, and places of origin in the state involved in the transportation of hazardous materials, substances, or wastes are subject to inspection by duly authorized representatives of the Division of State Police as may be necessary to carry out the provisions of N.J.S.A. 39:5B-25 et seq., and the regulations adopted supplementary thereto. Inspections shall be conducted as follows:

1. The Division of State Police, or personnel authorized by the Superintendent of the State Police, may break cargo seals on vehicles during the course of an inspection of the carrier's equipment under this chapter. Under no circumstances will U.S. Postal Service or Department of Defense seals or locks be broken for the purpose of inspecting cargo within any vehicle. If cargo is protected with a seal from any other U.S. Government agency, prior permission shall be obtained from such agency before removal of the seal.

2. Self-locking cargo seals inscribed with the appropriate New Jersey State agency designation and sequential number shall be affixed by the enforcement personnel to replace any cargo seal removed for inspection. In the event that the contents of a vehicle having no cargo seal, or a broken cargo seal, are inspected, the inspecting agency's cargo seal shall not be applied upon completion of the inspection.

3. Seals on tank vehicles shall not be broken except in an emergency situation which poses an immediate hazard to the public, as determined by the State Police, or personnel authorized by the Superintendent of State Police.

4. In the event that a cargo seal is to be broken for the purpose of inspecting the vehicle contents, the owner, operator, driver or yardmaster shall be requested to observe the inspection and sign the inspection report. The signature of a witness, preferably a New Jersey State Police Officer, will also be obtained.

5. Procedures to be used in conducting such inspections shall be as specified by the New Jersey State Police.

(c) No person shall, by marking or otherwise, represent that a container or package for the transportation of hazardous materials is safe, certified, or in compliance with the requirements of the New Jersey Department of Transportation unless such container or package meets the requirements of this chapter.

(d) The New Jersey Department of Transportation will recognize an exemption or renewal thereof issued by the United States Department of Transportation under Section 107, Subpart B of Title 49 subject to review by the New Jersey Department of Transportation. Any person operating under a current, valid exemption or renewal thereof under Section 107 subject to review by the New Jersey Department of Transportation will be deemed to be in compliance with those portions of these regulations to which the exemption applies, provided that the person is complying with the terms of the exemption.

(e) Intrastate carriers and shippers desiring exemptions shall be subject to the same rules and procedures required of interstate carriers and shippers. See Title 49, Code of Federal Regulations, Part 107, Subpart B. Also see N.J.A.C. 16:49-1.3(k) herein.

(f) Whenever the term "interstate" is used in the Federal regulations adopted herein it shall, for the purpose of these regulations, mean and include both "interstate" and "intra-state" transportation in commerce, except where stated otherwise.

(g) The modes of transportation by air, water, or pipeline are governed by other agencies and other Federal regulations and are not under the jurisdiction of the Department. Thus, any portion of the Federal regulations governing transportation of hazardous materials by air, water, or pipeline within Parts 107, 171, 172, 173, 174, 177, 178, 179 and 180 are hereby excluded and not adopted by the Department.

(h) This chapter establishes minimum standards which must be complied with in conjunction with the transportation of hazardous materials. Therefore, in the event of a conflict between this chapter and any other State regulation, the stricter, more stringent standard shall apply and govern. This chapter is intended to complement, and not to limit, those related statutory and regulatory provisions of the New Jersey Department of Environmental Protection regarding hazardous wastes, radioactive materials, spill compensation and control.

(i) This chapter may be amended from time to time by the New Jersey Department of Transportation.

1. The Federal "Hazardous Materials Regulations" referenced herein, are adopted as revised as of April 1, 1999.

2. The Federal Highway Administration, United States Department of Transportation, supplements and amends the Federal Motor Carrier Safety Regulations, the Appendices to the Federal Motor Carrier Safety Regulations, and the Federal Hazardous Materials Regulations, on a continuing basis pursuant to the Federal Administrative Procedure Act (5 U.S.C. § 554 et seq.) and authority granted to the Secretary, pursuant to 49 U.S.C. App. § 2505. Supplements and amendments are published as a notice of proposed rulemaking in the Federal Register and are subject to a period of public comment prior to their adoption. Adoption of supplements and amendments by a final rule action appear in the Federal Register and indicate an effective date for their implementation and enforcement. The Department will hereafter rely upon the notices of proposed rulemaking and final actions published in the Federal Register supplementing and amending the Federal Motor Carrier Safety Regulations, Appendices to the Federal Motor Carrier Safety Regulations, and the Federal Hazardous Materials Regulations, as notice to all interested parties and all persons or entities affected by these regulations. Final rule actions supplementing and amending the Federal Motor Carrier Safety Regulations, Appendices to the Federal Motor Carrier Safety Regulations, and the Federal Hazardous Materials Regulations, will hereafter be considered as adopted and incorporated, by reference, herein, upon their publication in the Federal Register, and will become effective on the effective date as published in the Federal Register. Any modification, revision, amendment, delay in implementation, or omission by the Department of any Section(s), Subparts(s), or Part(s) of the Federal Motor Carrier Safety Regulations, Appendices to the Federal Motor Carrier Safety Regulations, and the Federal Hazardous Materials Regulations, and all supplements and amendments thereto will be subject to a separate notice of proposed rulemaking, pursuant to the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(j) If any provision or clause of this chapter is held invalid to any person or circumstance, such invalidity shall not affect other provisions or applications of the regulation which can be given effect without the invalid provision or application. To this end the provisions of this regulation are declared to be severable.

(k) This chapter or any portion or portions thereof may be waived by the New Jersey Department of Transportation if after consideration of the facts involved it is determined that a particular situation warrants such waiver. This provision shall apply to intrastate movements only. Application shall be made in writing to the Commissioner of Transportation before the subject materials are offered for transportation. The written application shall set forth the full circumstances and facts of the case. The applicant(s) shall not have the right to a hearing. Application shall only be made in cases of unique circumstances or hardship.

Amended by R.1986 d.447, effective November 3, 1986.

See: 18 N.J.R. 1791(a), 18 N.J.R. 2212(b).

Added text to (h) "and not to limit".

Amended by R.1989 d.101, effective February 21, 1989.

See: 20 N.J.R. 3005(a), 21 N.J.R. 456(a).

Changed date from November 1, 1985 to October 1, 1987.

Amended by R.1990 d.550, effective November 19, 1990.

See: 22 N.J.R. 2676(a), 22 N.J.R. 3500(c).

Clarification regarding jurisdiction added; (l), on combustible liquids, deleted.

Amended by R.1991 d.208, effective April 15, 1991.

See: 23 N.J.R. 55(b), 23 N.J.R. 1148(a).

Inspection of hazardous materials and cargo seal requirements added at (b)1.

Amended by R.1993 d.235, effective June 7, 1993.

See: 25 N.J.R. 1065(a), 25 N.J.R. 2497(a).

Amended by R.1995 d.74, effective February 6, 1995.

See: 26 N.J.R. 4488(b), 27 N.J.R. 509(a).

Amended by R.2000 d.7, effective January 3, 2000.

See: 31 N.J.R. 2692(a), 32 N.J.R. 102(a).

In (i), changed date in 1, and inserted references to the Federal Hazardous Materials Regulations throughout 2.

16:49-1.4 Penalty for violation of these provisions

(a) The penalty for a violation of these provisions including the Federal regulations incorporated by reference in N.J.A.C. 16:49-2 and herein shall be as specified under N.J.S.A. 39:5B-25 et seq., as amended.

(b) Each violation shall be treated separately. When the violation is a continuing one, each day of the violation constitutes a separate offense.

Amended by R.1986 d.477, effective November 3, 1986.

See: 18 N.J.R. 1791(a), 18 N.J.R. 2212(b).

Added "as amended."

16:49-1.5 Document availability

(a) Copies of the Federal "Hazardous Materials Regulations," Title 49, Code of Federal Regulations, Parts 171, 172, 173, 174, 177, 178, 179, and 180 referenced herein may be purchased from the places listed below. The "Federal Motor Carrier Safety Regulations," Title 49, Code of Federal Regulations, Part 382 and Parts 390 through 397, and the Federal Register and all supplements and amendments thereto, as adopted and incorporated by reference in the Appendix to the Regulations Regarding the Transportation of Hazardous Materials, may also be purchased at the places listed below.

1. United States Government:

i. Superintendent of Documents

U.S. Government Printing Office

Washington, DC 20402

(202) 783-3238

ii. U.S. Government Printing Office Bookstore

Room 110, 26 Federal Plaza

New York, NY 10278-0081

(212) 264-3825

iii. U.S. Government Printing Office Bookstore

Robert Morris Building
100 North 17th St.
Philadelphia, PA 19103
(215) 636-1900

iv. Federal Highway Administration

Research and Special Programs Administration
Hazardous Materials Information Exchange
Electronic Bulletin Board
Toll Free: 1-800-752-6367
Dateline: (708) 972-3275

2. Non-governmental sources (Note: The inclusion of a non-governmental source in this paragraph does not constitute an endorsement or recommendation of the product or service offered, sold, or provided by that source or the accuracy of the information said to be contained therein. Non-governmental sources are listed solely as a convenience to interested parties.):

i. American Trucking Associations

2200 Mill Road
Alexandria, VA 22314-4677
Toll Free: 1-800-ATA-LINE (282-5463)

ii. J.J. Keller & Associates

3003 West Breezewood Lane
P.O. Box 368
Neenah, WI 54957-0368
Toll Free: 1-800-558-5011
(414) 722-2848

iii. Regulations Management Corporation

1505 Arlington Road
Bloomington, IN 47404-0809
(812) 333-7347

iv. Regulation Scanning

30 West Third St.
Williamsport, PA 17701
Toll Free: 1-800-326-9303

(b) Copies of the Federal "Hazardous Materials Regulations" and the "Federal Motor Carrier Safety Regulations" are available for review at the following public libraries:

1. New Jersey State Library

185 West State Street
Trenton, NJ 08625
(609) 292-6220

2. Newark Public Library

5 Washington Street
PO Box 630
Newark, NJ 07101
(973) 733-7782

3. Jersey City Public Library

U.S. Government Documents Section
472 Jersey Avenue
Jersey City, NJ 07302
(201) 547-4517

4. New Brunswick Public Library

60 Livingston Avenue
New Brunswick, NJ 08901
(732) 745-5108

5. Trenton Public Library

120 Academy Street
Trenton, NJ 08608
(609) 392-7188

6. Camden County Public Library

203 Laurel Road
Voorhees, NJ 08043
(609) 772-1636

7. Cherry Hill Public Library

1100 Kings Highway, North
Cherry Hill, NJ 08034-1970
(609) 667-0300

(c) Copies of the Federal "Hazardous Materials Regulations" and the "Federal Motor Carrier Safety Regulations" noted above are further available for review at the New Jersey Department of Transportation, Bureau of Ports, Terminals and Freight Services, 1035 Parkway Avenue, Trenton, NJ 08625. Hours at this office are 8:30 A.M. to 5:00 P.M., Monday through Friday. This office may be contacted at (609) 530-8031.

Amended by R.1986 d.447, effective November 3, 1986.
See: 18 N.J.R. 1791(a), 18 N.J.R. 2212(b).

Revised date from 1983 to 1985; changed phone numbers.
Amended by R.1989 d.101, effective February 21, 1989.
See: 20 N.J.R. 3005(a), 21 N.J.R. 456(a).
Amended by R.1990 d.550, effective November 19, 1990.
See: 22 N.J.R. 2676(a), 22 N.J.R. 3500(c).

Stylistic changes.
Amended by R.1993 d.235, effective June 7, 1993.
See: 25 N.J.R. 1065(a), 25 N.J.R. 2497(a).
Amended by R.1995 d.74, effective February 6, 1995.
See: 26 N.J.R. 4488(b), 27 N.J.R. 509(a).
Amended by R.2000 d.7, effective January 3, 2000.
See: 31 N.J.R. 2692(a), 32 N.J.R. 102(a).

16:49-1.6 Assistance

(a) For general assistance and procedural questions in matters related to New Jersey's Hazardous Materials Regulations, as adopted herein, contact:

Bureau of Ports, Terminals and Freight Services
 New Jersey Department of Transportation
 1035 Parkway Avenue
 PO Box 600
 Trenton, NJ 08625-0600
 (609) 530-8031

(b) For assistance in matters related to enforcement or interpretation of the Hazardous Materials Regulations, contact:

Office of Hazardous Materials Transportation,
 Compliance and Enforcement
 New Jersey Division of State Police
 Division Headquarters
 River Road
 P.O. Box 7068
 West Trenton, NJ 08628
 (609) 882-2000, extension 2582 or 2586

(c) Statements or opinions provided by the Bureau of Ports, Terminals and Freight Services or by the Division of State Police do not constitute legal advice.

Amended by R.1986 d.447, effective November 3, 1986.
 See: 18 N.J.R. 1791(a), 18 N.J.R. 2212(b).

Amended address.

Amended by R.1989 d.101, effective February 21, 1989.
 See: 20 N.J.R. 3005(a), 21 N.J.R. 456(a).

Phone number changed.

Amended by R.1990 d.550, effective November 19, 1990.
 See: 22 N.J.R. 2676(a), 22 N.J.R. 3500(c).

Stylistic changes.

Amended by R.1995 d.74, effective February 6, 1995.
 See: 26 N.J.R. 4488(b), 27 N.J.R. 509(a).

SUBCHAPTER 2. ADOPTION OF PORTIONS OF TITLE 49, CODE OF FEDERAL REGULATIONS, BY REFERENCE, AND ADOPTION AND INCORPORATION, BY REFERENCE, OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS WHEN ADOPTED, AMENDED, OR SUPPLEMENTED BY THE FHWA

16:49-2.1 Parts adopted by reference

(a) The New Jersey Department of Transportation, pursuant to N.J.S.A. 39:5B-25 et seq., hereby incorporates by reference the following portions of Title 49 Transportation, Code of Federal Regulations, revised as of April 1, 1999. The parts adopted by reference are found in Chapter

1, referred to as "Research and Special Programs Administration, Department of Transportation." These parts are detailed in the APPENDIX TO THE REGULATIONS REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS. The portions adopted are summarized below.

1. Part 171—General Information, Regulations, and Definitions. (Sections 171.1, 171.4, 171.5, 171.6 and 171.20 are omitted from adoption herein; modifications are made to Sections 171.15 and 171.16).

2. Part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements. (Modifications are made to Section 172.3.)

3. Part 173—Shippers—General Requirements for Shipments and Packagings (Section 173.32a is excluded from adoption herein).

4. Part 174—Carriage by Rail.

5. Part 177—Carriage by Public Highway.

6. Part 178—Specifications for Packagings.

7. Part 179—Specifications for Tank Cars. (Sections 179.3, 179.4, and 179.5 are excluded from adoption herein.)

8. Part 180—Continuing Qualification and Maintenance of Packagings.

(b) The Parts and Appendices of the Federal Motor Carrier Safety Regulations and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, United States Department of Transportation, and adopted and incorporated by reference herein by the Department, are summarized below.

1. Part 382—Controlled Substances and Alcohol Use Testing.

2. Part 390—Federal Motor Carrier Safety Regulations: General.

3. Part 391—Qualification of Drivers.

4. Part 392—Driving of Commercial Motor Vehicles.

5. Part 393—Parts and Accessories Necessary for Safe Operation.

6. Part 394—(Removed and Reserved).

7. Part 395—Hours of Service of Drivers.

8. Part 396—Inspection, Repair, and Maintenance.

9. Part 397—Transportation of Hazardous Materials; Driving and Parking Rules.

10. Part 177—Carriage by Public Highway.

11. Part 178—Specifications for Packagings.

12. Part 179—Specifications for Tank Cars.

13. Part 180—Continuing Qualification and Maintenance of Packagings.

(c) Supplements and amendments to the Federal Motor Carrier Safety Regulations, Appendices to the Federal Motor Carrier Safety Regulations, and the Federal Hazardous Materials Regulations, which have been adopted as a final rule action by the Federal Highway Administration and become effective after April 1, 1999, are not listed in the appendix to this chapter. Those supplements and amendments are, pursuant to the above, adopted and incorporated by reference herein as if set forth in full. The full text of such supplements and amendments can be found by examining the Federal Register published after the above noted date. See also N.J.A.C. 16:49-1.5, Document availability, and N.J.A.C. 16:49-1.6, Assistance.

Amended by R.1986 d.447, effective November 3, 1986.

See: 18 N.J.R. 1791(a), 18 N.J.R. 2212(b).

Amended by R.1989 d.101, effective February 21, 1989.

See: 20 N.J.R. 3005(a), 21 N.J.R. 456(a).

Date changed from November 1, 1985 to October 1, 1987; deleted text in (a)3 “modifications are made . . .”; and in (a)5 “(Section 177.825(a), . . .”.

Amended by R.1990 d.550, effective November 19, 1990.

See: 22 N.J.R. 2676(a), 22 N.J.R. 3500(c).

Part 180 added at (a)8.

Amended by R.1993 d.235, effective June 7, 1993.

See: 25 N.J.R. 1065(a), 25 N.J.R. 2497(a).

Amended by R.1995 d.74, effective February 6, 1995.

See: 26 N.J.R. 4488(b), 27 N.J.R. 509(a).

Amended by R.2000 d.7, effective January 3, 2000.

See: 31 N.J.R. 2692(a), 32 N.J.R. 102(a).

In (a), changed date in the introductory paragraph; in (b), changed Part references in 1, 4 and 11; and in (c), inserted a reference to the Federal Hazardous Materials Regulations and changed date in the first sentence.

(b) As used in this subchapter, the phrase “Route 29 tunnel facility” shall mean both the constructed Northbound and Southbound covered portions of State Highway Route 29 located within the City of Trenton, in Mercer County, New Jersey.

16:49-3.2 Prohibitions

(a) Except as provided in N.J.A.C. 16:49-3.3, vehicles required to be placarded for hazardous materials under the provisions of 49 C.F.R. §§ 172.500 et seq. (Subpart F), as amended and supplemented, shall be prohibited from entering into or traveling through the Route 29 tunnel facility.

(b) Except as provided in N.J.A.C. 16:49-3.3, vehicles transporting one or more containers which individually hold, or are designed to individually hold, 10 or more pounds of compressed gases shall be prohibited from entering into or traveling through the Route 29 tunnel facility.

16:49-3.3 Exceptions

(a) The restrictions contained in N.J.A.C. 16:49-3.2 shall not apply to vehicles that meet one or more of the following exceptions:

1. Vehicles under the control of the New Jersey Department of Transportation, or its contractors, when such vehicles are directly involved in the maintenance, repair, or construction of the Route 29 tunnel facility or its immediate approach roadways;
2. Vehicles excepted by court order;
3. Vehicles for which the United States Department of Transportation or the United States Department of Defense has requested an exception in the name of national interest, when approved by either the Governor, the Commissioner of Transportation, the Attorney General, or the Superintendent of State Police;
4. Emergency vehicles, rescue vehicles, police vehicles, and medical response or medical patient transportation vehicles; and
5. Vehicles for which the Governor, the Commissioner of Transportation, the Attorney General, or the Superintendent of State Police orders an exception upon a finding of emergent circumstances.

16:49-3.4 Alternative through routing

Vehicles prohibited from using the Route 29 tunnel facility under the provisions of this subchapter shall utilize appropriate alternative through routing. Vehicles using alternate through routing shall conform with all applicable vehicle weight, length, width, height, operational, equipment, safety, licensing, permit, and registration requirements.

SUBCHAPTER 3. HAZARDOUS MATERIALS RESTRICTIONS IN THE ROUTE 29 TUNNEL FACILITY

Authority

N.J.S.A. 27:1A-5, 27:1A-6, and 27:5-5 et seq., specifically 27:5-18; and 39:5B-25 et seq., specifically 39:5B-26.

Source and Effective Date

R.2002 d.4, effective January 7, 2002.

See: 33 N.J.R. 3627(b), 34 N.J.R. 284(a).

16:49-3.1 General provisions

(a) This subchapter is authorized under N.J.S.A. 39:5B-25 et seq. and shall be read and interpreted in such a manner as to be, to the greatest degree practicable, in conformance with the applicable provisions of the hazardous materials transportation laws of the United States Department of Transportation.

16:49-3.5 Penalties

(a) Penalties under this subchapter shall be imposed and collected in accordance with N.J.S.A. 39:5B-29, as amended and supplemented, incorporated herein by reference.

(b) The driver, owner, lessee, and bailee, jointly and severally, of any vehicle found or operated in violation of this subchapter, shall be subject to penalties in accordance with the following schedule:

1. For taking a vehicle that is required to be placarded for hazardous materials under the provisions of 49 C.F.R. Part 172, Subpart F into or through the Roue 29 tunnel facility, the following penalties shall apply:

- i. First offense: \$5,000;
- ii. Second offense: \$10,000; and
- iii. Subsequent offenses: \$25,000.

2. In those cases where (b)1 above would not be applicable, for transporting one or more containers that individually hold, or are designed to individually hold, 10 or more pounds of compressed gases into or through the Route 29 tunnel facility, the following penalty shall apply:

- i. Each offense: \$500.00.

APPENDIX TO THE REGULATIONS REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS

This Appendix to the Regulations Regarding the Transportation of Hazardous Materials details the adopted portions of Title 49, C.F.R., by section. All sections are listed by number and title to identify content for the reader. Detailed modifications are stated within the appropriate section.

**CHAPTER 1
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION,
U.S. DEPARTMENT OF TRANSPORTATION**

(Subchapter B is not being incorporated upon adoption)

SUBCHAPTER C—HAZARDOUS MATERIALS REGULATIONS

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

- § 171.2—General requirements.
- § 171.3—Hazardous waste.
- § 171.7—Reference material.

These materials incorporated by reference are technical documents referred to, on occasion, in Title 49, Code of Federal Regulations. Specific technical document names, associations, and addresses where they may be found are contained in Section 171.7 of Title 49, Code of Federal Regulations.

- § 171.8—Definitions and abbreviations.
- § 171.9—Rules of construction.
- § 171.10—Units of measure.
- § 171.11—Use of ICAO technical instructions.
- § 171.12—Import and export shipments.
- § 171.12a—Canadian shipments and packagings.
- § 171.14—Transitional provisions for implementing requirements based on the UN Recommendations.
- § 171.15—Immediate notice of certain hazardous materials incidents. (New Jersey revisions as noted below.)

Section 171.15 is revised to state the following. (Note: Paragraph (a) has been changed and paragraph (d) has been added.)

(a) At the earliest practicable moment, each carrier who transports hazardous materials (including hazardous wastes) shall give notice in accordance with paragraph (b) or paragraph (d) of this section after each incident that occurs during the course of transportation (including loading, unloading and temporary storage) in which—

- (1) As a direct result of hazardous materials:
 - i. A person is killed; or
 - ii. A person receives injuries requiring his or her hospitalization; or
 - iii. Estimated carrier or other property damage exceeds \$50,000; or
 - iv. An evacuation of the general public occurs lasting one or more hours; or
 - v. One or more major transportation arteries or facilities are closed or shut down for one hour or more; or
 - vi. The operation flight pattern or routine of an aircraft is altered; or

(2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material (see also ss 174.45, 175.45, 176.48, and 177.807 of this subchapter); or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents; or

(4) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported in accordance with (b) and (d) of this section.

(b) Each notice required by paragraph (a) of this section shall be given to the U.S. Department of Transportation by telephone (toll-free) on 800-424-8802. Notice involving etiologic agents may be given to the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Georgia. Area Code (404) 633-5313, in place of the notice to the U.S. Department of Transportation or (toll call) on 202-267-2675. Each notice must include the following information:

- (1) Name of reporter.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of injuries, if any.
- (6) Classification, name, and quantity of hazardous materials involved, if such information is available.
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each carrier making a report under this section shall also make the report required by Section 171.16.

(d) If a New Jersey Police Accident Report has been filed with the New Jersey Division of Motor Vehicles, or if a Spill Report has been filed with the New Jersey Department of Environmental Protection, then reports requested above in paragraphs (b) and (c) are not required of intrastate carriers who are not under the jurisdiction of U.S.D.O.T. All other carriers are subject to the U.S.D.O.T. reporting requirements as usual.

§ 171.16—Detailed hazardous materials incident reports. (New Jersey revision as noted below.)

Section 171.16 is revised to state the following: (Note: Paragraph (a) and (b) have been changed and paragraph (e) has been added.)

(a) Each carrier who transports hazardous materials shall report in writing in duplicate on DOT Form 5800.1 (Rev. 6/89) to the U.S. Department of Transportation within 30 days of the date of discovery, unless the requirements of paragraph (e) in this section are met, each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which any of the circumstances set forth in Section 171.15(a) occurs or there has been an unintentional release of hazardous materials from a package (including a tank) or any quantity of hazard-

ous waste has been discharged during transportation. If a report pertains to a hazardous waste discharge—

- (1) A copy of the hazardous waste manifest for the waste must be attached to the report; and
- (2) An estimate of the quantity of the waste removed from the scene, the name and address of the facility to which it was taken, and the manner of disposition of any removed waste must be entered in Section IX of the report form (F 5800.1) (Rev. 6/89).

(b) Each carrier making a report under this section shall send that report to the Information Systems Manager, DHM-63, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. A copy of the report shall be retained for a period of two years, at the carrier's principal place of business, or at other places as authorized and approved in writing by an agency of the U.S. Department of Transportation.

(c) Except as provided in paragraph (d) of this section, the requirements of paragraph (a) of this section do not apply to incidents involving the unintentional release of hazardous materials being transported under the following proper shipping names:

- (1) Consumer commodity.
- (2) Battery, electric storage, wet, filled with acid or alkali.
- (3) Paint and paint related material when shipped in packagings of five gallons or less.

(d) The exceptions to incident reporting provided in paragraph (c) of this section do not apply to:

- (1) Incidents required to be reported under Section 171.15(a);
- (2) Incidents involving transportation aboard aircraft; nor
- (3) Incidents involving the transportation of hazardous waste.

(e) If a New Jersey Police Accident Report has been filed with the New Jersey Division of Motor Vehicles or if a Spill Report has been filed with the New Jersey Department of Environmental Protection, then other reports requested in this section are not required of intrastate carriers who are not under the jurisdiction of U.S.D.O.T. All other carriers are subject to the U.S.D.O.T. reporting requirements as usual.

§ 171.18—(Reserved)

§ 171.19—Approvals or authorizations issued by the Bureau of Explosives.

§ 171.21—Assistance in investigations and special studies.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RE-

SPONSE INFORMATION, AND TRAINING
REQUIREMENTS

Subpart A—General

- § 172.1—Purpose and scope.
- § 172.3—Applicability.

(a) This part applies to: (1) Each person who offers a hazardous material for transportation, and (2) Each carrier by highway or rail who transports a hazardous material.

(b) When a person other than one of those provided for in paragraph (a) of this section, performs a packaging, labeling or marking function required by this part, that person shall perform the function in accordance with this part.

Subpart B—Table of Hazardous Materials and Special Provisions

- § 172.101—Purpose and use of Hazardous Materials Table, including the Hazardous Materials Table, the CERCLA List, and the List of Hazardous Substances and Reportable Quantities.
- § 172.102—Hazardous Materials Table
- Appendix A—to § 172.101—List of Hazardous Substances and Reportable Quantities
- Appendix B—§ 172.101—List of Marine Pollutants

§ 172.102—Special provisions.

Index—Identification Number Cross Reference to Proper Shipping Names in § 172.01

Subpart C—Shipping Papers

- § 172.200—Applicability.
- § 172.201—General entries.
- § 172.202—Description of hazardous material on shipping papers.
- § 172.203—Additional description requirements.
- § 172.204—Shipper's certification.
- § 172.205—Hazardous waste manifest.

Subpart D—Marking

- § 172.300—Applicability.
- § 172.301—General marking requirements for non-bulk packagings.
- § 172.302—General marking requirements for bulk packagings.
- § 172.303—Prohibited marking.
- § 172.304—Marking requirements.
- § 172.306—(Reserved)
- § 172.308—Authorized abbreviations.
- § 172.310—Class 7 (radioactive) materials.
- § 172.312—Liquid hazardous materials in non-bulk packagings.
- § 172.313—Poisonous hazardous materials.
- § 172.316—Packagings containing material classed as ORM-D.
- § 172.320—Explosive hazardous materials.
- § 172.322—Marine pollutants.
- § 172.324—Hazardous substances in non-bulk packagings.
- § 172.325—Elevated temperature materials.
- § 172.326—Portable tanks.
- § 172.328—Cargo tanks.
- § 172.330—Tank cars and multi-unit tank car tanks.
- § 172.331—Bulks other than portable tanks, cargo tanks, tank cars, and multi-unit tank car tanks.
- § 172.332—Identification number markings.
- § 172.334—Identification numbers; prohibited display.
- § 172.336—Identification numbers; special provisions.

§ 172.338—Replacement of identification numbers.

Subpart E—Labeling

- § 172.400—General labeling requirements.
- § 172.400a—Exceptions from labeling.
- § 172.401—Prohibited labeling.
- § 172.402—Additional labeling requirements.
- § 172.403—Class 7 (radioactive) material.
- § 172.404—Labels for mixed and consolidated packagings.
- § 172.405—Authorized label modifications.
- § 172.406—Placement of labels.
- § 172.407—Label specifications.
- § 172.411—EXPLOSIVE 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6 labels, and EXPLOSIVE Subsidiary label.
- § 172.415—NON-FLAMMABLE GAS label.
- § 172.416—POISON GAS label.
- § 172.417—FLAMMABLE GAS label
- § 172.419—FLAMMABLE LIQUID label.
- § 172.420—FLAMMABLE SOLID label.
- § 172.422—SPONTANEOUSLY COMBUSTIBLE label.
- § 172.423—DANGEROUS WHEN WET label.
- § 172.426—OXIDIZER label.
- § 172.427—ORGANIC PEROXIDE label.
- § 172.429—POISON INHALATION HAZARD label.
- § 172.430—POISON label.
- § 172.431—KEEP AWAY FROM FOOD label.
- § 172.432—INFECTIOUS SUBSTANCE label.
- § 172.436—RADIOACTIVE WHITE-I label.
- § 172.438—RADIOACTIVE YELLOW-II label.
- § 172.440—RADIOACTIVE, YELLOW-III label.
- § 172.442—CORROSIVE label.
- § 172.446—CLASS 9 label.
- § 172.448—CARGO AIRCRAFT ONLY label.
- § 172.450—EMPTY label.

Subpart F—Placarding

- § 172.500—Applicability of placarding requirements.
- § 172.502—Prohibited and permissive placarding.
- § 172.503—Identification number display on placards.
- § 172.504—General placarding requirements.
- § 172.505—Placarding for subsidiary hazards.
- § 172.506—Providing and affixing placards: highway.
- § 172.507—Special placarding provisions: highway.
- § 172.508—Providing and affixing placards: rail.
- § 172.510—Special placarding provisions: rail.
- § 172.512—Freight containers and aircraft unit load devices.
- § 172.514—Bulk packagings.
- § 172.516—Visibility and display of placards.
- § 172.519—General specifications for placards.
- § 172.521—DANGEROUS placard.
- § 172.522—EXPLOSIVES 1.1, EXPLOSIVES 1.2 and EXPLOSIVES 1.3 placards.
- § 172.523—EXPLOSIVES 1.4 placard.
- § 172.524—EXPLOSIVES 1.5 placard.
- § 172.525—EXPLOSIVES 1.6 placard.
- § 172.526—(Reserved)
- § 172.527—Background requirements for certain placards.
- § 172.528—NON-FLAMMABLE GAS placard.
- § 172.530—OXYGEN placard.
- § 172.532—FLAMMABLE GAS placard.
- § 172.540—POISON GAS placard.
- § 172.542—FLAMMABLE placard.
- § 172.544—COMBUSTIBLE placard.
- § 172.546—FLAMMABLE SOLID placard.
- § 172.547—SPONTANEOUSLY COMBUSTIBLE placard.
- § 172.548—DANGEROUS WHEN WET placard.
- § 172.550—OXIDIZER placard.

- § 172.552—ORGANIC PEROXIDE placard.
- § 172.553—KEEP AWAY FROM FOOD placard.
- § 172.554—POISON placard.
- § 172.555—POISON INHALATION HAZARD placard.
- § 172.556—RADIOACTIVE placard.
- § 172.558—CORROSIVE placard.
- § 172.560—CLASS 9 placard.

Subpart G—Emergency Response Information

- § 172.600—Applicability and general requirements.
- § 172.602—Emergency response information.
- § 172.604—Emergency response telephone number.
- § 172.606—Carrier information contact.

Subpart H—Training

- § 172.700—Purpose and scope.
- § 172.701—Federal/State relationship.
- § 172.702—Applicability and responsibility for training.
- § 172.704—Training requirements .

Subpart I—(Removed)

- § 172.801—(Removed)
- § 172.803—(Removed)
- § 172.805—(Removed)
- § 172.807—(Removed)

APPENDIX A TO PART 172—OFFICE OF HAZARDOUS MATERIALS TRANSPORTATION COLOR TOLERANCE CHARTS AND TABLES.

APPENDIX B TO PART 172—TREFOIL SYMBOL.

APPENDIX C TO PART 172—DIMENSIONAL SPECIFICATIONS FOR RECOMMENDED PLACARD HOLDER.

PART 173—SHIPPER'S—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Subpart A—General

- § 173.1—Purpose and scope.
- § 173.2—Hazardous materials classes and index to hazard class definitions.
- § 173.2a—Classification of a material having more than one hazard.
- § 173.3—Packaging and exceptions.
- § 173.4—Small quantity exceptions.
- § 173.5—Agricultural operations.
- § 173.5a—Oilfield service vehicles.
- § 173.6—Materials of trade exceptions.
- § 173.7—U.S. Government material.
- § 173.8—Exceptions for non-specification packagings used in intrastate transportation.
- § 173.9—Transport vehicles or freight containers containing lading which has been fumigated.
- § 173.10—Tank car shipments.
- § 173.12—Exceptions for shipment of waste materials.
- § 173.13—Exceptions for Class 3, Divisions 4.1, 4.2, 4.3, 5.1, 6.1, and Classes 8 and 9 materials.

Subpart B—Preparation of Hazardous Materials for Transportation

- § 173.21—Forbidden materials and packages.
- § 173.22—Shipper's responsibility.
- § 173.22a—Use of packagings authorized under exemptions.
- § 173.23—Previously authorized packaging.
- § 173.24—General requirements for packagings and packages.
- § 173.24a—Additional general requirements for non-bulk packagings and packages.
- § 173.24b—Additional general requirements for bulk packagings.
- § 173.25—Authorized packages and overpacks.

- § 173.26—Quantity limitations.
- § 173.27—General requirements for transportation by aircraft.
- § 173.28—Reuse, reconditioning and remanufacture of packagings.
- § 173.29—Empty packagings.
- § 173.30—Loading and unloading of transport vehicles.
- § 173.31—Use of tank cars.
- § 173.32—Qualification, maintenance and use of portable tanks other than Specification IM portable tanks.
- § 173.32b—Periodic testing and inspection of Specification IM portable tanks. 04-01-99.
- § 173.32c—Use of Specification IM portable tanks.
- § 173.33—Hazardous materials in cargo tank motor vehicles.
- § 173.34—Qualification, maintenance, and use of cylinders.
- § 173.35—Hazardous materials in intermediate bulk containers.
- § 173.40—General packaging requirements for poisonous materials required to be packaged in cylinders.

Subpart C—Definitions, Classification and Packaging for Class 1

- § 173.50—Class 1—Definitions.
- § 173.51—Authorization to offer and transport explosives.
- § 173.52—Classification codes and compatibility groups of explosives.
- § 173.53—Provisions for using old classifications of explosives.
- § 173.54—Forbidden explosives.
- § 173.55—(Reserved)
- § 173.56—New explosives—definition and procedures for classification and approval.
- § 173.57—Acceptance criteria for new explosives.
- § 173.58—Assignment of class and division for new explosives.
- § 173.59—Description of terms for explosives.
- § 173.60—General packaging requirements for explosives.
- § 173.61—Mixed packaging requirements.
- § 173.62—Specific packaging requirements for explosives.
- § 173.63—Packaging exceptions.

Subpart D—Definitions, Classification, Packing Group Assignments and Exceptions for Hazardous Material Other Than Class 1 and Class 7

- § 173.115—Class 2, Divisions 2.1, 2.2, and 2.3—Definitions.
- § 173.116—Class 2—Assignment of hazard zone.
- § 173.117—§ 173.119—(Reserved)
- § 173.120—Class 3—Definitions.
- § 173.121—Class 3—Assignment of packing group.
- § 173.124—Class 4, Divisions 4.1, 4.2, and 4.3—Definitions.
- § 173.125—Class 4—Assignment of packing group.
- § 173.127—Class 5, Division 5.1—Definition and assignment of packing groups.
- § 173.128—Class 5, Division 5.2—Definitions and types.
- § 173.129—Class 5, Division 5.2—Assignment of packing group.
- § 173.132—Class 6, Division 6.1—Definitions.
- § 173.133—Assignment of packing group and hazard zones for Division 6.1 materials.
- § 173.134—Class 6, Division 6.2—Definitions, exceptions and packing group assignments.
- § 173.136—Class 8—Definitions.
- § 173.137—Class 8—Assignment of packing group.
- § 173.140—Class 9—Definitions.
- § 173.141—Class 9—Assignment of packing group.
- § 173.144—Other Regulated Materials (ORM)—Definitions.
- § 173.145—Other Regulated Materials—Assignment of packing group.
- § 173.150—Exceptions for Class 3 (flammable and combustible liquids).
- § 173.151—Exceptions for Class 4.

- § 173.152—Exceptions for Division 5.1 (oxidizers) and Division 5.2 (organic peroxides).
- § 173.153—Exceptions for Division 6.1 (poisonous materials).
- § 173.154—Exceptions for Class 8 (corrosive materials).
- § 173.155—Exceptions for Class 9 (miscellaneous hazardous materials).
- § 173.156—Exceptions for ORM materials.

Subpart E—Non-bulk Packaging for Hazardous Materials Other than Class 1 and Class 7

- § 173.158—Nitric acid.
- § 173.159—Batteries, wet.
- § 173.160—Bombs, smoke, non-explosive (corrosive).
- § 173.161—Chemical kits.
- § 173.162—Gallium.
- § 173.163—Hydrogen fluoride.
- § 173.164—Mercury (metallic and articles containing mercury).
- § 173.166—Air bag inflators and modules and seat-belt pretensioners.
- § 173.170—Black powder for small arms.
- § 173.171—Smokeless powder for small arms.
- § 173.172—Aircraft hydraulic power unit fuel tank.
- § 173.173—Paint, paint-related material, adhesives and ink.
- § 173.174—Refrigerating machines.
- § 173.181—Pyrophoric materials (liquids).
- § 173.182—Barium azide—50 percent or more water wet.
- § 173.183—Nitrocellulose base film.
- § 173.184—Highway or rail fusee.
- § 173.185—Lithium cells and batteries
- § 173.186—Matches.
- § 173.187—Pyrophoric solids, metals or alloys, n.o.s.
- § 173.188—White or yellow phosphorous.
- § 173.189—Batteries containing sodium or cells containing sodium.
- § 173.192—Packaging for certain Packing Group I poisonous materials.
- § 173.193—Bromoacetone, methyl bromide, chloropicrin and methyl bromide or methyl chloride mixtures, etc.
- § 173.194—Gas identification sets.
- § 173.195—Hydrogen cyanide, anhydrous, stabilized (hydrocyanic acid, aqueous solution).
- § 173.196—Infectious substances (etiologic agents).
- § 173.197—Regulated medical waste.
- § 173.198—Nickel carbonyl.
- § 173.201—Nonbulk packagings for liquid hazardous materials in Packing Group I.
- § 173.202—Nonbulk packagings for liquid hazardous materials in Packing Group II.
- § 173.203—Nonbulk packagings for liquid hazardous materials in Packing Group III
- § 173.204—Nonbulk non-specifications packagings for certain hazardous materials.
- § 173.205—Specification cylinders for liquid hazardous materials.
- § 173.211—Nonbulk packagings for solid hazardous materials in Packing Group I.
- § 173.212—Nonbulk packagings for solid hazardous materials in Packing Group II.
- § 173.213—Nonbulk packagings for solid hazardous materials in Packing Group III.
- § 173.214—Packagings which require approval by the Associate Administrator for Hazardous Materials Safety.
- § 173.216—Asbestos, blue, brown, or white.
- § 173.217—Carbon dioxide, solid (dry ice).
- § 173.218—Fish meal or fish scrap.
- § 173.219—Life-saving appliances.

- § 173.220—Internal combustion engines, self-propelled vehicles, and mechanical equipment containing internal combustion engines or wet batteries.
- § 173.221—Polymeric beads, expandable.
- § 173.222—Wheelchairs equipped with wet electric storage batteries.
- § 173.224—Packaging and control and emergency temperatures for self-reactive materials.
- § 173.225—Packaging requirements and other provisions for organic peroxides. 04-01-99.
- § 173.226—Materials poisonous by inhalation, Division 6.1, Packing Group I, Hazard Zone A.
- § 173.227—Materials poisonous by inhalation, Division 6.1, Packing Group I, Hazard Zone B.
- § 173.228—Bromine pentafluoride or bromine trifluoride.
- § 173.229—Chloric acid solution or chlorine dioxide hydrate, frozen.

Subpart F—Bulk Packaging for Hazardous Materials Other Than Class 1 and Class 7

- § 173.240—Bulk packagings for certain low hazard solid materials.
- § 173.241—Bulk packagings for certain low hazard liquid and solid materials.
- § 173.242—Bulk packagings for certain medium hazard liquids and solids, including solids with dual hazards.
- § 173.243—Bulk packagings for certain high hazard liquids and dual hazard liquids which pose a moderate hazard.
- § 173.244—Bulk packagings for certain pyrophoric liquids (Division 4.2), dangerous when wet (Division 4.3) materials, and poisonous liquids with inhalation hazards (Division 6.1).
- § 173.245—Bulk packagings for extremely hazardous materials such as poisonous gases (Division 2.3).
- § 173.247—Bulk packagings for certain elevated temperature materials (Class 9) and certain flammable elevated temperature materials (Class 3).
- § 173.249—Bromine.

Subpart G—Gases; Preparation and Packaging

- § 173.300a—Approval of independent inspection agency.
- § 173.300b—Approval of non-domestic chemical analyses and tests.
- § 173.300c—Termination of approval.
- § 173.301—General requirements for shipment of compressed gases in cylinders and spherical pressure vessels.
- § 173.302—Charging of cylinders with non-liquefied compressed gases.
- § 173.303—Charging of cylinders with compressed gas in solution (acetylene).
- § 173.304—Charging of cylinders with liquefied compressed gas.
- § 173.305—Charging of cylinders with a mixture of compressed gas and other material.
- § 173.306—Limited quantities of compressed gases.
- § 173.307—Exceptions for compressed gases.
- § 173.308—Cigarette lighter or other similar device charged with fuel.
- § 173.309—Fire extinguishers.
- § 173.314—Compressed gases in tank cars and multi-unit tank cars.
- § 173.315—Compressed gases in cargo tanks and portable tanks.
- § 173.316—Cryogenic liquids in cylinders.
- § 173.318—Cryogenic liquids in cargo tanks.
- § 173.319—Cryogenic liquids in tank cars.
- § 173.320—Cryogenic liquids; exceptions.

- § 173.321—Ethylamine.
- § 173.322—Ethyl chloride.
- § 173.323—Ethylene oxide.
- § 173.334—Organic phosphates mixed with compressed gas.
- § 173.335—Gas generator assemblies.
- § 173.336—Nitrogen dioxide, liquefied, or dinitrogen tetroxide, liquefied.
- § 173.337—Nitric oxide.
- § 173.338—Tungsten hexafluoride.
- § 173.340—Tear gas devices.

Subpart H—(Reserved)

Subpart I—Class 7 (Radioactive) Materials

- § 173.401—Scope.
- § 173.403—Definitions.
- § 173.410—General design requirements.
- § 173.411—Industrial packagings.
- § 173.412—Additional design requirements for Type A packages.
- § 173.413—Requirements for Type B packages.
- § 173.415—Authorized Type A packages.
- § 173.416—Authorized Type B packages.
- § 173.417—Authorized fissile materials packages.
- § 173.418—Authorized packages—pyrophoric Class 7 (radioactive) materials.
- § 173.419—Authorized packages—oxidizing Class 7 (radioactive) materials.
- § 173.420—Uranium hexafluoride (fissile, fissile excepted and non-fissile).
- § 173.421—Excepted packages for limited quantities of Class 7 (radioactive) materials.
- § 173.422—Additional requirements for excepted packages containing Class 7 (radioactive) materials.
- § 173.423—Requirements for multiple hazard limited quantity Class 7 (radioactive) materials.
- § 173.424—Excepted packages for radioactive instruments and articles.
- § 173.425—Table of activity limits—excepted quantities and articles.
- § 173.426—Excepted packages for articles containing natural uranium or thorium.
- § 173.427—Transport requirements for low specific activity (LSA) Class 7 (radioactive) materials and surface contaminated objects (SCO).
- § 173.428—Empty Class 7 (radioactive) materials packaging.
- § 173.431—Activity limits for Type A and Type B packages.
- § 173.433—Requirements for determining A1 and A2 values for radionuclides and for the listing of radionuclides on shipping papers and labels.
- § 173.434—Activity-mass relationships for uranium and natural thorium.
- § 173.435—Table of A1 and A2 values for radionuclides.
- § 173.441—Radiation level limitations.
- § 173.442—Thermal limitations.
- § 173.443—Contamination control.
- § 173.447—Storage incident to transportation—general requirements.
- § 173.448—General transportation requirements.
- § 173.453—Fissile materials—exceptions.
- § 173.457—Transportation of fissile material, controlled shipments—specific requirements.
- § 173.459—Mixing of fissile material packages.
- § 173.461—Demonstration of compliance with tests.
- § 173.462—Preparation of specimens for testing.
- § 173.465—Type A packaging tests.

- § 173.466—Additional tests for Type A packagings designed for liquids and gases.
- § 173.467—Tests for demonstrating the ability of Type B and fissile materials packagings to withstand accident conditions in transportation.
- § 173.468—Test for LSA—III material.
- § 173.469—Tests for special form Class 7 (radioactive) materials. 10-01-98
- § 173.471—Requirements for U.S. Nuclear Regulatory Commission approved packages.
- § 173.472—Requirements for exporting DOT Specification Type B and fissile packages.
- § 173.473—Requirements for foreign-made packages.
- § 173.474—Quality control for construction of packaging.
- § 173.475—Quality control requirements prior to each shipment of Class 7 (radioactive) materials.
- § 173.476—Approval of special form Class 7 (radioactive) materials.

Subparts J–O—(Reserved)

APPENDIX A TO PART 173—(RESERVED)

APPENDIX B TO PART 173—PROCEDURE FOR TESTING CHEMICAL COMPATIBILITY AND RATE OF PERMEATION IN PLASTIC PACKAGING AND RECEPTACLES.

APPENDIX C TO PART 173—PROCEDURE FOR BASE-LEVEL VIBRATION TESTING.

APPENDIX D TO PART 173—TEST METHODS FOR DYNAMITE (EXPLOSIVE, BLASTING, TYPE A).

APPENDIX E TO PART 173—(RESERVED)

APPENDIX F TO PART 173—(RESERVED)

APPENDIX H TO PART 173—METHOD OF TESTING FOR SUSTAINED COMBUSTIBILITY.

PART 174—CARRIAGE BY RAIL

Subpart A—General requirements

- § 174.1—Purpose and Scope.
- § 174.3—Unacceptable hazardous materials shipments.
- § 174.5—Carriers materials and supplies.
- § 174.9—Inspection and acceptance.
- § 174.14—Movements to be expedited.
- § 174.16—Removal and disposition of hazardous materials at destination.
- § 174.20—Local or carrier restrictions.

Subpart B—General Operating Requirements

- § 174.24—Shipping papers.
- § 174.26—Notice to train crews of placarded cars.
- § 174.50—Nonconforming or leaking packages.

Subpart C—General Handling and Loading Requirements

- § 174.55—General requirements.
- § 174.57—Cleaning cars.
- § 174.59—Marking and placarding of rail cars.
- § 174.61—Transport vehicles and freight containers on flatcars.
- § 174.63—Portable tanks, IM portable tanks, intermediate bulk containers, cargo tanks, and multi-unit tank car tanks.
- § 174.67—Tank car unloading.
- § 174.81—Segregation of hazardous materials.

Subpart D—Handling of Placarded Rail Cars, Transport Vehicles and Freight Containers

- § 174.82—General requirements for the handling of placarded rail cars, transport vehicles, freight containers, and bulk packages.

- § 174.83—Position placarded rail cars, transport vehicles, freight containers, and bulk packagings.
- § 174.84—Switching in train of loaded placarded rail cars, transport vehicles, freight containers or bulk packagings when accompanied by guards or technical escorts.
- § 174.85—Position in train of placarded cars, transport vehicles, freight containers, and bulk packagings.
- § 174.86—Maximum allowable operating speed.

Subpart E—Class I (Explosive) Materials

- § 174.101—Loading Class I (explosive) materials.
- § 174.102—Forbidden mixed loading and storage.
- § 174.103—Disposition of damaged or astray shipments.
- § 174.104—Division 1.1 or 1.2 (Class A explosive) materials; car selection, preparation, inspection and certification.
- § 174.105—Routing shipments, Division 1.1 or 1.2 (Class A explosive) materials.
- § 174.106—“Order Notify” or “C.O.D.” shipments, Division 1.1 or 1.2 (Class A explosive) materials.
- § 174.110—Car magazine.
- § 174.112—Loading Division 1.3 (Class B explosive) materials and Division 1.2 (devices corresponding to Class B explosive) materials (also see § 174.101).
- § 174.114—Record to be made of change of seals on “Cars loaded with Division 1.1 or 1.2 (explosive) materials.”
- § 174.115—Loading Division 1.4 (Class C explosive) materials.

Subpart F—Detailed requirements for Class 2 (Gases) Materials

- § 174.200—Special handling requirements.
- § 174.201—Class 2 (gases) material cylinders.
- § 174.204—Tank car delivery of gases, including cryogenic liquids.
- § 174.290—Materials extremely poisonous by inhalation shipped by, for, or to the Department of Defense.

Subpart G—Detailed Requirements for Class 3 (Flammable Liquid) Materials

- § 174.300—Special handling requirements.
- § 174.304—Class 3 (flammable liquid) materials in tank cars.

Subpart H—(Removed)

Subpart I—(Removed)

Subpart J—Detailed Requirements for Division 6.1 (Poisonous) Materials

- § 174.600—Special handling requirements for materials extremely poisonous by inhalation.
- § 174.615—Cleaning cars.
- § 174.680—Division 6.1 (poisonous) materials with foodstuffs.

Subpart K—Detailed Requirements for Class 7 (Radioactive) Materials

- § 174.700—Special handling requirements for Class 7 (radioactive) materials.
- § 174.705—(Removed) (Editor’s Note)
- § 174.715—Cleanliness of transport vehicles after use.
- § 174.750—Incidents involving leakage.

Subpart L—(Removed)

Subpart M—(Removed)

PART 177—CARRIAGE BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

- § 177.800—Purpose and scope of this part and responsibility for compliance and training.
- § 177.801—Unacceptable hazardous materials shipments.
- § 177.802—Inspection.
- § 177.804—Compliance with Federal Motor Carrier Safety Regulations.

Motor carriers and other persons subject to this part shall comply with 49 CFR Part 382 and Parts 390 through 397 (excluding section 391.69, 393.81, and 397.3), and all supplements and amendments thereto, to the extent those rules apply. Carriers transporting hazardous materials, substances, or wastes as defined herein must comply with these parts as listed below. (See N.J.A.C. 16:49-1.3(1) herein).

MOTOR CARRIER SAFETY REGULATIONS

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

PART 382—CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

Subpart A—General

- § 382.101—Purpose.
- § 382.103—Applicability.
- § 382.105—Testing procedures.
- § 382.107—Definitions.
- § 382.109—Preemption of State and local laws.
- § 382.111—Other requirements imposed by employers.
- § 382.113—Requirement for notice.
- § 382.115—Starting date for testing programs.

Subpart B—Prohibitions

- § 382.201—Alcohol concentration.
- § 382.205—On-duty use.
- § 382.207—Pre-duty use.
- § 382.209—Use following an accident.
- § 382.211—Refusal to submit to a required alcohol or controlled substances test.
- § 382.213—Controlled substances use.
- § 382.215—Controlled substances testing.

Subpart C—Tests Required

- § 382.301—Pre-employment testing.
- § 382.303—Post-accident testing.
- § 382.305—Random testing.
- § 382.307—Reasonable suspicion testing.
- § 382.309—Return-to-duty testing.
- § 382.311—Follow-up testing.

Subpart D—Handling of Test Results, Record Retention, and Confidentiality

- § 382.401—Retention of records.
- § 382.403—Reporting of results in a management information system.
- § 382.405—Access to facilities and records.
- § 382.407—Medical review officer notifications to the employer.
- § 382.409—Medical review officer record retention for controlled substances.
- § 382.411—Employer notifications.
- § 382.413—Inquiries for alcohol and controlled substances information from previous employers.

Subpart E—Consequences for Drivers Engaging in Substance Use Related Conduct

- § 382.501—Removal from safety-sensitive function.
- § 382.503—Required evaluation and testing.

- § 382.505—Other alcohol-related conduct.
- § 382.507—Penalties.
- Subpart F—Alcohol Misuse and Controlled Substances Use Information, Training, and Referral
- § 382.601—Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.
- § 382.603—Training for supervisors.
- § 382.605—Referral, evaluation, and treatment.
- PART 390—GENERAL
- Subpart A—General Applicability and Definitions
- § 390.1—Purpose.
- § 390.3—General applicability.
- § 390.5—Definitions.
- § 390.7—Rules of construction.
- Subpart B—General Requirements and Information
- § 390.9—State and local laws, effect on.
- § 390.11—Motor carrier to require observance of driver regulations.
- § 390.13—Aiding or abetting violations.
- § 390.15—Assistance in investigations and special studies.
- § 390.17—(Reserved)
- § 390.19—Additional equipment and accessories.
- § 390.21—Marking of commercial motor vehicles.

(Section 390.21 is modified to state the following: A commercial motor vehicle operated in intrastate commerce shall be subject to the provisions of N.J.S.A. 39:4-46.)

- § 390.23—Relief from regulations.

(Section 390.23 is modified to state the following: The following commercial motor vehicles, operating in intrastate commerce, are exempt from this section when any emergency occurs that affects the citizens of New Jersey.

(a) Commercial motor vehicles which are owned, operated, or leased by a public or quasi-public or private entity in this State, said entity being subject to the jurisdiction of the Board of Public Utilities; or

(b) Commercial motor vehicles which are owned, operated or leased by a public or quasi-public or private entity in this State and which is or will be operated under a contract to the State of New Jersey or a governmental or quasi-governmental entity thereof.

Such emergencies include, but are not limited to, weather and other acts of nature (e.g., snow, flooding, earthquake, power/telephone outages, disruptions to power or telephone transmission lines or facilities, supply lines or facilities for steam, water, or gas) and other emergencies (e.g., motor vehicle accidents, industrial accidents, fires, etc.))

- § 390.25—Extension of relief from regulations—emergencies.
- § 390.27—Locations of regional motor carrier safety offices.
- § 390.29—Location of records or documents.
- § 390.31—Copies of records or documents.
- § 390.33—Vehicles used for purposes other than defined.
- § 390.35—Certificates, reports, and records: falsification, reproduction, or alteration.
- § 390.37—Violation and penalty.

Subpart C—(Removed and Reserved)

- Subpart D—Identification of Vehicles
- § 390.401—Applicability.
- § 390.403—Method of identification.
- § 390.405—Size, shape and color.
- § 390.407—Driveaway service.

PART 391—QUALIFICATIONS OF DRIVERS

- Subpart A—General
- § 391.1—Scope of the rules in this part; additional qualifications; duties of carrier drivers.
- § 391.2—General Exemptions

- Subpart B—Qualification and Disqualification of Drivers
- § 391.11—General qualifications of drivers.
- § 391.13—Responsibilities of drivers.
- § 391.15—Disqualification of drivers.

- Subpart C—Background and Character
- § 391.21—Application for employment.

391.21 in not required for persons already employed by the same carrier as of March 4, 1985.

- § 391.23—Investigation and inquiries

Section 391.23 shall apply only to drivers hired after March 4, 1985.

- § 391.25—Annual inquiry and review of driving record.
- § 391.27—Record of violations.

- Subpart D—Examinations and Tests
- § 391.31—Road test.

(Section 391.31 is modified to state the following:

The provisions of Section 391.31 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of February 6, 1995, and transports hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or operates a vehicle displaying a hazardous material(s) placard.)

- § 391.33—Equivalent of road test.
- § 391.35—(Removed and reserved)
- § 391.37—(Removed and reserved)

- Subpart E—Physical Qualifications and Examinations
- § 391.41—Physical qualifications for drivers.

(Section 391.41 is modified to state the following:

A driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, but who is not physically qualified to drive under Section 391.41(b) of the Subchapter may continue to drive a motor vehicle, unless the driver is transporting hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et

seq.), or is operating a vehicle displaying a hazardous material(s) placard.)

- § 391.43—Medical examination; certificate of physical examination.
- § 391.45—Persons who must be medically examined and certified.
- § 391.47—Resolution of conflicts of medical evaluation.
- § 391.49—Waiver of certain physical defects.

(Section 391.49(a) is revised to state the following:

(a) A person who is not physically qualified to drive under Section 391.41(b)(1) or (2), and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, if that person has been granted a waiver pursuant to 49, Code of Federal Regulations, Section 391.49.)

Subpart F—Files and Records

- § 391.51—General requirements for driver qualification files.

Subpart G—Limited Exemptions

- § 391.61—Drivers who were regularly employed before January 1, 1971.
- § 391.62—Limited exemptions for intra-city zone drivers.
- § 391.63—Multiple-employer drivers.
- § 391.64—Grandfathering for certain drivers participating in vision and diabetes waiver study programs.
- § 391.65—Drivers furnished by other motor carriers.
- § 391.67—Drivers of articulated (combination) farm vehicles.
- § 391.68—Private motor carrier of passengers (nonbusiness).
- § 391.69—Private motor carrier of passengers (business).
- § 391.71—(Removed and Reserved)
- § 391.73—(Redesignated)

Subpart H—(Removed)

PART 392—DRIVING OF COMMERCIAL MOTOR VEHICLES

Subpart A—General

- § 392.1—Scope of the rules in this part.
- § 392.2—Applicable operating rules.
- § 392.3—Ill or fatigued operator.
- § 392.4—Drugs and other substances.
- § 392.5—Alcohol prohibition.
- § 392.6—Schedules to conform with speed limits.
- § 392.7—Equipment, inspection and use.
- § 392.8—Emergency equipment, inspection and use.
- § 392.9—Safe loading.
- § 392.9a—(Removed and reserved)
- § 392.9b—(Removed)

Subpart B—Driving of Commercial Motor Vehicles

- § 392.10—Railroad grade crossings; stopping required.
- § 392.11—Railroad grade crossing; slowing down required.
- § 392.12—(Removed and reserved)
- § 392.13—(Removed and reserved)
- § 392.14—Hazardous conditions; extreme caution.
- § 392.15—(Removed and reserved)
- § 392.16—Use of seat belts.
- § 392.18—(Removed and reserved)

Subpart C—Stopped Commercial Motor Vehicles

- § 392.20—(Removed and reserved)
- § 392.21—(Removed and reserved)

- § 392.22—Emergency signals; stopped vehicles.
- § 392.24—Emergency signals; flame producing.
- § 392.25—Flame producing devices.

Subpart D—Use of Lighted Lamps and Reflectors

- § 392.30—(Removed and reserved)
- § 392.31—(Removed and reserved)
- § 392.32—(Removed and reserved)
- § 392.33—Obscured lamps or reflectors.

Subpart E—License Revocation; Duties of Driver

- § 392.40—(Removed and reserved)
- § 392.41—(Removed and reserved)
- § 392.42—(Removed)

Subpart F—Fueling Precautions

- § 392.50—Ignition of fuel; prevention.
- § 392.51—Reserve fuel; materials of trade.
- § 392.52—(Removed and reserved)
- § 392.53—Automatic brake adjusters and brake adjustment indicators.

Subpart G—Prohibited Practices

- § 392.60—Unauthorized persons not to be transported.
- § 392.61—(Removed and reserved)
- § 392.62—Safe operation, buses.
- § 392.63—Towing or pushing loaded buses.
- § 392.64—Riding within closed vehicles without proper exits.
- § 392.65—(Removed and reserved)
- § 392.66—Carbon monoxide; use of vehicle when detected.
- § 392.67—Heater, flame producing; on vehicle in motion.
- § 392.68—(Removed and reserved)
- § 392.69—(Removed and reserved)
- § 392.71—Radar detectors; use and/or possession.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Subpart A—General

- § 393.1—Scope of the rules in this part.
- § 393.3—Additional equipment and accessories.
- § 393.5—Definitions.
- § 393.7—Matter incorporated by reference.

Subpart B—Lighting Devices, Reflectors, and Electrical Equipment

- § 393.9—Lamps operable.
- § 393.11—Lighting devices and reflectors.
- § 393.13—Retroreflective sheeting and reflex reflectors, requirements for semitrailers and trailers manufactured before December 1, 1993.
- § 393.17—Lamps and reflectors combinations in driveaway towaway operation.
- § 393.19—Requirements for turn signaling systems.
- § 393.20—Clearance lamps to indicate extreme width and height.
- § 393.22—Combination of lighting devices and reflectors.
- § 393.23—Lighting devices to be electric.
- § 393.24—Requirements for head lamps and auxiliary road lighting lamps.
- § 393.25—Requirements for lamps other than head lamps.
- § 393.26—Requirements for reflectors.
- § 393.27—Wiring specifications.
- § 393.28—Wiring to be protected.
- § 393.29—Grounds.
- § 393.30—Battery installation.
- § 393.31—Overload protective devices.

- § 393.32—Detachable electrical connections.
- § 393.33—Wiring, installation.
- Subpart C—Brakes
 - § 393.40—Required brake systems.
 - § 393.41—Parking brake system.
 - § 393.42—Brakes required on all wheels.
 - § 393.43—Breakaway and emergency braking.
 - § 393.44—Front brake lines, protection.
 - § 393.45—Brake tubing and hose, adequacy.
 - § 393.46—Brake tubing and hose connections.
 - § 393.47—Brake lining.
 - § 393.48—Brakes to be operative.
 - § 393.49—Single valve to operate all brakes.
 - § 393.50—Reservoirs required.
 - § 393.51—Warning devices and gauges.
 - § 393.52—Brake performance.
 - § 393.53—Automatic brake adjusters and brake adjustment indicators.
 - § 393.55—Antilock brake systems.
- Subpart D—Glazing and Window Construction
 - § 393.60—Glazing in specified openings.
 - § 393.61—Window construction.
 - § 393.62—Window obstructions.
 - § 393.63—Windows, markings.
- Subpart E—Fuel Systems
 - § 393.65—All fuel systems.
 - § 393.67—Liquid fuel tanks.
 - § 393.69—Liquefied petroleum gas systems.
- Subpart F—Coupling Devices and Towing Methods
 - § 393.70—Coupling devices and towing methods, except for driveaway towaway operations.
 - § 393.71—Coupling devices and towing methods, driveaway towaway operations.
- Subpart G—Miscellaneous Parts and Accessories
 - § 393.75—Tires.
 - § 393.76—Sleeper berths.
 - § 393.77—Heaters.
 - § 393.78—Windshield wipers.
 - § 393.79—Defrosting device.
 - § 393.80—Rear vision mirrors.
 - § 393.81—Horn.
 - § 393.82—Speedometer.
 - § 393.83—Exhaust systems.
 - § 393.84—Floors.
 - § 393.85—(Reserved)
 - § 393.86—Rear end protection.
 - § 393.87—Flags on projecting loads.
 - § 393.88—Television receivers.
 - § 393.89—Buses, driveshaft protection.
 - § 393.90—Buses, standee line or bar.
 - § 393.91—Buses, aisle seats prohibited.
 - § 393.92—Buses, marking emergency doors.
 - § 393.93—Seats, seat belt assemblies and seat belt assembly anchorages.
 - § 393.94—Vehicle interior noise levels.
- Subpart H—Emergency Equipment
 - § 393.95—Emergency equipment on all power units.
- Subpart I—Protection Against Shifting or Falling Cargo
 - § 393.100—General rules for protection against shifting or falling cargo.
 - § 393.102—Securement systems.

- § 393.104—Blocking and bracing.
- § 393.106—Front end structure.
- Subpart J—Frames, Cab and Body Components, Wheels, Steering, and Suspension Systems
 - § 393.201—Frames.
 - § 393.203—Cab and body components.
 - § 393.205—Wheels.
 - § 393.207—Suspension systems.
 - § 393.209—Steering wheel systems.
- PART 394—(REMOVED AND RESERVED)
- PART 395—HOURS OF SERVICE OF DRIVERS
 - § 395.1—Scope of rules in this part.
 - § 395.2—Definitions.
 - § 395.3—Maximum driving and on duty time.
 - § 395.7—(Removed and reserved)
 - § 395.8—Driver’s record of duty status.
 - § 395.10—(Removed and reserved)
 - § 395.11—(Removed and reserved)
 - § 395.12—(Removed and reserved)
 - § 395.13—Drivers declared “out of service.”
 - § 395.15—Automatic on board recording devices.
- PART 396—INSPECTION, REPAIR, AND MAINTENANCE
 - § 396.1—Scope.
 - § 396.3—Inspection, repair, and maintenance.
 - § 396.5—Lubrication.
 - § 396.7—Unsafe operations forbidden.
 - § 396.9—Inspection of motor vehicles in operation.
 - § 396.11—Driver vehicle inspection report(s)
 - § 396.13—Driver inspection.
 - § 396.15—Driveaway towaway operation and inspections.
 - § 396.17—Periodic inspection.
 - § 396.19—Inspector qualifications.
 - § 396.21—Periodic inspection recordkeeping requirements.
 - § 396.23—Equivalent to periodic inspection.
 - § 396.25—Qualifications of brake inspectors.
- PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES
 - Subpart A—General
 - § 397.1—Application of the rules in this part.
 - § 397.2—Compliance with Federal motor carrier safety regulations.
 - § 397.3—State and local laws, ordinances, and regulations.
 - § 397.5—Attendance and surveillance of motor vehicles.
 - § 397.7—Parking.
 - § 397.9—(Removed and reserved)
 - § 397.11—Fires.
 - § 397.13—Smoking.
 - § 397.15—Fueling.
 - § 397.17—Tires.
 - § 397.19—Instructions and documents.
 - Subpart C—Routing of Non Radioactive Hazardous Materials
 - § 397.61—Purpose and scope.
 - § 397.63—Applicability.
 - § 397.65—Definitions.
 - § 397.67—Motor carrier responsibility for routing.
 - § 397.69—Highway routing designations; preemption.
 - § 397.71—Federal standards.
 - § 397.73—Public information and reporting requirements.

§ 397.75—Dispute resolution.

§ 397.77—Judicial review of dispute decision.

Subpart D—Routing of Class 7 (Radioactive) Materials

§ 397.101—Requirements for motor carriers and drivers.

§ 397.103—Requirements for State routing designations.

Subpart E—Preemption Procedures

§ 397.201—Purpose and scope of the procedures.

§ 397.203—Standards for determining preemption.

§ 397.205—Preemption application.

§ 397.207—Preemption notice.

§ 397.209—Preemption processing.

§ 397.211—Preemption determination.

§ 397.213—Waiver of preemption application.

§ 397.215—Waiver notice.

§ 397.217—Waiver processing.

§ 397.219—Waiver determination and order.

§ 397.221—Timeliness.

§ 397.223—Petition for reconsideration.

§ 397.225—Judicial review.

PART 177—CARRIAGE BY PUBLIC HIGHWAY (CONTINUED)

§ 177.810—Vehicular tunnels

§ 177.816—Driver training.

§ 177.817—Shipping papers

§ 177.823—Movement of motor vehicles in emergency situations.

§ 177.827—(Removed)

Subpart B—Loading and Unloading

§ 177.834—General requirements.

§ 177.835—Class 1 (explosive) materials.

§ 177.837—Class 3 (flammable liquid) materials.

§ 177.838—Class 4 (flammable solid) materials, Class 5 (oxidizing) materials, and Division 4.2 (pyroforic liquid) materials.

§ 177.839—Class 8 (corrosive) materials.

§ 177.840—Class 2 (gases) materials.

§ 177.841—Division 6.1 (poisonous) and Division 2.3 (poisonous gas) materials. 04–01–99, 10–01–98

§ 177.842—Class 7 (radioactive) material.

§ 177.843—Contamination of vehicles.

Subpart C—Segregation and Separation Chart of Hazardous Materials

§ 177.848—Segregation of hazardous materials.

Subpart D—Vehicles and Shipments in Transit; Accidents

§ 177.854—Disabled vehicles and broken or leaking packages; repairs.

Subpart E—Regulations Applying to Hazardous Material on Motor Vehicles Carrying Passengers for Hire

§ 177.870—Regulations for passenger carrying vehicles.

PART 178—SPECIFICATIONS FOR PACKAGINGS

§ 178.1—Purpose and scope.

§ 178.2—Applicability and responsibility.

§ 178.3—Marking of packagings.

Subpart A—(Reserved)

Subpart B—Specifications for Inside Containers and Linings

§ 178.33—Specification 2P; inner nonrefillable metal receptacles.

§ 178.33-1—Compliance.

§ 178.33-2—Type and size.

§ 178.33-3—Inspection.

§ 178.33-4—Duties of inspector.

§ 178.33-5—Material.

§ 178.33-6—Manufacture.

§ 178.33-7—Wall thickness.

§ 178.33-8—Tests.

§ 178.33-9—Marking.

§ 178.33a—Specification 2Q; inner nonrefillable metal receptacles.

§ 178.33a-1—Compliance.

§ 178.33a-2—Type and size.

§ 178.33a-3—Inspection.

§ 178.33a-4—Duties of inspector.

§ 178.33a-5—Material.

§ 178.33a-6—Manufacture.

§ 178.33a-7—Wall thickness.

§ 178.33a-8—Tests.

§ 178.33a-9—Marking.

Subpart C—Specifications for Cylinders

§ 178.35—General requirements for specification cylinders.

§ 178.36—Specification 3A and 3AX seamless steel cylinders.

§ 178.37—Specification 3AA and 3AAX seamless steel cylinders.

§ 178.38—Specification 3B seamless steel cylinders.

§ 178.39—Specification 3BN seamless nickel cylinders.

§ 178.42—Specification 3E seamless steel cylinders.

§ 178.44—Specification 3HT seamless steel cylinders for aircraft use.

§ 178.45—Specification 3T seamless steel cylinders.

§ 178.46—Specification 3AL seamless aluminum cylinders.

§ 178.47—Specification 4DS welded stainless steel cylinders for aircraft use.

§ 178.50—Specification 4B welded or brazed steel cylinders.

§ 178.51—Specification 4BA welded or brazed steel cylinders.

§ 178.53—Specification 4D welded steel cylinders for aircraft use.

§ 178.55—Specification 4B240ET welded or brazed cylinders.

§ 178.56—Specification 4AA480 welded steel cylinders.

§ 178.57—Specification 4L welded insulated cylinders.

§ 178.58—Specification 4DA welded steel cylinders for aircraft use.

§ 178.59—Specification 8 steel cylinders with porous fillings for acetylene.

§ 178.60—Specification 8AL steel cylinders with porous fillings for acetylene.

§ 178.61—Specification 4BW welded steel cylinders with electric-arc welded longitudinal seam.

§ 178.65—Specification 39 non-reusable (non-refillable) cylinders.

§ 178.68—Specification 4E welded aluminum cylinders.

Subpart D—(Reserved)

Subpart E—(Reserved)

Subpart F—(Reserved)

Subpart G—(Reserved)

Subpart H—Specifications for Portable Tanks

§ 178.245—Specification 51; steel portable tanks.

§ 178.245-1—Requirements for design and construction.

- § 178.245-2—Material.
 - § 178.245-3—Design pressure.
 - § 178.245-4—Tank mountings.
 - § 178.245-5—Protection of valves and accessories.
 - § 178.245-6—Name plate.
 - § 178.245-7—Report.
 - § 178.251—§ 178.253-5—(Reserved)
 - § 178.255—Specification 60; steel portable tanks.
 - § 178.255-1—General requirements.
 - § 178.255-2—Material.
 - § 178.255-3—Expansion domes.
 - § 178.255-4—Closures for manholes and domes.
 - § 178.255-5—Bottom discharge outlets.
 - § 178.255-6—Loading and unloading accessories.
 - § 178.255-7—Protection of valves and accessories.
 - § 178.255-8—Safety devices.
 - § 178.255-9—Compartments.
 - § 178.255-10—Lining.
 - § 178.255-11—Tank mountings.
 - § 178.255-12—Pressure test.
 - § 178.255-13—Repair of tanks.
 - § 178.255-14—Marking.
 - § 178.255-15—Report.
 - § 178.270—Specification IM 101 and IM 102 steel portable tanks; general design and construction requirements.
 - § 178.270-1—Specification requirements for IM 101 and IM 102 steel portable tanks.
 - § 178.270-2—General.
 - § 178.270-3—Materials of construction.
 - § 178.270-4—Structural integrity.
 - § 178.270-5—Minimum thickness of shells and heads.
 - § 178.270-6—Tank supports, frameworks, and lifting attachments.
 - § 178.270-7—Joints in tank shells.
 - § 178.270-8—Protection of valves and accessories.
 - § 178.270-9—Inspection openings.
 - § 178.270-10—External design pressure.
 - § 178.270-11—Pressure and vacuum relief devices.
 - § 178.270-12—Valves, nozzles, piping, and gauging devices.
 - § 178.270-13—Testing.
 - § 178.270-14—Marking of tanks.
 - § 178.271—Specification IM 101 steel portable tanks.
 - § 178.271-1—General requirements.
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 - § 178.272-1—General requirements.
 - § 178.272-2—Minimum thickness of shells and heads.
- Subpart I—(Reserved)
- Subpart J—Specification for Containers for Motor Vehicle Transportation
- § 178.318—Specification MC 201; container for blasting caps, electric blasting caps, and percussion caps.
 - § 178.318-1—Scope.
 - § 178.318-2—Container.
 - § 178.318-3—Marking.
 - § 178-320—General requirements applicable to all DOT specification cargo tank motor vehicles.
 - § 178.337—Specification MC 331; cargo tank motor vehicle primarily for transportation of compressed gases as defined in subpart G of part 173 of this subchapter.
 - § 178.337-1—General requirements.
 - § 178.337-2—Material.
 - § 178.337-3—Structural Integrity.
 - § 178.337-4—Joints.
 - § 178.337-5—Bulkheads, baffles and ring stiffeners.
 - § 178.337-6—Closure for manhole.
 - § 178.337-7—Overturn protection.
 - § 178.337-8—Outlets.
 - § 178.337-9—Pressure relief devices, piping, valves, hoses, and fittings.
 - § 178.337-10—Protection of fittings.
 - § 178.337-11—Emergency discharge control.
 - § 178.337-12—Shear section.
 - § 178.337-13—Supporting and anchoring.
 - § 178.337-14—Gauging devices.
 - § 178.337-15—Pumps and compressors.
 - § 178.337-16—Testing.
 - § 178.337-17—Marking.
 - § 178.337-18—Certification.
 - § 178.338—Specification MC-338, insulated cargo tank motor vehicle.
 - § 178.338-1—General requirements.
 - § 178.338-2—Material.
 - § 178.338-3—Structural integrity.
 - § 178.338-4—Joints.
 - § 178.338-5—Stiffening rings.
 - § 178.338-6—Manholes.
 - § 178.338-7—Openings.
 - § 178.338-8—Pressure relief devices, piping, valves, and fittings.
 - § 178.338-9—Holding time.
 - § 178.338-10—Collision damage protection.
 - § 178.338-11—Discharge control devices.
 - § 178.338-12—Shear section.
 - § 178.338-13—Supports and anchoring.
 - § 178.338-14—Gauging devices.
 - § 178.338-15—Cleanliness.
 - § 178.338-16—Inspection and testing.
 - § 178.338-17—Pumps and compressors.
 - § 178.338-18—Marking.
 - § 178.338-19—Certification.
 - § 178.340—§ 178.343—(Reserved)
 - § 178.345—General design and construction requirements applicable to Specification DOT 406 (§ 178.346), DOT 407 (§ 178.347), and DOT 412 (§ 178.348) cargo tank motor vehicles.
 - § 178.345-1—General requirements.
 - § 178.345-2—Material and material thickness.
 - § 178.345-3—Structural integrity.
 - § 178.345-4—Joints.
 - § 178.345-5—Manhole assemblies.
 - § 178.345-6—Supports and anchoring.
 - § 178.345-7—Circumferential reinforcements.
 - § 178.345-8—Accident damage protection.
 - § 178.345-9—Pumps, piping, hoses and connections.
 - § 178.345-10—Pressure relief.
 - § 178.345-11—Tank outlets.
 - § 178.345-12—Gauging devices.
 - § 178.345-13—Pressure and leakage tests.
 - § 178.345-14—Marking.
 - § 178.345-15—Certification.
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 - § 178.346-2—Material and thickness of material.
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 - § 178.347-1—General requirements.
 - § 178.347-2—Material and thickness of material.
 - § 178.347-3—Manhole assemblies.
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- § 178.348—Specification DOT 412; cargo tank motor vehicle.
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- § 178.348-2—Material and thickness of material.
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- § 178.348-5—Pressure and leakage test.

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- § 178.352-4—Welding.
- § 178.352-5—Closure.
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- § 178.356-2—Materials of construction and other requirements.
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- § 178.358-2—Materials of construction and other requirements.
- § 178.358-3—Modification of Specification 21PF-1 overpacks.
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- § 178.358-5—Required markings.
- § 178.358-6—Typical assembly detail.
- § 178.360—Specification 2R; inside containment vessel.
- § 178.360-1—General requirements.
- § 178.360-2—Manufacture.
- § 178.360-3—Dimensions.
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- § 178.362—Specification 20WC wooden protective jacket.
- § 178.362-1—General requirements.
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- § 178.362-7—Typical assembly sketches.
- § 178.364—Specification 21WC wooden-steel protective overpack.
- § 178.364-1—General requirements.
- § 178.364-2—Materials of construction and other requirements.
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- § 178.502—Identification codes for packagings.

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- § 178.504—Standards for steel drums.
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- § 178.516—Standards for fiberboard boxes.
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- § 179.100—General specification applicable to pressure tank car tanks.
- § 179.100-1—Tanks built under these specifications shall comply with the requirements of § 179.100, § 179.101 and when applicable, § 179.102, § 179.103, and § 179.104.
- § 179.100-3—Type.
- § 179.100-4—Insulation.
- § 179.100-6—Thickness of plates.
- § 179.100-7—Materials.
- § 179.100-8—Tank heads.
- § 179.100-9—Welding.
- § 179.100-10—Postweld heat treatment.
- § 179.100-12—Manway nozzle, cover and protective housing.
- § 179.100-13—Venting, loading and unloading valves, measuring and sampling devices.
- § 179.100-14—Bottom outlets.
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- § 179.100-17—Closures for openings.
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- § 179.100-19—Tests of safety relief valves.
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- § 179.103—Special requirements for class 114A * * * tank car tanks.
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- § 179.103-5—Bottom outlets.
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Subpart D—Specifications for Nonpressure Tank Car Tanks (Classes DOT-103, 104, 111AF, 111AW, and 115AW)

- § 179.200—General specifications applicable to non-pressure tank car tanks (Classes DOT-103, 104, and 111).
- § 179.200-1—Tank built under these specifications must meet the requirements of § 179.200, § 179.201 and when applicable § 179.202.
- § 179.200-3—Type.
- § 179.200-4—Insulation.
- § 179.200-6—Thickness of plates.
- § 179.200-7—Materials.
- § 179.200-8—Tank heads.
- § 179.200-9—Compartment tanks.
- § 179.200-10—Welding.
- § 179.200-11—Postweld heat treatment.
- § 179.200-13—Manway ring or flange, safety relief device flange, bottom outlet nozzle flange, bottom washout nozzle flange and other attachments and openings.
- § 179.200-14—Expansion capacity.
- § 179.200-15—Closures for manways.
- § 179.200-16—Gauging devices, top loading and unloading devices, venting and air inlet devices.
- § 179.200-17—Bottom outlets.
- § 179.200-19—Reinforcements, when used, and appurtenances not otherwise specified.
- § 179.200-21—Closures for openings.
- § 179.200-22—Test of tanks.
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- § 179.200-24—Stamping.
- § 179.200-25—(Reserved)
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- § 179.201—Individual specification requirements applicable to non-pressure tank car tanks.
- § 179.201-1—Individual specification requirements.
- § 179.201-2—Minimum plate thickness.
- § 179.201-3—Line tanks.
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- § 179.201-6—Manways and manway closures.
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- § 179.201-10—Water capacity marking.
- § 179.201-11—Insulation.
- § 179.203—§ 179.203-3—(Reserved)
- § 179.220—General specifications applicable to nonpressure tank car tanks consisting of an inner container supported within an outer shell (Class DOT-115).
- § 179.220-1—Tanks built under these specifications must meet the requirements of § 179.220, § 179.221, and § 179.222.
- § 179.220-3—Type.
- § 179.220-4—Insulation.
- § 179.220-6—Thickness of plates.
- § 179.220-7—Materials.
- § 179.220-8—Tank heads.
- § 179.220-9—Compartment tanks.

- § 179.220-10—Welding.
- § 179.220-11—Postweld heat treatment.
- § 179.220-13—Inner container manway nozzle and cover.
- § 179.220-14—Openings in the tanks.
- § 179.220-15—Support system for inner container.
- § 179.220-16—Expansion capacity.
- § 179.220-17—Gauging devices, top loading and unloading devices, venting and air inlet devices.
- § 179.220-18—Bottom outlets.
- § 179.220-20—Reinforcements, when used, and appurtenances not otherwise specified.
- § 179.220-22—Closure for openings.
- § 179.220-23—Test of tanks.
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- § 179.220-26—Stenciling.
- § 179.221—Individual specification requirements applicable to tank car tanks consisting of an inner container supported within an outer shell.
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Subpart E—Specifications for Multi Unit Tank Car Tanks
(Classes DOT-106A and 110AW)

- § 179.300—General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (Classes DOT-106A and 110AW).
- § 179.300-1—Tanks built under these specifications shall meet the requirements of § 179.300, § 179.301 and when applicable, § 179.302.
- § 179.300-3—Type and general requirements.
- § 179.300-4—Insulation.
- § 179.300-6—Thickness of plates.
- § 179.300-7—Materials.
- § 179.300-8—Tank heads.
- § 179.300-9—Welding.
- § 179.300-10—Postweld heat treatment.
- § 179.300-12—Protection of fittings.
- § 179.300-13—Venting, loading and unloading valves.
- § 179.300-14—Attachments not otherwise specified.
- § 179.300-15—Safety relief devices.
- § 179.300-16—Tests of tanks.
- § 179.300-17—Tests of safety relief devices.
- § 179.300-18—Stamping.
- § 179.300-19—Inspection.
- § 179.300-20—Reports.
- § 179.301—Individual specification requirements for multi-unit tank car tanks.
- § 179.302—(Reserved)

Subpart F—Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT-113 and 107A)

- § 179.400—General specification applicable to cryogenic liquid tank car tanks.
- § 179.400-1—General.
- § 179.400-3—Type.
- § 179.400-4—Insulation system and performance standard.
- § 179.400-5—Materials.
- § 179.400-6—Bursting and buckling pressure.
- § 179.400-7—Tank heads.
- § 179.400-8—Thickness of plates.
- § 179.400-9—Stiffening rings.
- § 179.400-10—Sump or siphon bowl.
- § 179.400-11—Welding.
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- § 179.400-13—Support system for inner tank.
- § 179.400-14—Cleaning of inner tank.
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- § 179.400-16—Access to inner tank.
- § 179.400-17—Inner tank piping.
- § 179.400-18—Test of inner tank.
- § 179.400-19—Valves and gages.
- § 179.400-20—Pressure relief devices.
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- § 179.400-22—Protective housings.
- § 179.400-23—Operating instructions.
- § 179.400-24—Stamping.
- § 179.400-25—Stenciling.
- § 179.401—Individual specification requirements applicable to inner tanks for cryogenic liquid tank car tanks.
- § 179.500—Specification DOT-107A * * *, seamless steel tank car tanks.
- § 179.500-1—Tanks built under these specifications shall meet the requirements of § 179.500.
- § 179.500-3—Type and general requirements.
- § 179.500-4—Thickness of wall.
- § 179.500-5—Material.
- § 179.500-6—Heat treatment.
- § 179.500-7—Physical tests.
- § 179.500-8—Openings in tanks.
- § 179.500-10—Protective housing.
- § 179.500-11—Loading and unloading valves.
- § 179.500-12—Safety relief devices.
- § 179.500-13—Fixtures.
- § 179.500-14—Test of tanks.
- § 179.500-15—Handling of tanks failing in tests.
- § 179.500-16—Tests of safety relief devices.
- § 179.500-17—Marking.
- § 179.500-18—Inspection and reports.

APPENDIX A TO PART 179—PROCEDURES FOR TANK-
HEAD PUNCTURE-RESISTANCE TEST

APPENDIX B TO PART 179—PROCEDURES FOR SIM-
ULATED POOL AND TORCH-FIRE TESTING

PART 180—CONTINUING QUALIFICATION AND MAIN-
TENANCE OF PACKAGINGS

Subpart A—General

- § 180.1—Purpose and scope.
- § 180.2—Applicability.
- § 180.3—General Requirements.

Subpart B-C—(Reserved)

Subpart D—Qualification and Maintenance of Intermediate
Bulk Containers

- § 180.350—Applicability.
- § 180.351—Qualification of intermediate bulk containers.
- § 180.352—Requirements for retest and inspection of intermediate bulk containers.

Subpart E—Qualification and Maintenance of Cargo Tanks

- § 180.401—Applicability.
- § 180.403—Definitions.
- § 180.405—Qualification of cargo tanks.
- § 180.407—Requirements for test and inspection of cargo tanks.
- § 180.409—Minimum qualifications for inspectors and testers.
- § 180.411—Acceptable results of tests and inspections.
- § 180.413—Repair, modification, stretching, or rebarrelling of cargo tanks.
- § 180.415—Test and inspection markings.
- § 180.417—Reporting and record retention requirements.

Amended by R.1986 d.447, effective November 3, 1986.

See: 18 N.J.R. 1791(a), 18 N.J.R. 2212(b).
Amended by R.1989 d.101, effective February 21, 1989.
See: 20 N.J.R. 3005(a), 21 N.J.R. 456(a).
Substantially amended.

Amended by R.1990 d.550, effective November 19, 1990.
See: 22 N.J.R. 2676(a), 22 N.J.R. 3500(c).

Reporting requirements of Section 171.15, 171.16 revised; cargo tanks added to Section 172.331; 172 Subpart G added; driver qualifications of Sections 391.49 and 391.71 revised; 391 Subpart H (Controlled Substances Testing), 393 Subpart J, 395.15, 396.17, 396.19, 396.21, 396.23, Minimum Periodic Inspection Standards, Part 180, A and E added; revisions throughout to conform to current Federal cites. Amended by R.1991 d.485, effective October 7, 1991.

See: 23 N.J.R. 2102(a), 23 N.J.R. 3037(c).

Exception applies only to waived drivers.
Amended by R.1993 d.235, effective June 7, 1993.

See: 25 N.J.R. 1065(a), 25 N.J.R. 2497(a).

Amended by R.1995 d.74, effective February 6, 1995.

See: 26 N.J.R. 4488(b), 27 N.J.R. 509(a).

Repeal and New Rule, R.2000 d.7, effective January 3, 2000.

See: 31 N.J.R. 2692(a), 32 N.J.R. 102(a).

Appendix was "Appendix to the Regulations Regarding the Transportation of Hazardous Materials".

Administrative change.

See: 32 N.J.R. 1522(b).