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**Compendium of Federal and State
Radioactive Materials Transportation
Laws and Regulations:
Transportation Legislative Database (TLDB)**

October 1989

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TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	vii
TLDB CODING SYSTEM	viii
TLDB ISSUE CATEGORIES.	ix
CONTENTS OF DATABASE	xiii
FEDERAL.	1
STATUTES.	1
REGULATIONS	13
PENDING LEGISLATION	27
OTHER	46
DOE Orders.	46
Federal Agency Memoranda of Understanding	49
NRC Regulatory Guides	52
Unpublished	61
STATE.	62
ALABAMA	62
ARIZONA	68
ARKANSAS.	79
CALIFORNIA.	95
COLORADO.	115
CONNECTICUT	129
DELAWARE.	136
DISTRICT OF COLUMBIA.	143
FLORIDA	147

TABLE OF CONTENTS (Continued)

	<u>Page</u>
GEORGIA	154
IDAHO	163
ILLINOIS.	176
INDIANA	191
IOWA.	199
KANSAS.	207
KENTUCKY.	214
LOUISIANA	220
MAINE	228
MARYLAND.	237
MASSACHUSETTS	248
MICHIGAN.	258
MINNESOTA	267
MISSISSIPPI	273
MISSOURI.	283
MONTANA	288
NEBRASKA.	296
NEVADA.	301
NEW HAMPSHIRE	313
NEW JERSEY.	317
NEW MEXICO.	330
NEW YORK.	339
NORTH CAROLINA.	352

TABLE OF CONTENTS (Continued)

	<u>Page</u>
NORTH DAKOTA.	360
OHIO.	366
OKLAHOMA.	373
OREGON.	378
PENNSYLVANIA.	390
RHODE ISLAND.	400
SOUTH CAROLINA.	413
SOUTH DAKOTA.	422
TENNESSEE	427
TEXAS	434
UTAH.	446
VERMONT	454
VIRGINIA.	463
WASHINGTON.	469
WEST VIRGINIA	483
WISCONSIN	486
WYOMING	490

APPENDIX A

FEDERAL/STATE-ISSUE INDEX.	499
------------------------------------	-----

APPENDIX B

LOCAL ORDINANCES	525
----------------------------	-----

INTRODUCTION

The Transportation Legislative Database (TLDB) is an on-line information service containing detailed information on legislation and regulations regarding the transportation of radioactive materials in the United States. The TLDB is operated by Battelle's Office of Transportation Systems and Planning (OTSP) under contract with the U.S. Department of Energy's Civilian Radioactive Waste Management Program. The system is dedicated to serving the legislative and regulatory information needs of the U.S. Department of Energy and other Federal agencies; State, Tribal, and local governments; the hazardous materials transportation industry; and interested members of the general public. Information in the TLDB is compiled by Steven C. Goldberg, Battelle transportation counsel, through both documentary research and systematic verification direct contact with Federal and State legislatures and administrative agencies.

In addition to the on-line information service, quarterly and annual Legal Developments Reports are produced using information from the TLDB. These reports summarize important changes in Federal and State legislation, regulations, administrative agency rulings, and judicial decisions over the reporting period. Information on significant legal developments at the Tribal and local levels is also included on an as-available basis. OTSP will also perform customized searches of the TLDB and produce formatted printouts in response to specific information requests.

If you need assistance with accessing or using the TLDB, or have general questions or comments about the system, please contact:

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TLDB CODING SYSTEM

The following categories of information are identified and listed for each item in the TLDB:

- (1) Item Number - Unique alphanumeric identifier assigned to each item in the database.
- (2) Action Type - Identifies the item as a
 - STATUTE
 - REGULATION
 - PENDING LEGISLATION
 - OTHER
- (3) Source - Identifies the originating level of government.
- (4) State - Identifies the state of origin or the state affected by the item.
- (5) Citation - The correct citation to the statute or regulation, or the bill number in the case of pending legislation.
- (6) Title - The official title of the item, where available. If an official title is not available, an appropriate title describing the item is created for it. Such titles are followed by the designation "(unofficial)."
- (7) Transport Mode - The specific mode(s) of transportation addressed by the item:
 - MOTOR VEHICLE
 - RAIL
 - VESSEL
 - ALL
 - UNSPECIFIED
- (8) Regulatory Authority - Identification of regulatory responsibilities listed in the item. For example, if the item is a statute, this category will list the regulatory agency or agencies that are invested with the authority to promulgate regulations to enforce its provisions. If the item is a regulation, the promulgating agency and any other agencies or bodies that are invested with regulatory authority under it are listed.
- (9) Issues - Identification of the subject matter and principal transportation topics of interest contained in each item (see TLDB Issues list, following section).
- (10) Summary - A concise explanation of each statute or regulation's essential provisions and requirements.

TLDB ISSUE CATEGORIES

The radioactive materials transportation statutes, regulations, and other legislative items in the TLDB are organized around the following principal transportation topics or issues. For any given TLDB item, the major issue categories may appear alone or in combination with various descriptive subissues. The complete listing is as follows:

ROUTING

This issue concerns requirements regarding the selection of radioactive materials transportation routes. The following subissues may also be included:

- Motor Vehicle
- Rail
- Barge
- Regulations
- Designation Criteria
- Interagency Cooperation
- Interjurisdictional Cooperation

SHIPMENT NOTIFICATION

This issue concerns requirements regarding radioactive materials transportation notification to Federal or State authorities. (Shipment notification is related to the physical protection issue.) The following subissues may also be included:

- Regulations - Requirements
- Prenotification
- Shipment Tracking

EMERGENCY RESPONSE

This issue concerns requirements regarding radioactive materials transportation emergency planning or response. The following subissues may also be included:

- Responsibilities and Capabilities
- Methods
- Planning and Training
- Financial Support

PHYSICAL PROTECTION

This issue concerns requirements regarding the physical protection of radioactive materials during transportation, including, but not limited to, advance notification and escort provisions. The following subissues may also be included:

- Regulations - Requirements
- Responsibilities and Capabilities
- Escorts

DRIVER - OPERATOR TRAINING

This issue concerns requirements regarding the qualifications and training of radioactive materials transportation carriers and drivers. The following subissues may also be included:

- Regulations - Requirements
- Qualifications
- Training
- Financial Support

INSPECTION AND ENFORCEMENT

This issue concerns requirements regarding authorized regulatory compliance inspections and prescribed penalties for noncompliance. The following subissues may also be included:

- Regulations - Requirements
- Responsibilities and Capabilities
- Financial Support

INSURANCE - LIABILITY

This issue concerns requirements regarding radioactive materials transportation carrier financial responsibility, including, but not limited to, insurance coverage and monetary liability for radioactive materials incidents. The following subissues may also be included:

- Insurance Requirements and Limitations
- Insurance Alternatives
- Liability Requirements and Limitations
- Liability Alternatives

CASK DESIGN AND TESTING

This issue concerns requirements regarding radioactive materials shipping cask design, testing, and licensing. The following subissues may also be included:

- Design Requirements and Alternatives
- Testing Requirements and Alternatives
- Licensing

OVERWEIGHT TRUCKS

This issue concerns requirements regarding motor vehicle weight restrictions and State permits authorizing such usage. The following subissues may also be included:

- Regulations - Requirements
- Permits

TRANSPORTATION OF DEFENSE WASTE

This issue concerns requirements exclusive to defense nuclear waste transportation. The following subissues may also be included:

- Regulations - Requirements
- Options and Methods
- Emergency Response
- Financial Liability

INCIDENT NOTIFICATION

This issue concerns requirements regarding notification of radioactive materials transportation accidents to Federal, State, or local authorities. The following subissues may also be included:

- Regulations - Requirements
- Methods
- Timing
- Responsibility

SHIPMENT RESTRICTIONS

This issue concerns requirements authorizing or imposing restrictions, including bans and time of day limitations, on radioactive materials transportation. The following subissues may also be included:

- General (e.g., absolute bans)
- Specific (e.g., time of day)
- Other

INFRASTRUCTURE IMPROVEMENTS

This issue concerns requirements regarding physical improvements to the radioactive materials transportation infrastructure, including highway, rail, or barge conditions. The following subissues may also be included:

- Highway Conditions
- Rail Conditions
- Barge Conditions
- Other

PERMITS

This issue concerns requirements regarding State radioactive materials transportation permits or licenses. The following subissues may also be included:

- Transport Permit
- Carrier Permit
- Other

TRANSPORTATION OPERATIONS

This issue concerns requirements regarding the preparation for, and conduct of, radioactive materials transportation, including radioactive materials packaging, marking, labeling, placarding, and shipping paper provisions. The following subissues may also be included:

- Materials Preparation
- Materials Handling
- Shipping Records
- Other

REGULATIONS

This issue concerns the statutory authorization to promulgate State radioactive materials transportation regulations, including the adoption of Federal radioactive materials transportation regulations. The following subissues may also be included:

- Adoption of Federal Regulations
- Consistency with Federal Regulations
- Other

FEES

This issue concerns the imposition of fees upon radioactive materials shippers, carriers, or recipients in connection with any transportation-related matter, such as transportation permits, radioactive materials licensing, and emergency planning. The following subissues may also be included:

- Transport Permit Fees
- Carrier Permit Fees
- Materials Licensing Fees
- Other

MATERIALS LICENSING

This issue concerns requirements regarding State licensing and registration of sources of ionizing radiation. The following subissues may also be included:

- NRC-State Regulatory Agreement
- State Radiation Protection Program Feature.

CONTENTS OF DATABASE

The pages that follow are printouts of the Federal and State entries in the TLDB. These entries have also been indexed by issue and the results are shown in Appendix A.

Appendix B contains a printout of the local ordinances in the TLDB. This local information is necessarily incomplete and is presented for illustrative purposes only. These local ordinances have not been indexed.

Transportation Legislative Database

Item Number: ST-0130
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 42 USC secs. 10101 et seq.
Title: NUCLEAR WASTE POLICY ACT OF 1982, AS AMENDED BY NUCLEAR WASTE
POLICY AMENDMENTS ACT OF 1987
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF ENERGY (DOE)
DEPARTMENT OF TRANSPORTATION (DOT)
NUCLEAR REGULATORY COMMISSION (NRC)
Issues: SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Planning and Training
Financial Support
CASK DESIGN AND TESTING
Licensing
INFRASTRUCTURE IMPROVEMENTS
Highway Conditions
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

Section 112(a) of the Nuclear Waste Policy Act of 1982 (NWP) requires the DOE to consider the cost, "impact," and safety of nuclear waste transportation to the repository site in the development of siting guidelines. See 42 USC sec. 10101, et seq. These guidelines are to be evaluated and applied during the major siting decisional phases: designation of potentially acceptable sites; site characterization, nomination, and recommendation; and repository development recommendation.

In the safety and environmental area, transportation safety, environmental and economic impacts, and alternatives were included in the 1986 site characterization environmental assessment (EA) required pursuant to section 112(b)(1)(F). The environmental impact statement (EIS) required for the DOE-recommended repository site pursuant to sections 114(a)(1) and (f) and the National Environmental Policy Act of 1969 (NEPA) should be of analogous scope.

In a similar vein, an EA is required to accompany the selection of a

Transportation Legislative Database

monitored retrievable storage (MRS) site following a need assessment study by an independent commission and an evaluation of the potentially suitable site by DOE. An EIS is also required to accompany any eventual MRS license application before the NRC (see secs. 145 and 148). Like the repository EA and EIS, these MRS environmental evaluations should also address relevant transportation impacts and alternatives.

In the institutional area, NWA sections 117(c)(5) and (7) require that the written agreements with the candidate site States include provisions for DOE assistance to the State for necessary road upgrading and site access, transportation monitoring within the State, and arrangements to notify the State prior to transportation of waste into the State.

In the regulatory area, Section 137 of the NWA provides that commercial spent nuclear fuel transporting shall be subject to DOT licensing and regulation as provided for under existing law. The statutory authority for NRC and DOT nuclear materials transportation regulation is the Atomic Energy Act of 1954 (AEA) and implementing regulations (10 CFR Part 71) and the Hazardous Materials Transportation Act of 1975 (HMTA) and implementing regulations (49 CFR Parts 170-179), respectively.

In the programmatic area, NWA Section 301(a)(3) provides that the Mission Plan must include an evaluation of legal, political, and institutional impediments to the statute's implementation and recommended solutions. Federal, State, and local regulation of the transportation field was addressed in the DOE Mission Plan.

In the operational area, pursuant to NWA section 302(a), the DOE is required to accept title to commercial high-level waste and spent fuel and arrange for its subsequent transportation and disposal. The DOE is required to use contractual agreements with private industry in each aspect of transportation to the fullest extent possible (see section 137[a][2]). The DOE is to use Federal transportation services only when the DOT has determined, in consultation with the DOE, that private industry is unwilling or unable to provide such services at reasonable cost (see sec. 137[a][2]).

The Nuclear Waste Policy Amendments Act of 1987, among other things, requires DOE to utilize NRC-certified packages for NWA nuclear shipments, observe NRC State and local Government advance notification requirements, and provide technical assistance and funds to State for training local public safety officials in transportation safety and emergency response procedures (see sec. 180).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRIES AR-0042 AND AR-0045.

Transportation Legislative Database

Item Number: ST-0131
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 49 USC secs. 10101 et seq.
Title: INTERSTATE COMMERCE ACT
Transport Mode: ALL
Regulatory Authority: INTERSTATE COMMERCE COMMISSION (ICC)
Issues: PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

The Interstate Commerce Act of 1887, as amended (ICA) authorizes the ICC to regulate the commercial and financial aspects of interstate surface (motor, rail, and water) transportation, including carrier-operating certifications or permits, rates and tariffs, adequacy of services, equipment and facilities, and consolidations and mergers. See 49 USC sec. 10101, et seq. A certificate of public convenience and necessity is required from the ICC for the construction of "extension" of private interstate carrier railroad lines (see sec. 10901). Individual exemptions from the certification requirement are obtainable under certain circumstances (see sec. 10505). The acquisition by one carrier of an active rail line owned by another carrier is subject to ICC approval under section 13433 rather than to certification under section 10901. Construction of wholly interstate rail lines or extensions does not require ICC certification. Whether and to what extent a rail line addition constitutes an "extension" within the meaning of the ICA is open to interpretation and has been the subject of varied litigation.

Comments:

AUTHORIZES COMMERCIAL AND FINANCIAL REGULATION OF INTERSTATE COMMERCE.
AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0038.

Transportation Legislative Database

Item Number: ST-0132
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 45 USC secs. 421-441
Title: FEDERAL RAILROAD SAFETY ACT
Transport Mode: RAIL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION (DOT)
Issues: INSPECTION AND ENFORCEMENT
Regulations - Requirements
Responsibilities and Capabilities
Financial Support
INFRASTRUCTURE IMPROVEMENTS
Rail Conditions
REGULATIONS

Summary

All facets of railroad safety are subject to DOT regulation under the Federal Railroad Safety Act OF 1970 (FRSA), which provides that railroad safety regulation shall be nationally uniform to the extent practicable. See 45 USC secs. 421-441. Under the FRSA, a State may adopt or enforce railroad safety regulations provided that the regulations are compatible with Federal regulations, necessary to eliminate or reduce an essentially local safety hazard and not unduly burdensome on interstate commerce (see 45 USC sec. 434). As relevant to the DOE shippers who prepare material for rail transport must comply with the DOT regulations in 49 CFR Part 173 before presenting a nuclear materials shipment to a carrier.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0041.

Transportation Legislative Database

Item Number: ST-0133
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 49 USC secs. 1801-1812
Title: HAZARDOUS MATERIALS TRANSPORTATION ACT
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION (DOT)
Issues: DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

The Hazardous Materials Transportation Act of 1975 (HMTA) authorizes the DOT to promulgate a comprehensive set of regulations for the safe transport in commerce of hazardous materials, including radioactive materials. See 49 USC secs. 1801-1812. The HMTA contains an express provision concerning Federal preemption of State and local law. Specifically, section 112(a) preempts "any requirement of the state, or political subdivision thereof, which is inconsistent with any requirement" of the HMTA or implementing regulations (commonly termed Hazardous Materials Regulations and codified in 49 CFR Parts 170 to 179).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0044.

Transportation Legislative Database

Item Number: ST-0134
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 42 USC secs. 2011-2296
Title: ATOMIC ENERGY ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: INSURANCE - LIABILITY REGULATIONS

Summary

The Atomic Energy Act of 1954 as amended, grants to the NRC (then the Atomic Energy Commission, or AEC) the authority to regulate and license the receipt, possession, use, and transfer of source, by-product, and special nuclear material (see 42 USC secs. 2073, 2093, and 2111). See 42 USC secs. 2011-2296. The NRC's nuclear transportation regulation, with the exception of physical security and prenotification requirements during transit, is confined primarily to onsite transportation preparation, such as packaging.

Section 170 of this Act, the so-called Price-Anderson Act, in relevant part requires DOE to enter into indemnification agreements with nuclear waste disposal and transportation contractors against public liability claims above the amount of financial protection DOE may contractually require the contractors to maintain. Civil and criminal penalties are imposed on any person who has entered into an indemnification agreement and violates DOE nuclear safety rules. See 42 USC sec. 2210.

Comments:

ATOMIC ENERGY COMMISSION (LATER NRC) ENABLING LEGISLATION. AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0045.

Transportation Legislative Database

Item Number: ST-0135
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 42 USC secs. 4321-4361
Title: NATIONAL ENVIRONMENTAL POLICY ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENERGY (DOE) [AS RELEVANT]
NUCLEAR REGULATORY COMMISSION (NRC) [AS RELEVANT]
Issues: REGULATIONS

Summary

As relevant to this database, the Nuclear Waste Policy Act of 1982 requires DOE preparation of a repository site selection environmental impact statement (EIS) and monitored retrievable storage (MRS) licensing EIS pursuant to the National Environmental Policy Act of 1969 (NEPA). See 42 USC secs. 4321-4361. NEPA requires that a Federal agency EIS consider the environmental impacts of proposed actions and alternatives thereto (see sec. 102[2][C]). The proper scope of an EIS has been interpreted in Council on Environmental Quality regulations (40 CFR Parts 1500 to 1508).

Comments:

RELEVANT TO DOE REPOSITORY AND MRS ENVIRONMENTAL IMPACT STATEMENT (EIS) AND NRC LICENSING EIS. AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0037.

Transportation Legislative Database

Item Number: ST-0145
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 42 USC secs. 6901 et seq.
Title: SOLID WASTE DISPOSAL ACT, AS AMENDED BY RESOURCE CONSERVATION
AND RECOVERY ACT OF 1976, AS AMENDED (COMMONLY TERMED "RCRA")
Transport
Mode: ALL
Regulatory
Authority: ENVIRONMENTAL PROTECTION AGENCY (EPA)
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

This statute establishes a Federal hazardous waste management program administered by the EPA or EPA-approved State agency. See 42 USC sec. 6901 et seq. In relevant part, RCRA Section 3002 requires EPA to promulgate regulations applicable to hazardous waste generators concerning record keeping, reporting, labeling, containers, and use of a manifest system. RCRA section 3003 requires the EPA to promulgate regulations applicable to hazardous waste transporters concerning record keeping, labeling, compliance with the manifest system, and transportation of waste only to RCRA-permitted facilities. In the case of any RCRA-designated hazardous waste subject to the Hazardous Materials Transportation Act of 1975 (HMTA), the EPA RCRA transportation regulations must be consistent with DOT HMTA regulations. EPA is further authorized to make recommendations to DOT respecting HMTA regulations and for the addition of materials to be covered under those regulations. EPA and DOT have entered into a memorandum of understanding delineating the areas of DOT and EPA responsibility for the enforcement of hazardous waste transportation regulations. See 45 FR 51645 (August 4, 1980).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0054.

Transportation Legislative Database

Item Number: ST-0178
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 49 USC secs. 2301 et seq.
Title: SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982
Transport Mode: MOTOR VEHICLE
Regulatory Authority: FEDERAL HIGHWAY ADMINISTRATION (FHWA)
APPROVED STATES
Issues: INSPECTION AND ENFORCEMENT
Regulations - Requirements
TRANSPORTATION OPERATIONS
Other
REGULATIONS
Adoption of Federal Regulations

Summary

The Surface Transportation Assistance Act of 1982 (STAA), although not exclusively related to nuclear transportation, authorizes DOT (specifically the Federal Highway Administration) to issue grants to States for the development or implementation of programs for the inspection and enforcement of Federal commercial motor vehicle safety regulations and compatible State regulations. See 49 USC secs. 2301, et seq. This includes enforcement of DOT motor carrier safety regulations (49 CFR Parts 390-399) and highway-related portions of the hazardous materials transportation regulations (49 CFR Parts 171-179). See sec. 2302. State enforcement plan requirements for receipt of implementation grants are prescribed by regulation.

Comments:

Transportation Legislative Database

Item Number: ST-0179
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 49 USC secs. 2501 et seq.
Title: MOTOR CARRIER SAFETY ACT OF 1984
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF TRANSPORTATION (DOT)
APPROVED STATES
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
INSPECTION AND ENFORCEMENT
Regulations - Requirements
Responsibilities and Capabilities
TRANSPORTATION OPERATIONS
Other
REGULATIONS
Consistency with Federal Regulations

Summary

The Motor Carrier Safety Act of 1984 (MCSA), although not exclusively related to nuclear transportation, authorizes DOT to promulgate regulations which establish minimum Federal safety standards for commercial motor vehicles and operators. See 49 USC secs. 2501, et seq. These regulations must assure, among other things, that commercial motor vehicles are safely maintained, equipped, loaded and operated and that the responsibilities imposed upon operators do not impair their ability to operate such vehicles safely. See sec. 2505. Any such regulations relating exclusively to the maintenance, equipment, loading, or operation of vehicles carrying hazardous materials are not to duplicate regulations promulgated under the HMTA (see TLDB entry ST-0133). See sec. 2505.

This law preempts any State commercial motor vehicle safety law or regulation which is in addition to or more stringent than DOT regulations and which DOT determines: (1) has no associated safety benefit; (2) is incompatible with DOT regulations; or (3) whose enforcement would be an undue burden on interstate commerce. A person or State may petition DOT for a waiver from a determination that a State law is preempted by Federal law. See sec. 2507. DOT shall grant such waiver if the petitioner demonstrates that such waiver is not contrary to the public interest and is consistent with the safe

Transportation Legislative Database

operation of motor vehicles. See sec. 2507. The Act does not authorize DOT to establish Federal traffic safety regulations or preempt State traffic regulations. See sec. 2519.

This law further requires all commercial vehicles to pass an inspection of all safety equipment required under 49 CFR Part 393 and for DOT to promulgate additional vehicle inspection and inspection record retention regulations providing for annual or more frequent vehicle inspections. See sec. 2509. This Act does not prevent any State from imposing and enforcing a vehicle inspection program which DOT determines is as effective as that established by authorized DOT regulations or which meets the requirements for membership in the Commercial Vehicle Safety Alliance. See sec. 2509

This law additionally requires DOT, in cooperation with the Interstate Commerce Commission, to promulgate regulations establishing procedures to determine the safety fitness of owners and operators of commercial motor vehicles. See sec. 2512.

Comments:

Transportation Legislative Database

Item Number: ST-0180
Action Type: STATUTE
Source: FEDERAL
State:
Citation: 49 USC secs. 2701 et seq.
Title: COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF TRANSPORTATION (DOT)
APPROVED STATES
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
Financial Support
REGULATIONS

Summary

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA), although not exclusively related to nuclear transportation, authorizes the establishment of minimum Federal standards for testing commercial motor vehicle operators, including knowledge of HMTA regulations for persons operating motor vehicles transporting hazardous materials. See 49 USC secs. 2701 et seq. Each person who is issued a commercial driver's license must pass a written and oral driving test which complies with the minimum Federal standards. See sec. 3705. Federal grants are available to States to adopt and administer an operator testing and licensing program in accordance with the minimum Federal standards. See secs. 2704 and 2708.

Comments:

Transportation Legislative Database

Item Number: AR-0037
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 40 CFR Parts 1500-1508
Title: COUNCIL ON ENVIRONMENTAL QUALITY NEPA REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)
Issues: REGULATIONS

Summary

The CEQ regulations provide guidance and interpretations of the National Environmental Policy Act of 1969 (NEPA) environmental impact statement (EIS) requirement. See 40 CFR Parts 1500-1508. The EIS must include a discussion of all "reasonably foreseeable" effects of a proposed action (see 40 CFR Sec. 1508.8). Any monitored retrievable storage facility (MRS) or repository EIS related to the Nuclear Waste Policy Act (NWPA) associated transportation safety and environmental and economic impacts presumably fall within this category.

Comments:

IMPLEMENTS NATIONAL ENVIRONMENTAL POLICY ACT (TLDB ENTRY ST-0135).

Transportation Legislative Database

Item Number: AR-0038
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 49 CFR Parts 1000-1199
Title: INTERSTATE COMMERCE COMMISSION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: INTERSTATE COMMERCE COMMISSION (ICC)
Issues: ROUTING
Motor Vehicle
Rail
INSPECTION AND ENFORCEMENT
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
FEES

Summary

The ICC regulations implementing its responsibilities under the Interstate Commerce Act (TLDB entry ST-0131) are contained in the referenced Federal code provisions. See 49 CFR Parts 1000-1199. 49 CFR Part 1150 concerns certificates of public convenience and necessity.

Comments:

IMPLEMENTS INTERSTATE COMMERCE ACT (TLDB ENTRY ST-0131).

Transportation Legislative Database

Item Number: AR-0039
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 41 CFR sec. 109-40
Title: DEPARTMENT OF ENERGY TRAFFIC AND TRANSPORTATION REGULATIONS
(UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: DEPARTMENT OF ENERGY (DOE)
Issues: TRANSPORTATION OPERATIONS

Summary

DOE transportation and traffic management activities are described in 41 CFR section 109-40. It also covers arrangements for transportation and related services by bills of lading. This regulation is designed to ensure that all transportation and traffic management activities will be carried out in a manner that is most advantageous to the Government relative to economy, efficiency, service, environment, safety, and security.

Comments:

REGULATIONS RELEVANT TO CONDUCT OF TRANSPORTATION SERVICES FOR DOE OPERATIONS

Transportation Legislative Database

Item Number: AR-0041
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 49 CFR Parts 200-268
Title: FEDERAL RAILROAD ADMINISTRATION (FRA) REGULATIONS (UNOFFICIAL)
Transport Mode: RAIL
Regulatory Authority: FEDERAL RAILROAD ADMINISTRATION (FRA)
Issues: INSPECTION AND ENFORCEMENT
Regulations - Requirements
Responsibilities and Capabilities
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
INFRASTRUCTURE IMPROVEMENTS
Rail Conditions
TRANSPORTATION OPERATIONS

Summary

FRA railroad safety, service, and operating requirements are contained in the referenced regulations. See 49 CFR Parts 200-268. The FRA is part of DOT. With the exception of civil penalty provisions regarding noncompliance with the Hazardous Materials Transportation Act of 1975 (HMTA), these regulations are not specific to nuclear materials transportation. FRA regulations address, among other things, State participation in Federal railroad safety law compliance inspections (Part 212), track safety standards (Part 213), railroad accident and incident reporting (Part 225), and railroad locomotive safety and inspection standards (Parts 229 and 230).

Comments:

IMPLEMENTS FEDERAL RAILROAD SAFETY ACT (TLDB ENTRY ST-0132).

Transportation Legislative Database

Item Number: AR-0042
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 10 CFR Part 960
Title: NUCLEAR WASTE REPOSITORY SITING GUIDELINES (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENERGY (DOE)
Issues: ROUTING
Motor Vehicle
Rail
Barge
EMERGENCY RESPONSE
TRANSPORTATION OPERATIONS

Summary

DOE siting guideline 10 CFR Sec. 960.5-2-7 concerns transportation matters. The objective of the transportation guideline is to give proper regard to waste transportation because it could affect public health and safety, the environment, and waste disposal cost (see 49 FR 47747). The guideline requires an evaluation of the site's proximity to adequate highways and railroads, the characteristics of access routes from existing highways and railroads to the site, the costs and other impacts of access-route design and construction, and the impacts of waste transportation over the access routes. The guideline contains a qualifying condition, nine favorable conditions, and four potentially adverse conditions, but does not include a disqualifying condition.

Pursuant to the Nuclear Waste Policy Act of 1982 (NWPA) Sec. 112[a], the DOE guidelines constitute site selection criteria, including factors that qualify or disqualify a site for repository development. In contrast to the DOT and the NRC transportation regulations, the DOE guidelines are not prescriptive in nature.

Nonetheless, since the guideline qualifying conditions constitute a predicate for site selection qualification (see 49 FR 47722), they warrant mention. Accordingly, the qualifying conditions provide that the site must be located such that (1) constructed access routes (a) will not irreconcilably conflict with Federal or State environmentally protected resources (siting guideline 10 CFR Sec. 960.5-2-5[d][2] and [3]; (b) can be designed and constructed using readily available technology; (c) will not necessitate compliance with

Transportation Legislative Database

more stringent standards than applicable DOT and NRC regulations nor require new packaging containment technology; and (d) will not entail unacceptable public risk or environmental impact but will consider programmatic, technical, social, economic, and environmental factors; and (2) system guideline 10 CFR Sec. 960.5-1(a)(2) can be met (i.e., the public and the environment can be protected from waste disposal hazards, including hazards from the transportation of radioactive waste).

Comments:

IMPLEMENTS NUCLEAR WASTE POLICY ACT (TLDB ENTRY ST-0130).

Transportation Legislative Database

Item Number: AR-0043
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 49 CFR Parts 350-398
Title: FEDERAL MOTOR CARRIER SAFETY REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: FEDERAL HIGHWAY ADMINISTRATION (FHWA)
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility
TRANSPORTATION OPERATIONS

Summary

FHWA motor carrier safety requirements are contained in the referenced regulations. FHWA is part of DOT. See 49 CFR Parts 350-398. These regulations pertain to both hazardous (including nuclear) and nonhazardous motor carrier safety. As relevant to nuclear transportation, these regulations address, among other things, minimum levels of financial responsibility for motor carriers (\$5 million insurance for nuclear carriers per 49 CFR sec. 387.11), driver qualifications (49 CFR Part 391), accident notification and reporting (49 CFR Part 394), and driving and parking rules for hazardous materials transportation (including some applicable and some inapplicable to nuclear materials) (49 CFR Part 397).

Comments:

IMPLEMENTS MOTOR CARRIER SAFETY ACT (TLDB ENTRY ST-0179).

Transportation Legislative Database

Item Number: AR-0044
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 49 CFR Parts 170-177
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION (DOT)
Issues: ROUTING
Motor Vehicle Regulations
Designation Criteria
Interjurisdictional Cooperation
PHYSICAL PROTECTION
INSPECTION AND ENFORCEMENT
CASK DESIGN AND TESTING
INCIDENT NOTIFICATION
Regulations - Requirements
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
REGULATIONS

Summary

Pursuant to 49 CFR Part 171, nuclear material may not be offered for transportation unless it is properly classed, described, packaged, marked, labeled, and in condition for shipment as provided in 49 CFR Parts 171 to 177 (see 49 CFR sec. 171.2).

49 CFR Part 172 lists and classifies those materials designated as hazardous by the DOT for purposes of transportation and prescribes the requirements for shipping papers, package marking, labeling, and transport vehicle placarding applicable to the shipment and transportation of nuclear materials (see 49 CFR sec. 172.1). 49 CFR Part 173 contains general requirements for shipping and packaging nuclear material for transport. A physical protection plan is required for any shipment of nuclear materials in accordance with NRC requirements or equivalent DOT-approved requirements. Certain additional specified information is to be supplied by the shipper to the DOT (including a route plan) for packages not shipped in compliance with NRC 10 CFR Part 73 physical security requirements. 49 CFR Part 174

Transportation Legislative Database

prescribes requirements in addition to those in 49 CFR Parts 171, 172, 173, and 179 for rail transportation. They include requirements for shipping papers and shipper certification (see 49 CFR Sec. 174.24). 49 CFR Part 175 concerns air transport. 49 CFR Part 176 concerns vessel transport. It includes shipping papers and shipper certification requirements (see 49 CFR Secs. 176.24 and 176.27). 49 CFR Part 177 concerns public highway shipment. It contains requirements for shipping papers and shipper certification (49 CFR Sec. 177.817) and route designation (49 CFR Sec. 177.825).

Comments:

IMPLEMENTS HAZARDOUS MATERIALS TRANSPORTATION ACT (TLDB ENTRY ST-0133).

Transportation Legislative Database

Item Number: AR-0045
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 10 CFR Parts 20, 60, 71, 72, and 73
Title: NUCLEAR REGULATORY COMMISSION RADIATION PROTECTION, REPOSITORY,
MRS TRANSPORTATION AND SAFEGUARDS REGULATIONS (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: ROUTING
Motor Vehicle
Rail
Barge
SHIPMENT NOTIFICATION
Prenotification
PHYSICAL PROTECTION
Regulations - Requirements
Escorts
CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives
Licensing
TRANSPORTATION OPERATIONS

Summary

Since it contains the principal set of NRC transportation safety regulations, 10 CFR Part 71 will be reviewed first. 10 CFR Parts 20 (radiation protection standards) and 73 (physical security protection standards) also bear on the packaging and transport of licensing requirements. 10 CFR Part 71 establishes requirements for packaging, preparing for shipment, and transporting licensed nuclear materials as well as procedures and standards for NRC approval of packaging and shipping procedures for fissile material and other licensed material in excess of a type A quantity (see 10 CFR Sec. 71.0[a]).

10 CFR Part 71 applies to any NRC licensee authorized by specific license to receive, possess, use, or transfer licensed material. Pursuant to the Energy Reorganization Act of 1974 and 10 CFR Part 60, the DOE is required to obtain an NRC license to receive and possess nuclear material at the repository. Pursuant to the Atomic Energy Act, the DOE is not otherwise required to obtain an NRC license to receive, possess, use, or transfer

Transportation Legislative Database

nuclear material. Section 137 of the Nuclear Waste Policy Act of 1982, as amended (NWPAA), invokes NRC licensing and regulatory authority over spent fuel shipments to an interim storage facility, but not to the repository. Therefore, the packaging and transportation requirements in 10 CFR Part 71 do not apply to the DOE for NWPAA repository shipments. DOT regulations further allow the DOE to utilize its own packaging if it is equivalent to packaging approved under 10 CFR Part 71 (see 49 CFR sec. 173.7[d]). The NWPAA, as amended in 1987, requires DOE to utilize NRC-licensed casks for NWPAA shipments.

10 CFR Part 20 establishes standards for protection against radiation hazards arising out of licensed activities, including those licensed under 10 CFR Part 60 (see 10 CFR secs. 20.1 and 20.3[a][9]). 10 CFR Part 20 establishes radiation dose standards for individuals in restricted areas and permissible levels of radiation in unrestricted areas. 10 CFR Part 20 applies to all persons who receive, possess, use, or transfer materials licensed pursuant to 10 CFR Part 60 (see 10 CFR sec. 20.2).

10 CFR Part 60 contains the NRC repository licensing requirements. As relevant to this database, there is no express transportation safety license application content requirement (see 10 CFR sec. 60.21) nor licensing finding (see 10 CFR sec. 60.31). Significantly, 10 CFR section 60.31 does not require a finding of compliance with 10 CFR Part 71, the NRC transportation safety requirements. Nor are there any prescribed transportation technical criteria in 10 CFR Part 60. 10 CFR Section 60.31 does require, as a licensing determination, that there is reasonable assurance that nuclear waste can be "received, possessed, and disposed of" in the repository without unreasonable risk to public health and safety. However, the term "received" does not include offsite transportation-related considerations, as opposed to onsite waste handling considerations. Transportation regulatory compliance is not among those matters specified in 10 CFR Section 60.31 that the NRC is to consider in arriving at this determination. Transportation safety is expected to be addressed, to a degree, in the repository site selection environmental impact statement (EIS) (in terms of public exposure during normal and accidental conditions and associated health and effects). Naturally, as part of the required site description, transportation routes and usages within the controlled area would be described in the safety analysis report (see 10 CFR sec. 60.21[c][1]). The controlled area, including transportation routes situated therein, must be under DOE jurisdiction and control and held free of significant encumbrances (see 10 CFR sec. 60.121).

10 CFR Part 73 prescribes standards for physical protection (safeguards) of nuclear material during transfer and transportation. General performance objectives and requirements for a physical protection system are contained in 10 CFR sec. 73.20. Although the DOE is statutorily exempt from the NRC transportation safeguards regulation and from the NRC transportation packaging and preparation regulation, DOT regulations require all spent fuel shippers to provide a physical protection plan in compliance with NRC requirements in 10 CFR Part 73 or equivalent DOT-approved standards. 10 CFR sec. 73.26 provides that the transportation physical protection system established pursuant to the general objectives and requirements of 10 CFR sec. 73.20. These include those pertaining to shipping planning and

Transportation Legislative Database

scheduling (including route selections, arrangements with applicable law enforcement authorities, and pre-NRC approved security arrangements), establishment of a licensee (or agent) security organization (including armed escorts, armed response personnel, and a movement control center), and establishment of a safeguards contingency plan in accordance with prescribed criteria. Security measures explicitly applicable to shipment by road, air, rail, and sea are further detailed (see 10 CFR secs. 73.26[b], [i], [j], and [k]). Finally, 10 CFR Part 73 contains notification requirements for shipment and receipt of nuclear materials (see 10 CFR sec. 73.27).

10 CFR Part 72 contains the NRC monitored retrievable storage facility (MRS) licensing requirements. Part 72, like Part 60, imposes no NRC transportation safety MRS finding. 10 CFR section 70.1088 does require that the environmental impacts of MRS-related spent fuel or high-level nuclear waste transportation within the MRS site region be evaluated in order to obtain an MRS license under the pertinent provision of 10 CFR section 72.40. This environmental evaluation is expected to be contained in the MRS license application environmental impact statement required by NWSA section 148.

Comments:

IMPLEMENTS ATOMIC ENERGY ACT AND NUCLEAR WASTE POLICY ACT (TLDB ENTRIES ST-0134 AND ST-0130).

Transportation Legislative Database

Item Number: AR-0054
Action Type: REGULATION
Source: FEDERAL
State:
Citation: 40 CFR Parts 262-264
Title: ENVIRONMENTAL PROTECTION AGENCY HAZARDOUS WASTE TRANSPORTATION
REGULATIONS (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: ENVIRONMENTAL PROTECTION AGENCY (EPA)
Issues: EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

EPA has promulgated hazardous waste transportation regulations pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC secs. 6901 et seq.). See 40 CFR Parts 262-264. In relevant part, this includes standards applicable to hazardous waste generators (40 CFR Part 264) and standards applicable to hazardous waste transporters (40 CFR Part 263).

Section 262.12 prohibits a generator from offering for transportation any hazardous waste without receipt of an EPA identification number. Section 262.20 requires a generator who offers hazardous waste for transportation to prepare a manifest of EPA form 8700-22. The generator must designate on the manifest one facility that is permitted to handle the waste described on the manifest. Section 262.23 requires a generator to sign the manifest certification by hand and for the manifest to contain the handwritten signature of the initial transporter and date of acceptance.

For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed to the owner and operator of the designated facility. Copies of the manifest are not required for each transporter. For rail shipments of hazardous waste within the United States which originate at the

Transportation Legislative Database

site of generation, the generator must send three copies of the manifest dated and signed to the next nonrail transporter, if any, or to the designated rail facility if transported solely by rail.

Sections 262.30-262.33 require the generator, before transporting hazardous waste or offering hazardous waste for offsite transportation, to package the waste, label the package, mark the package, and placard the shipment in accordance with applicable DOT regulations in 49 CFR Parts 172, 173, 178, and 179. A notation in Part 263 provides that, except for transporters of bulk shipments of hazardous waste by water, a transporter who meets all applicable requirements of 49 CFR Parts 171-179 and requirements of 40 CFR sections 263.11 and 263.31 will be deemed in compliance with the Part 263 transporter requirements. Section 263.11 prohibits a transporter from transporting hazardous waste without having received an EPA identification number. A transporter may not accept hazardous waste from a generator unless the waste is accompanied by a manifest signed in accordance with the provisions of section 262.20. See section 263.20. A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the operator of the designated facility. See section 263.22.

In the event of a discharge of hazardous waste during transportation, section 263.30 requires the transporter to take appropriate immediate action to protect human health and the environment (for example, to notify local authorities and dike the discharge area). An air, rail, highway, or water transporter who has discharged hazardous waste must give notice, if required by 49 CFR section 171.15, to the National Response Center, and make a report in writing, as required by 49 CFR section 171.16, to DOT. A water transporter of bulk shipments who has discharged hazardous waste must give the same notice as required by 33 CFR section 153.203 for oil and hazardous substances. See section 263.30(d).

Comments:

IMPLEMENTS RESOURCE CONSERVATION AND RECOVERY ACT (TLDB ENTRY ST-0145).

Transportation Legislative Database

Item Number: PL-0031
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 53
Title: HAZARDOUS MATERIALS TRANSPORTATION SAFETY AMENDMENTS OF 1989
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle Regulations
Designation Criteria
Interjurisdictional Cooperation
EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
Financial Support
INSPECTION AND ENFORCEMENT
REGULATIONS
Consistency with Federal Regulations

Summary

This bill, introduced in January 1989, proposes to amend the Hazardous Materials Transportation Act of 1975 (HMTA) in several respects. First, the bill would require DOT to make grants to States and localities for the designation of hazardous materials transportation routes and vehicle parking sites. DOT would be required to establish guidelines to assist States and localities in this designation. The authorized guidelines must include considerations of population density, emergency response capabilities, and exposure factors. Second, the bill would require DOT to provide grants to States and localities that intend to issue federally consistent regulations. Third, the bill would require annual mandatory registration of hazardous materials transporters. Fourth, the bill would create a hazardous materials transportation emergency response trust fund to assist States in the training and equipment needs of emergency personnel responding to hazardous materials transportation incidents. Fifth, the bill would require DOT to develop

Transportation Legislative Database

certified training courses for personnel involved in the transportation of hazardous materials, with the exception of those operators of motor vehicles covered by Motor Carrier Safety Act regulations. Sixth, the bill would require DOT to issue regulations requiring the intrastate transportation of hazardous materials to be covered by the same Federal regulations that govern interstate transportation. Seventh, the bill would require DOT to provide technical and financial assistance to State, regional, and local governments to encourage effective and efficient emergency responses to hazardous materials transportation accidents. Eighth, the bill would require DOT, in consultation with DOE, to complete an analysis of the health, safety, and environmental risks associated with the transportation of high-level nuclear waste and spent fuel to a repository or MRS and to evaluate and compare routes and transportation modes. Finally, the bill would require DOT to establish, by regulation, emergency response procedures for rail carriers and accidents or other emergency situations involving transportation and storage of hazardous materials.

Comments:

Transportation Legislative Database

Item Number: PL-0032
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 136
Title: HMTA AMENDMENTS ACT OF 1989
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria

Summary

This bill, introduced in January 1989, would require DOT to issue regulations to assist in the designation of the safest routes for the transportation of nonnuclear hazardous materials. These regulations must minimally prescribe a formula for analyzing the risks presented by each proposed route and the risk presented by the materials to be transported.

Comments:

Transportation Legislative Database

Item Number: PL-0033
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 506
Title: HMTA AMENDMENTS ACT OF 1989
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
EMERGENCY RESPONSE
Planning and Training
Financial Support
DRIVER - OPERATOR TRAINING
Training
Financial Support

Summary

This bill, introduced in January 1989, proposes to amend the Hazardous Materials Transportation Act of 1975 (HMTA) to provide for the registration of hazardous materials carriers and to require that carriers transporting hazardous materials through cities with populations of over 50,000 persons provide prior notification and receive an authorized shipment route. The bill would also require DOT to make grants to States and localities to develop hazardous materials transportation plans and designated routes. The bill would further require DOT to establish training centers for personnel responsible for responding to hazardous materials transportation incidents. The bill would also require DOT to make grants to States and localities to purchase equipment for use in handling hazardous materials transportation incidents.

Comments:

Transportation Legislative Database

Item Number: PL-0034
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 584
Title: HAZARDOUS MATERIALS TRANSPORTATION INFORMATION ACT OF 1988
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Rail
Barge
TRANSPORTATION OPERATIONS
Other

Summary

This bill, introduced in January 1989, would require DOT to conduct regional analyses of hazardous materials transportation incidents and the flow of hazardous materials on highways, water, and railroads.

Comments:

Transportation Legislative Database

Item Number: PL-0041

Action Type: PENDING LEGISLATION

Source: FEDERAL

State:

Citation: H.R. 991

Title: WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT OF 1989

Transport
Mode: ALL

Regulatory
Authority: U.S. DEPARTMENT OF ENERGY

Issues: SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Training
Financial Support
CASK DESIGN AND TESTING
Licensing

Summary

This bill, introduced in February, proposes to enact the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act of 1989. As relevant to transportation, the bill would prohibit the transportation of transuranic waste to WIPP until (1) the NRC has certified the transportation package, (2) DOE has completed a specified experimental program on WIPP performance, (3) DOE has completed a supplemental environmental impact statement, and (4) DOE has completed a final safety analysis report. The bill would also require DOE to observe all applicable NRC advance notification regulations. The bill would additionally authorize appropriations to DOE to fund the provision of technical and financial assistance for emergency response related activities to New Mexico or any other State or Tribe through whose jurisdiction DOE plans to transport waste to WIPP. Such assistance must be for the purpose of training New Mexico or any other State, Tribal, or local public safety officials. Such training must cover procedures required for the safe routine transportation of such waste and procedures for dealing with emergency response situations. This provision is analogous to NWA section 180(c), enacted as part of the 1987 amendments to the NWA.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: PL-0042

Action Type: PENDING LEGISLATION

Source: FEDERAL

State:

Citation: H.R. 1548

Title: OMNIBUS NUCLEAR POWER SAFETY AND SECURITY ENHANCEMENT ACT OF 1989

Transport
Mode: ALL

Regulatory
Authority: U.S. NUCLEAR REGULATORY AGENCY

Issues: TRANSPORTATION OPERATIONS
Other

Summary

This bill, introduced in March 1989, proposes to enact the Omnibus Nuclear Power Safety and Security Enhancement Act of 1989. The bill provides that any firm constructing, owning, operating, or supplying components for NRC-licensed facilities must immediately notify the NRC upon detection of a component defect which could create a substantial safety hazard. The bill also provides for the establishment of an Advisory Committee on Nuclear Waste appointed by the NRC to advise the NRC on all aspects of nuclear waste management and disposal under NRC jurisdiction. This would include reviews of repository preapplication activities and construction authorization and possession license applications.

Comments:

PROPOSED ESTABLISHMENT OF NRC ADVISORY COMMITTEE ON NUCLEAR WASTE TO ADVISE NRC ON ALL ASPECTS OF NRC NUCLEAR WASTE REGULATORY PROGRAM

Transportation Legislative Database

Item Number: PL-0043
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 2234
Title: HAZARDOUS MATERIALS RAIL SAFETY ACT
Transport Mode: RAIL
Regulatory Authority: U.S. DEPARTMENT OF TRANSPORTATION
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Planning and Training
 REGULATIONS
 Other

Summary

This bill, introduced in May 1989, proposes to enact a new Hazardous Materials Rail Safety Act. This bill would require DOT, by regulation, to issue emergency response procedures to vehicle carriers to employ in the event of an accident or other emergency situation involving hazardous materials transportation.

Comments:

Transportation Legislative Database

Item Number: PL-0044
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: S. 728
Title: HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENT
Transport Mode: ALL
Regulatory Authority: U.S. DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Rail
Regulations
Designation Criteria
Interjurisdictional Cooperation
EMERGENCY RESPONSE
Responsibilities and Capabilities
CASK DESIGN AND TESTING
Licensing
PERMITS
Transport Permit

Summary

This bill, introduced in April, proposes to amend the HMTA in several respects. First, the bill requires DOT to issue regulations prohibiting the transportation of high-level radioactive waste or spent fuel except on trains operating exclusively for such purpose. Second, the bill would require DOT to issue standards for the designation of high-level radioactive waste and spent fuel transportation routes in consultation with potentially affected States. Such standards must take into consideration population densities, emergency response capabilities, and environmental impact factors along alternative routes. Third, the bill would prohibit the transportation of high-level radioactive waste or spent nuclear fuel except in NRC certified packages. Fourth, the bill would require motor carrier permits to transport highway route controlled quantity radioactive material.

Comments:

Transportation Legislative Database

Item Number: PL-0045
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: S. 729
Title: RADIOACTIVE MATERIALS TRANSPORTATION ACT OF 1989
Transport
Mode: ALL
Regulatory
Authority: U.S. DEPARTMENT OF TRANSPORTATION
Issues: INSPECTION AND ENFORCEMENT
 Responsibilities and Capabilities
 Financial Support

Summary

This bill, introduced in April 1989, proposes to enact the Radioactive Materials Transportation Act of 1989. This bill would require DOT to hire additional safety inspectors to promote radioactive materials safety, including operator licensing, railroad track inspections, truck and rail shipment inspections at the point of origin, and low-level nuclear waste shipment inspections.

Comments:

Transportation Legislative Database

Item Number: PL-0046
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: S. 581
Title: HAZARDOUS MATERIALS RAIL TRANSPORTATION ACT OF 1989
Transport Mode: RAIL
Regulatory Authority: U.S. DEPARTMENT OF TRANSPORTATION
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Planning and Training
 Financial Support
DRIVER - OPERATOR TRAINING
 Regulations - Requirements
 Qualifications
 Training
 Financial Support
INSPECTION AND ENFORCEMENT
 Responsibilities and Capabilities
REGULATIONS
 Other

Summary

This bill, introduced in March, proposes to enact the Hazardous Materials Rail Transportation Act of 1989. First, this bill would require DOT to issue regulations establishing emergency response procedures for rail carriers in accident or emergency situations involving the transportation of hazardous materials. Second, the bill would required DOT to develop hazardous materials transportation training courses for all persons involved in the preparation, loading, transportation, unloading, or handling of hazardous materials shipments. Any such employers must certify that their employees have received relevant training in their areas of transportation responsibility. Third, the bill would require DOT to make financial grants to States to assist in hazardous materials transportation emergency response training. Fourth, the bill would require DOT to increase the number of inspections of train, track, and signal systems used in connection with hazardous materials transportation.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: PL-0066
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 2387
Title: RADIOACTIVE MATERIALS TRANSPORTATION PROTECTION ACT OF 1989
Transport Mode: MOTOR VEHICLE
Regulatory Authority: U.S. DEPARTMENT OF TRANSPORTATION
Issues: ROUTING

Summary

This bill, introduced in May 1989, proposes to enact the Radioactive Materials Transportation Protection Act of 1989. This bill would require DOT to file an environmental impact statement in connection with the designation of routes for the shipment of highway-route-controlled quantity radioactive material which must include a consideration of alternative transportation modes.

Comments:

Transportation Legislative Database

Item Number: PL-0067
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 2339
Title: RAILROAD SAFETY ACT OF 1989
Transport
Mode: RAIL
Regulatory
Authority:
Issues: FEES
Other

Summary

This bill, introduced in May 1989, proposes to enact the Railroad Safety Act of 1989 which would amend the Federal Railroad Safety Act (42 USC sec. 421) to require the imposition of railroad safety user fees.

Comments:

Transportation Legislative Database

Item Number: PL-0068

Action Type: PENDING LEGISLATION

Source: FEDERAL

State:

Citation: S. 1050

Title: FEDERAL RAIL SAFETY ENFORCEMENT IMPROVEMENT ACT OF 1989

Transport
Mode: MOTOR VEHICLE

Regulatory
Authority: U.S. DEPARTMENT OF TRANSPORTATION

Issues: TRANSPORTATION OPERATIONS
Other

Summary

This bill, introduced in May 1989, proposes to enact the Federal Rail Safety Enforcement Improvement Act of 1989. This bill would require DOT to thoroughly investigate each accident involving a train collision or derailment resulting in the release of hazardous materials. The bill would also impose a civil penalty on any individual for any noncompliance with any safety regulation or standard adopted under the existing Federal Railroad Safety Act that results in the release of hazardous materials.

Comments:

Transportation Legislative Database

Item Number: PL-0076
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 2549
Title: COMPREHENSIVE HAZARDOUS MATERIALS SAFETY ACT OF 1989
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle Regulations
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Training
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
CASK DESIGN AND TESTING
Licensing
INCIDENT NOTIFICATION
Regulations - Requirements
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
Other
REGULATIONS
FEES
Carrier Permit Fees

Summary

This bill, introduced in June 1989, proposes to enact the Comprehensive Hazardous Materials Safety Act of 1989. First, the bill provides that any State or local requirement concerning certain specified subjects is preempted under the HMTA. These subjects include hazardous materials classification,

Transportation Legislative Database

hazardous materials labeling, marking, and placarding, shipping documents, incident notification, highway routing, and container certification. Second, the bill would require DOT to issue standards for the designation of hazardous materials highway routes. These standards must require, among other things, that any State seeking adoption of a State or local highway route designation consult with any affected industry and adjacent jurisdiction. In issuing route designation standards DOT must consider population density, emergency response capabilities, exposure and other risk factors, terrain considerations, and alternate routes. The bill will provide for DOT to resolve any disputes between a State seeking adoption of a route designation and any potentially objecting State. Third, the bill would require the registration of hazardous material transporters. A registration fee is prescribed. Fourth, the bill would require DOT to issue standards for training of personnel involved in hazardous materials transportation. The training must include discussion of DOT hazardous materials transportation regulations and health, safety, and risk factors associated with hazardous materials transportation. Fifth, the bill would require hazardous materials motor carriers to possess a valid safety permit issued by DOT. Implementing DOT regulations are authorized. Sixth, the bill would require DOT to provide grants to State, local, and regional governmental entities to enhance hazardous materials transportation emergency response training and planning. Seventh, the bill would require DOT, in cooperation with FEMA and EPA, to provide technical assistance to State, regional, and local governments to encourage effective and efficient emergency responses to hazardous materials transportation accidents. Eighth, the bill would require DOT to issue regulations establishing emergency response procedures for rail carriers in the event of a hazardous materials transportation accident. Finally, the bill would require DOT to employ additional railroad safety inspectors.

Comments:

Transportation Legislative Database

Item Number: PL-0077
Action Type: PENDING LEGISLATION
Source: FEDERAL
State:
Citation: H.R. 2584
Title: HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS OF 1989
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Rail
Barge
EMERGENCY RESPONSE
Responsibilities and Capabilities
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
Financial Support
TRANSPORTATION OPERATIONS
Shipping Records

Summary

This bill, introduced in June 1989, poses to enact the Hazardous Materials Transportation Act Amendments of 1989. This bill proposes to require DOT to issue regulations requiring any generator of a shipment of hazardous materials to transmit a manifest for such shipment to a central reporting system and data center in order to provide definitive information to transportation accident responders. The bill would also require DOT to study the flow of hazardous materials in the United States in order to improve the regulatory enforcement and to assist in the development of State and local emergency response capabilities. The flow study should additionally identify the routes used in hazardous materials shipments and the types of incidents which are required Federal, State, or local emergency response services.

Comments:

Transportation Legislative Database

Item Number: OT-0003

Action Type: OTHER

Source: FEDERAL

State:

Citation: DOE Order 5480.3

Title: SAFETY REQUIREMENTS FOR THE PACKAGING AND TRANSPORTATION OF
HAZARDOUS MATERIALS, HAZARDOUS SUBSTANCES, AND HAZARDOUS WASTE

Transport
Mode: UNSPECIFIED

Regulatory
Authority: DEPARTMENT OF ENERGY (DOE)

Issues: CASK DESIGN AND TESTING
REGULATIONS
Adoption of Federal Regulations

Summary

DOE Order 5480.3 provides safety requirements for packaging radioactive materials. DOE Order 5480.3 essentially mandates compliance with relevant DOT and NRC regulations. The order contains quality assurance procedures for the fabrication, assembly, and testing of offsite shipping containers and operating and inspection procedures.

Comments:

DOE NUCLEAR CASK POLICY, DATED 7-9-85.

Transportation Legislative Database

Item Number: OT-0004
Action Type: OTHER
Source: FEDERAL
State:
Citation: DOE Order 5632.4
Title: PHYSICAL PROTECTION OF SECURITY INTERESTS
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENERGY (DOE)
Issues: PHYSICAL PROTECTION
Regulations - Requirements

Summary

DOE Order 5632.4 establishes minimum physical protection standards for special nuclear material. The minimum standards have been designed to satisfy the policy requirement that ensures the effectiveness of nuclear safeguards and security. The DOE activities provide comparable effectiveness with that required of NRC licensees.

Comments:

DOE NUCLEAR MATERIALS SAFEGUARDS POLICY, DATED 11-4-85.

Transportation Legislative Database

Item Number: OT-0005
Action Type: OTHER
Source: FEDERAL
State:
Citation: DOE Order 1540.1
Title: MATERIALS TRANSPORTATION AND TRAFFIC MANAGEMENT
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF ENERGY (DOE)
Issues: TRANSPORTATION OPERATIONS

Summary

DOE Order 1540.1 establishes the DOE Policies and procedures for managing materials transportation activities, including traffic management. The purpose of DOE Order 1540.1 is to ensure that traffic and transportation management is accomplished in a manner commensurate with service operation requirements; safety; economy; efficiency and cargo security practices; national transportation policy; and applicable Federal, State, and local regulations.

Comments:

DOE TRANSPORTATION AND TRAFFIC MANAGEMENT POLICY, DATED 5-3-82.

Transportation Legislative Database

Item Number: OT-0006
Action Type: OTHER
Source: FEDERAL
State:
Citation: 44 FR 38690 (July 2, 1979)
Title: DOT - NRC MEMORANDUM OF UNDERSTANDING ON TRANSPORTATION OF
RADIOACTIVE MATERIALS
Transport
Mode: ALL
Regulatory
Authority: DEPARTMENT OF TRANSPORTATION (DOT)
NUCLEAR REGULATORY COMMISSION (NRC)
Issues: ROUTING
Motor Vehicle
Regulations
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
CASK DESIGN AND TESTING
Design Requirements and Alternatives
Licensing
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

NRC and DOT have entered into a memorandum of understanding (MOU) delineating their respective responsibilities in the nuclear transportation area. See 44 FR 38690 (1979). In broad terms, NRC has responsibility for safety regulation nuclear materials receipt, possession, and transfer while DOT is responsible for nuclear materials transportation safety. Under the MOU, the NRC is responsible for the adoption of safety standards for the package design of highway route-controlled quantities of radioactive material exceeding designated limits. DOT is responsible for the adoption of radioactive material transportation safety standards regarding, among other things, materials handling and storage procedures, carrier qualifications, and highway transportation routes. Package designs for radioactive material in quantities less than designated limits are promulgated by DOT.

Comments:

Transportation Legislative Database

Item Number: OT-0007
Action Type: OTHER
Source: FEDERAL
State:
Citation: 50 FR 47421 (November 18, 1985)
Title: DOT-DOE MEMORANDUM OF UNDERSTANDING FOR TRANSPORTATION OF
RADIOACTIVE MATERIALS
Transport
Mode: ALL
Regulatory
Authority: DEPARTMENT OF TRANSPORTATION (DOT)
DEPARTMENT OF ENERGY (DOE)
Issues: TRANSPORTATION OPERATIONS
REGULATIONS

Summary

DOT and DOE have entered into a memorandum of understanding (MOU) delineating their respective responsibilities for nuclear transportation under the Nuclear Waste Policy Act of 1982 (NWPA). See 50 FR 47421 (1985). See NWPA summary in TLDB entry ST-0130. It was agreed that the management of nuclear materials transportation would rest with DOE and conform with all applicable DOT regulations. State and local laws will be assertedly complied with if not inconsistent with the Hazardous Materials Transportation Act of 1975 (HMTA). See HMTA summary in TLDB entry ST-0133.

Comments:

Transportation Legislative Database

Item Number: OT-0008
Action Type: OTHER
Source: FEDERAL
State:
Citation: 48 FR 51875 (November 14, 1983)
Title: DOE-NRC MEMORANDUM OF UNDERSTANDING ON SPENT FUEL AND HIGH-LEVEL
WASTE TRANSPORTATION PACKAGING
Transport
Mode: UNSPECIFIED
Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives
Licensing
REGULATIONS

Summary

DOE and NRC have entered into a memorandum of understanding (MOU) concerning nuclear materials transportation packaging. See 48 FR 51875 (1983). Pursuant to this MOU, DOE committed to use NRC-approved packaging for shipments carried out under the Nuclear Waste Policy Act of 1982 (NWPA) from NRC-licensed facilities. DOE is obligated under the Nuclear Waste Policy Amendments Act of 1987 to utilize NRC-certified casks for NWPA shipments. See NWPA summary in TLDB entry ST-0130. The MOU contains additional provisions for consultation and exchanges of information to resolve packaging design, testing, and certification issues.

Comments:

Transportation Legislative Database

Item Number: OT-0009
Action Type: OTHER
Source: FEDERAL
State:
Citation: NRC Regulatory Guide 7.1 (June 1974)
Title: ADMINISTRATIVE GUIDE FOR PACKAGING AND TRANSPORTING RADIOACTIVE MATERIAL
Transport Mode: ALL
Regulatory Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: CASK DESIGN AND TESTING
Licensing

Summary

This regulatory guide describes a method acceptable to the NRC staff for NRC licensees to comply with those provisions in 10 CFR section 71.5 regarding the determination of applicable packaging design, package content limitation, and package label requirements. See 10 CFR Part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0010
Action Type: OTHER
Source: FEDERAL
State:
Citation: NRC Regulatory Guide 7.3 (May 1975)
Title: PROCEDURES FOR PICKING UP AND RECEIVING PACKAGES OF RADIOACTIVE MATERIAL
Transport Mode: ALL
Regulatory Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: INSPECTION AND ENFORCEMENT
Regulations - Requirements
CASK DESIGN AND TESTING
Licensing

Summary

This regulatory guide describes a method acceptable to the NRC staff for NRC licensees to comply with the provisions in 10 CFR section 20.205 with respect to arrangements for receipt, pickup, and monitoring of packaging containing radioactive material and with respect to reporting of packages which, on receipt, show evidence of leakage or excessive radiation levels. See 10 CFR Part 20 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0011

Action Type: OTHER

Source: FEDERAL

State:

Citation: NRC Regulatory Guide 7.4 (June 1975)

Title: LEAKAGE TESTS ON PACKAGES FOR SHIPMENT OF RADIOACTIVE MATERIALS

Transport
Mode: ALL

Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)

Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives

Summary

This regulatory guide identifies a leak test standard acceptable to the NRC staff for use in demonstrating that packages of radioactive materials comply with the containment requirements in 10 CFR sections 71.35 and 71.53. See 10 CFR Part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0012

Action Type: OTHER

Source: FEDERAL

State:

Citation: NRC Regulatory Guide 7.5 (June 1975, reissued May 1977)

Title: ADMINISTRATIVE GUIDE FOR OBTAINING EXEMPTIONS FROM CERTAIN NRC
REQUIREMENTS OVER RADIOACTIVE MATERIAL SHIPMENTS

Transport
Mode: ALL

Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)

Issues: REGULATIONS

Summary

This regulatory guide describes a method acceptable to the NRC staff for NRC licensees to comply with 10 CFR section 71.5(b) with respect to obtaining exemptions or waivers from certain requirements of DOT regulations. The guide explains that, as specified in section 71.5(b), requests for exemptions from requirements of the DOT regulations, in those cases where they are imposed by section 71.5(b), must be filed with the NRC. See 10 CFR Part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0013

Action Type: OTHER

Source: FEDERAL

State:

Citation: NRC Regulatory Guide 7.6 - Revision 1 (March 1978)

Title: DESIGN CRITERIA FOR THE STRUCTURAL ANALYSIS OF SHIPPING CASK
CONTAINMENT VESSELS

Transport
Mode: ALL

Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)

Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives
Licensing

Summary

This regulatory guide describes design criteria acceptable to the NRC staff for use in the structural analysis of the containment vessels with type-B packages used to transport irradiated nuclear fuel. Alternative design criteria may be used, according to the regulatory guide, if judged acceptable by the NRC staff and meeting the structural requirements of 10 CFR Sections 71.35 and 71.36. See 10 CFR Part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0014
Action Type: OTHER
Source: FEDERAL
State:
Citation: NRC Regulatory Guide 7.7 (April 1977)
Title: ADMINISTRATIVE GUIDE FOR VERIFYING COMPLIANCE WITH PACKAGING
REQUIREMENTS FOR SHIPMENTS OF RADIOACTIVE MATERIALS
Transport
Mode: ALL
Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives
Licensing

Summary

This regulatory guide describes a method that is acceptable to the NRC staff for NRC licensees to verify compliance with the packaging requirements of 10 CFR section 71.5. Where the use of type-B and fissile material packages are required, however, the regulatory guide provides that the shipper must also refer, as appropriate, to the specific provisions of the package approval, to 10 CFR Part 71, subpart D (operating procedures) and to 10 CFR Part 73 (physical protection requirements) for requirements that may not be adequately provided for in the guide. The guide further states that it does not preclude the use of other effective means for verifying and documenting compliance with applicable requirements. See 10 CFR Parts 71 and 73 summaries in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0015
Action Type: OTHER
Source: FEDERAL
State:
Citation: NRC Regulatory Guide 7.8 (May 1977)
Title: LOAD COMBINATION FOR THE STRUCTURAL ANALYSIS OF SHIPPING CASKS
Transport Mode: ALL
Regulatory Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives
Licensing

Summary

This regulatory guide presents a set of initial conditions that is considered acceptable by the NRC staff for use in the structural analyses of type-B packages used to transport irradiated nuclear fuel in the United States pursuant to 10 CFR Part 71, Appendix A (normal conditions of transport) and Appendix B (hypothetical accident conditions). See 10 CFR part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0016
Action Type: OTHER
Source: FEDERAL
State:
Citation: NRC Regulatory Guide 7.9 - Revision 1 (January 1980)
Title: STANDARD FORMAT AND CONTENT OF PART 71 APPLICATIONS FOR APPROVAL
OF PACKAGING OF TYPE B, LARGE QUANTITY, AND FISSILE
RADIOACTIVE MATERIAL
Transport
Mode: ALL
Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives
Testing Requirements and Alternatives
Licensing

Summary

This regulatory guide prescribes a standard form and content for the application for approval of packaging type-B, large-quantity, and fissile radioactive material under 10 CFR Part 71. See 10 CFR Part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0017
Action Type: OTHER
Source: FEDERAL
State:
Citation: NRC Regulatory Guide 7.10 - Revision 1 (June 1986)
Title: ESTABLISHING QUALITY ASSURANCE PROGRAMS FOR PACKAGING USED IN
THE TRANSPORT OF RADIOACTIVE MATERIAL
Transport
Mode: ALL
Regulatory
Authority: NUCLEAR REGULATORY COMMISSION (NRC)
Issues: CASK DESIGN AND TESTING
Design Requirements and Alternatives

Summary

This regulatory guide provides persons subject to the quality assurance (QA) requirements of 10 CFR Part 71 with information on the essential elements needed to develop, establish and maintain a QA program acceptable to the NRC staff for packages to transport radioactive materials. See 10 CFR Part 71 summary in TLDB entry AR-0045.

Comments:

Transportation Legislative Database

Item Number: OT-0018
Action Type: OTHER
Source: FEDERAL
State:
Citation: UNPUBLISHED
Title: MEMORANDUM OF UNDERSTANDING BETWEEN FEMA AND DOT, DATED APRIL 23, 1987
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
DEPARTMENT OF TRANSPORTATION (DOT)
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support

Summary

The purpose of this memorandum of understanding (MOU) is to establish a framework of cooperation between FEMA and DOT in emergency response planning, training and information development associated with the transportation of hazardous materials. It also identifies the relative roles and responsibilities of each agency in emergency response. The MOU does not affect U.S. Coast Guard-related responsibilities.

Under this MOU, DOT and FEMA commit to integrate the emergency planning and preparedness functions of FEMA with the accident prevention and mitigation functions of DOT relative to hazardous materials transportation. The agencies also agree to develop a 2-year plan which encompasses the areas of cooperation and includes joint programs for training and technical assistance. The MOU further commits both agencies to support relevant beneficial private sector emergency response initiatives.

Comments:

Transportation Legislative Database

Item Number: ST-0001
Action Type: STATUTE
Source: STATE
State: Alabama
Citation: Ala. Code secs. 22-14-1 et seq. (Supp. 1988)
Title: ALABAMA RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE BOARD OF HEALTH
Issues: DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Transport Permit Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Alabama radiation control statute prohibits the transportation of nuclear material without receipt of a State materials license issued pursuant to authorized State Board of Health regulations. See Ala. Code secs. 22-14-1 et seq. (Supp. 1988). Licensing fees are authorized. Federal agencies licensed by the NRC are exempt. The regulations are to be promulgated with due regard to compatibility with Federal regulations (see sec. 22-14-4) and may recognize Federal licenses as deemed desirable (sec. 22-14-6). Exemptions for certain radiation sources, uses or users are authorized upon a specified safety finding. See Sec. 22-14-6. A Federal-State nuclear regulatory authority agreement is authorized and it is provided that any party with a valid Federal license on the date of such agreement shall be considered to have a valid license for State purposes. See sec. 22-14-9. Regulatory and license compliance inspections are authorized. See sec. 22-14-7.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0001.

Transportation Legislative Database

Item Number: ST-0002
Action Type: STATUTE
Source: STATE
State: Alabama
Citation: Ala. Code sec. 6-5-332.1 (Supp. 1988)
Title: FINANCIAL RESPONSIBILITY LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority:
Issues: INSURANCE - LIABILITY

Summary

An Alabama financial responsibility statute provides that persons providing assistance or advice in mitigating the effects of hazardous (including radioactive) materials discharges shall not be subject to civil liabilities or penalties of any type. See Ala. Code sec. 6-5-332.1 (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0199
Action Type: STATUTE
Source: STATE
State: Alabama
Citation: Ala. Code sec. 32-9-29 (Supp. 1988)
Title: ALABAMA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Alabama overweight motor vehicle permit law authorizes the Highway Department (Department), in its discretion, upon application and good cause shown, to issue permits to operate overweight vehicles with indivisible loads upon the States public roads. See Ala. Code sec. 32-9-29 (Supp. 1988). Implementing regulations are authorized. The Alabama gross vehicle weight limit is 80,000 pounds. See sec. 32-9-20.

Permit applications must specifically describe the duration of the permit and point of departure and destination. A single trip permit or annual permit is available. Permits may not be issued to any vehicle whose operation would unduly damage a road. See sec. 39-9-29.

Permits may contain seasonal or other time limits or any other limits necessary to assure against undue damage to road surfaces. Some form of security to compensate the State for any injury to roadways may also be required. Vehicles over 100,000 pounds require advance routing by the Department. See sec. 39-9-29.

Comments:

Transportation Legislative Database

Item Number: AR-0001
Action Type: REGULATION
Source: STATE
State: Alabama
Citation: Ala. Board of Health Rules ch. 420-3-26 (Unofficial)
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: BOARD OF HEALTH
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Chapter 420-3-26 of the State Board of Health's rules contains radiation control regulations (December 1986 edition) promulgated pursuant to Ala. Code secs. 22-14-1 et seq. (see TLDB entry ST-0001). These regulations contain requirements for licensing and registration of sources of ionizing radiation and radiation protection standards. These regulations prohibit the possession of any source of ionizing radiation except as authorized in a specific or general license. The regulations exempt DOE contractors transporting sources of radiation to or from Government-owned or controlled sites. See sec. 420-3-26-.01(7).

The regulations provide that a general license is automatically granted to any common or contract carriers to transport radioactive material in the regular course of their carriage for another provided the transportation is in accordance with applicable DOT regulations regarding loading and storage of packages, shipping papers, placarding, and incident reporting. The Alabama State Board of Health is to be notified of transportation incidents. See sec. 420-3-26-.02(23). Common and contract carriers subject to DOT or U.S. Postal Service regulations are further exempt from the State regulations to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 420-3-26-.02(22). The regulations require State nuclear materials possession licensees to provide

Transportation Legislative Database

notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will pass and the Board of Health at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. See sec. 420-3-26-.02(25).

Comments:

IMPLEMENTS ALABAMA RADIATION CONTROL LAW (TLDB ENTRY ST-0001).

Transportation Legislative Database

Item Number: AR-0097
Action Type: REGULATION
Source: STATE
State: Alabama
Citation: Ala. Highway Department Regulations (Unofficial)
Title: ALABAMA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: HIGHWAY DEPARTMENT
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Alabama overweight motor vehicle permit law are contained in Alabama Highway Department regulations (October 1987 version). See regulations I-V. Significantly, in addition to the permit law terms, these regulations (1) impose weather restrictions, and (2) provide that escorts may be required in the interest of public safety.

Comments:

Transportation Legislative Database

Item Number: ST-0003
Action Type: STATUTE
Source: STATE
State: Arizona
Citation: Ariz. Rev. Stat. Ann. secs. 30-651 et seq. (Supp. 1988)
Title: ARIZONA RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: RADIATION REGULATORY AGENCY
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Financial Support
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
 Regulations - Requirements
REGULATIONS
 Adoption of Federal Regulations
 Consistency with Federal Regulations
FEES
 Materials Licensing Fees
MATERIALS LICENSING
 NRC-State Regulatory Agreement
 State Radiation Protection Program Feature

Summary

An Arizona radiation control statute prohibits any person from possessing any radiation source unless registered, licensed or exempted by the Radiation Regulatory Agency. See Ariz. Rev. Stat. Ann. secs. 30-651 et seq. (Supp. 1988). Licensing and registration fee requirements are proposed. See sec. 30-654(b)(18). NRC licensees are exempt. See sec. 30-651(10) (definition "person"). The agency is authorized to adopt implementing regulations in conformity and compatible with those established by NRC, DOT, and the U.S. Postal Service. See sec. 30-654(b)(12). Agency regulations may include, but are not limited to, those requiring radiation hazards training and a uniform system of labeling, signs, and symbols.

The agency is also authorized to assume primary responsibility for, and to provide technical assistance in connection with, accidents and emergencies involving radiation sources in the State. See sec. 30-654(b)(4). The agency may exempt certain radiation sources, uses, or users from the licensing and registration requirements upon a finding that the exemption will not constitute a significant risk to the health and safety of the public. See

Transportation Legislative Database

sec. 30-672(c). Regulations promulgated by the agency may also provide for the recognition of other Federal or State licenses as deemed desirable. See sec. 30-672(f). Compliance inspections are authorized. See sec. 30-681. The State is authorized to become an agreement State with the NRC. See sec. 30-656. Any person possessing a Federal license on the date that such an agreement is reached is deemed to possess a similar license for purposes of this Act. See sec. 30-656.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0004.

Transportation Legislative Database

Item Number: ST-0004
Action Type: STATUTE
Source: STATE
State: Arizona
Citation: Ariz. Rev. Stat. Ann. secs. 26-301 et seq. (Supp. 1988)
Title: ARIZONA EMERGENCY SERVICES LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DIVISION OF EMERGENCY SERVICES, DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS, ARIZONA EMERGENCY COUNCIL
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Methods
Planning and Training
Financial Support
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY

Summary

Arizona has an emergency services statute pertaining to nuclear reactor emergency response preparedness. See Ariz. Rev. Stat. Ann. secs. 26-301 et seq. (Supp. 1988). State nuclear reactors are assessed a fee to finance development of a State nuclear reactor emergency plan. It does not address transportation emergencies although the delineation of emergency response roles within the State may be reflective of transportation emergency response rules.

Comments:

Transportation Legislative Database

Item Number: ST-0005
Action Type: STATUTE
Source: STATE
State: Arizona
Citation: Ariz. Rev. Stat. Ann. secs. 28-2401 to 28-2405 (Supp. 1988)
Title: ARIZONA MOTOR CARRIER SAFETY ACT
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS

Summary

The Arizona Motor Carrier Safety Act authorizes the State motor vehicle division to adopt reasonable regulations it claims proper regarding safety operations of every motor carrier enforceable by the Department of Public Safety. See Ariz. Rev. Stat. Ann. secs. 28-2401 to 28-2405 (Supp. 1988).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0056.

Transportation Legislative Database

Item Number: ST-0006
Action Type: STATUTE
Source: STATE
State: Arizona
Citation: Ariz. Rev. Stat. Ann. secs. 28-1231 to 28-1234 (Supp. 1988)
Title: ARIZONA MOTOR CARRIER FINANCIAL RESPONSIBILITY ACT
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE MOTOR VEHICLE DIVISION
Issues: INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY

Summary

The Arizona Motor Carrier Financial Responsibility Act prescribes financial liability requirements for commercial motor vehicle operators for the transportation of hazardous materials in the State. See Ariz. Rev. Stat. Ann. secs. 28-1231 to 28-1234.

Comments:

Transportation Legislative Database

Item Number: ST-0168
Action Type: STATUTE
Source: STATE
State: Arizona
Citation: Ariz. Rev. Stat. Ann. sec. 30-701 (Supp. 1988)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Arizona is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Ariz. Rev. Stat. Ann. sec. 30-701 (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT.

Transportation Legislative Database

Item Number: ST-0201
Action Type: STATUTE
Source: STATE
State: Arizona
Citation: Ariz. Rev. Stat. Ann. sec. 28-1011 (Supp. 1987)
Title: ARIZONA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Arizona overweight motor vehicle permit law authorizes the Department of Transportation (Department) or local authority, upon application and good cause shown, to issue special permits to operate overweight vehicles on public highways under their respective jurisdictions. See Ariz. Rev. Stat. Ann. sec. 28-1011 (Supp. 1987). Implementing regulations are authorized. The Arizona gross vehicle weight limit on interstate and public highways in the State is 80,000 pounds. See sec. 28-1009.01.

Permit applications must specifically describe the vehicle, load, and particular highways for which a permit is requested. Single trip, 30-day, or annual permits are available. The permit may contain seasonal or other time limits or any other limits on operation necessary to assure against undue damage to road surfaces. Some form of security to compensate for any roadway injuries may also be required. Permit fees are prescribed. See sec. 28-1011.

Comments:

Transportation Legislative Database

Item Number: AR-0004
Action Type: REGULATION
Source: STATE
State: Arizona
Citation: Ariz. Admin. Code ch.1
Title: RADIATION PROTECTION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: RADIATION REGULATORY AGENCY
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Chapter 1 of the Arizona Administrative Code (August 1986 version) contains regulations regarding radioactive materials licensing and prescribes radiation protection standards promulgated pursuant to Arizona Rev. Stat. secs. 30-651 et seq. (see TLDB entry ST-0003). These regulations prohibit the possession of any source of ionizing radiation except as authorized in the general or specific license. The regulations contain a general exemption for common and contract carriers subject to DOT or U.S. Postal Service transportation regulations. See R12-1-103. ERDA (now DOE) contractors performing work at a Government site, including transporting sources of radiation to or from Government-owned sites are similarly exempt.

Transportation-specific regulations prohibit storage of radioactive material and transport for any period in excess of 48 hours and invoke the DOT packaging, marking, labeling, and advance notification requirements. See R12-1-1505 to R12-1-1508. The regulations provide that a general license is automatically granted to any common or contract carriers to transport nuclear material in the regular course of their carriage for another, provided the transportation is in accordance with applicable DOT regulations regarding packaging, placarding, shipping documentation, and incident reporting. Common or contract carriers subject to DOT or U.S. Postal Service

Transportation Legislative Database

regulations are exempt to the extent they transport radioactive material in the regular course of their carriage for another. See R12-1-1503 and R12-1-1504. The regulations require State nuclear materials possession licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Arizona Radiation Regulatory Agency at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. See R12-1-1508.

Comments:

IMPLEMENTS ARIZONA RADIATION CONTROL LAW (TLDB ENTRY ST-0003).

Transportation Legislative Database

Item Number: AR-0056
Action Type: REGULATION
Source: STATE
State: Arizona
Citation: 17 Ariz. Admin. Code secs. R17-4-453 et seq.
Title: MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION
REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The Arizona Department of Transportation has promulgated regulations pursuant to Ariz. Rev. Stat. Ann. secs. 28-2401 et seq. (see TLDB entry ST-0005) concerning motor carrier safety and hazardous materials regulations. See 17 Ariz. Admin. Code secs. R17-4-453 et seq. (June 1987 edition). These regulations adopt by reference the DOT hazardous materials transportation regulations in 49 CFR Parts 171-173 and 177-178 and DOT motor carrier safety regulations in 49 CFR Parts 390-393 and 395-399 with certain limited exceptions.

Comments:

IMPLEMENTS ARIZONA MOTOR CARRIER SAFETY ACT (TLDB ENTRY ST-0005).

Transportation Legislative Database

Item Number: AR-0098
Action Type: REGULATION
Source: STATE
State: Arizona
Citation: Ariz. Department of Transportation Regulations R-17-4-201 et
seq. (Unofficial)
Title: ARIZONA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Arizona overweight motor vehicle permit law are contained in Arizona Department of Transportation regulations (August 1988 version). See regulation 17-4-201. Significantly, in addition to the permit law terms, these regulations (1) authorize permits only for indivisible loads, (2) impose weather, speed, date, time-of-day, and distance restrictions, and (3) require use of designated routes.

Comments:

Transportation Legislative Database

Item Number: ST-0007
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 sec. 23-10-406
Title: ARKANSAS PUBLIC CARRIER LAW (UNOFFICIAL)
Transport Mode: RAIL
Regulatory Authority:
Issues: TRANSPORTATION OPERATIONS
Shipping Records

Summary

An Arkansas public carrier statute requires any railroad transporting hazardous (including nuclear) material to possess documents indicating the train position and description of such material. See Ark. Code of 1987 sec. 23-10-406.

Comments:

Transportation Legislative Database

Item Number: ST-0008
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 secs. 20-21-201 et seq.
Title: ARKANSAS RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Methods
 Planning and Training
 Financial Support
 INSPECTION AND ENFORCEMENT
 REGULATIONS
 Consistency with Federal Regulations
 FEES
 Materials Licensing Fees
 MATERIALS LICENSING
 NRC-State Regulatory Agreement
 State Radiation Protection Program Feature

Summary

The Arkansas Radiation Protection Act prohibits any person from transporting any source of ionizing radiation unless licensed by, or registered with, the Department of Health in conformance with regulations promulgated under the Act. See Ark. Code of 1987 secs. 20-21-201 et seq. NRC-licensed Federal agencies are exempt. See sec. 20-21-203. Annual licensing and registration fees are prescribed. See sec. 20-21-207. Agency requirements must be consistent with Federal regulatory standards. The Department is authorized to exempt certain radiation sources, uses, or users upon a specified safety and environmental finding. See sec. 20-21-208. Department regulations may further provide for the recognition of other Federal or State licenses as deemed desirable. See sec. 20-21-209.

Pursuant to the Act, the Department of Health is responsible for carrying out a nuclear planning and response program for the State. See sec. 20-21-402. Funding for such programs is to be provided through fees or assessments against nuclear utilities in the State. See sec. 20-21-403. A nuclear planning and response program advisory committee is established to serve as a coordination point for State and utility officials and to otherwise provide

Transportation Legislative Database

informational and advisory services to individual State and local agencies.
See sec. 20-21-601.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0003.

Transportation Legislative Database

Item Number: ST-0009
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 secs. 27-2-101 et seq.
Title: ARKANSAS HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1977
Transport Mode: UNSPECIFIED
Regulatory Authority: TRANSPORTATION COMMISSION
STATE POLICE
Issues: SHIPMENT NOTIFICATION
Prenotification
PHYSICAL PROTECTION
Regulations - Requirements
Responsibilities and Capabilities
Escorts
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
SHIPMENT RESTRICTIONS
Specific
REGULATIONS
Adoption of Federal Regulations

Summary

The Arkansas Hazardous Materials Transportation Act of 1977 authorizes the Arkansas Transportation Commission to promulgate regulations for hazardous materials transportation including, as the Commission deems appropriate, vehicle escorts, transportation prohibition during unsafe conditions, prenotification, and adoption of Federal laws and regulations on record maintenance. See Ark. Code of 1987 secs. 27-2-101 et seq. It is also unlawful under the Act to fail to promptly notify the Arkansas State Police of any release of hazardous material. See sec. 27-2-103.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0002.

Transportation Legislative Database

Item Number: ST-0138
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 secs. 8-7-201 et seq.
Title: ARKANSAS HAZARDOUS WASTE MANAGEMENT ACT OF 1979
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
TRANSPORTATION COMMISSION
Issues: INSPECTION AND ENFORCEMENT
PERMITS
Carrier Permit
REGULATIONS
Consistency with Federal Regulations

Summary

The Arkansas Hazardous Waste Management Act of 1979 establishes a State hazardous waste management program administered by the Department of Pollution Control and Ecology. See Ark. Code of 1987 secs. 8-7-201 et seq. Hazardous waste includes radioactive waste. See sec. 8-7-203.

This statute, in relevant part, authorizes the Department to promulgate regulations for the transportation of hazardous waste, including regulations for containerization and labeling of hazardous waste consistent, to the extent practicable, with DOT, EPA, and Arkansas Transportation Commission regulations, establishment of a waste manifest system and the conduct of regulatory compliance inspections. See sec. 8-7-209.

This Act further authorizes the Arkansas Transportation Commission, in consultation with the Department, to issue rules and regulations for the transportation of hazardous waste. These regulations must be consistent with applicable DOT and Department regulations. See sec. 8-7-224.

The Act prohibits the transport of hazardous waste without a permit from the Department. See sec. 8-7-215. Permits may be issued under such terms and conditions as the Department may describe and under such terms and conditions as the Arkansas Transportation Commission may prescribe for the transportation of hazardous waste. See sec. 8-7-216.

Comments:

Transportation Legislative Database

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0048.

Transportation Legislative Database

Item Number: ST-0139
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 secs. 8-7-401 et seq.
Title: ARKANSAS EMERGENCY RESPONSE FUND ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations

Summary

The Arkansas Emergency Response Fund Act provides the State with the authority necessary to protect the public health and safety and the environment from releases or threatened releases of hazardous substances. See Ark. Code of 1987 secs. 8-7-401 et seq. The term "hazardous substance" includes any "hazardous waste" defined by the Arkansas Hazardous Waste Management Act and, thereby, includes radioactive waste. See sec. 8-7-403.

This Act, among other things, authorizes the Department of Pollution Control and Ecology to initiate and implement response actions whenever there is a release or threatened release of hazardous substances which may present a danger to the public health, safety, or welfare, or to the environment. See sec. 8-7-408. The Act establishes an emergency response fund financed by gifts, donations, and moneys received as penalties pursuant to several State environmental statutes. See sec. 8-7-410. Responsible parties are liable to the State for all costs and expenditures of response actions incurred by the State. See sec. 8-7-413.

Comments:

Transportation Legislative Database

Item Number: ST-0153
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 secs. 123-76-101 et seq.
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Arkansas is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Ark. Code of 1987 secs. 123-76-101 et seq.

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT.

Transportation Legislative Database

Item Number: ST-0200
Action Type: STATUTE
Source: STATE
State: Arkansas
Citation: Ark. Code of 1987 Ann. sec. 27-35-210
Title: ARKANSAS OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Arkansas overweight motor vehicle permit law authorizes the State Highway Commission (Commission) and local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight vehicles with indivisible loads over public highways under their respective jurisdictions. See Ark. Code of 1987 Ann. sec. 27-35-210. The Commission may delegate to other State agencies the authority to issue special permits. A permit fee is prescribed. The Arkansas gross vehicle weight limit on interstate and primary State highways is 80,000 pounds, and 64,000 pounds on all other highways in the State. Vehicles between 64,000 and 73,280 pounds in weight may operate on secondary State highways at speeds under 40 MPH. See sec. 27-35-203.

Permit applications must specifically describe the vehicle and load, origin and destination, dates of operation, and particular highways for which a permit is requested. Denial of a permit must be based on the condition and state of repair of the highway involved, the ability of the highway to carry the oversized overweight vehicle, or on danger to the traveling public from the standpoint of safety. Special permits may prescribe speed limits and designate routes as necessary for the safety of the traveling public. Seasonal or other time limits may be set in the permit and any other limitations on operation necessary to assure against road damage. Some form of bond or other security may be required. See sec. 27-35-210.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: AR-0002
Action Type: REGULATION
Source: STATE
State: Arkansas
Citation: Ark. Transportation Commission Rules HM 1.1 to 1.5 and HW 1-10
(Unofficial)
Title: ARKANSAS HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS
(UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
TRANSPORTATION
COMMISSION
Issues: INSURANCE - LIABILITY
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
FEES
Carrier Permit Fees

Summary

The Arkansas Transportation Commission has promulgated regulations (effective January 1984) implementing the Arkansas Hazardous Materials Transportation Act (Ark. Code of 1987 secs. 27-2-101 et seq. [see TLDB entry ST-0009]; see Rules HM 1.1 to 1.5) and the Arkansas Hazardous Waste Management Act (Ark. Code of 1987 secs. 8-7-201 et seq. [see TLDB entry ST-0138]; see Rules HW 1-10).

Rule HM 1.2 requires every carrier of hazardous (including nuclear) material to comply with DOT regulations in 49 CFR Parts 100-199. Minimum insurance requirements are set forth in Rule HM 1.4. Rule HW 2 contains shipper requirements including, among other things, packaging, labeling, marking, and placarding in accordance with DOT regulations and preparation of a manifest in accordance with Arkansas Department of Pollution Control and Ecology and U.S. EPA regulations. Rule HW 3 contains manifest requirements for shippers. Rule HW 4 prohibits hazardous waste transportation over any Arkansas public highway without an EPA identification number and Arkansas Transportation Commission hazardous waste transportation permit. A carrier may not accept hazardous waste from a shipper unless it is accompanied by a manifest signed

Transportation Legislative Database

by the generator. See Rule HW 5. The hazardous waste transportation permit application requirements (including a statement of equipment compliance with DOT specifications and fee) are contained in Rule HW 11.12. Rule HW 9 contains minimum insurance requirements. Identical to those in Rule HM 1.4.

Comments:

IMPLEMENTS ARKANSAS HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1977 (TLDB ENTRY ST-0009) AND ARKANSAS HAZARDOUS WASTE MANAGEMENT ACT OF 1979 (TLDB ENTRY ST-0138).

Transportation Legislative Database

Item Number: AR-0003
Action Type: REGULATION
Source: STATE
State: Arkansas
Citation: Arkansas Board of Health Rules RH 3000-3400 (Unofficial)
Title: ARKANSAS RADIATION PROTECTION REGULATIONS
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE BOARD OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Arkansas State Board of Health has promulgated regulations for the control of sources of ionizing radiation. See RH Rules 3000-3400. These regulations prohibit delivery of radioactive material to a carrier for transport except as authorized in a general or specific license issued by the Board or as exempted in Rule RH 3300. Rule RH 3300 exempts common and contract carriers subject to DOT or Postal Service regulations.

Rule RH 3201 also provides for the automatic issuance of a general license to any common or contract carrier not otherwise exempt to transport radioactive material in the regular course of their carriage in accordance with applicable DOT requirements relating to the loading and storage of packages, placarding of transport vehicles, and incident reporting. RH 3203 additionally requires licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will pass at least 7 days in advance (by mail) or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact.

Comments:

IMPLEMENTS ARKANSAS RADIATION PROTECTION ACT (TLDB ENTRY ST-0008).

Transportation Legislative Database

Item Number: AR-0048
Action Type: REGULATION
Source: STATE
State: Arkansas
Citation: Arkansas Hazardous Waste Management Code
Title: ARKANSAS HAZARDOUS WASTE REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
TRANSPORTATION COMMISSION
Issues: INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

The Arkansas Department of Pollution Control and Ecology has adopted regulations pursuant to the Arkansas Hazardous Waste Management Act (Ark. Code of 1987 secs. 8-7-101 et seq. [see TLDB entry ST-0138]) contained in the Arkansas Hazardous Waste Management Code (Sept. 1986 version). In relevant part, these regulations adopt certain EPA hazardous waste regulations in 40 CFR Parts 262, 263, 264, Subpart E and 265, Subpart E and impose certain additional requirements. See secs. 3 and 16. These include requirements for the transportation of polychlorinated biphenyls (PCBs) and the transportation of waste from generators over a specified volume a month. Any regulations adopted by the Department may not be more stringent than EPA hazardous waste regulations promulgated under the Resource Conservation and Recovery Act unless required to protect the public health or environment. See sec. 17. In addition to the requirements for immediate action in the event of a discharge during transportation required by EPA regulations (40 CFR sec. 263.30), any air, rail, highway, or water transporter who has discharged hazardous waste in Arkansas must also give immediate notice to the Arkansas State Police and submit a copy of the written report required by DOT

Transportation Legislative Database

regulations (49 CFR sec. 171.16) and EPA regulations (40 CFR sec. 262.30(c)) to the Department simultaneously with his transmission to DOT. See sec. 16(c)(5).

The regulations further provide that all persons who transport hazardous waste in Arkansas must first obtain permits from the Arkansas Transportation Commission and the Department. See sec. 16(c)(6). Such permits must be applied for in the form and manner required by sec. 12(c)(11). Section 12(c)(11) requires the hazardous waste transportation permit applicant to submit an application on forms prescribed by the Department. No permit may be issued by the Department unless the applicant has first received a permit from the Arkansas Transportation Commission.

In addition to other requirements, all hazardous waste transportation in Arkansas must conform to Arkansas Transportation Commission regulations. See sec. 16(c)(8). As a separate matter, a January 1987 hazardous waste manifest manual describes the Department's form and content requirements for the Arkansas uniform hazardous waste manifest which must accompany all Arkansas hazardous waste shipments. See sec. 16.

Comments:

IMPLEMENTS ARKANSAS HAZARDOUS WASTE MANAGEMENT ACT OF 1979 (TLDB ENTRY ST-0138).

Transportation Legislative Database

Item Number: OT-0028
Action Type: OTHER
Source: STATE
State: Arkansas
Citation: Ark. Highway Commission Overweight Motor Vehicle Permit Manual
Title: ARKANSAS OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY COMMISSION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Arkansas overweight motor vehicle permit law are contained in an Arkansas State Highway Commission overweight vehicle permit manual. See sec. IV. Significantly, in addition to the permit law terms, the manual restricts overweight permits to vehicle loads of 108,000 pounds except with the express approval of the Department under specified circumstances.

Comments:

Transportation Legislative Database

Item Number: ST-0010
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Health & Safety Code secs. 25800 et seq. (West 1989)
Title: CALIFORNIA RADIATION CONTROL LAW
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH SERVICES
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The California Radiation Control Law requires the Department of Health Services to promulgate regulations for the licensing, registration, and inspection of sources of ionizing radiation. See Cal. Health & Safety Code secs. 25800 et seq. (West 1989). NRC-licensed Federal agencies are exempt. See sec. 25800 (definition "person"). The Department is further authorized to exempt certain radiation sources, uses, or users or upon a prescribed safety and environmental finding. See sec. 25815. Authorized regulations may provide for recognition of other Federal or State licenses as deemed desirable. See sec. 25815(d). Licensing fees are required. See sec. 25816.

The Act further authorizes the State to become an agreement State with the NRC. See sec. 25830. It provides that any person with an effective Federal license on the date of such Federal-State agreement will be deemed to possess a license for the purposes of this Act. See sec. 25831.

Comments:

Transportation Legislative Database

Item Number: ST-0011
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Pub. Util. Code secs. 8301 et seq. (West 1989)
Title: NUCLEAR POWER PLANT COMMUNITIES INFORMATION ACT OF 1985
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HIGHWAY PATROL
Issues: SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification

Summary

The Public Utility Code related to nuclear power plants requires the California Highway Patrol to report to the legislature before July 1, 1986 the establishment of procedures for notifying local officials of the shipment of commercially produced spent fuel. See Cal. Pub. Util. Code secs. 8301 et seq. (West 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0012
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Health & Safety Code secs. 25160 et seq. (West 1989)
Title: CALIFORNIA HEALTH & SAFETY CODE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HEALTH DEPARTMENT
STATE HIGHWAY PATROL
STATE ENERGY RESOURCES CONSERVATION & DEVELOPMENT COMMISSION
Issues: ROUTING
Interagency Cooperation
SHIPMENT NOTIFICATION
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
Regulations - Requirements
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
SHIPMENT RESTRICTIONS
Other
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
REGULATIONS
Consistency with Federal Regulations

Summary

The Cal. Health & Safety Code contains several provisions relative to nuclear materials transportation. See Cal. Health & Safety Code secs. 25160 et seq. (West 1989).

Section 25160 of the Code requires a uniform hazardous waste manifest for hazardous materials consistent with the information requirements of Federal regulations. Transportation of hazardous waste is unlawful without a valid registration. See sec. 25163. No registration is obtainable unless, among other things, vehicle operator training had been conducted for any person not issued a certificate pursuant to section 12804.1 of the vehicle code. See sec. 25168.

Transportation Legislative Database

The State Health Department is also authorized to adopt regulations for containers used to transport hazardous waste not covered or packaged as required by Federal regulations contained in 49 CFR. See sec. 25168.1. The California Highway Patrol is to inspect every vehicle or container used to transport hazardous waste on the highways at least once a year. See sec. 25169.1. Hazardous waste transporters are further required to have a policy of insurance coverage which meets certain specified Federal and State regulatory limits to respond to personal or property damage claims arising out of hazardous waste transportation. See sec. 25169.

The Health Department is further authorized, pursuant to sec. 25603, to prohibit the transportation of radioactive waste if there is a "reasonable likelihood" significant radioactive contamination of the environment will result. Under section 25651 of the Code, the Department is authorized, in cooperation with the California Highway Patrol, to promulgate transportation safety regulations which may prescribe the use of signs, routes, shipment notification, packing loading, handling, and ensuring proper transport conditions of the material. The regulations may not include equipment and vehicle operation. The regulations shall be compatible with, and no more restrictive than, Federal regulations. It is provided that no county or city may adopt any inconsistent ordinance or regulation. See sec. 25653.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0005.

Transportation Legislative Database

Item Number: ST-0013
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Veh. Code secs. 27903, 31001, 33000, and 33002 (West 1989)
Title: CALIFORNIA RADIOACTIVE MATERIALS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HIGHWAY PATROL
DEPARTMENT OF MOTOR VEHICLES
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
SHIPMENT RESTRICTIONS
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

The California Vehicle Code contains several provisions directly or indirectly relevant to nuclear transportation. First, the Code authorizes the California Highway Patrol, subject to the provisions of section 25611 of the Health & Safety Code, to adopt regulations specifying the time and routes for nuclear transportation shipments. See Cal. Veh. Code sec. 33000. Further, carriers of motor vehicles containing hazardous (including nuclear) materials must possess a special license and certificate of training from the Department of Motor Vehicles. See sec. 31001. Such carriers must also display materials placards and marking required by the DOT. See sec. 27903. Sec. 33002. This requires nuclear transportation carriers to provide 72 hours advance notification in writing to the California Highway Patrol or Department of Motor Vehicles. The notification must include the origin and destination, estimated schedule, and point of contact.

Comments:

Transportation Legislative Database

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0064.

Transportation Legislative Database

Item Number: ST-0142
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Health & Safety Code secs. 31301 et seq. (West 1989)
Title: CALIFORNIA HAZARDOUS MATERIALS TRANSPORTATION ACT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HIGHWAY PATROL
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT RESTRICTIONS
Specific
SHIPMENT NOTIFICATION
Prenotification

Summary

The California Hazardous Materials Transportation Act establishes requirements applicable to hazardous waste transportation. See Cal. Health & Safety Code secs. 31301 et seq. (West 1989). Under this statute, transportation from the point of origin to a waste facility must be by the most direct route, utilizing State or interstate highways whenever possible. Exceptions to direct routes must be made in order to avoid congested thoroughfares. Only highways with sufficient width and load-bearing capacity for the vehicle must be used. Emergency deviations from required routes are obtainable from the California Highway Patrol. The California Highway Patrol may prohibit vehicles transporting hazardous waste from using a highway when, among other things, the highway is appreciably less safe than a reasonable alternative highway as designated by using Federal Highway Administration (FHWA) route designation guidelines. See sec. 31303. As a separate matter, the transport of explosive substances through the Caldecott Tunnel is prohibited other than between 3:00 a.m. and 5:00 a.m. See sec. 31301.

The Patrol is further authorized to restrict or prohibit transportation of hazardous materials or waste on State or interstate highways if (1) the subject highway is appreciably less safe than a reasonable alternative as determined by DOT routing criteria or the department, city, or county with jurisdiction over the highway determines that the highway is located within the watershed of the drinking water reservoir; (2) the restriction or prohibition is not precluded or preempted by Federal law; (3) the restriction or prohibition does not eliminate necessary access to local pickup or

Transportation Legislative Database

delivery points consistent with safe vehicle operation; (4) written concurrence has been obtained from affected surrounding jurisdictions; (5) the highway is posted by the agency responsible for highway signs in conformity with DOT standards; (6) a list of the restricted or prohibited routes is submitted to the Department; (7) the highway is included in the list of restricted or prohibited highways published by the Department and is available to interested persons for at least 14 days.

Advance notification in writing to the Department is required for the shipment of specified hazardous materials. The notification must include shipper, carrier, and receiver names and addresses, a material safety data sheet, schedule, and contact points.

Comments:

Transportation Legislative Database

Item Number: ST-0154
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Gov't Code secs. 177 et seq. (West 1989)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

California is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Cal. Gov't Code secs. 177 et seq. (West 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0169
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Gov't Code sec. 67400 et seq. (West 1989)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

California is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This compact may or may not extend to nuclear transportation incidents. See Cal. Gov't Code sec. 67400 et seq. (West 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0183
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Veh. Code secs. 32000 et seq. (West 1989)
Title: HAZARDOUS MATERIALS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HIGHWAY PATROL
Issues: ROUTING
 Motor Vehicle
 Regulations
 Designation Criteria
 Interjurisdictional Cooperation
 SHIPMENT NOTIFICATION
 Regulations - Requirements
 Prenotification
 INSPECTION AND ENFORCEMENT

Summary

A California hazardous materials transportation law authorizes the California Highway Patrol (Patrol) to inspect and license motor carriers transporting hazardous (non-nuclear) material. See Cal. Vehicle Code sec. 32000 et seq. (West 1989). Carriers transporting certain specified hazardous materials outside the confines of the facility where that material is used are required to provide advance written notification of the shipment to the Patrol which, in turn, is required to notify the sheriff of each county and police chief of each city along the proposed route. See sec. 32050. The advance notification is required to include a materials description, origin and destination, schedule, and emergency telephone number. The notification must reach the Patrol at least 72 hours prior to departure. The Patrol is further authorized, by regulation, to designate State routes to be used for the transportation of inhalation hazards and poison gases (non-nuclear). See sec. 32100. Motor carriers transporting inhalation hazards must utilize public highways so designated. See sec. 32104.

Comments:

Transportation Legislative Database

Item Number: ST-0244
Action Type: STATUTE
Source: STATE
State: California
Citation: Cal. Veh. Code sec. 35780 (West 1988)
Title: CALIFORNIA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The California overweight motor vehicle permit law authorizes the State Department of Transportation and local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight vehicles over public highways under their respective jurisdictions. See Cal. Veh. Code sec. 35780 (West 1988). Implementing regulations are authorized. The California gross vehicle weight limit is 80,000 pounds. See secs. 35551 and 35551.5. Permit applications must specifically describe the vehicle, load, highway involved, and whether the permit is for a single trip or for continuous operation.

Comments:

Transportation Legislative Database

Item Number: AR-0005
Action Type: REGULATION
Source: STATE
State: California
Citation: Cal. Admin. Code tit. 17, sec. 3073
Title: RADIOACTIVE MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations

Summary

Title 17, Section 3073 of the California Administrative Code contains requirements (effective January 1986) for the transportation of radioactive material. This regulation prohibits radioactive materials transportation unless in compliance with NRC regulations in 10 CFR Part 71. This regulation exempts persons to the extent they transport radioactive material to a carrier for transportation where such transportation is subject to exclusive Federal jurisdiction.

Comments:

IMPLEMENTS CALIFORNIA HEALTH & SAFETY CODE (TLDB ENTRY ST-0012).

Transportation Legislative Database

Item Number: AR-0064
Action Type: REGULATION
Source: STATE
State: California
Citation: 13 Cal. Code of Regulations secs. 1160 et seq.
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HIGHWAY PATROL
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
REGULATIONS
Adoption of Federal Regulations

Summary

The California Highway Patrol has promulgated regulations regarding hazardous materials transportation pursuant to Cal. Motor Vehicle Code sec. 34500. See 13 Cal. Code of Regs. sec. 1160 et seq. These regulations adopt by reference specified portions of the DOT hazardous materials transportation regulations (49 CFR Parts 117-179) and DOT motor carrier safety regulations (49 CFR Part 393). See sec. 1160.2. The regulations authorize the Patrol to conduct regulatory compliance inspections. See sec. 1160.4. Shippers are required to furnish carriers with shipping papers describing the hazardous materials to be transported in accordance with 49 CFR Part 172 content requirements. See sec. 1161. Shippers are further required to certify compliance with all DOT and State Highway Patrol hazardous materials transportation regulations. See sec. 1161.1. DOT required labels are to be affixed to each hazardous material package. See sec. 1161.2. Packages must be marked and vehicles placarded in accordance with 49 CFR Part 172. See sec. 161.3 and 1162. Certain specified vehicle safety equipment is required. See sec. 1162.1. Shipments are to be prepared for transportation in accordance with 49 CFR Part 173. See sec. 1163. Minimum standards for training of operators of vehicles used to transport hazardous waste are further prescribed. See sec. 1176.

Transportation Legislative Database

Comments:

IMPLEMENTS CALIFORNIA RADIOACTIVE MATERIALS TRANSPORTATION LAW (TLDB ENTRY ST-0013).

Transportation Legislative Database

Item Number: AR-0073
Action Type: REGULATION
Source: STATE
State: California
Citation: 13 Cal. Code of Regulations secs. 1160 et seq.
Title: CALIFORNIA HAZARDOUS MATERIALS TRANSPORTATION AND MOTOR CARRIER
SAFETY REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE HIGHWAY PATROL
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
Other
REGULATIONS
Adoption of Federal Regulations

Summary

The California Highway Patrol has promulgated regulations incorporating by reference DOT hazardous materials transportation regulations in 49 CFR Parts 177-179 and DOT motor carrier safety regulations in 49 CFR Part 393 to the extent specified. See 13 Cal. Code of Regs. sec. 1160 et seq. (January, 1988 version). The regulations contain provisions on hazardous materials transportation licenses (see sec. 1160.4) and invoke DOT regulations on hazardous materials classification (sec. 1160.5), shipping papers (sec. 1161), shipper certifications (sec. 1160.1), hazard labels (sec. 1161.2), marking (sec. 1161.3), placards (sec. 1162), shipment preparation (sec. 1163), vehicle loading (sec. 1164), and incident reporting (sec. 1166). The regulations also contain provisions on vehicle safety equipment (1162.1). The regulations also prescribe minimum standards for training of operators of vehicles or containers used in transporting hazardous waste. See sec. 1176. These include training in: products handled; documentation; packaging; marking; labeling and placarding; loading and handling; incident reporting and emergency procedures; Federal and State hazardous waste vehicle and container regulations; and preoperation inspections of vehicles and containers.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: PL-0047
Action Type: PENDING LEGISLATION
Source: STATE
State: California
Citation: Calif. Assembly Bill 808
Title: HAZARDOUS WASTE TRANSPORTATION LAW AMENDMENTS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE HIGHWAY PATROL
Issues: INSPECTION AND ENFORCEMENT
 Regulations - Requirements
 Responsibilities and Capabilities
 CASK DESIGN AND TESTING
 Licensing
 REGULATIONS
 Other

Summary

This bill, introduced in February 1989, proposes to amend the California Health and Safety Code provisions relative to hazardous (including radioactive) waste. The proposed amendment would require the California Highway Patrol to adopt regulations for containers to transport hazardous waste not packaged in accordance with DOT hazardous materials transportation regulations. The bill would also require the Department to conduct an annual inspection of every truck or container used by registered transporters to transport hazardous waste on highways in the State.

Comments:

Transportation Legislative Database

Item Number: PL-0048
Action Type: PENDING LEGISLATION
Source: STATE
State: California
Citation: Calif. Assembly Bill 593
Title: CALIFORNIA RADIATION CONTROL ACT AMENDMENTS
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF HEALTH SERVICES
Issues: FEES
 Materials Licensing Fees
 MATERIALS LICENSING
 State Radiation Protection Program Feature

Summary

This bill, introduced in February 1989, proposes to amend the California Radiation Control Act to authorize the Department of Health Services to impose fees on applicants for State radioactive materials possession licenses.

Comments:

Transportation Legislative Database

Item Number: OT-0021
Action Type: OTHER
Source: STATE
State: California
Citation: Calif. Department of Transportation Permit Condition Circular
(June 1987) and Permit Application Form (September 1985)
Title: CALIFORNIA OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Further details on implementation of the California overweight motor vehicle permit law are contained in California Department of Transportation permit condition circular (revised June 1987) and permit application form (dated September 1985). Significantly, in addition to the permit law terms, this material (1) restricts permits to indivisible loads, (2) contains date, time-of-day, and seasonal restrictions, and (3) requires use of specified routes.

Comments:

Transportation Legislative Database

Item Number: ST-0014
Action Type: STATUTE
Source: STATE
State: Colorado
Citation: Colo. Rev. Stat. secs. 25-11-101 et seq. (Supp. 1988)
Title: COLORADO RADIATION CONTROL LAW
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
 Methods
 Timing
 Responsibility
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
 Materials Licensing Fees
MATERIALS LICENSING
 NRC-State Regulatory Agreement
 State Radiation Protection Program Feature

Summary

The Colorado Radiation Control Law requires the State Department of Health to promulgate regulations on handling, labeling, licensing and registration, transportation, and notification of accidents regarding radioactive material. See Colo. Rev. Stat. secs. 25-11-101 et seq. (Supp. 1988). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. These provisions do not apply to radioactive material transported in conformity with NRC nuclear transportation regulations. See sec. 25-11-108(1)(c).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0007.

Transportation Legislative Database

Item Number: ST-0015
Action Type: STATUTE
Source: STATE
State: Colorado
Citation: Colo. Rev. Stat. secs. 40-2.2-101 et seq. (Supp. 1988)
Title: COLORADO NUCLEAR MATERIALS TRANSPORTATION ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC UTILITIES COMMISSION
DEPARTMENT OF HIGHWAYS
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Transport Permit Fees
Other

Summary

The Colorado Nuclear Materials Transportation Act provides that the Public Utilities Commission shall promulgate regulations for the safe motor vehicle transportation of nuclear materials not inconsistent with Federal regulations. See Colo. Rev. Stat. secs. 40-2.2-101 et seq. (Supp. 1988).

The statute further provides for point-of-entry inspections, transportation permits and fees, route designation, and shipment prenotification.

A transportation permit application must contain, among other things, motor vehicle operator training certification, proof of federally required

Transportation Legislative Database

liability insurance and a nuclear incident cleanup plan. The permit fee (\$500.00) is to be placed in a nuclear materials transportation fund for the purpose of administering the statute. With regard to routing, the statute authorized the State Department of Highway Executive Director to adopt rules that designate highway routes for nuclear materials transportation. See sec. 40-2.2-208. The nuclear transportation permittee is further required to give notification of each nuclear material shipment to the Governor or designee at least 7 days (by mail) or 4 days (by messenger) in advance. See sec. 40-2.2-209. The notification must include, among other things, a description of the nuclear materials, route list, and estimated date and time of shipment entry and departure. The statute finally provides that any person causing the release of any nuclear material being transported is strictly liable for all injuries and damages resulting therefrom. See sec. 40-2.2-210.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0006.

Transportation Legislative Database

Item Number: ST-0141
Action Type: STATUTE
Source: STATE
State: Colorado
Citation: Colo. Rev. Stat. secs. 43-6-101 et seq. (Supp. 1988)
Title: COLORADO HAZARDOUS MATERIALS TRANSPORTATION ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE PATROL
PUBLIC UTILITIES COMMISSION
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
SHIPMENT RESTRICTIONS
PERMITS
REGULATIONS
Consistency with Federal Regulations
FEES

Summary

The Colorado Hazardous Materials Transportation Act authorizes the Department of Public Safety's Division of State Patrol to promulgate regulations for commercial vehicle safety and the permitting, routing, and inspection of hazardous materials transportation by motor vehicle. See Colo. Rev. Stat. secs. 43-6-101 et seq. (Supp. 1988). Hazardous materials do not include highway route controlled quantities of radioactive materials (spent fuel). See sec. 43-6-103(3). It could include other nuclear material. Such regulations may be no more stringent than applicable Federal requirements. See sec. 43-6-108(1). The Patrol is required to use the standards contained in DOT regulations as guidelines. These regulations may not unduly burden interstate or intrastate commerce and must be no more stringent than DOT or EPA regulations. See sec. 43-6-108(2).

No person may transport hazardous material by motor vehicle which requires placarding under 49 CFR Parts 172 or 173 in Colorado without an annual or single trip permit from the Public Utilities Commission. See sec. 43-6-201. Permits are not required for Federally owned vehicles. See sec. 43-6-201. Annual and single trip permit fees are prescribed. See sec. 43-6-202. Single trip permits may be obtained at all port-of-entry weigh stations and from the Patrol. See sec. 43-6-202. No annual or single trip permit is

Transportation Legislative Database

issuable without proof of liability insurance as required by DOT regulation in 49 CFR Part 387 and an agreement to comply with Patrol regulations promulgated under sec. 43-6-108. See sec. 43-6-202. The Patrol is further authorized to promulgate additional regulations governing the issuance of permits. See sec. 43-6-202(b)(3).

The Act confers on the Patrol sole authority, after consultation with local government authorities, to designate these public roads to be used by motor vehicles transporting hazardous materials. See sec. 43-6-301(1). Such designation may include route restrictions, closing of streets and highways, and whatever other conditions or restrictions the Patrol deems advisable except for hours of operation and curfews. The Patrol may approve route designations only for those materials listed in 49 CFR sec. 172.504, Table 1, in any quantities and those materials listed in 49 CFR sec. 172.504 in specified quantities. See sec. 43-6-301(2).

On or before July 1, 1988, petitions for route designation may be submitted to the Patrol by State, county, or city authorities with respect to any public road maintained by such entities. See sec. 43-6-302. The petition must describe the designation sought and identify any local business or industry that is significantly reliant on hazardous materials transportation and which would be affected by the designation and any other information required by Patrol regulation. No route designation will be approved by the Patrol unless it finds that (1) the available routes are feasible, not unduly expensive, and do not unreasonably burden interstate or intrastate commerce; (2) the designation is not arbitrary or intended by the petitioner merely to direct hazardous materials transportation to other communities; (3) the designation will not interfere with the pickup or delivery of hazardous materials; and (4) the designation is consistent with applicable Federal and State laws and regulations. See sec. 43-6-308(a). The Act lastly prohibits the abandonment of any vehicle containing hazardous material. See sec. 43-6-113.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0053.

Transportation Legislative Database

Item Number: ST-0170
Action Type: STATUTE
Source: STATE
State: Colorado
Citation: Colo. Rev. Stat. secs. 24-60-1401 et seq. (Supp. 1988)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Colorado is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Colo. Rev. Stat. secs. 24-60-1401 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0202
Action Type: STATUTE
Source: STATE
State: Colorado
Citation: Colo. Rev. Stat. sec. 42-4-409 (Supp. 1988)
Title: COLORADO OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Colorado overweight motor vehicle permit law authorizes the State Department of Highways or Colorado State Patrol, or local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight vehicles on public highways within their respective jurisdictions. See Colo. Rev. Stat. sec. 42-4-409 (Supp. 1988). Implementing regulations and permit fees are prescribed. The Colorado gross vehicle weight limit is 80,000 pounds. See sec. 42-4-407.

Permit applications must describe the vehicle and load, highway to be used, and whether such permit is for a single trip, a special trip, or annual trips, and time of such movement. Permits may contain limits on the number of trips, seasonal or other time limits for operation, or other limits or conditions of operation as necessary to protect the safety of highway users, the efficient movement of traffic, or to protect highways from undue damage to road foundations. Some form of security may be required to compensate for any potential injury to any highway. See sec. 42-4-409.

Comments:

Transportation Legislative Database

Item Number: AR-0006
Action Type: REGULATION
Source: STATE
State: Colorado
Citation: Colo. Public Utility Commission Nuclear Materials
Transportation Regulations (Unofficial)
Title: NUCLEAR MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: PUBLIC UTILITY COMMISSION
STATE PATROL
Issues: ROUTING
Motor Vehicle
Designation Criteria
Interagency Cooperation
SHIPMENT NOTIFICATION
Prenotification
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
FEES

Summary

The Colorado Public Utility Commission has promulgated rules and regulations governing the transportation of nuclear materials in Colorado pursuant to Colorado Revised Statute secs. 40-2.2-101 through 40-2.2-213 (see TLDB entry ST-0015). Rule 5 (inspections) requires that all nuclear materials shipments entering the State on public roads must be inspected by personnel at the port of entry or by the Colorado State Patrol at the weigh station nearest the point of entry. All nuclear materials shipments originating within the State must be inspected by the Colorado State Patrol at the point of origin. All drivers, motor vehicles, and cargo must be in compliance with 49 CFR Parts 171, 172, 173, 177, and 178 and 49 CFR Parts 390-398 and Colorado nuclear transportation Rule 7. Inspection procedures are to be in accordance with those of the Commercial Vehicle Safety Alliance.

Transportation Legislative Database

Rule 5 lastly requires the driver or person in charge of the vehicle to give immediate notice to the nearest Colorado State Patrol Office of any accident involving a motor vehicle.

Rule 6 authorizes point-of-entry personnel or the State Patrol to inspect at any time any vehicle, driver, cargo, shipping papers, nuclear materials transportation permit, and any other papers required by law when transporting nuclear materials on Colorado streets or public roads.

Rule 7 adopts and incorporates the provisions of 49 CFR Parts 171, 172, 173, 177, and 178 and 49 CFR Parts 390-398 with certain limited exceptions. Rule 7 also requires a Commission permit to transport nuclear materials in Colorado. The permit application form appended to the regulations requires, among other things, a copy of the operator driver training program, proof of federally required liability insurance, an incident cleanup plan, and the carrier's plan for replacement or repair of equipment placed out of service by port-of-entry or State Patrol personnel after inspection. The annual permit fee is \$500.00. Each carrier is required to pay an additional \$200.00 fee for each shipment. A carrier transporting nuclear material into the State without a permit may obtain a single-trip permit at the nearest point of entry. A permanent permit application must be completed within 30 days of the date.

Rule 9 requires each person transporting nuclear materials in the State to provide advance notice to the governor or his designee at least 7 days in advance (by mail) or 4 days in advance (by messenger). Notice must include, among other things, a description of the nuclear materials, list of routes to be used, and estimated date and time of departure.

Rule 10 provides that the Colorado Department of Highways should be contacted for information regarding State-designated routes. It is further provided that, when forced to deviate from designated routes because of emergency conditions, operators should obtain information on alternative routes from the State Patrol.

Comments:

IMPLEMENTS COLORADO NUCLEAR MATERIALS TRANSPORTATION ACT (TLDB ENTRY ST-0015).

Transportation Legislative Database

Item Number: AR-0007
Action Type: REGULATION
Source: STATE
State: Colorado
Citation: Colo. Department of Health Rules RH 1.1 - RH 16.28 (Unofficial)
Title: RULES AND REGULATIONS PERTAINING TO RADIATION CONTROL
Transport Mode: UNSPECIFIED
Regulatory Authority: BOARD OF HEALTH
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations
FEES
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Colorado State Board of Health has promulgated regulations pertaining to radiation control (RH #1.1 - RH #16.28) pursuant to Colo. Rev. Stat. secs. 25-11-107 et seq. (December 1985 version) [See TLDB entry ST-0014]. These regulations contain provisions regarding nuclear materials licensing and registration and radiation protection standards. The regulations prohibit the possession of any source of ionizing radiation except as authorized in a specific or general license. DOE contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites, are exempt. See RH #1.5.2.1.

The regulations provide that a general license is automatically granted to any common or contract carriers to transport radioactive material in the regular course of their carriage for another, provided the transportation is in accordance with applicable DOT regulations regarding loading and storage of packages, placarding, and incident reporting. Incident reports are to be filed with the Department of Health. See RH #3.7.1. See also RH #3.2.4.2. Advance notification is required in the State to the Governor or designee and to the Department of Health for nuclear waste shipments in writing 7 days prior to departure. See RH #3.25.1

Transportation Legislative Database

Comments:

IMPLEMENTS COLORADO RADIATION CONTROL LAW (TLDB ENTRY ST-0014).

Transportation Legislative Database

Item Number: AR-0053
Action Type: REGULATION
Source: STATE
State: Colorado
Citation: Colo. Department of Public Safety, Division of State Patrol HMR
1 - HMR 7
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
Interjurisdictional Cooperation
EMERGENCY RESPONSE
INCIDENT NOTIFICATION
Timing
SHIPMENT RESTRICTIONS
REGULATIONS

Summary

The Colorado Department of Public Safety, Division of State Patrol, has promulgated regulations regarding, among other things, hazardous materials route designations pursuant to Colo. Rev. Stat. secs. 43-6-101 et seq. (Supp. 1987) [See TLDB entry ST-0141]. Hazardous materials regulation (HMR) 1 requires State, county, or local governmental authorities making application to the Patrol for a hazardous materials route designation pursuant to Colo. Rev. Stat. sec. 43-6-302 to submit a petition for such route designation to the Patrol on or before July 1, 1988. A hazardous materials route designation petition package was distributed on January 7, 1988. The petition must include analyses of all feasible routes within its jurisdiction.

HMR 4 provides that changes in the original information used to evaluate the risk associated with an approved route must be communicated to the Patrol. The Patrol will periodically review the status of designated routes to determine whether the approval terms specified in Colo. Rev. Stat. sec. 43-6-302(8)(a) continue to be met.

HMR 6 requires that copies of reports concerning incidents or accidents involving motor vehicles transporting hazardous materials that occur within a

Transportation Legislative Database

local governmental authorities' jurisdiction be forwarded within 45 days to the Patrol. HMR 7 requires that local governmental authorities petitioning for route designations must provide the Patrol with certain specified information on hazardous materials emergency response services within their jurisdiction.

Comments:

IMPLEMENTS COLORADO HAZARDOUS MATERIALS TRANSPORTATION ACT (TLDB ENTRY ST-0141).

Transportation Legislative Database

Item Number: AR-0099
Action Type: REGULATION
Source: STATE
State: Colorado
Citation: Colo. Department of Highways Overweight Motor Vehicle
Regulations (Unofficial)
Title: COLORADO OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF HIGHWAYS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Colorado overweight motor vehicle permit law are contained in Colorado Department of Highways overweight vehicle transportation regulations (amended May 1988). Significantly, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, (2) impose day, time-of-day, speed, distance, and route restrictions, and (3) require an escort.

Comments:

Transportation Legislative Database

Item Number: ST-0016
Action Type: STATUTE
Source: STATE
State: Connecticut
Citation: Conn. Gen. Stat. Ann. secs. 22a-148 et seq. (West 1989)
Title: CONNECTICUT RADIATION AND RADIOACTIVE MATERIALS LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

A Connecticut radiation and radioactive materials statute prohibits a person from transporting radioactive materials unless exempted, licensed, or registered in accordance with regulations authorized to be promulgated by the Department of Environmental Protection. See Conn. Gen. Stat. Ann. secs. 22A-148 et seq. (West 1989). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. NRC-licensed agencies are exempt. See sec. 22a-151(5) (definition "person"). Persons transporting any radioactive materials in conformity with ICC regulations or those of other Federal agencies having jurisdiction are similarly exempt. See Section 22a-148(c)(1).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0063.

Transportation Legislative Database

Item Number: ST-0017
Action Type: STATUTE
Source: STATE
State: Connecticut
Citation: Conn. Gen. Stat. Ann. secs. 16a-106 et seq. (West 1989)
Title: CONNECTICUT ATOMIC ENERGY ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: COMMISSIONER OF TRANSPORTATION
DEPARTMENT OF HEALTH SERVICES
LABOR DEPARTMENT
WORKERS COMPENSATION COMMISSION
MOTOR VEHICLE DEPARTMENT
DEPARTMENT OF PUBLIC UTILITY CONTROL
INSURANCE COMMISSIONER
COMMISSIONER OF ENVIRONMENTAL PROTECTION
Issues: ROUTING
Motor Vehicle
PHYSICAL PROTECTION
Escorts
INSPECTION AND ENFORCEMENT
SHIPMENT RESTRICTIONS
PERMITS
Transport Permit
REGULATIONS
FEES
Transport Permit Fees
MATERIALS LICENSING

Summary

The Connecticut Atomic Energy Act prohibits the transport of radioactive materials within the State without a permit from the Commissioner of Transportation. The permit application shall contain the following information: proposed date and time of shipment, starting point, scheduled route and destination, and any other information required by the Commissioner. See Conn. Gen. Stat. Ann. secs. 16a-106 et seq. (West 1989). The permit must be granted or denied within three days, exclusive of Saturday and Sunday, after the application has been submitted.

The Commissioner may require changes in dates, routes, or time for transport or the use of escorts if deemed necessary to protect public health and safety. See sec. 16a-106. Implementing regulations, including a permit

Transportation Legislative Database

fee schedule, are authorized to be promulgated by the Commissioner after consultation with certain designated Federal (NRC and DOT) and State agencies. The provisions do not apply to Federal military or national defense shipments, and the disclosure of restricted or defense information is not required. Enroute compliance inspections are authorized.

This Act also requires an NRC nuclear materials license to the extent required by the Federal Atomic Energy Act of 1954 (see TLDB entry ST-0134) for nuclear materials possession in the State. See sec. 16a-104. The Act further authorizes the Department of Public Utility Control to consider the need for State regulations regarding the intrastate transportation of nuclear materials. See sec. 16a-103.

Comments:

Transportation Legislative Database

Item Number: ST-0203
Action Type: STATUTE
Source: STATE
State: Connecticut
Citation: Conn. Gen. Stat. Ann. sec. 14-270 (West 1989)
Title: CONNECTICUT OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Connecticut overweight motor vehicle law authorizes the Commissioner of Transportation (Commissioner) or local authorities to issue special permits to operate overweight vehicles over public highways or bridges within their respective jurisdictions. See Conn. Gen. Stat. Ann. sec. 14-270 (West 1989). The Connecticut gross vehicle weight limit on public highways or bridges is 80,000 pounds. See sec. 14-267a.

Special permits may limit the highways or bridges to be used, fix time and speed limits, and contain any other conditions considered necessary. Permit fees and implementing regulations are authorized. See sec. 14-270.

Comments:

Transportation Legislative Database

Item Number: AR-0063
Action Type: REGULATION
Source: STATE
State: Connecticut
Citation: Conn. State Agency Regs. secs. 19-24-1 et seq. (1982 version)
Title: DEPARTMENT OF ENVIRONMENTAL PROTECTION RADIATION PROTECTION
REGULATIONS (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Issues: INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility
TRANSPORTATION OPERATIONS
Material Preparation
REGULATIONS
Consistency with Federal Regulations
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Connecticut Department of Environmental Protection has promulgated regulations regarding the registration and other regulation of radiation sources. See Connecticut State Agency Regulations sec. 19-24-1 et seq. Transportation of any radioactive material in conformity with DOT or other Federal regulations are exempt from the State registration requirement. See sec. 19-24-3. These regulations also contain requirements on personnel monitoring, radiation surveys, radioactive materials labeling, and radioactive materials incident reports. Shipment of radioactive materials packaged and labeled in compliance with DOT and other Federal regulations are deemed to be in compliance with these State regulations. See sec. 19-24-9.

Comments:

IMPLEMENTS CONNECTICUT RADIATION AND RADIOACTIVE MATERIALS LAW (TLDB ENTRY ST-0016).

Transportation Legislative Database

Item Number: AR-0100
Action Type: REGULATION
Source: STATE
State: Connecticut
Citation: Conn. Admin. Code sec. 14-270-1
Title: CONNECTICUT OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF HIGHWAYS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Connecticut overweight motor vehicle permit law are contained in Connecticut Department of Transportation regulations. See Conn. Admin. Code sec. 14-270-1 (effective August 1985). Significantly, in addition to the permit law terms, these regulations (1) provide that permits may be issued when determined to be in the best interest of public safety and welfare or of the State, (2) require a liability bond, (3) impose date and time-of-day restrictions, and (4) provide that permits for vehicle loads in excess of 130,000 pounds require special consideration by the Department.

Comments:

Transportation Legislative Database

Item Number: PL-0035
Action Type: PENDING LEGISLATION
Source: STATE
State: Connecticut
Citation: Conn. Gen. Assembly Bill 708
Title: CONNECTICUT RADIATION CONTROL ACT AMENDMENT (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority:
Issues: EMERGENCY RESPONSE
Financial Support
INSURANCE - LIABILITY
Liability Requirements and Limitations

Summary

This bill, introduced in January 1989, proposes to amend the Connecticut Radiation Control Act (Conn. Gen. Stat. Ann. sec. 22a-148) to provide that any person causing the contamination of any land or water in the State or causing an emergency through the release of radioactive material shall be liable for all costs and expenses incurred in removing or mitigating such contamination or emergency.

Comments:

Transportation Legislative Database

Item Number: ST-0019
Action Type: STATUTE
Source: STATE
State: Delaware
Citation: Del. Code Ann. tit. 16, secs. 7401 et seq. (Supp. 1988)
Title: DELAWARE RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: AUTHORITY ON RADIATION PROTECTION
Issues: INSPECTION AND ENFORCEMENT
PERMITS
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Delaware radiation control statute prohibits any person from transporting any source of ionizing radiation unless licensed by, registered with, or specifically exempted by the Authority on Radiation Protection. See Del. Code Ann. tit. 16, secs. 7401 et seq. A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. Any successor agency to the Atomic Energy Commission (AEC, now NRC) and other AEC-licensed Federal agencies are exempt. See sec. 7403 (definition "person"). The Authority is authorized to adopt regulations for the control of ionizing radiation, to provide for the licensing and registration of sources and users of ionizing radiation, and to permit compliance inspection. See secs. 7405-7407.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0067.

Transportation Legislative Database

Item Number: ST-0020
Action Type: STATUTE
Source: STATE
State: Delaware
Citation: Del. Code Ann. tit. 29, secs. 8223-8230 (Supp. 1988)
Title: DELAWARE HAZARDOUS MATERIALS TRANSPORTATION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: COMMISSION ON THE TRANSPORTATION OF HAZARDOUS MATERIALS
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations

Summary

The Delaware Hazardous Materials Transportation Act adopts DOT transportation regulations in 49 CFR Parts 171-179 and Parts 393 and 397 except for 49 CFR secs. 171.15, 171.45, and 171.824(f) variously concerning incident reporting. See Del. Code Ann. tit. 29, secs. 8223-8230 (Supp. 1988). Any person engaged in the transportation of hazardous (including radioactive) materials in the State must comply with these, and any subsequently adopted, Federal regulations. See sec. 8226.

Comments:

Transportation Legislative Database

Item Number: ST-0204
Action Type: STATUTE
Source: STATE
State: Delaware
Citation: Del. Code Ann. tit. 21 sec. 4503 (Supp. 1988)
Title: DELAWARE OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Delaware overweight motor vehicle permit law authorizes the Department of Transportation (Department) or local authorities to issue permits to operate overweight vehicles over interstate and public highways within their respective jurisdictions. See Del. Code Ann. tit. 21 sec. 4503 (Supp. 1988). Implementing regulations and fees are authorized. See sec. 4504. The Delaware gross vehicle weight limit is 80,000 pounds. See sec. 4503.

Single trip permits may be issued for single trips from a designated starting point to a designated termination point. Intermediate stops are prohibited. Multi-trip permits may be issued for one-month intervals. Permits may designate routes and contain any restrictions or conditions deemed necessary. See sec. 4503.

Comments:

Transportation Legislative Database

Item Number: AR-0067
Action Type: REGULATION
Source: STATE
State: Delaware
Citation: Del. Radiation Control Regs. Parts A-J (unofficial)
Title: DELAWARE RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: TRANSPORTATION OPERATIONS
 Material Preparation
 Material Handling
 MATERIALS LICENSING
 NRC-State Regulatory Agreement
 State Radiation Protection Program Feature

Summary

The Delaware Department of Health and Social Services, Office of Radiation Control, has promulgated regulations (effective July 1983) for the control of radiation in the State. See Del. Rad. Control regs. parts A-J. These regulations contain requirements for nuclear materials licensing, registration of radiation machines, facilities and services, radiation protection standards, and radioactive materials transportation. The licensing, registration, and radiation protection standards do not apply to NRC-regulated persons. See sec. A.1.

Section C.23 prohibits materials licensees from delivering radioactive material to a carrier for transport unless: (1) the licensee complies with applicable DOT requirements, such as those related to packaging, monitoring, marking, and labeling; (2) has established procedures for the safe opening and closing of radioactive materials packages; and (3) instructions are provided to the consignee to safely open the package. This rule does not apply to transportation subject to DOT or U.S. Postal Service regulation. Section C.23 also provides for the automatic issuance of a general license to any common or contract carrier not otherwise exempt to transport radioactive material in the regular course of their carriage in accordance with applicable DOT requirements relating to the loading and storage of packages, placarding of transport vehicle, and incident reporting.

Comments:

Transportation Legislative Database

IMPLEMENTS DELAWARE RADIATION CONTROL LAW (TLDB ENTRY ST-0019).

Transportation Legislative Database

Item Number: OT-0001
Action Type: OTHER
Source: STATE
State: Delaware
Citation: May 1988 Del. Department of Public Safety Letter
Title: LETTER POLICY ON HAZARDOUS MATERIALS TRANSPORTATION
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
COMMISSION ON HAZARDOUS MATERIALS
Issues: ROUTING
Motor Vehicle
SHIPMENT NOTIFICATION
Prenotification
REGULATIONS
Adoption of Federal Regulations

Summary

A May 1988 letter from the Delaware Department of Public Safety describes State policy on advance shipment notification, route requirements, and hazardous waste transportation. The letter requires advance notification per 10 CFR Part 71 to the Department of Public Safety, identifies the high-level nuclear transport routes designated by the Commission on Hazardous Materials, references the Division of Environmental Control hazardous waste transportation program requirements, and notes the adoption of all DOT hazardous materials transportation regulations.

Comments:

TRANSPORTATION POLICY LETTER

Transportation Legislative Database

Item Number: OT-0022
Action Type: OTHER
Source: STATE
State: Delaware
Citation: Del. Department of Transportation Overweight Motor Vehicle
Permit Manual
Title: DELAWARE OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Delaware overweight motor vehicle permit law are contained in a Delaware Department of Transportation overweight permit manual (revised March 9, 1989). Significantly, in addition to the permit law terms, this manual (1) provides that escorts may be required at the discretion of the Department, (2) requires permittees to have sufficient liability and property damage insurance, (3) requires permittees to assume all responsibility for all personal or property damage that may result from overweight operation, (4) requires use of designated routes, and (5) authorizes the Department to waive permit fees for Government agencies.

Comments:

Transportation Legislative Database

Item Number: ST-0018
Action Type: STATUTE
Source: STATE
State: District of Columbia
Citation: D.C. Code Ann. secs. 6-701 et seq. (Supp. 1988)
Title: D.C. HAZARDOUS WASTE MANAGEMENT ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: D.C. MAYOR
Issues: INSPECTION AND ENFORCEMENT
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Transport Permit Fees

Summary

The District of Columbia Hazardous Waste Management Act prohibits the transportation of any hazardous waste without obtaining a permit from the mayor. See D.C. Code Ann. secs. 6-701 et seq. (Supp. 1988). The mayor may establish appropriate fees to cover the costs associated with permit issuance. See sec. 6-703. The mayor is required to promulgate regulations establishing criteria for determining hazardous waste classification, transportation, containerization and labeling requirements consistent with those issued by DOT, and requirements for the use of a manifest. See sec. 6-705. The mayor is authorized to inspect for compliance with any regulations promulgated pursuant to the statute. See sec. 6-707.

Comments:

Transportation Legislative Database

Item Number: ST-0241
Action Type: STATUTE
Source: STATE
State: District of Columbia
Citation: Washington Act 7-190
Title: D.C. HAZARDOUS MATERIALS TRANSPORTATION AND MOTOR CARRIER SAFETY
ACT OF 1988
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DISTRICT OF COLUMBIA MAYOR
Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
REGULATIONS
Consistency with Federal Regulations
FEES
Transport Permit Fees

Summary

This Act requires the District of Columbia Mayor to establish a hazardous materials transportation program to regulate the transportation of hazardous materials in the District and the safety of motor carriers consistent with DOT hazardous materials transportation and motor carrier safety regulations. The required hazardous materials transportation program must include: (1) criteria for determining what materials constitute hazardous materials consistent with DOT regulations; (2) an identification of the types and quantities of hazardous materials transported in the District; (3) the identification of carriers and shippers of hazardous materials; (4) a designation of primary and alternate routes consistent with Federal regulations; (5) a system governing the transportation, packaging, labeling, and placarding of hazardous materials consistent with Federal hazardous materials transportation, motor carrier safety and motor vehicle inspection regulations; and (6) a hazardous materials transportation permit system.

Transportation Legislative Database

The Mayor must take into consideration the following matters in arriving at transportation route designations: (1) population density along the primary and alternate routes; (2) traffic and street conditions, (3) evacuation capability; (4) type and quantity of materials being transported; (5) whether the materials are route-controlled quantities of radioactive materials; and (6) consistency, to the extent practicable, with the laws and regulations of adjacent States and localities likely to be affected by the route selections.

The authorized transportation permit application must include a description of the hazardous materials to be transported and a written statement from the shipper certifying that the described materials are properly classified, described, packaged, labeled, and in proper condition for transportation in accordance with applicable Federal regulations. Individual shipment and annual permit fees are prescribed.

Comments:

Transportation Legislative Database

Item Number: AR-0085
Action Type: REGULATION
Source: STATE
State: District of Columbia
Citation: D.C. Department of Highways and Traffic Regulation XVII
(Unofficial)
Title: D.C. OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF HIGHWAYS AND TRAFFIC
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

There is no Washington, D.C., overweight motor vehicle permit law. There is an overweight motor vehicle permit regulation. See Department of Highways and Traffic regulation XVII. This regulation authorizes the Department, in its discretion, upon application and good cause shown, to issue special permits to operate overweight vehicles upon Washington highways. See sec. 155. The Washington gross vehicle weight limit is 70,000 pounds. Permit applications must specifically describe the vehicle, load, and particular highways for which a permit is requested. Single trip or continuous operation permits are available. The permit may contain seasonal or other limitations on operation necessary to assure against undue damage to road surfaces. Some form of security to compensate for road damage for which the permittee is liable may be required.

Comments:

Transportation Legislative Database

Item Number: ST-0021
Action Type: STATUTE
Source: STATE
State: Florida
Citation: Fla. Stat. Ann. secs. 404.011 et seq. (West 1989)
Title: FLORIDA RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
Issues: ROUTING
Motor Vehicle Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Florida Radiation Protection Act contains provisions for the regulation of radioactive materials transportation in the State. See Fla. Stat. Ann. secs. 404.011 et seq. (West 1989). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. The provisions do not apply to NRC-licensed Federal agencies. See sec. 404.031 ("person" defined).

Authorized regulations are to be limited to packing, marking, loading, and handling and compatible with, but no less restrictive than, Federal regulations. The Department of Health and Rehabilitative Services is authorized to designate routes and conduct regulatory compliance inspections, including for possession of shipping papers that must contain information in addition to that required in 49 CFR Part 172, such as the departure and arrival time and route for shipment. See sec. 404.20(2)(c). Transporters must notify the Department 48 hours prior to shipment.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0077.

Transportation Legislative Database

Item Number: ST-0022
Action Type: STATUTE
Source: STATE
State: Florida
Citation: Fla. Stat. Ann. sec. 316.302 (West 1989)
Title: FLORIDA MOTOR VEHICLE STATUTES (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
HIGHWAY PATROL
Issues: INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

A Florida motor vehicle statute provides that any vehicle used for transporting radioactive material upon State highways must comply with the placarding, packaging, handling, and labeling requirements in 49 CFR Parts 171-173 and 177-178, Federal motor carrier safety regulations in 49 CFR Parts 390-397, and consistent State rules. See Fla. Stat. Ann. sec. 316.302 (West 1989). Regulatory compliance inspections are authorized. See sec. 316.302(8).

Comments:

Transportation Legislative Database

Item Number: ST-0151
Action Type: STATUTE
Source: STATE
State: Florida
Citation: Fla. Stat. Ann. secs. 252.31 et seq. (West 1989)
Title: FLORIDA EMERGENCY MANAGEMENT ACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DIVISION OF EMERGENCY MANAGEMENT
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Planning and Training

Summary

The Florida Emergency Management Act establishes the Division of Emergency Management and authorizes the creation of local emergency management organizations to assist in the prevention or mitigation of natural or manmade emergencies, and to cooperate with the Federal government and other State governments on emergency response matters. See Fla. Stat. Ann. secs. 252.31 et seq. (West 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0245
Action Type: STATUTE
Source: STATE
State: Florida
Citation: Fla. Stat. Ann. sec. 316.550 (Supp. 1989)
Title: FLORIDA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Florida overweight motor vehicle permit law authorizes the Florida Department of Transportation (Department) and local authorities to issue permits to operate overweight motor vehicles on public highways under their respective jurisdictions. See Fla. Stat. Ann. sec. 316.550 (Supp. 1989). The Florida gross vehicle weight limit is 80,000 pounds. See sec. 316.535. Implementing regulations and fees are authorized. The overweight permit application must describe the vehicle, load, and proposed highway. Some form of security may be required as necessary to cover the cost of any repairs to road structures.

Comments:

Transportation Legislative Database

Item Number: AR-0077
Action Type: REGULATION
Source: STATE
State: Florida
Citation: Fla. Admin. Code sec. 10D-91.101 et seq.
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
Issues: ROUTING
Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
CASK DESIGN AND TESTING
Design Requirements and Alternatives
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
REGULATIONS
Adoption of Federal Regulations
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Florida Department of Health and Rehabilitative Services has promulgated radioactive materials licensing, radiation protection, and transportation regulations. See Fla. Admin. Code sec. 10D-91.101 et seq. (1988 version). DOE contractors performing work at U.S. Government sites, including the transportation of sources of radiation to or from such sites, are exempt from these regulations. See sec. 10D-91.103.

These regulations prohibit the transportation, or delivery to a carrier for transportation, of radioactive material except as authorized in a general or specific license. See sec. 10D-91.2003. Common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt from these regulations to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 10D-91.2004. These

Transportation Legislative Database

regulations require licensee compliance with DOT hazardous materials transportation regulations and establishment of instructions for opening packages. See sec. 10D-91.2006.

The regulations provide that a general license is automatically granted to any common or contract carrier or private carrier to transport radioactive material in the regular course of their carriage for another provided the transportation is in accordance with applicable and appropriate DOT regulations regarding loading and storage of packages, placarding of the transportation vehicle, and incident reporting. See sec. 10D-91.2005. Persons who transport radioactive material pursuant to a general license are exempt from the State's radiation protection regulations. See sec. 10D-91.2005. The regulations require licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States to which such shipments will pass at least 7 days in advance (by mail) or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. Radioactive waste requiring advance notification includes radioactive waste required to be in a Type B package and certain higher quantities of licensed material. See sec. 10D-91.2007.

The Department is authorized to designate routes within the State for all shipments requiring advance notification. Factors that the Department will consider in designation of routes are: population density in the vicinity of available highways, accident rates of available highways, transit time, time and day of the week during which the shipment is to occur, and routes that may have been previously designated by other States. See sec. 10D-91.2008. The interstate highway system and limited access roadways are preferred for transportation of radioactive waste requiring advance notification in lieu of the Department's designation of routes. See sec. 10D-91.2008.

The packaging and transportation of radioactive material are also made subject to DOT and NRC transportation requirements. See sec. 10D-91.2001. DOT hazardous waste transportation regulations in 49 CFR Parts 170-189 are incorporated by reference. See sec. 10D-91.2004.

Comments:

IMPLEMENTS FLORIDA RADIATION CONTROL ACT (TLDB ENTRY ST-0021)

Transportation Legislative Database

Item Number: AR-0086
Action Type: REGULATION
Source: STATE
State: Florida
Citation: Fla. Admin. Code ch. 14-26
Title: FLORIDA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Florida overweight motor vehicle permit law are contained in Florida Department of Transportation regulations. See Fla. Admin. Code ch. 14-26. Significantly, in addition to the permit law terms, these regulations provide that, in considering whether to issue a permit, the Department must consider, among other things, whether the load can be reasonably disassembled, protection of the motoring public, the convenience and comfort of other motorists, prevention of damage to highways, and whether the applicant identifies the routes over which the load can and cannot travel.

Comments:

Transportation Legislative Database

Item Number: ST-0023
Action Type: STATUTE
Source: STATE
State: Georgia
Citation: Ga. Code Ann. secs. 46-11 et seq. (Harrison 1988)
Title: GEORGIA TRANSPORTATION OF HAZARDOUS MATERIALS ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC SERVICE COMMISSION
Issues: ROUTING
Motor Vehicle
PHYSICAL PROTECTION
Escorts
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations
FEES
Transport Permit Fees

Summary

The Georgia Transportation of Hazardous Materials Act prohibits any person from transporting radioactive materials in the State unless such materials are packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with rules and regulations promulgated by the State Public Service Commission pursuant to this Act and consistent with Federal law. See Ga. Code Ann. secs. 46-11 et seq. (Harrison 1988). It provides that compliance with such rules and regulations shall be in addition to, and supplemental of, regulations of the DOT and NRC.

Transportation of radioactive materials is prohibited without issuance of a permit by the Commission. The Commission may charge a permit fee. The Commission may require changes in proposed dates, times, routes, detention, holding, or storage of such materials during transportation as necessary to maximize protection of the public health, safety, welfare, and environment. The Act exempts radioactive materials transportation under the direction or

Transportation Legislative Database

supervision of NRC where such transportation is escorted by NRC-designated personnel. See sec. 46-11-4. In the event of a transportation accident resulting in damage to State property or hazardous materials releases, the State is authorized to recover the cost of repair of State property or in abating such releases from the shipper, carrier or other responsible party.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0009.

Transportation Legislative Database

Item Number: ST-0024
Action Type: STATUTE
Source: STATE
State: Georgia
Citation: Ga. Code Ann. secs. 31-13-1 et seq. (Harrison 1988)
Title: GEORGIA RADIATION CONTROL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF NATURAL RESOURCES
DEPARTMENT OF HUMAN RESOURCES
Issues: INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Georgia Radiation Control Act authorizes the Department of Human Resources to adopt regulations to provide for licensing or registration regarding the transportation of radioactive material. See Ga. Code Ann. secs. 31-13-1 et seq. (Harrison 1988).

A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. Licensees may be required to post a bond in order to cover accidental expenses. See sec. 31-13-6. Federal agencies do not appear subject to the Act. See sec. 31-13-3 ("person" defined).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0008.

Transportation Legislative Database

Item Number: ST-0205
Action Type: STATUTE
Source: STATE
State: Georgia
Citation: Ga. Code Ann. sec. 32-6-28 (1988)
Title: GEORGIA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Georgia overweight motor vehicle permit law authorizes the Department of Transportation (Department) or designated department, in their discretion, upon application and good cause shown, to issue permits to operate overweight vehicles with indivisible loads over the State's public roads. See Ga. Code Ann. sec. 32-6-28 (1988). Implementing regulations are authorized. The Georgia gross vehicle weight limit is 80,000 pounds. See sec. 32-6-26. Vehicles with annual overweight permits cannot generally exceed 100,000 pounds.

No permit can be issued to any vehicles whose operation upon the public roads would unduly damage a road. Overweight permits may contain seasonal or other time limits for operation or otherwise limit or prescribe conditions of operation when necessary to assure against undue damage to road structures. Some form of security to compensate the State for any road or bridge damage may be required. Permits may be single trip permits or annual permits. Permit fees are prescribed. Some form of bond or insurance is required for an annual permit. See sec. 32-6-28.

Comments:

Transportation Legislative Database

Item Number: AR-0008
Action Type: REGULATION
Source: STATE
State: Georgia
Citation: Ga. Admin. Code ch. 290-5-23
Title: RULES AND REGULATIONS FOR RADIOACTIVE MATERIALS
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF HUMAN SERVICES
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Chapter 290-5-23 of the Georgia Administrative Code (May 1987) contains regulations regarding radioactive materials licensing and prescribes radiation protection standards promulgated pursuant to Ga. Code Ann. secs. 13-13-1 et seq. (See TLDB entry ST-0024). These regulations prohibit the possession of any source of ionizing radiation except as authorized in the general or specific license. The regulations contain a general exemption for DOE contractors performing work at Government-owned sites, including transporting sources of radiation to or from such sites. See sec. 290-5-23-.01(3).

The regulations provide that a general license is automatically granted to any common or contract carriers to transport nuclear material in the regular course of their carriage for another provided the transportation is in accordance with applicable DOT regulations regarding packaging, placarding, and incident reporting. See sec. 290-5-23-.06(7). Common or contract carriers subject to DOT or U.S. Postal Service regulations are exempt to the extent they transport radioactive materials in the regular course of their carriage for another. See sec. 290-56-23-.06(5). These regulations require State nuclear materials possession licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will

Transportation Legislative Database

pass and the Department at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. See sec. 290-5-23-.06(17).

Comments:

IMPLEMENTS GEORGIA RADIATION CONTROL ACT (TLDB ENTRY ST-0024).

Transportation Legislative Database

Item Number: AR-0009
Action Type: REGULATION
Source: STATE
State: Georgia
Citation: Ga. Public Service Commission Regulation ch. 1-15-1 (Unofficial)
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC SERVICE COMMISSION
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
SHIPMENT NOTIFICATION
 Prenotification
EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
SHIPMENT RESTRICTIONS
PERMITS
 Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
 Adoption of Federal Regulations
FEES
 Transport Permit Fees

Summary

The Georgia Public Service Commission has promulgated hazardous materials transportation regulations in chapter 1-15-1 of the Commission's transportation rules and regulations (1985 version) pursuant to the Georgia Transportation of Hazardous Materials Act (Ga. Code Ann. secs. 46-11 et seq., see TLDB entry ST-0023). Regulation 1-15-1.02 requires a permit for shipment of radioactive materials unless exempted by DOT. Rule 1-15-1.03 requires all hazardous materials to be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with 49 CFR. Compliance with Federal and applicable State laws and regulations is further required. The permitted vehicle is not to be operated over any public road in the State other than those designated by the carrier. Travel restrictions through the City of Atlanta must be observed. Public liability and property damage insurance must be maintained during the permit term in at least the minimum amount required by DOT for hazardous materials motor carriers.

Transportation Legislative Database

In the event of an incident involving nuclear materials, the State is authorized to recover from any shipper, carrier, or any other responsible person the cost incurred by the State for prevention, abatement, and mitigation expenses. Rule 1-15-1.04 requires prior notification, including the starting and destination point and preferred route, prior to transport in the State. An annual permit application must be made to the Commission in writing. The application must include, among other things, an emergency contact point; an estimate of the number of trips, types, and quantities of material to be transported; general information on the origin, destination, and routes preferred; and history of the actual movements for the preceding months. See Rule 1-15-1.05. An annual permit fee is \$100.00, and a single permit fee is \$25.00. 3

Comments:

IMPLEMENTS GEORGIA TRANSPORTATION OF HAZARDOUS MATERIALS ACT (TLDB ENTRY ST-0023).

Transportation Legislative Database

Item Number: AR-0087
Action Type: REGULATION
Source: STATE
State: Georgia
Citation: Ga. Admin. Code sec. 36-6-28
Title: GEORGIA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Georgia overweight motor vehicle permit law are contained in Georgia Department of Transportation regulations. See Ga. Admin. Code sec. 36-6-28 (revised October 1986). Significantly, in addition to the permit law terms, these regulations (1) provide that permits are only available for indivisible loads, and (2) that seasonal or other time limits can be imposed.

Comments:

Transportation Legislative Database

Item Number: ST-0029
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code secs. 39-3029 et seq. (Supp. 1988)
Title: PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION
MANAGEMENT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: INTERSTATE COMMITTEE
Issues: ROUTING
EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

This statute establishes a committee comprised of representatives from each party State to facilitate cooperation between the States on emergency response and to coordinate activities by the States to eliminate unnecessary duplication of regulations regarding the transportation and handling of radioactive materials shipments. See Idaho Code secs. 39-3029 et seq. (Supp. 1988). Party States include Idaho, Oregon, and Washington. The model standards must not conflict with Federal law or regulation and would require a carrier to provide, among other things, the mode, route, and schedule of transportation; proof of compliance with Federal, State, and local radioactive materials transportation rules and regulations; and proof of compliance with Federal and State liability insurance requirements. Consistent with pertinent Federal law or regulations, the party States would also agree to develop model uniform procedures for issuing permits to carriers, record keeping, safety standards, routing, emergency planning, placarding, and State inspection.

Comments:

Transportation Legislative Database

Item Number: ST-0031
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code secs. 61-801 et seq. (Supp. 1988)
Title: IDAHO MOTOR CARRIER ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC UTILITIES COMMISSION
Issues: INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Carrier Permit
REGULATIONS
FEES

Summary

The Idaho Motor Carrier Act requires motor carriers to obtain a permit to operate motor vehicles in Idaho without regard to vehicle usage. See Idaho Code secs. 61-801 et seq. (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0032
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code secs. 49-2504 et seq. (Supp. 1988)
Title: IDAHO HAZARDOUS MATERIALS/HAZARDOUS WASTE TRANSPORTATION
ENFORCEMENT ACT
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: TRANSPORTATION DEPARTMENT
Issues: INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Carrier Permit
FEES
Carrier Permit Fees

Summary

Pursuant to the Idaho Hazardous Materials/Hazardous Waste Transportation Enforcement Act, a vehicle registration endorsement is required from the Idaho Transportation Department for carriers transporting hazardous (including nuclear) material on any highway in the State. See Idaho Code secs. 49-2504 et seq. (Supp. 1988). An annual or single-trip registration endorsement is obtainable. These requirement do not apply to vehicles owned by a Federal governmental department or agency. The registration endorsement fee is \$5. A transporter granted a transport registration endorsement is required to have and maintain financial responsibility for accidental occurrences in an amount equal to the Federal requirements specified in Title 49 CFR. See sec. 49-2506. Every person who operates a vehicle transporting hazardous waste on any highway in Idaho must first obtain an annual or single-trip permit from the Idaho Transportation Department. See sec. 49-2504. An annual permit costs \$250 and a single-trip permit costs \$20.

Comments:

Transportation Legislative Database

Item Number: ST-0033
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code secs. 39-3001 et seq. (Supp. 1988)
Title: IDAHO RADIATION AND NUCLEAR MATERIALS CONTROL ACT (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: BOARD OF HEALTH AND WELFARE
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

This Act requires State registration and licensing for the possession and transportation of sources of radiation. See Idaho Code secs. 39-3001 et seq. (Supp. 1988). A license is not required of the U.S. Atomic Energy Commission or any successor thereto (see sec. 39-3003), nor do these provisions in their entirety apply to radioactive material being transported in conformity with applicable Federal regulations (see sec. 39-3016). The Act authorizes entry into a Federal-State regulatory transfer agreement with regard to the assumption of State regulatory authority under this Act (see sec. 39-3009). Licensing and regulatory compliance inspections are authorized except in areas under exclusive Federal jurisdiction (see sec. 39-3007).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0011.

Transportation Legislative Database

Item Number: ST-0149
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code secs. 46-1002 et seq. (Supp. 1988)
Title: IDAHO DISASTER PREPAREDNESS ACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: BUREAU OF DISASTER SERVICES
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

The Idaho Disaster Preparedness Act establishes the Idaho Bureau of Disaster Services and authorizes the creation of local disaster preparedness organizations to assist in the implementation of State programs for disaster prevention, preparedness, response, and recovery; and to cooperate with the Federal government and other State governments on emergency response matters. See Idaho Code secs. 46-1002 et seq. (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0171
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code sec. 39-3020 (Supp. 1988)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Idaho is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This compact may or may not extend to nuclear transportation incidents. See Idaho Code sec. 39-3020 (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0246
Action Type: STATUTE
Source: STATE
State: Idaho
Citation: Idaho Code sec. 49-1004 (Supp. 1988)
Title: IDAHO OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Idaho overweight motor vehicle permit law authorizes the State Department of Transportation (Department) or other proper authority with jurisdiction over a particular highway, in their discretion, to issue special permits to operate overweight motor vehicles on public highways and bridges. See Idaho Code sec. 49-1004 (Supp. 1988). The gross vehicle weight limit in Idaho is 80,000 pounds. See sec. 49-1001. Special permits may limit the time of use and operation over the particular highways and bridges involved and may contain any special conditions and require any form of security necessary to protect the highways and bridges from injury or to provide indemnity for any damage to highways, bridges, or persons or property resulting from overweight operation.

Comments:

Transportation Legislative Database

Item Number: AR-0011
Action Type: REGULATION
Source: STATE
State: Idaho
Citation: Idaho Admin. Code tit. 1, ch. 9
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF HEALTH AND WELFARE
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
TRANSPORTATION OPERATIONS
REGULATIONS
MATERIALS LICENSING

Summary

Title 1, chapter 9 of the Idaho Administrative Code contains the Idaho radiation control regulations (revised December 1987). These regulations were promulgated by the Department of Health and Welfare pursuant to Idaho Code secs. 39-30005 and 39-30006 (see TLDB entry ST-0033). The regulations do not apply to persons subject to NRC regulation. See sec. 1.9001.

These regulations prohibit the possession of any source of ionizing radiation and transportation of radioactive material except as authorized in a specific or general license. See secs. 1.9000 and 1.9501. Section 1.9000 exempts DOE contractors performing work at Government-owned sites, including transporting sources of radiation to or from such sites. See sec. 1.9006.02(a). Similarly, common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt from the regulations to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 1.9501.03. These regulations require licensee compliance with DOT regulations and establishment of instructions for opening packages. See sec. 1.9501.02.

The regulations provide that a general license is automatically granted to any private carrier to transport radioactive material in the regular course of their carriage for another provided the transportation is in accordance with applicable and appropriate DOT regulations regarding the loading or storage or packaging, placarding of the transporting vehicle, and incident reporting. See sec. 1.9501.03. Persons who transport radioactive material

Transportation Legislative Database

pursuant to a general license in Idaho are exempt from the radiation source licensing and other radiation control regulations in sections 1.9000 and 1.9450 and sections 1.9501 and 1.9503 to the extent they transport radioactive material. See sec. 1.9501.3. These regulations require State nuclear materials possession licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will pass and the Department at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact.

Comments:

IMPLEMENTS IDAHO RADITION AND NUCLEAR MATERIALS CONTROL ACT (TLDB ENTRY ST-0033).

Transportation Legislative Database

Item Number: PL-0050
Action Type: PENDING LEGISLATION
Source: STATE
State: Idaho
Citation: Idaho House Bill 266
Title: RADIOACTIVE MATERIALS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF LAW ENFORCEMENT
Issues: ROUTING
 Motor Vehicle
 Rail
 Barge
 Regulations
 Designation Criteria
SHIPMENT NOTIFICATION
 Regulations - Requirements
 Prenotification
EMERGENCY RESPONSE
 Responsibilities and Capabilities
PHYSICAL PROTECTION
 Regulations - Requirements
 Escorts
DRIVER - OPERATOR TRAINING
 Regulations - Requirements
 Qualifications
 Training
INSPECTION AND ENFORCEMENT
 Responsibilities and Capabilities
INSURANCE - LIABILITY
 Insurance Requirements and Limitations
 Liability Requirements and Limitations
CASK DESIGN AND TESTING
 Licensing
SHIPMENT RESTRICTIONS
 Specific
PERMITS
 Transport Permit
REGULATIONS
 Other

Summary

Transportation Legislative Database

This bill, introduced in February 1989, proposes to enact a new radioactive materials transportation law. This law would require receipt of a permit to transport radioactive materials in Idaho. The Department of Law Enforcement (Department) is also authorized to adopt regulations (1) implementing the permit requirement, establishing requirements for shipment prenotification, record-keeping, reporting, packaging, and emergency response; (2) designating preferred highway, railway, waterway, and air routes; (3) specifying conditions of transportation for certain classes of radioactive material, including routes, time-of-day restrictions, communication requirements, speed limits, police escorts, operator training, or other operational requirements to enhance public health and safety; (4) requiring insurance; and (5) providing for notification of carrier safety violations. This bill would require permittees to indemnify the State for any claims against the State arising from the release of radioactive material during transportation. Department regulations must provide that a carrier need not obtain a permit if the carrier possesses a permit issued by a neighboring State which is in substantial conformance with the permit requirements of this proposed law and the carrier complies with the law's indemnification requirements. This bill would further require vehicles transporting radioactive material to submit to a comprehensive safety inspection upon either entering the State on in-transit.

Comments:

Transportation Legislative Database

Item Number: OT-0019

Action Type: OTHER

Source: STATE

State: Idaho

Citation: Letter from Cecil D. Andrus, Idaho Governor, to John S. Herrington, Secretary of Energy, dated October 19, 1988

Title: POLICY BAN ON INCOMING NUCLEAR WASTE SHIPMENTS TO IDAHO NATIONAL ENGINEERING LABORATORY (UNOFFICIAL)

Transport
Mode: ALL

Regulatory
Authority:

Issues: SHIPMENT RESTRICTIONS
General

Summary

In an October 19, 1988 letter to DOE, the Governor of Idaho, citing delays in the opening of the DOE Waste Isolation Pilot Project which is to receive nuclear waste presently stored at INEL, indicated that Idaho would no longer accept nuclear waste shipments from any source outside of Idaho for storage at INEL. Certain DOE nuclear waste shipments were subsequently barred under this policy.

This policy was modified on February 23, 1989 to permit DOE to transport two rail cars per month to the INEL facility for a period not to exceed six months.

Comments:

TRANSPORTATION POLICY LETTER

Transportation Legislative Database

Item Number: OT-0023
Action Type: OTHER
Source: STATE
State: Idaho
Citation: Id. Department of Transportation Overweight Motor Vehicle Permit
Manual (Unofficial)
Title: IDAHO OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Idaho overweight motor vehicle permit law are contained in an Idaho Transportation Department overweight vehicle permit manual (dated August 4, 1988). Significantly, in addition to the permit law terms, the manual (1) requires evidence of insurance or a bond for loads which create extraordinary hazard to the traveling public or the highway system, (2) provide that permits are only available for indivisible loads, and (3) impose date, time-of-day, speed, and weather restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0034
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. ch. 95-1/2, sec. 700-1 et seq. (Smith-Hurd 1989)
Title: ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations

Summary

The Illinois Hazardous Materials Transportation Act authorizes the Illinois Department of Transportation to promulgate any regulations necessary to protect State citizens against risk to life and property inherent in highway transportation of hazardous materials. See Ill. Ann. Stat. ch. 95-1/2, sec. 700-1 et seq. (Smith-Hurd 1989). The Act includes adoption by reference of all or any portion of the Federal motor carrier safety regulations (49 CFR Parts 300-398) and DOT hazardous materials transportation regulations (49 CFR Parts 170-177). Commercial transportation of hazardous materials not in compliance with the Act or implementing regulations is prohibited. See sec. 700-5. The Department is authorized to exempt any person who transports any hazardous material if such exemption is identical to an exemption issued by DOT under Section 107 of the Hazardous Materials Transportation Act of 1975 (HMTA). See sec. 700-6.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0013.

Transportation Legislative Database

Item Number: ST-0035
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. ch. 127, secs. 1252 et seq. (Smith-Hurd 1989)
Title: ILLINOIS HAZARDOUS MATERIALS LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: EMERGENCY SERVICES AND DISASTER AGENCY
DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS ADVISORY BOARD
Issues: EMERGENCY RESPONSE
INCIDENT NOTIFICATION
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

Illinois hazardous materials legislation requires the Illinois Department of Transportation to adopt Federal hazardous materials transportation placarding regulations. See Ill. Ann. Stat. ch. 127, secs. 1252 et seq. (Smith-Hurd 1989).

This Act further provides for a uniform response system to hazardous materials emergencies through the establishment of a Hazardous Materials Advisory Board composed of various State agencies, departments, and units of local government. The Board is to design a program and develop a statewide plan providing for a coordinating system among State and local entities for response to hazardous materials accidents. See sec. 1254. The Emergency Services and Disaster Agency is further authorized to promulgate regulations requiring telephone and written notification of incidents or accidents involving hazardous materials. See sec. 1257.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0013.

Transportation Legislative Database

Item Number: ST-0036
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. ch. 111-1/2, sec. 4304(7) (Smith-Hurd 1989)
Title: ILLINOIS NUCLEAR SAFETY PREPAREDNESS ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF NUCLEAR SAFETY
Issues: FEES
Other

Summary

The Illinois Nuclear Safety Preparedness Act imposes a \$1,000 fee per cask for shipments of spent fuel in the State to be paid by the owner of such shipments. See Ill. Ann. Stat. ch. 111-1/2, sec. 4304(7) (Smith-Hurd 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0037
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. ch. 111-1/2, secs. 211 et seq. (Smith-Hurd 1989)
Title: ILLINOIS RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF NUCLEAR SAFETY
Issues: INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Illinois Radiation Protection Act authorizes the Department of Nuclear Safety to enforce rules pertaining to labeling, handling, packaging, transferring, and transporting radiation sources. See Ill. Ann. Stat. ch. 111-1/2, secs. 211 et seq. (Smith-Hurd 1989). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. The Act exempts NRC-licensed Federal agencies. See sec. 213.5.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0012.

Transportation Legislative Database

Item Number: ST-0155
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. ch. 127, secs. 1127 et seq. (Smith-Hurd 1989)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Illinois is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Ill. Ann. Stat. ch. 127, secs. 1127 et seq. (Smith-Hurd 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0184
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. ch. 95 1/2, secs. 18c-1101 et seq. (Smith-Hurd 1989)
Title: ILLINOIS COMMERCIAL TRANSPORTATION LAW
Transport Mode: RAIL
MOTOR VEHICLE
Regulatory Authority: COMMERCE COMMISSION
Issues: INSPECTION AND ENFORCEMENT
Regulations - Requirements
Responsibilities and Capabilities
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations

Summary

The Illinois Commercial Transportation Law authorizes the Illinois Commerce Commission to adopt by reference DOT hazardous materials transportation regulations relating to rail transport and Federal Railroad Administration hazardous materials regulations. See Ill. Ann. Statute ch. 95 1/2, sec. 18c-1101 et seq. The Commission is also authorized to promulgate State regulations governing the transportation of hazardous materials by rail where the risk created by such transportation is susceptible to control by regulation, such regulation would be more effective in controlling the risk than Federal regulation, and the regulations adopted are not inconsistent with Federal regulations. See sec. 18c-7404.

Comments:

Transportation Legislative Database

Item Number: ST-0207
Action Type: STATUTE
Source: STATE
State: Illinois
Citation: Ill. Ann. Stat. sec. 15-301 (Supp. 1989)
Title: ILLINOIS OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Illinois overweight motor vehicle permit law authorizes the Department of State Police (Department) or local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight vehicles with indivisible loads over highways under their respective jurisdictions. See Ill. Ann Stat. sec. 15-301 (Supp. 1989). Implementing regulations are authorized and may include liability requirements. The Illinois gross vehicle weight limit on interstate and State designated public highways is 80,000 pounds. See sec. 15-111.

Permit applications must state whether a permit is requested for a single trip or limited continuous operation, and describe and identify the vehicle, load, and route, including points of origin and destination. The Department or local permit authority may prescribe routes, require escorts, limit the number of trips, establish seasonal or other time limits, require some form of security to compensate for any road damage, and otherwise limit operations when necessary to assure against undue damage to road surfaces. Permit fees are prescribed. See sec. 15-301.

Comments:

Transportation Legislative Database

Item Number: AR-0012
Action Type: REGULATION
Source: STATE
State: Illinois
Citation: Ill. Admin. Code tit. 32, Pts. 200-620
Title: NUCLEAR SAFETY REGULATIONS
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF NUCLEAR SAFETY
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Illinois Department of Nuclear Safety has promulgated nuclear safety regulations in Ill. Adm. Code tit. 32, Pts. 200-620 (January 1987 version) pursuant to Ill. Rev. Stat. ch. 111 1/2, sec. 211 (see TLDB entry ST-0037) and other cited authorities. The regulations pertain, in part, to nuclear materials licensing (part 330), radiation source registration (part 320), and nuclear materials transportation (part 341). These regulations are inapplicable to NRC-regulated parties. See sec. 310.10.

As relevant to nuclear transportation, part 341 establishes requirements for packaging, preparation for shipment, and shipment of nuclear materials. Common or contract carriers subject to DOT or U.S. Postal Service regulations are exempt to the extent they transport nuclear material in the regular course of their carriage. See sec. 341.40. Part 341 otherwise requires receipt of a carrier license for nuclear materials transport. See sec. 341.30. A general license is specifically authorized to any Department licensee to transport nuclear material in an NRC-licensed package. See sec. 341.70.

Licensees who transport nuclear material or deliver nuclear material to carrier for transport outside the confines of a licensee's facility or other place of storage must provide advance notification to the Governor. See sec. 341.90. The advance notification must contain, among other things, a description of the nuclear waste contained in the shipment as required by 49 CFR sections 172.202 and 172.203, the point of origin and the 7-day period

Transportation Legislative Database

during which departure of the shipment is estimated, the 7-day period during which arrival of the shipment is estimated, shipment destination, and a point of contact. The notification must be in writing postmarked at least 7 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur. See sec. 341.190(c).

Comments:

IMPLEMENTS ILLINOIS RADIATION PROTECTION ACT (TLDB ENTRY ST-0037).

Transportation Legislative Database

Item Number: AR-0013
Action Type: REGULATION
Source: STATE
State: Illinois
Citation: Ill. Admin. Code tit. 92, ch. I, pts. 107, 171, 172, 173, 177, 178, 179, and 397
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION, DIVISION OF TRAFFIC SAFETY
Issues: INSPECTION AND ENFORCEMENT REGULATIONS
Adoption of Federal Regulations

Summary

The Illinois Department of Transportation has promulgated regulations (October 1986 edition) codified in title 92 of the Illinois Administrative Code concerning hazardous materials transportation pursuant to Illinois Rev. Stat. ch. 95 1/2, secs. 700-4(a) and 700-9(a) (see TLDB entry ST-0034). In relevant part, the regulations adopt DOT hazardous materials transportation regulations in 49 CFR Parts 171, 172, 173 and 177 with certain specified exceptions. See Ill. Admin. Code tit. 92, ch. I, pts. 171, 172, 173, and 177.

Comments:

IMPLEMENTS ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT (SEE TLDB ENTRY ST-0034)

Transportation Legislative Database

Item Number: AR-0075
Action Type: REGULATION
Source: STATE
State: Illinois
Citation: Ill. Admin. Code tit. 92, sec. 1605.10
Title: HAZARDOUS MATERIALS REGULATIONS REGARDING RAIL CARRIERS
(UNOFFICIAL)
Transport
Mode: RAIL
Regulatory
Authority: COMMERCE COMMISSION
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The Illinois Commerce Commission has adopted by reference DOT hazardous materials transportation regulations for rail carriers in 49 CFR Parts 171-174 and 178-179 with specified minor exceptions. See 92 Ill. Admin. Code sec. 1605.10 (effective October 1987).

Comments:

Transportation Legislative Database

Item Number: AR-0088
Action Type: REGULATION
Source: STATE
State: Illinois
Citation: Ill. Admin. Code tit. 92 Part 554
Title: ILLINOIS OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Illinois overweight motor vehicle permit law are contained in Illinois Department of Transportation regulations. See Ill. Admin. Code tit. 92, Part 554. Significantly, in addition to the permit law terms, these regulations (1) provide that movement cannot be made within congested areas (2) impose date and time-of-day restrictions, (3) require use of designated routes, (4) require escorts, and (5) specifically authorize permits for radioactive materials shipments which conform to applicable safety regulations. It is recommended that radioactive materials shipments avoid congested areas over critical highways or during rush hour periods. It is noted that Federal regulations may require routing around certain urban areas.

Comments:

Transportation Legislative Database

Item Number: PL-0051
Action Type: PENDING LEGISLATION
Source: STATE
State: Illinois
Citation: Ill. House Bill 2278 and Senate Bill 1171
Title: ILLINOIS HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENT
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: EMERGENCY SERVICES AND DISASTER AGENCY
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
PERMITS
Transport Permit
REGULATIONS
FEES
Transport Permit Fees

Summary

These identical bills, introduced in April 1989, propose to amend the Illinois Hazardous Materials Transportation Act in several respects. First, the bills would transfer regulatory authority from the State Department of Transportation to the State Emergency Services and Disaster Agency. Second, the bills would extend the law's applicability to transport by rail. Third, the bills would require hazardous materials transporters to obtain a license to transport hazardous materials over any highway in the State. Permit regulations and a license application fee are authorized. Fourth, hazardous materials transporters would be required to give prior shipment notice to the Department. Fifth, hazardous materials transporters by highway can only use routes designated by the Department. Sixth, the bills would require the Department to develop standards for training hazardous materials transportation personnel and prohibit persons from transporting such material who have not completed a training program certified by the Department.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: PL-0069
Action Type: PENDING LEGISLATION
Source: STATE
State: Illinois
Citation: Illinois House Bill 2310
Title: ILLINOIS NUCLEAR FACILITY SAFETY ACT
Transport
Mode: ALL
Regulatory
Authority: STATE DEPARTMENT OF NUCLEAR SAFETY
Issues: EMERGENCY RESPONSE
Financial Support
INSPECTION AND ENFORCEMENT

Summary

This bill, introduced in April 1989, proposes to amend the Illinois Nuclear Safety Preparedness Act (Ill. Ann. Stat. ch. 111-1/2, sec. 4301) and other State laws through enactment of a new Illinois Nuclear Facility Safety Act. The Nuclear Safety Preparedness Act requires the establishment of a State nuclear facilities emergency response plan and program financed by nuclear facilities owners in the State. This now includes a \$1,000 per cask fee truck shipments and \$2,000 fee for rail shipments of spent fuel traversing the State to be paid by the owner of such shipments. The proposed bill would impose this same fee on owners of high-level radioactive waste shipments as well as spent fuel shipments in the State. This bill also requires the Illinois Department of Nuclear Safety to develop a plan for inspecting and escorting all spent fuel and high-level waste shipments in Illinois.

Comments:

Transportation Legislative Database

Item Number: ST-0039
Action Type: STATUTE
Source: STATE
State: Indiana
Citation: Ind. Code Ann. secs. 8-2-7-1 et seq. (West 1988)
Title: INDIANA MOTOR CARRIER ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC SERVICE COMMISSION
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSPECTION AND ENFORCEMENT
SHIPMENT RESTRICTIONS
Specific
REGULATIONS
Adoption of Federal Regulations
FEES

Summary

The Indiana Motor Carrier Act provides, among other things, for the adoption of certain specified provisions of the Federal motor carrier safety regulations in 49 CFR Parts 387, 390-393, and 395-398 and transportation safety regulations in 49 CFR Parts 171-173 and 177-178. See Ind. Code Ann. secs. 8-2-7-1 et seq. (West 1988). The Act further authorizes the Public Service Commission to designate public highway routes and times over which motor carriers may operate so as to prevent traffic congestion. See sec. 8-2-7-38.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0065.

Transportation Legislative Database

Item Number: ST-0040
Action Type: STATUTE
Source: STATE
State: Indiana
Citation: Ind. Code Ann. secs. 13-1-2-1 et seq. (West 1988)
Title: INDIANA RADIATION CONTROL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE BOARD OF HEALTH
RADIATION CONTROL ADVISORY COMMITTEE
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Indiana Radiation Control Act authorizes the State Board of Health to promulgate regulations regarding the licensing of radioactive materials. See Ind. Code Ann. secs. 13-1-2-1 et seq. (West 1988). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. It does not appear that provisions of the Act apply to Federal agencies. See sec. 13-1-2-3(L) ("person" defined). Licensed persons must register in writing with the State Board. See sec. 13-1-2-9. A license fee of \$200 is required. See sec. 13-1-2-10. The State Board is also required to adopt regulations concerning radioactive materials transportation to be in general conformance with performance standards promulgated by appropriate Federal agencies. See sec. 13-1-2-11.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0072.

Transportation Legislative Database

Item Number: ST-0156
Action Type: STATUTE
Source: STATE
State: Indiana
Citation: Ind. Code Ann. secs. 10-4-2-1 et seq. (West 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Indiana is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Ind. Code Ann. secs. 10-4-2-1 et seq. (West 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0208
Action Type: STATUTE
Source: STATE
State: Indiana
Citation: Ind. Code Ann. sec. 9-8-1-16 (Supp. 1988)
Title: INDIANA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Indiana overweight motor vehicle permit law authorizes the State Highway Commission (Commission) or local authority, upon application and good cause shown, in their discretion, to issue permits for overweight vehicles when it will not seriously affect other traffic or seriously damage the highway or bridge. See Ind. Code Ann. sec. 9-8-1-16 (Supp. 1988). The Indiana gross vehicle weight limit on public highways in the State is 80,000 pounds. See sec. 9-8-1-12.

Permits may be issued for a single trip or for a definitive period of time not exceeding 30 days. Annual permits may be issued to any commercial motor vehicle for pulling a combination unit which meets the Indiana toll road commission's size and weight standards. The annual permit cannot be issued for distances greater than 15 miles to and from the toll road and is valid only when used in conjunction with toll road travel. Annual permits may designate routes and contain any other restrictions or conditions deemed necessary by the permit authority for the proper protection of traffic, highway, or bridge. Some form of bond or other security must be furnished. Permit fees are prescribed. See sec. 9-1-1-16.

Comments:

Transportation Legislative Database

Item Number: AR-0065
Action Type: REGULATION
Source: STATE
State: Indiana
Citation: Ind. Admin. Code tit. 170, secs. 1-1-1 et seq.
Title: MOTOR CARRIER REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: UTILITY REGULATORY COMMISSION
Issues: INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Requirements and Limitations
REGULATIONS
Adoption of Federal Regulations
Other

Summary

The Indiana Utility Regulatory Commission has promulgated motor carrier regulations which, among other things, adopt DOT motor carrier safety regulations (exclusive of 49 CFR Part 394 regarding incident reporting) and contain public liability and property damage insurance requirements at no less than Federal limits in 49 CFR Part 387. See Ind. Admin. Code tit. 170, secs. 1-1-1 et seq. at sec. 2-1-2 and 2-1-12.

Comments:

IMPLEMENTS INDIANA MOTOR CARRIER ACT (TLDB ENTRY ST-0039).

Transportation Legislative Database

Item Number: AR-0072
Action Type: REGULATION
Source: STATE
State: Indiana
Citation: Ind. Admin. Code tit. 410, sec. 5
Title: INDIANA RADIOLOGICAL HEALTH REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: BOARD OF HEALTH
Issues: SHIPMENT NOTIFICATION
Prenotification
INCIDENT NOTIFICATION
Regulations - Requirements
Responsibility
TRANSPORTATION OPERATIONS
Material Preparation
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Indiana Board of Health has promulgated regulations regarding radioactive materials licensing and radiation protection standards. See 410 Ind. Admin. Code sec. 5 (1988 edition). The materials licensing regulations are effective upon entry into an NRC-State regulatory transfer agreement over low-level nuclear materials. See sec. 5-3-2. DOT contractors performing work at Government owned or controlled sites, including transporting sources of radiation to or from such sites are exempt. See sec. 5-1-3.

The regulations prohibit any person from delivering radioactive material to a carrier for transport or the transport of radioactive material except as authorized in a general or specific license. See sec. 5-3-25. The regulations provide that a general license is automatically granted to any common or contract carrier to transport radioactive material in the regular course of their carriage for another provided the transportation is in accordance with applicable DOT regulations regarding loading and storage of packages, vehicle placarding, and incident reporting. See sec. 5-3-25.2. Incident reports are to be filed with the Department. See sec. 5-3-25.2. Common or contract carriers subject to DOT or U.S. Postal Service regulations are exempt to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 5-3-25.1. Licensees are required to provide notification in writing of the transportation of nuclear

Transportation Legislative Database

waste outside the confines of their facilities to the Governor or his designee of each State through which the waste will be transported at least 7 days in advance (by mail) or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, shipper, carrier and recipient name, point of origin and departure, estimated schedule, destination, and point of contact. See sec. 5-3-25.4.

Comments:

IMPLEMENTS STATUTE SUMMARIZED IN TLDB ENTRY ST-0040.

Transportation Legislative Database

Item Number: OT-0024
Action Type: OTHER
Source: STATE
State: Indiana
Citation: Ind. Overweight Motor Vehicle Permit Handbook (Unofficial)
Title: INDIANA OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF HIGHWAYS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Indiana overweight motor vehicle permit law are contained in the Indiana Department of Highways overweight vehicle permit handbook (dated 1988). Significantly, in addition to the permit law terms, the handbook (1) implies time-of-day, date, and weather restrictions, (2) requires the use of designated routes, (3) requires a certificate of responsibility, and (4) requires a certificate of insurance.

Comments:

Transportation Legislative Database

Item Number: ST-0025
Action Type: STATUTE
Source: STATE
State: Iowa
Citation: Iowa Code secs. 321.449-321.450 (Supp. 1989)
Title: MOTOR CARRIER SAFETY LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations

Summary

Iowa Code sec. 321.449 prohibits the operation of commercial vehicles on State highways except in compliance with State regulations consistent with the Federal motor carrier safety regulations in 49 CFR Parts 390-399. Code section 321.450 prohibits the transportation of hazardous material except in compliance with State regulations consistent with the Federal hazardous materials regulations in 49 CFR Parts 170, 171-173, 177, and 178.

Comments:

Transportation Legislative Database

Item Number: ST-0026
Action Type: STATUTE
Source: STATE
State: Iowa
Citation: Iowa Code secs. 455B.331-455B.340 (Supp. 1989)
Title: IOWA RADIOACTIVE WASTE MANAGEMENT LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF NATURAL RESOURCES
Issues: EMERGENCY RESPONSE
PERMITS
Transport Permit
REGULATIONS

Summary

An Iowa Radioactive Waste Management law requires the Department of Natural Resources to promulgate regulations for the transportation of radioactive materials. See Iowa Code secs. 455B.331-455B.340 (Supp. 1989). NRC methods of regulation are to be considered. See sec. 455B.333. Transport permits may be issued. See sec. 455B.335. The Department director is authorized to issue an emergency order if an emergency requiring immediate action exists. See sec. 455B.337.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0010.

Transportation Legislative Database

Item Number: ST-0027
Action Type: STATUTE
Source: STATE
State: Iowa
Citation: Iowa Code sec. 321.266 (Supp. 1989)
Title: IOWA TRANSPORTATION LAW (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: LAW ENFORCEMENT OFFICIALS
Issues: INCIDENT NOTIFICATION

Summary

An Iowa transportation statute requires any carrier transporting hazardous materials to immediately notify the police radio broadcast system or police when an accident occurs involving hazardous material transportation. See Iowa Code sec. 321.266 (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0028
Action Type: STATUTE
Source: STATE
State: Iowa
Citation: Iowa Code secs. 307.26 - 307.27 (Supp. 1989)
Title: DEPARTMENT OF TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: RAIL
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

The Iowa Department of Transportation statute requires the administrator of the railroad transportation division to develop and maintain a Federal-State relationship of programs relating to railroad safety enforcement, track standards, rail equipment, operating rules, and transportation of hazardous materials. See Iowa Code sec. 307.26 (Supp. 1989). The Department is authorized to conduct regulatory compliance inspections to implement Iowa's motor carrier safety law (see TLDB entry ST-0025). See sec. 307.27.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0066.

Transportation Legislative Database

Item Number: ST-0157
Action Type: STATUTE
Source: STATE
State: Iowa
Citation: Iowa Code secs. 29C.21 et seq. (Supp. 1989)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Iowa is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Iowa Code secs. 29C.21 et seq. (Supp. 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0206
Action Type: STATUTE
Source: STATE
State: Iowa
Citation: Iowa Code Ann. sec. 321E.1 et seq. (Supp. 1989)
Title: IOWA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Iowa overweight motor vehicle permit law authorizes the Department of Transportation (Department) and local authorities, in their discretion, upon application and good cause shown, to issue permits to operate overweight vehicles with indivisible loads on public highways under their respective jurisdictions. See Iowa Code Ann. sec. 321E.1 et seq. (Supp. 1989). The Iowa gross vehicle weight limit is 80,000 pounds. See sec. 321.463.

Permits may be single trip permits or annual permits. The Department or local permit authority must deny the permit application if it determines that movement of the overweight vehicle will be unduly hazardous to public safety or cause undue damage to streets or other property. Permits issued by local authorities must designate the days when and routes upon which loads must be move within the county on other than primary roads. See sec. 321E.1. Permit fees are prescribed. See sec. 321E.14. Vehicles with single trip permits must be accompanied by an escort. See sec. 321E.9.

Comments:

Transportation Legislative Database

Item Number: AR-0010
Action Type: REGULATION
Source: STATE
State: Iowa
Citation: Iowa Environmental Protection Commission Nuclear Materials
Transportation Rules (Category 567) (Unofficial)
Title: NUCLEAR TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
DEPARTMENT OF NATURAL
RESOURCES, ENVIRONMENTAL PROTECTION COMMISSION
Issues: SHIPMENT NOTIFICATION
Prenotification
REGULATIONS

Summary

The Iowa Environmental Protection Commission has promulgated a rule (Category 567), pursuant to Iowa Code secs. 455B.332 and 455B.333 (see TLDB entry ST-0026), which includes a provision (effective December 1986) requiring advance notification of nuclear materials shipments in accordance with the rules of the Iowa Department of Transportation. See Rule 567-132.1. It is noted therein that the Iowa Department of Transportation has not yet adopted such rules.

Comments:

IMPLEMENTS IOWA RADIOACTIVE WASTE MANAGEMENT LAW (TLDB ENTRY ST-0026).

Transportation Legislative Database

Item Number: AR-0066
Action Type: REGULATION
Source: STATE
State: Iowa
Citation: Iowa Admin. Code chs. 800-830
Title: RAILROAD SAFETY REGULATIONS (UNOFFICIAL)
Transport Mode: RAIL
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Regulations - Requirements
INFRASTRUCTURE IMPROVEMENTS
Rail Conditions
REGULATIONS
Adoption of Federal Regulations
Other

Summary

The Iowa Department of Transportation has promulgated regulations regarding railroad accident and incident reports, track standards, track inspection, and railroad highway grade crossings. See Iowa Admin. Code chs. 800-830 (June 1987 version). The regulations adopt Federal Railroad Administration reporting requirements (see ch. 802) and track safety standards (see ch. 810).

Comments:

IMPLEMENTS DEPARTMENT OF TRANSPORTATION LAW (TLDB ENTRY ST-0028).

Transportation Legislative Database

Item Number: ST-0041
Action Type: STATUTE
Source: STATE
State: Kansas
Citation: Kan. Stat. Ann. sec. 8-1746 (Supp. 1988)
Title: KANSAS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: SECRETARY OF TRANSPORTATION
Issues: TRANSPORTATION OPERATIONS
REGULATIONS

Summary

Pursuant to Kansas statute, the Secretary of Transportation is authorized to adopt rules and regulations for the safe transportation of hazardous materials, including marking and placarding. See Kan. Stat. Ann. sec. 8-1746 (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0042
Action Type: STATUTE
Source: STATE
State: Kansas
Citation: Kan. Stat. Ann. sec. 48-901 (Supp. 1988)
Title: EMERGENCY PLANNING LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DIVISION OF EMERGENCY PREPAREDNESS
Issues: EMERGENCY RESPONSE

Summary

A Kansas disaster emergency preparedness statute creates the Division of Emergency Preparedness responsible for developing a State disaster emergency plan and to perform a principal response role in handling natural or manmade (not specifically nuclear) disasters. See Kan. Stat. Ann. sec. 48-901 (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0158
Action Type: STATUTE
Source: STATE
State: Kansas
Citation: Kan. Stat. Ann. secs. 48-3201 et seq. (Supp. 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Kansas is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Kan. Stat. Ann. secs. 48-3201 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0209

Action Type: STATUTE

Source: STATE

State: Kansas

Citation: Kan. Stat. Ann. sec. 8-1911 (Supp. 1988)

Title: KANSAS OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)

Transport
Mode: MOTOR VEHICLE

Regulatory
Authority:

Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Kansas overweight motor vehicle permit law authorizes the Department of Transportation (Department) and local authorities, in their discretion, for good cause shown, to issue special permits to operate overweight vehicles on public highways under their respective jurisdictions. See Kan. Stat. Ann. sec. 8-1911 (Supp. 1988). The Kansas gross vehicle weight limit on interstate highways is 80,000 pounds. The limit on non-interstate highways is 85,500 pounds. See sec. 8-1909.

Permit applications must specifically describe the vehicle, load, and highway for which the permit is requested, whether the permit is for a single trip or continuous operation, include the prescribed fee, and any other information requested by the Department. The Department or local permit authority may limit the number of trips, establish seasonal or other time limits within which the vehicles may be operated, prescribe any limits or conditions of operation necessary to assure against undue road damage, and require such security as may be deemed necessary to compensate for any road damage. See sec. 8-1911.

Comments:

Transportation Legislative Database

Item Number: AR-0014
Action Type: REGULATION
Source: STATE
State: Kansas
Citation: Kan. State Corp. Comm., Transp. Div.,
Regs. 82-4-1 to 82-4-86
Title: MOTOR CARRIER REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE CORPORATION COMMISSION, TRANSPORTATION DIVISION
Issues: DRIVER - OPERATOR TRAINING
Qualifications
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Requirements and Limitations
INCIDENT NOTIFICATION
REGULATIONS
Adoption of Federal Regulations

Summary

The Transportation Division of the Kansas State Corporation Commission has adopted motor carrier regulations. See regulations 82-4-1 to 82-4-86 (effective May 1987). In relevant part, these regulations incorporate by reference Federal motor carrier safety regulations regarding driver qualifications, accident notification and driving and parking rules. See regulation 82-4-3. These regulations also prescribe minimum driver requirements (regulation 82-4-6a) and public motor carrier insurance requirements (regulation 82-4-22). The regulations further incorporate by reference DOT hazardous materials transportation regulations in 49 CFR Parts 170-178 (regulation 82-4-23).

Comments:

Transportation Legislative Database

Item Number: AR-0089
Action Type: REGULATION
Source: STATE
State: Kansas
Citation: Kan. Admin. Reg. sec. 36-1-1A
Title: KANSAS OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Kansas overweight motor vehicle permit law are contained in Kansas Department of Transportation regulations. See Kan. Admin. Reg. sec. 36-1-1A (July 1, 1987, edition). Significantly, in addition to the permit law terms, these regulations (1) provide that overweight permits are only available for indivisible loads, (2) impose date and time-of-day restrictions, and (3) provide for special requirements for loads over 120,000 pounds.

Comments:

Transportation Legislative Database

Item Number: PL-0052
Action Type: PENDING LEGISLATION
Source: STATE
State: Kansas
Citation: Kansas House Bill 224
Title: RADIOACTIVE WASTE TRANSPORTATION PRENOTIFICATION LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: ADJUTANT GENERAL
Issues: SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification

Summary

This bill, introduced in February 1989, proposes to enact a law requiring prenotification to the Adjutant General of shipments of radioactive waste in the State. The bill would require that the notice contain the shipment date, schedule, route, and waste classification.

Comments:

Transportation Legislative Database

Item Number: ST-0043
Action Type: STATUTE
Source: STATE
State: Kentucky
Citation: Ky. Rev. Stat. Ann. secs. 174.400 et seq. (Supp. 1988)
Title: KENTUCKY DEPARTMENT OF TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF TRANSPORTATION
Issues: EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Timing
PERMITS
Carrier Permit
REGULATIONS
Adoption of Federal Regulations
FEES
Carrier Permit Fees

Summary

A Kentucky Department of Transportation statute prohibits the transportation of radioactive materials within the State without a carrier permit or certificate issued by the Department, unless such provision is found inconsistent with the HMTA. See Ky. Rev. Stat. Ann. secs. 174.400 et seq. (Supp. 1988). The Department is authorized to set reasonable fees for the same. The permit must be renewed annually and requires, among other things, a description of the carrier's emergency response procedures. See sec. 174.415. In addition to the permit, carriers are required to possess shipping papers required by DOT regulation and a State manifest form. In the event of an accident, the vehicle operator must notify the State Police within 1 hour. See sec. 174.420. The Department is further required to adopt DOT transportation regulations in 49 CFR. See sec. 174.410. Routine transportation checks and inspections for compliance on site and in transit are authorized. See sec. 174.410.

Comments:

Transportation Legislative Database

Item Number: ST-0044
Action Type: STATUTE
Source: STATE
State: Kentucky
Citation: Ky. Rev. Stat. Ann. secs. 211.840 et seq. (Supp. 1988)
Title: KENTUCKY RADIATION CONTROL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CABINET FOR HUMAN RESOURCES
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Kentucky Radiation Control Act authorizes the Cabinet for Human Resources to promulgate regulations for the licensing and registration of radiation sources and to establish a reasonable fee schedule for the same. See Ky. Rev. Stat. Ann. secs. 211.840 et seq. (Supp. 1988). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. Compliance inspections are further permitted.

Comments:

Transportation Legislative Database

Item Number: ST-0159
Action Type: STATUTE
Source: STATE
State: Kentucky
Citation: Ky. Rev. Stat. Ann. secs. 39.450 et seq. (Supp. 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Kentucky is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Ky. Rev. Stat. Ann. secs. 39.450 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0210
Action Type: STATUTE
Source: STATE
State: Kentucky
Citation: Ky. Rev. Stat. Ann. sec. 189.270 (Supp. 1988)
Title: KENTUCKY OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Kentucky overweight motor vehicle permit law authorizes the Motor Vehicle Bureau (Bureau), in its discretion, to issue permits to operate overweight motor vehicles on public highways. See Ky. Rev. Stat. Ann. sec. 189.270 (Supp. 1988). The Kentucky gross vehicle weight limit is 80,000 pounds. See sec. 189.221.

The Bureau must consider the following factors and any other circumstances existing in a particular case: (1) the existence of a vital and exceptional economic necessity therefor, (2) the existence of a real necessity of transportation by public roads, or (3) that the permit is in the best interests of the State. The Department may impose permit conditions including: use of additional axles, routes, date, time of day, and speed limits, the provision of a bond, escorts, and such other conditions as the Department deems necessary and proper. An annual permit is obtainable. Permit fees are prescribed. See sec. 189.270.

Comments:

Transportation Legislative Database

Item Number: AR-0084
Action Type: REGULATION
Source: STATE
State: Kentucky
Citation: 601 Ky. Admin. Reg. 1:025
Title: KENTUCKY HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS
(UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: TRANSPORTATION CABINET
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The Kentucky Transportation Cabinet has adopted DOT hazardous materials transportation regulations. See Ky. Admin. Regs. 1:025.

Comments:

Transportation Legislative Database

Item Number: AR-0090
Action Type: REGULATION
Source: STATE
State: Kentucky
Citation: 603 Ky. Admin. Reg. 5:075
Title: KENTUCKY OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: TRANSPORTATION CABINET
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Kentucky overweight motor vehicle permit law are contained in Kentucky Transportation Cabinet regulations. See 603 Ky. Admin. Regs. 5:075. Significantly, in addition to the permit law terms, these regulations (1) provide that permits are limited to designated highways and periods of time, and (2) date and time-of-day restrictions apply.

Comments:

Transportation Legislative Database

Item Number: ST-0045
Action Type: STATUTE
Source: STATE
State: Louisiana
Citation: La. Rev. Stat. Ann. secs. 32:1501 et seq. (West 1989)
Title: HAZARDOUS MATERIALS TRANSPORTATION AND MOTOR CARRIER SAFETY LAW
(UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
REGULATIONS

Summary

Louisiana Revised Statutes Annotated secs. 32:1501 et seq. (West 1989) concern hazardous materials transportation. Section 32:1503 imposes minimum carrier liability insurance coverage requirements and requirements for carrier placarding. Section 32:1509 requires the maintenance, and availability for inspection, of shipping documents identifying the shipping name, classification, and weight or volume of the material. Section 32:1516 authorizes the Department of Public Safety to promulgate hazardous materials driver qualification requirements. Section 32:1510(a) requires each person involved in an incident or accident during the transportation of hazardous materials to immediately report such matter by telephone to the Louisiana Transportation Department.

Comments:

Transportation Legislative Database

Item Number: ST-0046
Action Type: STATUTE
Source: STATE
State: Louisiana
Citation: La. Rev. Stat. Ann. secs. 30:1101 et seq. (West 1989)
Title: LOUISIANA NUCLEAR ENERGY AND RADIATION CONTROL LAW
Transport Mode: UNSPECIFIED
Regulatory Authority: SECRETARY OF ENVIRONMENTAL QUALITY
OFFICE OF AIR QUALITY AND NUCLEAR ENERGY
Issues: ROUTING
Motor Vehicle
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
SHIPMENT RESTRICTIONS
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Louisiana Nuclear Energy and Radiation Control Law permits the Secretary of Environmental Quality to promulgate radioactive materials transportation regulations regarding signs, packaging, marking, loading, handling, and routes. NRC-licensed Federal agencies are exempt from the Act. See La. Rev. Stat. Ann. secs. 30:1101 et seq. (West 1989). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 30:1109. This would include the conduct of State regulatory compliance inspections. See sec. 30:111. The regulations may not address the carrier vehicle or its equipment or the licensing of packages, nor may they apply to the transportation of radioactive materials within the confines of a Federally owned or licensed facility. Finally, the statute prohibits the transportation of high-level waste, including spent fuel for nuclear reactors, into the State for disposal or storage in Louisiana or elsewhere. See sec. 30:1111.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0015.

Transportation Legislative Database

Item Number: ST-0150
Action Type: STATUTE
Source: STATE
State: Louisiana
Citation: La. Rev. Stat. Ann. secs. 29:701 et seq. (West 1989)
Title: LOUISIANA DISASTER ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE AND EMERGENCY PREPAREDNESS DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities

Summary

The Louisiana Disaster Act establishes a State Department of Civil Defense and Emergency Preparedness and authorizes creation of local and interjurisdictional disaster agencies and services to prepare a State disaster plan, to cooperate with the Federal government and other State governments in emergency response matters, and to implement a State program for disaster prevention, preparation, response and recovery. See La. Rev. Stat. Ann. secs. 29:701 et seq. (West 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0160
Action Type: STATUTE
Source: STATE
State: Louisiana
Citation: La. Rev. Stat. Ann. secs. 29:715 et seq. (West 1989)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Louisiana is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See La. Rev. Stat. Ann. secs. 29:715 et seq. (West 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0211
Action Type: STATUTE
Source: STATE
State: Louisiana
Citation: La. Rev. Stat. sec. 32:387 (West 1989)
Title: LOUISIANA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Louisiana overweight motor vehicle permit law authorizes the Department of Transportation and Development (Department), in its discretion, to issue special permits to operate overweight vehicles with indivisible loads on public highways of the State. See La. Rev. Stat. sec. 32:387 (West 1989). Permit fees are prescribed. The Louisiana gross vehicle weight limit on interstate highways is 80,000 pounds. See sec. 32:386. The limit is 88,000 pounds on non-interstate State highways. See sec. 32:386.

The Department must consider the following factors, and any other circumstances of a particular case, in issuing a special permit: (1) the existence of a vital and exceptional economic necessity; (2) the existence of a real necessity to transport by public roads; or (3) the best interests of the State requires the permit. Authorized permit conditions include the use of additional axles; date, time of day, and speed limits; a bond to protect the State from liability and damage resulting from the use of the permit; escorts; and such other conditions as the Department deems necessary. Special permits may be single trip permits or annual permits. See sec. 32:387.

Comments:

Transportation Legislative Database

Item Number: AR-0015
Action Type: REGULATION
Source: STATE
State: Louisiana
Citation: La. Admin. Code tit. 32, secs. 101-2513
Title: RADIATION PROTECTION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL QUALITY
Issues: REGULATIONS
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Louisiana Department of Environmental Quality has promulgated radiation protection regulations pursuant to La. Rev. Stat. Ann. secs. 30:1051 et. seq. (see TLDB entry ST-0046). See La. Admin. Code, tit. 32, secs. 101-2513. These regulations pertain, among other things, to radioactive materials licensing, disposal, and transportation. DOE and NRC contractors performing work at Government-owned sites, including those transporting sources of radiation to or from a Government site, are exempt from the regulations. See regulation 103.

These regulations prohibit the transportation or delivery to a carrier for transportation of radioactive material except as authorized in a general or specific license. See sec. 1504. Common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt from these regulations to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 1505. These regulations require licensee compliance with DOT hazardous materials transportation regulations and establishment of instructions for opening packages. See sec. 1506.

The regulations provide that a general license is automatically granted to any common or contract carrier or private carrier to transport radioactive material in the regular course of their carriage for another provided that such transportation is in accordance with applicable and appropriate DOT regulations regarding the loading and storage of packages, placarding of the transporting vehicle, and incident reporting. Persons who transport radioactive material pursuant to a general license are exempt from the State's radiation protection regulations in Chapters 4 and 10 of these regulations. See sec. 1507. A general license is also automatically issued to any licensee to transport or deliver to a carrier for transport license

Transportation Legislative Database

material in an NRC certified package. See sec. 1508. The regulations require State licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States to which such shipments will pass at least 7 days in advance (by mail) or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. See sec. 1516. State materials licensees must further comply with DOT hazardous materials regulations regarding packaging, marking and labeling, placarding, shipping papers, accident reporting, and carrier safety. See sec. 1502.

Comments:

IMPLEMENTS LOUISIANA NUCLEAR ENERGY AND RADIATION CONTROL LAW (TLDB ENTRY ST-0046).

Transportation Legislative Database

Item Number: AR-0091
Action Type: REGULATION
Source: STATE
State: Louisiana
Citation: La. Department of Transportation and Development Overweight
Motor Vehicle Permit Regulations (Unofficial)
Title: LA. OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Louisiana overweight motor vehicle permit law are contained in Louisiana Department of Transportation and Development regulations (1987 edition). Significantly, in addition to the permit law terms, these regulations (1) provide that overweight permits are generally issuable only for indivisible loads, (2) that a property damage liability bond is required, (3) that overweight permits are available for gross vehicle weights up to 212,000 pounds, and (4) that certain date, time-of-day, and weather restrictions apply.

Comments:

Transportation Legislative Database

Item Number: ST-0051
Action Type: STATUTE
Source: STATE
State: Maine
Citation: Me. Rev. Stat. Ann. tit. 22, secs. 671 et seq. (Supp. 1988)
Title: MAINE RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HUMAN SERVICES
EMERGENCY MANAGEMENT AGENCY
DEPARTMENT OF PUBLIC SAFETY
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Consistency with Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Maine Radiation Protection Act authorizes the Department of Human Services to adopt rules providing for the licensing or registration and control of radiation sources with due regard for compatibility with Federal regulatory programs. See Me. Rev. Stat. Ann. tit. 22, secs. 671 et seq. (Supp. 1988). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. The Department is permitted to exempt certain users from the licensing or registration requirements upon finding that such exemption will not constitute a significant risk to the health and safety of the public. Rules promulgated by the Department may provide for the recognition of Federal licenses as deemed desirable. No person may transfer radioactive material within the State unless first obtaining a license for such activity from the NRC if so required. See sec. 677. The Act further designates the Maine Emergency Management Agency and Maine Department of Public Safety to serve as liaison with Federal agencies and coordinate State matters on nuclear emergencies and nuclear transportation, respectively.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0069.

Transportation Legislative Database

Item Number: ST-0053
Action Type: STATUTE
Source: STATE
State: Maine
Citation: Me. Rev. Stat. Ann. tit. 25, secs. 2101 et seq. (Supp. 1988)
Title: MAINE HAZARDOUS MATERIALS CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: COMMISSIONER OF PUBLIC SAFETY
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
REGULATIONS
Adoption of Federal Regulations

Summary

A Maine hazardous materials control statute authorizes the Commissioner of Public Safety to adopt DOT hazardous materials transportation regulations (49 CFR Parts 171-179) and DOT motor carrier safety regulations (49 CFR Parts 386 and 397) by reference. See Me. Rev. Stat. Ann. tit. 25, secs. 2101 et seq. (Supp. 1988). Federal agencies are not subject to this statute. See sec. 2102-A (definition "person"). In addition to the accident reporting requirements in 49 CFR Part 171, persons involved in a serious accident must also report the accident as provided in Me. Rev. Stat. Ann. tit. 38, secs. 1318-B. See sec. 2104-A.

Comments:

Transportation Legislative Database

Item Number: ST-0181
Action Type: STATUTE
Source: STATE
State: Maine
Citation: Me. Rev. Stat. Ann. tit. 38, secs. 1317 et seq. (Supp. 1988)
Title: MAINE HAZARDOUS MATTER CONTROL LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
INSURANCE - LIABILITY
Liability Requirements and Limitations
INCIDENT NOTIFICATION
Regulations - Requirements
Timing
Responsibility

Summary

A Maine hazardous matter control statute requires persons responsible for the discharge of hazardous matter to reimburse the State for all discharge recovery costs. See Me. Rev. Stat. Ann. tit. 38, sec. 1317 et seq. (Supp. 1988). It is not clear whether radioactive material qualifies as hazardous matter under this statute. The responsible party must report discharges immediately to the Department of Public Safety which must immediately notify the Department of Environmental Protection and public safety agency of the municipality in which the discharge occurs. See sec. 1318-B.

Specific discharge reporting regulations and procedures are authorized. See sec. 1319. The local public safety agency is responsible for coordinating the response to the spill. The Department of Public Safety is responsible for exercising this authority in those areas of the State without a local public safety agency. The Department of Environmental Protection is responsible for implementing and, with the cooperation of the appropriate local public safety agency, directing that part of the response to a hazardous matter discharge which involves removal. The discharge reporting provisions of this law are cited in Me. Rev. Stat. Ann. tit. 25, secs. 2101 et seq. (see TLDB entry ST-0053).

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: ST-0214
Action Type: STATUTE
Source: STATE
State: Maine
Citation: Me. Rev. Stat. Ann. tit. 29 sec. 1703 (Supp. 1988)
Title: MAINE OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Maine overweight motor vehicle permit law authorizes the Department of Transportation (Department) and municipal authorities to issue emergency permits to operate overweight motor vehicles on highways or bridges under their respective jurisdictions. See Me. Rev. Stat. Ann. tit. 29 sec 1703 (Supp. 1988). The Maine gross vehicle weight limit on interstate or State highways or bridges is 80,000 pounds. See sec. 1652.

Overweight permits are limited as to the particular objects that can be transported and the particular highways and bridges to be used. Permits may contain any special conditions deemed necessary. Escorts vehicles may be required. A permit fee is prescribed.

Comments:

Transportation Legislative Database

Item Number: AR-0069
Action Type: REGULATION
Source: STATE
State: Maine
Citation: 10-144A Code of Me. Reg. Part 220
Title: DEPARTMENT OF HUMAN SERVICES RADIATION PROTECTION REGULATIONS
(UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF HEALTH SERVICES
Issues: SHIPMENT NOTIFICATION
Prenotification
CASK DESIGN AND TESTING
Design Requirements and Alternatives
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Maine Department of Human Resources has promulgated regulations regarding the licensing of certain classes and quantities of radioactive material and radiation protection standards under an NRC-State regulatory transfer agreement. See 10-144A Code of Maine regs. Part 220 (Jan. 1988 version). The regulations also establish requirements for packaging, preparation for shipment, and transportation of radioactive material by State materials licensees. See sec. 12. These regulations prohibit the transportation of radioactive material except as authorized in a specific or general license. See sec. 12.C. Section 1.C exempts DOE contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites. Similarly, common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt from the regulations to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 12.D.

The regulations provide that a general license is automatically granted to any non-exempt common or carrier to transport radioactive material in the regular course of their carriage for another provided the transportation is in accordance with applicable and appropriate DOT regulations regarding the loading or storage of packages, placarding of the transporting vehicle, and

Transportation Legislative Database

incident reporting. See sec. 12.F. Persons who transport radioactive material pursuant to a general license in Maine are exempt from the Department's materials licensing and radiation control regulations. Each licensee who transports licensed material outside the confines of his place of use or who delivers licensed material to a carrier for transport must comply with applicable and appropriate DOT regulations and assure that any special package opening instructions are made available to the consignee. See sec. 12.E. A general license is also automatically issued to any licensee to transport, or deliver to a carrier for transport, licensed material in an NRC certified package. See sec. 12.G.

The regulations further require State materials licensees to provide notification in writing of the transportation of large quantities of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will pass and to the Department at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. See sec. 12.S.

Comments:

IMPLEMENTS MAINE RADIATION PROTECTION ACT (TLDB ENTRY ST-0051).

Transportation Legislative Database

Item Number: AR-0076
Action Type: REGULATION
Source: STATE
State: Maine
Citation: Dept. of Public Safety Regulation 6
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
BUREAU OF STATE POLICE
Issues: ROUTING
Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
CASK DESIGN AND TESTING
Design Requirements and Alternatives
TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
REGULATIONS
Adoption of Federal Regulations
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Maine Department of Public Safety, Bureau of State Police, has adopted the DOT hazardous materials transportation regulations in 49 CFR Parts 17, 171-174 and 177-179 and DOT motor carrier safety regulations in 49 CFR Parts 387 and 397. See Department of Public Safety Regulation 6 (effective July 1984).

Comments:

IMPLEMENTS MAINE RADIATION PROTECTION ACT (SEE TLDB ENTRY ST-0051).

Transportation Legislative Database

Item Number: AR-0092
Action Type: REGULATION
Source: STATE
State: Maine
Citation: Me. Department of Transportation Overweight Motor Vehicle Permit
Regulations (Unofficial)
Title: MAINE OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Maine overweight motor vehicle permit law are contained in Maine Department of Transportation regulations (effective August 1 988). See regulations 1-5. Significantly, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, and (2) provide that permits may stipulate routes, times, and other conditions of movement.

Comments:

Transportation Legislative Database

Item Number: ST-0048
Action Type: STATUTE
Source: STATE
State: Maryland
Citation: Md. Transp. Code Ann. sec. 21-1411 (1988 Supp.)
Title: MARYLAND TRANSPORTATION LAW (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: MARYLAND TRANSPORTATION AUTHORITY
Issues: SHIPMENT RESTRICTIONS
REGULATIONS

Summary

Maryland statute prohibits the transportation of radioactive materials across any vehicular crossing or highway over which the Maryland Transportation Authority has jurisdiction, except as permitted by Authority regulations and Federal law. See Md. Transp. Code Ann. sec. 21-1411 (1988 Supp.).

Comments:

Transportation Legislative Database

Item Number: ST-0049
Action Type: STATUTE
Source: STATE
State: Maryland
Citation: Md. Health-Envtl. Code Ann. secs. 8-101 et seq. (1988 Supp.)
Title: MARYLAND RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE RADIATION CONTROL BOARD
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Maryland radiation control statute authorizes the State Radiation Control Board to promulgate regulations for radiation control in conformance with NRC regulations. See Md. Health-Envtl. Code Ann. secs. 8-101 et seq. (1988 Supp.). Regulatory compliance inspections (sec. 8-104) and emergency orders (sec. 8-105) are authorized. The Board is authorized to exempt certain radiation sources, uses, or users if considered safe. Sec. 8-301. NRC-State regulatory transfer agreements are authorized. See sec. 8-108.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0017.

Transportation Legislative Database

Item Number: ST-0148
Action Type: STATUTE
Source: STATE
State: Maryland
Citation: 1988 Md. Laws, chs. 762 and 763
Title: AN ACT CONCERNING REIMBURSEMENT FOR COSTS OF EMERGENCY RESPONSE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: LOCAL FIRE DEPARTMENTS
Issues: EMERGENCY RESPONSE
Planning and Training
Financial Support

Summary

This 1988 law revised secs. 3-1101 to 3-1106 of the Maryland Courts and Judicial Proceedings Code to require hazardous (including radioactive) materials transportation carriers to reimburse local fire departments for transportation emergency response expenses.

Comments:

Transportation Legislative Database

Item Number: ST-0161
Action Type: STATUTE
Source: STATE
State: Maryland
Citation: Md. Ann. Code art. 41, secs. 17-101 et seq. (1988 Replacement)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Maryland is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Md. Ann. Code art. 41, secs. 71-101 et seq. (1988 Replacement).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0213
Action Type: STATUTE
Source: STATE
State: Maryland
Citation: Md. Transp. Code Ann. secs. 24-112 to 24-119 (Supp. 1988)
Title: MARYLAND OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Maryland overweight motor vehicle permit law authorizes the State Highway Administration (Administration) and local authorities to issue permits to operate overweight motor vehicles on highways in the State under their respective jurisdictions. See Md. Transp. Code Ann. secs. 24-112 to 24-119 (Supp. 1988). The Maryland gross vehicle weight limit on interstate highways and State highways designed by the Administration and U.S. DOT in Maryland is 80,000 pounds. See sec. 24-109.

The Administration and State Police are jointly authorized to formulate implementing regulations and establish a schedule of permit fees. See sec. 24-113. Each overweight permit must specify the maximum weight permitted, route to be followed, and date and hour in which the trip is to be made. See sec. 24-112.

Comments:

Transportation Legislative Database

Item Number: AR-0017
Action Type: REGULATION
Source: STATE
State: Maryland
Citation: Md. Reg. Code sec. 10.14.02.01
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Md. Reg. Code sec. 10.14.02.01 contains radiation control requirements (1986) promulgated pursuant to title 8, Md. Code Ann. (see TLDB entry ST-0049). This regulation prescribes materials licensing and registration requirements and radiation protection standards. This regulation prohibits the possession of any source of ionizing radiation, except as authorized in a specific or general license. Section A.3 exempts DOE contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites. The regulation provides that a general license is automatically granted to any common or contract carriers to transport radioactive material in the regular course of their carriage for another, provided the transportation is in accordance with applicable DOT regulations regarding packaging, placarding, and incident reporting. See sec. C.102. Common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt to the extent that they transport radioactive material in the regular course of their carriage for another. See sec. C.101. These regulations require licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will pass at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact. See

Transportation Legislative Database

sec. C.104.

Comments:

IMPLEMENTS MARYLAND RADIATION CONTROL LAW (TLDB ENTRY ST-0049).

Transportation Legislative Database

Item Number: AR-0078
Action Type: REGULATION
Source: STATE
State: Maryland
Citation: Md. Reg. Code sec. 11.07.01.01
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: MARYLAND TRANSPORTATION AUTHORITY
TRANSPORTATION FACILITIES PROJECT SUPERINTENDENTS
Issues: SHIPMENT RESTRICTIONS
General
Specific
Other
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The Maryland Transportation Authority (Authority) has promulgated regulations pursuant to the Maryland Transportation Law (Md. Ann. Code sec. 21-1411) regarding the transportation of hazardous materials. See Md. Reg. Code sec. 11.07.01.01. These regulations adopt the DOT hazardous materials transportation and motor carrier safety regulations in 49 CFR Parts 170-189 and 897 and NRC transportation regulations in 10 CFR Part 73 as well as any additional Federal regulations affecting hazardous materials transportation by motor carriers on highways. Radioactive materials are further prohibited from entering any tunnel unless specifically authorized. Vehicles transporting radioactive material are also prohibited from entering any transportation facilities project bridge or highway (identified in the regulations) without prior permission from the superintendent of the individual facility. Persons desiring to transport radioactive material through a transportation facilities project tunnel may apply for a temporary permit from the Authority. Permits may be granted at the discretion of the Authority subject to the following conditions: the requestor submits written evidence that the proposed cargo poses a minimal risk, the permit must be of no more than 3 months' duration, the permit is revokable by the Authority if necessary to safeguard its employees, the public, or the transportation facilities project, and the recipient will abide by Authority regulations.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: AR-0083
Action Type: REGULATION
Source: STATE
State: Maryland
Citation: Md. Department of Transportation Trucking Handbook (Unofficial)
Title: MARYLAND HAZARDOUS MATERIALS TRANSPORTATION AND MOTOR CARRIER
SAFETY REGULATIONS (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The Maryland Department of Transportation regulations invoke the DOT hazardous materials transportation regulations in 49 CFR Part 171-179 and DOT motor safety carrier regulations in 49 CFR Part 390-398. See Md. Dept. of Trans. trucking handbook, dated Summer, 1988.

Comments:

Transportation Legislative Database

Item Number: AR-0093
Action Type: REGULATION
Source: STATE
State: Maryland
Citation: Md. Regs. Code tit. 11, subtitle 4, ch. 1
Title: MARYLAND OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Maryland overweight motor vehicle permit law are contained in Maryland Department of Transportation regulations. See Md. Regs. Code tit. 11, subtitle 4, chapter 1 (May 1988 version). Significantly, in addition to the permit law terms, these regulations (1) provide that a permit may not be issued if it would constitute an unreasonable hazard to other highway traffic or be unreasonably detrimental to highway surfaces, (2) provide that escorts may be required, and (3) impose date and time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0047
Action Type: STATUTE
Source: STATE
State: Massachusetts
Citation: Mass. Gen. Laws Ann. ch. 111, sec. 5B (West 1989)
Title: MASSACHUSETTS PUBLIC HEALTH LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF PUBLIC HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING

Summary

A Massachusetts public health statute directs the Department of Public Health to establish regulations controlling radiation hazards associated with the transportation of radioactive materials and authorizes the Department to require registration of radiation sources. See Mass. Gen. Laws Ann. ch. 111, sec. 5B (West 1989).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0016.

Transportation Legislative Database

Item Number: ST-0212
Action Type: STATUTE
Source: STATE
State: Massachusetts
Citation: Mass. Ann. Laws ch. 85 sec. 30A (Supp. 1989)
Title: MASSACHUSETTS OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Massachusetts overweight permit law authorizes the Department of Public Works (Department) to issue permits to operate overweight motor vehicles on public highways. See Mass. Ann. Laws ch. 85 sec. 30A (Supp. 1989). The Massachusetts gross vehicle weight limit is 80,000 pounds. See ch. 90 sec. 19A. There is a 94,500 pound overweight permit weight limit. Indivisible loads may exceed this.

Permit applications must include the following information: (1) the make, model, and year of the motor vehicle; (2) vehicle gross weight rating; (3) the name and business address of the motor vehicle owner; (4) the name and address of the motor vehicle insurer; (5) the maximum weight sought to be permitted; and (6) the period of time for which the permit is requested not to exceed one year. No permit application can be granted if the vehicle weight in the application exceeds the motor vehicle registered weight or the manufacturers gross vehicle weight rating. A permit may contain such conditions and limitations as the Department shall prescribe. Permit fees are authorized. See sec. 3.A.

Comments:

Transportation Legislative Database

Item Number: AR-0016
Action Type: REGULATION
Source: STATE
State: Massachusetts
Citation: Mass. Dept. of Health Radiation Control Regs. (Unofficial)
Title: RADIATION CONTROL REGULATIONS
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Consistency with Federal Regulations
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Massachusetts Department of Public Health has promulgated regulations (effective October 1981) pursuant to Massachusetts General Laws ch. 111, sec. 5B regarding control of radiation hazards and machines that emit ionizing radiation (see TLDB entry ST-0047). See secs. 105-120.00. The regulations require registration for facilities emitting ionizing radiation. See sec. 120.00. Facilities containing only sources of ionizing radiation are exempt. See sec. 120.101. Radioactive materials that emit ionizing radiation while in transit in conformance with Federal regulations or storage incident thereto are exempt. See sec. 120.105.

Comments:

IMPLEMENTS MASS. PUBLIC HEALTH LAW (TLDB ENTRY ST-0047).

Transportation Legislative Database

Item Number: PL-0025
Action Type: PENDING LEGISLATION
Source: STATE
State: Massachusetts
Citation: Mass. Senate Bill 1765
Title: AN ACT TO CONTROL THE TRANSPORTATION OF HAZARDOUS MATERIALS IN
MASSACHUSETTS
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: SECRETARY OF PUBLIC SAFETY
CIVIL DEFENSE AGENCY
STATE POLICE
FIRE FIGHTING ACADEMY
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations

Summary

This bill, introduced in 1988, proposes to regulate transportation of hazardous materials through a coordinated effort of several Massachusetts departments and agencies. The bill authorizes the Secretary of Public Safety to oversee the enforcement of hazardous materials transportation and motor carrier safety regulations. The Civil Defense Agency would serve as lead agency coordinating the response to hazardous materials incidents. A commercial motor vehicles enforcement section would be established within the State Police. Hazardous material includes any substance or material which poses an unreasonable health or safety risk as determined by the U.S. Department of Transportation. The bill requires commercial motor vehicles to conform to the Federal motor carrier safety regulations as previously adopted by State regulation. The bill would further require the Massachusetts Fire Fighting Academy to establish training programs for fire fighters responding to hazardous materials incidents.

Comments:

Transportation Legislative Database

Item Number: PL-0026

Action Type: PENDING LEGISLATION

Source: STATE

State: Massachusetts

Citation: Mass. Senate Bill 996 (Proposed Amdt. Mass. Gen. Laws Ch. 19)

Title: AN ACT REQUIRING PRENOTIFICATION FOR THE TRANSPORT OF CERTAIN
SHIPMENTS OF RADIOACTIVE MATERIALS

Transport
Mode: MOTOR VEHICLE

Regulatory
Authority: DEPARTMENT OF PUBLIC HEALTH
STATE POLICE

Issues: ROUTING
Motor Vehicle
SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
Methods
Timing
Responsibility

Summary

This bill, introduced in 1988, proposes to amend Chapter 90 of the General Laws to a new section 19H which would require motor carriers transporting a highway route controlled quantity of radioactive materials defined by DOT regulations to provide written notification of such shipment to the Department of Public Health at least 72 hours prior to shipment. The bill requires the notice to include information identifying the shipper, the carrier and the radioactive material carried. The notice must also specify the date, time, destination and route of shipment. The carrier must also file with the Department a certificate of compliance with applicable Federal and State packaging and transportation and bonding and financial responsibility requirements. The bill would further require motor carriers involved in any incident or accident resulting in the release of radioactive materials to immediately notify the Department, the State Police and any other public entities that have regulatory responsibility for radiological safety.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: PL-0070
Action Type: PENDING LEGISLATION
Source: STATE
State: Massachusetts
Citation: Massachusetts Senate Bill 1183
Title: PROPOSED AMENDMENT TO CH. 90 OF GENERAL LAWS OF MASSACHUSETTS
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC HEALTH
Issues: SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
INCIDENT NOTIFICATION
Regulations - Requirements

Summary

This bill, introduced in January 1989, proposes to amend chapter 90 of the General Laws of Massachusetts prohibiting the transportation of highway-route controlled quantity radioactive material without prior written notification to the Department of Public Health at least 72 hours prior to such transportation and a Department determination that such prenotification satisfies the information requirements of the proposed statutory change. The required prenotification must include the following information: carrier name and address, date of issuance of any required permits, description of material involved, shipment schedule, destination, route, certificate of compliance with applicable Federal and State packaging, transportation and financial responsibility requirements. Highway-route- controlled quantity radioactive materials carrier must also immediately notify the Department in the event of a transportation incident as required by authorized regulation.

Comments:

Transportation Legislative Database

Item Number: PL-0071
Action Type: PENDING LEGISLATION
Source: STATE
State: Massachusetts
Citation: Massachusetts Senate Bills 1168 and 1210
Title: PROPOSED AMENDMENT TO CH. 6A OF GENERAL LAWS OF MASSACHUSETTS
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: SECRETARY OF PUBLIC SAFETY
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

These identical bills, introduced in January 1989, propose to amend chapter 6A of the General Laws of Massachusetts to confer responsibility on the Secretary of Public Safety to assist in enforcement of the DOT hazardous materials safety regulations and motor carrier safety regulations in 49 CFR Parts 171-179 and 49 CFR Parts 390-397, respectively, which are required to be adopted as State regulations in this same bill.

Comments:

Transportation Legislative Database

Item Number: PL-0072
Action Type: PENDING LEGISLATION
Source: STATE
State: Massachusetts
Citation: Massachusetts House Bill 5133
Title: PROPOSED AMENDMENT TO CH. 85 OF GENERAL LAWS OF MASSACHUSETTS
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: SHIPMENT RESTRICTIONS
Other

Summary

This bill, introduced in January 1989, proposes to amend chapter 85 of the General Laws of Massachusetts to require the Department of Public Safety to restrict the user of limited access and express State highways for vehicles determined to be carrying unsafe materials.

Comments:

Transportation Legislative Database

Item Number: OT-0025
Action Type: OTHER
Source: STATE
State: Massachusetts
Citation: Mass. Department of Public Works Standard Operating Procedure
HMD-75-06-1-000
Title: MASSACHUSETTS OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF PUBLIC WORKS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Massachusetts overweight motor vehicle permit law are contained in Massachusetts Department of Public Works standard operating procedure HMD-75-06-1-000. Significantly, in addition to the permit law terms, this procedure specifically authorizes overweight permits for indivisible spent fuel shipments in accordance with DOT hazardous materials transportation regulations.

Comments:

Transportation Legislative Database

Item Number: ST-0054
Action Type: STATUTE
Source: STATE
State: Michigan
Citation: Mich. Comp. Laws Ann. secs. 333.13501 et seq. (West 1989)
Title: MICHIGAN RADIATION CONTROL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF PUBLIC HEALTH
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
REGULATIONS
MATERIALS LICENSING
FEES

Summary

The Michigan Radiation Control Act prohibits a person from transporting radioactive material unless licensed, registered, or exempted by related regulations of the Department of Public Health. See Mich. Comp. Laws Ann. secs. 333.13501 et seq. (West 1989). The term "person" excludes governmental entities. The transport of radioactive material under the jurisdiction of, and in conformity with, NRC or DOT regulations is exempted. See sec. 333.13506(c). Department licensing regulations may consider recognition of other Federal or State licenses. Department licensing regulations must also establish a license fee schedule. A person possessing a Federal nuclear materials license is deemed to possess an identical license as required for State purposes. See sec. 333.13522.

The Act authorizes the promulgation of additional radiation protection regulations by the Department, including the establishment of requirements for record keeping, permissible levels of exposure, accident notification, personnel qualifications, and transportation of hazardous sources. See sec. 333.13521. This provision, coupled with provisions in the enabling legislation for the Department (see, for example, secs. 333.2226 and 333.2233) provided the authority for the Department's radioactive materials transportation regulations R325.5801 et seq., which include transport approval and incident reporting requirements (effective July 1982) summarized in TLDB entry AR-0049.

Comments:

Transportation Legislative Database

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0058.

Transportation Legislative Database

Item Number: ST-0055
Action Type: STATUTE
Source: STATE
State: Michigan
Citation: Mich. Comp. Laws Ann. secs. 29.1 et seq. (West 1989)
Title: FIRE PREVENTION CODE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE FIRE MARSHALL OR POLICE
STATE FIRE SAFETY BOARD
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
REGULATIONS

Summary

The Michigan Fire Prevention Code authorizes the State Fire Safety Board to promulgate regulations for the transportation and handling of hazardous materials. See Mich. Comp. Laws Ann. secs. 29.1 et seq. at sec. 29.3c (West 1989). This provision provided the authority for the promulgation of radioactive materials transportation regulations R29.551 et seq. (effective July 1982), including transport approval and incident reporting requirements, summarized in TLDB entry AR-0049. This statute further authorizes the State Fire Marshall or Police to conduct a safety equipment inspection on each vehicle engaged in the transportation of hazardous materials.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0049.

Transportation Legislative Database

Item Number: ST-0162
Action Type: STATUTE
Source: STATE
State: Michigan
Citation: Mich. Comp. Laws Ann. secs. 30.261 et seq. (West 1989)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Michigan is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Mich. Comp. Laws Ann. secs. 30.261 et seq. (West 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0234
Action Type: STATUTE
Source: STATE
State: Michigan
Citation: Mich. Comp. Laws Ann. sec. 257.725 (West 1989)
Title: MICHIGAN OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Michigan overweight motor vehicle permit law authorizes the State Transportation Department and county road commissions and local authorities, in their discretion, upon application and good cause shown to issue special permits to operate overweight motor vehicles on public highways under their respective jurisdictions. See Mich. Comp. Laws Ann. sec. 257.725 (West 1989). The Michigan gross motor weight limit is 80,000 pounds. See sec. 257.722. There is no special permit vehicle weight limit.

Special permit applications must be on a prescribed form which specifically describes the vehicle, load and highway involved. Permits may be single trip permits or annual permits. Permits must specify the trip or trips and date or dates for which they are valid and may contain restrictions when necessary to protect the safety of the public or to ensure against undue damage to road structures. An inspection fee and some form of security may be required as necessary to compensate for any damages caused by vehicle movement. See sec. 251.725

Comments:

Transportation Legislative Database

Item Number: AR-0049
Action Type: REGULATION
Source: STATE
State: Michigan
Citation: Mich. Div. of Radiological Health Regs. R325.5801 et seq.;
Mich. Fire Safety Board Regs. R29.551 et seq.
Title: RADIOACTIVE MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF PUBLIC HEALTH, DIVISION OF RADIOLOGICAL HEALTH
DEPARTMENT OF STATE POLICE, STATE FIRE SAFETY BOARD
Issues: ROUTING
Motor Vehicle
Rail
Barge
Regulations
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities
Financial Support
INSPECTION AND ENFORCEMENT
Regulations - Requirements
INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility
SHIPMENT RESTRICTIONS
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The Michigan Department of Public Health, Division of Radiological Health has promulgated radioactive materials transportation regulations (effective July 1982) pursuant to sections 16.109, 333.2226, 333.22233, and 333.13501 of the Michigan Compiled Laws (see TLDB entry ST-0054). These regulations prohibit radioactive materials transportation in the State without prior approval from the Department. See Rule R325.5805.

Transportation Legislative Database

Rule R325.5803 requires that an application for transport approval be submitted to the Department of Public Health through the Operations Division of the Department of State Police not less than 15 days before the date of the proposed shipment. The application must identify the proposed routes, with the following specified: each road or rail to be used, each major bridge to be traversed, and each waterway to be traversed, including the designation of alternative routes and the reasons for the selection of the proposed route.

The application must also contain emergency telephone numbers, estimated date of departure and arrival, attestation of vehicle inspection, copies of any required NRC route approval or other licenses, a carrier emergency plan, and certification that the shipment will be in compliance with applicable Federal and State requirements. For transport over a major bridge or on a vessel, a proposed plan to recover any dropped container must be submitted to the Department of Public Health for prior approval before beginning recovery efforts. Upon granting approval to transport, the Department shall notify the applicant and State Fire Marshall in writing before the shipment of radioactive materials begins. See Rule R325.5806.

Unless otherwise specified in the approval notification, the carrier, driver, or operator must notify the Operations Division of the Department of State Police of any schedule change of more than 6 hours and any incident causing transport delay, and any implementation of an emergency plan. The regulations further authorize Federal and State regulatory compliance inspections of the shipments. See Rule R325.5809. Last, the regulations adopt the following Federal requirements: 10 CFR section 71.36, 49 CFR section 172.203(d), and 49 CFR section 173.389(b). See Rule R325.5810. Identical regulations were adopted by the Department of State Police, State Fire Safety Board (effective July 1982) pursuant to section 29.3(c) of the Michigan Compiled Laws. See Board Rules R29.551 et seq.

Comments:

THESE REGULATIONS WERE ISSUED JOINTLY AND CONTAIN IDENTICAL RADIOACTIVE MATERIALS TRANSPORTATION APPROVAL REQUIREMENTS. IMPLEMENTS MICHIGAN RADIATION CONTROL ACT (TLDB ENTRY ST-0054).

Transportation Legislative Database

Item Number: AR-0058
Action Type: REGULATION
Source: STATE
State: Michigan
Citation: Mich. Dept. of Public Health Rules R325.5001 et seq.
Title: MICHIGAN DEPARTMENT OF PUBLIC HEALTH RADIATION PROTECTION
REGULATIONS (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: DEPARTMENT OF PUBLIC HEALTH
Issues: FEES
MATERIALS LICENSING

Summary

The Michigan Department of Public Health has promulgated regulations (October 1983 version) pertaining to radiation controls pursuant to Mich. Comp. Laws Ann. secs. 333.13501 et seq. (see TLDB entry ST-0054). See Rules R325.5001 et seq. These regulations contain provisions regarding radioactive materials licensing and radiation protection standards. The regulations prohibit the possession of any source of ionizing radiation except as authorized in a specific or general license. Common or contract carriers are exempt from these rules to the extent that they transport or store radioactive material for which the State has regulatory control pursuant to an NRC-State agreement in the regular course of carriage for another or storage incident thereto. See Rule 325.5032. NRC contractors are generally exempt. Rule 325.5033. NRC and DOT radioactive materials transportation regulations are imposed on the intrastate transportation of radioactive materials to the extent that the delivery of radioactive material to a carrier for transportation is not otherwise subject to such rules. See Rule 325.5255. Materials licensing fees are prescribed. See Rule 325.5141.

Comments:

IMPLEMENTS MICHIGAN RADIATION CONTROL ACT (TLDB ENTRY ST-0054).

Transportation Legislative Database

Item Number: OT-0026
Action Type: OTHER
Source: STATE
State: Michigan
Citation: Mich. Department of Transportation Overweight Motor Vehicle
Permit Procedures (Unofficial)
Title: MICHIGAN OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Michigan overweight motor vehicle permit law are contained in Michigan Department of Transportation overweight vehicle permit procedures, dated September 1988. Significantly, in addition to the permit law terms, these procedures (1) restrict permits to indivisible loads, (2) impose date and time-of-day restrictions, and (3) provide that an escort is required.

Comments:

Transportation Legislative Database

Item Number: ST-0056
Action Type: STATUTE
Source: STATE
State: Minnesota
Citation: Minn. Stat. Ann. secs. 221.033-221.035 (West 1989)
Title: MOTOR CARRIER LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: COMMISSIONER OF TRANSPORTATION
Issues: DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
PERMITS
Carrier Permit
REGULATIONS
Adoption of Federal Regulations
FEES
Carrier Permit Fees

Summary

This Minnesota motor carrier law (amended per chapter 393 of the 1987 laws) requires a license for the transportation of hazardous (including radioactive) waste. See Minn. Stat. Ann. sec. 221.035 (West 1989). The license applicant must file a certificate of insurance demonstrating that the insurer has public liability insurance in the amount required by 49 CFR Part 387. The license applicant must pay a fee of \$25 for an annual license and \$15 for a single-trip license. This law also prohibits the transportation of hazardous wastes or material in the State except in compliance with the HMTA and hazardous materials transportation regulations in 49 CFR Parts 171-179. Hazardous materials incident reports are also required.

Comments:

IMPLEMENTING REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0059.

Transportation Legislative Database

Item Number: ST-0057
Action Type: STATUTE
Source: STATE
State: Minnesota
Citation: Minn. Stat. Ann. sec. 144.12(15) (West 1989)
Title: STATE BOARD OF HEALTH LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: STATE BOARD OF HEALTH
Issues: MATERIALS LICENSING

Summary

Minnesota statute authorizes the State Board of Health to require a license or permit for possession and transportation of radioactive material. See Minn. Stat. Ann. sec. 144.12(15) (West 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0058
Action Type: STATUTE
Source: STATE
State: Minnesota
Citation: Minn. Stat. Ann. sec. 116C.731 (West 1989)
Title: MINNESOTA RADIOACTIVE WASTE MANAGEMENT LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: COMMISSIONER OF PUBLIC SAFETY
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
FEES

Summary

A Minnesota radioactive waste management law contains several transportation-related requirements. See Minn. Stat. Ann. sec. 116C.731 (West 1989). The statute requires shipment prenotification by a high-level nuclear waste shipper to the State Commissioner of Public Safety. The notice must include the route, the date and time of shipment, and other information required under 10 CFR secs. 71.5a and 73.37(f). The Commissioner is further authorized, pursuant to 49 CFR Part 177, to designate preferred routes, dates, and times for nuclear waste transportation upon a determination, in accordance with DOT routing guidelines, that an alternative is safer than the proposed route. The Commissioner is required to annually review Federally approved highway routes and select new State-designated routes if preferable. A \$1,000 transportation fee for each vehicle carrying nuclear waste is further imposed. The statute further required the Commissioner to prepare an emergency response plan for high-level nuclear waste transportation before December 1984.

Comments:

Transportation Legislative Database

Item Number: ST-0235
Action Type: STATUTE
Source: STATE
State: Minnesota
Citation: Minn. Stat. Ann. sec. 169.86 (Supp. 1989)
Title: MINNESOTA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Minnesota overweight motor vehicle permit law authorizes the Department of Transportation (Department) and local authorities to issue special permits, in their discretion, upon application and good cause shown, to operate overweight motor vehicles on public highways under their respective jurisdictions. See Minn. Stat. Ann. sec. 169.86 (Supp. 1989). The Minnesota gross vehicle weight limit is 80,000 pounds. See sec. 169.825.

Special permit applications must describe the vehicle and loads, particular highways involved, and time period for which the permit is requested. Permits may be single trip permits, job permits (good for 2 months) or annual permits. A job permit may be issued for like loads on a specific route. The permits may contain such conditions as necessary to assure against undue damage to road surfaces. Some form of security as necessary to compensate for any damage to roadway structures may be required. Separate liability insurance may also be required. Permit fees are prescribed. The Department is authorized to enter into agreements with representatives of other States for the reciprocal administration and granting of permits to allow the movement of overweight vehicles that do not conform to Minnesota law. See sec. 169.86

Comments:

Transportation Legislative Database

Item Number: AR-0059
Action Type: REGULATION
Source: STATE
State: Minnesota
Citation: Minn. Dept. of Transportation Hazardous Waste Transportation
Regs. 8870.0100 et seq. (Unofficial)
Title: HAZARDOUS WASTE TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: DRIVER - OPERATOR TRAINING
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
PERMITS
Carrier Permit
FEES

Summary

The Minnesota Department of Transportation has promulgated regulations implementing Minn. Stat. Ann. secs. 221.022 et seq. (see TLDB entry ST-0056) requiring a hazardous waste transporter license. See Department Regs. 8870.0100 et seq. (February 1988 version). Hazardous waste transporter license application requirements are set forth in Reg. 8870.0300 and include insurance certification, U.S. EPA identification number, ICC identification number, and a \$500 fee. A vehicle identification decal is also required. See Reg. 8870.0500. The transport license applicant or licensee must instruct employees about the DOT hazardous materials regulations in 49 CFR Parts 170-179. See Reg. 8870.0900. Hazardous waste transportation accidents resulting in a specified level of property damage or bodily injury must be reported within 30 days to the Department and hazardous waste incidents reported immediately. See Reg. 8870.1000.

Comments:

IMPLEMENTS MOTOR CARRIER LAW (TLDB ENTRY ST-0056).

Transportation Legislative Database

Item Number: OT-0027
Action Type: OTHER
Source: STATE
State: Minnesota
Citation: Minn. Department of Transportation Overweight Motor Vehicle
Permit Policy (Unofficial)
Title: MICHIGAN OVERWEIGHT MOTOR VEHICLE PERMIT POLICY (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Minnesota overweight motor vehicle permit law are contained in Minnesota Department of Transportation policy, dated January 6 and May 4, 1984. Significantly, in addition to the permit law terms, the policy contains time-of-day and route restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0060
Action Type: STATUTE
Source: STATE
State: Mississippi
Citation: Miss. Code Ann. secs. 45-14-1 et seq. (Supp. 1988)
Title: MISSISSIPPI RADIATION PROTECTION LAW OF 1976
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE BOARD OF HEALTH
RADIATION ADVISORY COUNCIL
Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
Interagency Cooperation
INSPECTION AND ENFORCEMENT
PERMITS
REGULATIONS
Adoption of Federal Regulations
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Mississippi Radiation Protection Law of 1976 authorizes the Mississippi State Board of Health to promulgate regulations governing the transportation of radioactive materials in Mississippi. See Miss. Code Ann. secs. 45-14-1 et seq. (Supp. 1988). Such regulations may include, but not be limited to, provisions for the use of signs designating radioactive material cargo, packaging, marking, loading, and handling of radioactive materials, to determine whether the material when offered is in proper condition for transport, and designation of State routes to be used for radioactive materials transportation.

Such regulations may not extend to the carrier vehicle or its equipment, package licensing, nor may they apply to the handling or transportation of radioactive material within the confines of a federally owned or licensed facility. The Board, in consultation with the Mississippi Radiation Advisory Council, is authorized to adopt, wholly or partially, the reference Federal radioactive materials regulations established by the NRC, FAA, DOT, U.S. Coast Guard or U.S. Post Office. The Board is not allowed to promulgate any regulations pertaining to matters within the jurisdiction of DOT regulations

Transportation Legislative Database

except as provided in 49 USC sec. 1811(b) (see TLDB entry ST-0133). The agency is authorized to enter into agreements with the appropriate Federal agency designed to avoid duplication of effort and/or conflict in enforcement and inspection activities. See sec. 45-14-25. The Board is also authorized to provide, by regulation, for licensing and registration of persons to possess and transport radioactive materials. See sec. 45-14-13. A Federal (NRC) - State regulatory transfer agreement is authorized to be sought.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRIES AR-0018 AND AR-0046.

Transportation Legislative Database

Item Number: ST-0065
Action Type: STATUTE
Source: STATE
State: Mississippi
Citation: Miss. Code Ann. secs. 57-39-1 et seq. (Supp. 1988)
Title: MISSISSIPPI ENERGY AND TRANSPORTATION PLANNING LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE ENERGY AND TRANSPORTATION BOARD
Issues: REGULATIONS
Consistency with Federal Regulations

Summary

A Mississippi energy and transportation planning statute authorizes the State Energy and Transportation Board to coordinate all energy- and transportation-related activities within the State through an energy and transportation plan. See Miss. Code Ann. secs. 57-39-1 et seq. (Supp. 1988). The Board is authorized to promulgate regulations, not inconsistent with or contrary to Federal law or regulations, as necessary to accomplish its objectives. See sec. 57-39-9.

Comments:

Transportation Legislative Database

Item Number: ST-0066
Action Type: STATUTE
Source: STATE
State: Mississippi
Citation: Miss. Code Ann. secs. 45-14-51 et seq. (Supp. 1988)
Title: MISSISSIPPI RADIOACTIVE WASTE TRANSPORTATION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: EMERGENCY MANAGEMENT AGENCY
BOARD OF HEALTH
Issues: SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Planning and Training
Financial Support
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Transport Permit
REGULATIONS
FEES
Transport Permit Fees

Summary

The Mississippi Radioactive Waste Transportation Act provides that the protection of public health and safety in the event of a transportation accident involving radioactive waste requires the preparation of emergency response procedures and the training of public safety officials of the proper response to such an incident. Miss. Code Ann. secs. 45-14-51 et seq. (Supp. 1988). The cost of radiological emergency response planning for transportation accidents is to be properly borne by shippers of radioactive waste. See sec. 45-14-53. Shippers include those entities licensed to possess, use, or transfer radioactive waste by the NRC or any Federal agency exempt from NRC licensing. See sec. 45-14-55(i).

The Act provides that no person may transport radioactive waste to Mississippi except in accordance with a permit issued by the Mississippi Emergency Management Agency. Shippers are required to apply to the agency for an annual shipment permit 30 days prior to shipment into or within Mississippi. The following matters are required of the shipper prior to transportation into or within the State: (1) compliance with all Federal and State laws and regulations regarding packaging and transportation of

Transportation Legislative Database

radioactive waste; (2) provision of any information the agency deems necessary for protection of public health and safety and the environment; (3) provision of evidence of liability insurance sufficient to protect the State and public at large from possible radiological injury or damage to any person or property due to packaging or transportation; and (4) certification to the agency that will hold the State harmless for all claims, actions, or proceedings in law or equity arising out of radiological injuries or damage to persons or property occurring during the transportation of radioactive waste into or within the State. See sec. 45-14-59. Upon agency approval of the transport permit application, the shipper must pay a permit fee based on a fee schedule established by the agency in consultation with the State Board of Health. The fee is to reflect the relative hazard and potential threat to the public health and safety of the radioactive waste. Upon receipt of the fee, the agency must issue the permit. See sec. 45-14-61.

The shipper is further required to provide to the agency direct or advance notification of shipments as required by Mississippi State Board of Health regulations. The agency will provide notification of shipment to appropriate State and local public and safety officials. See sec. 45-14-63. The agency, in conjunction with the State Board of Health, is to develop a training program for public safety officials that includes instruction on emergency response to transportation accidents involving radioactive waste. See sec. 45-14-65. The Mississippi State Board of Health is authorized and directed to promulgate regulations deemed necessary to implement the provisions of the statute. See sec. 45-14-67.

Comments:

Transportation Legislative Database

Item Number: ST-0237
Action Type: STATUTE
Source: STATE
State: Mississippi
Citation: Miss. Code Ann. sec. 63-5-51 (Supp. 1988)
Title: MISSISSIPPI OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Mississippi overweight motor vehicle permit law authorizes the State Highway Commission and local authorities, in their discretion, upon application and good cause shown to issue special permits to operate overweight motor vehicles on public highways under their respective jurisdictions. See Miss. Code Ann. sec. 63-5-51 (Supp. 1988). Mississippi gross vehicle weight limit is 80,000 pounds. See sec. 63-5-73.

Special permit applications must specifically describe the general operation and load to be moved, the particular highways involved, and whether the permit is for a single trip or for continuous operation. Permits may contain seasonal or other time limitations or other limiting conditions when necessary to assure against undue damage to road structures. Some form of security may be required to compensate for any injury to road structures. See sec. 63-5-51.

Comments:

Transportation Legislative Database

Item Number: AR-0018
Action Type: REGULATION
Source: STATE
State: Mississippi
Citation: Miss. Board of Health, Division of Radiological Health,
Environmental Protection Regulations (Pt. 801 Div. 800)
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: BOARD OF HEALTH, DIVISION OF RADIOLOGICAL HEALTH
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Mississippi State Board of Health, Division of Radiological Health, has promulgated regulations (effective May 1986) for the control of radiation in the State pursuant to Miss. Code Ann. secs. 45-14-1 et seq. (see TLDB entry ST-0060). These regulations are contained in part 801 division 800 (radiological health) of the Board's environmental regulations.

These regulations contain requirements for nuclear materials licensing, registration of radiation machines, facilities and services, radiation protection standards, and radioactive materials transportation. The licensing, registration, and radiation protections standards do not apply to NRC-regulated persons. See Rule 801.T.1. Rule 801.T.3 prohibits the transport of radioactive material or its delivery to a carrier for transport, except as authorized in a general or specific license, unless otherwise exempted. Common and contract carriers subject to DOT regulations in 49 CFR parts 170-189 or U.S. Postal Service regulations in 39 CFR section 111.11 are exempt from the State transport license, packaging, shipment preparation, and advance notification regulations to the extent they transport radioactive material in the regular course of their carriage for another or storage incident thereto. See Rule 801.T.1.

Rule 801.T.4 provides for the automatic issuance of a general license to deliver radioactive material to a carrier for transport provided that the

Transportation Legislative Database

licensee (1) complies with applicable DOT requirements, such as those related to packaging, monitoring, marking, and labeling; (2) has established procedures for the safe opening and closing of radioactive materials packages; and (3) provides instructions to the consignee to safely open the package. Rule 801.T.7 provides for the automatic issuance of a general license to any common or contract carrier, not otherwise exempt, to transport radioactive material in the regular course of its carriage in accordance with applicable DOT requirements relating to the loading and storage of packages, placarding of transport vehicle, and incident reporting. Rule 801.T.8 further provides for a general license to any agency to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance, or other approval has been issued by the NRC.

Comments:

IMPLEMENTS MISSISSIPPI RADIATION PROTECTION LAW OF 1976 (TLDB ENTRY ST-0060).

Transportation Legislative Database

Item Number: AR-0046
Action Type: REGULATION
Source: STATE
State: Mississippi
Citation: Miss. Board of Health Radioactive Waste Transportation Regs.
(Unofficial)
Title: MISS. BOARD OF HEALTH RADIOACTIVE WASTE TRANSPORTATION
REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: STATE BOARD OF HEALTH
STATE EMERGENCY MANAGEMENT AGENCY
Issues: ROUTING
Motor Vehicle
SHIPMENT NOTIFICATION
DRIVER - OPERATOR TRAINING
Qualifications
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
Regulations - Requirements
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
FEES
Transport Permit Fees

Summary

The Mississippi State Board of Health promulgated regulations pursuant to Mississippi Code Ann. 45-14-67 (see TLDB entry ST-0060) regarding radioactive waste transportation (effective November 14, 1987). These regulations impose the applicable Federal nuclear transportation regulations in 49 CFR Parts 100-199 and 386-399 and 10 CFR Parts 71 and 73 on all shippers, carriers, or other persons who transport radioactive waste in Mississippi. See sec. 1.

Shipper-related requirements are as follows. First, the regulations require the shipper to obtain a radioactive waste transport permit from the Mississippi Emergency Management Agency prior to transporting radioactive waste in Mississippi. See sec. 4. See also form RAD5-2 (application form and

Transportation Legislative Database

content). An unspecified fee is also required. Before a permit is issued, the shipper must provide satisfactory evidence of liability insurance to the Agency and certify that it will fully comply with all applicable Federal and State laws regarding packaging, transportation, and delivery of radioactive waste. An annual fee of \$2,500 is assessed by the Agency for each permit for transporting irradiated reactor fuel, transuranic waste, and/or high-level waste in the State. See sec. 5. Each shipper of any nuclear waste in the State must provide advance notification in writing to the Agency using form RAD5-3 at least 7 days (by mail) or 4 days (by messenger) before transport. See sec. 6(b). The manifest accompanying each shipment of radioactive waste must include a copy of the shipper's certification prepared on Agency form RAD5-4 which certifies that the shipment has been inspected and complies with all Federal and State laws regarding packaging, transportation, and delivery of radioactive waste. See sec. 6(h).

Carrier-related requirements are as follows. First, for each shipment of radioactive waste transported in Mississippi, the carrier must complete Carrier Certification form RAD5-4 provided by the shipper. See sec. 7(a). The carrier must certify, among other things, that the shipment is placarded in accordance with applicable DOT regulations, the transport vehicle has been inspected and meets all applicable Federal and State regulations, vehicle operators are qualified as required by DOT regulations, all required shipping papers have been properly executed, and it will comply with all Federal and State laws regarding radioactive waste transportation. See sec. 7(a)(2). The carrier must immediately notify the Agency of any variance from designated route or schedule provided by the shipper on form RAD5-3. With regard to rail transport, the carrier must comply with all relevant Federal and State laws and immediately notify the Agency of any accident involving radioactive waste shipment. See sec. 7(b).

Comments:

IMPLEMENTS MISSISSIPPI RADIATION PROTECTION LAW OF 1976 (TLDB ENTRY ST-0060).

Transportation Legislative Database

Item Number: ST-0198
Action Type: STATUTE
Source: STATE
State: Missouri
Citation: Mo. Rev. Stat. sec. 192.400 et seq. (Supp. 1989)
Title: MISSOURI RADIATION CONTROL LAW
Transport Mode: UNSPECIFIED
Regulatory Authority:
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Missouri Radiation Control Law authorizes the Department of Health (Department) to develop a comprehensive radiation control program and to promulgate associated regulations. See Mo. Rev. Stat. sec. 192.400 et seq. (Supp. 1989). The law requires all sources of radiation to be handled and transported so as to prevent all users and persons within effective range from being exposed to unnecessary radiation. See sec. 192.430. The law requires the registration of radiation producing machines. See sec. 192.440. The Department is authorized to declare a radiation emergency. See sec. 192.460. The Department is authorized to respond to all radiation emergencies and to coordinate its emergency response activities and plans with a State emergency management agency, Department of Natural Resources, and other agencies and provide a memorandum of agreement documenting responsibilities. See sec. 192.510.

Comments:

Transportation Legislative Database

Item Number: ST-0236
Action Type: STATUTE
Source: STATE
State: Missouri
Citation: Mo. Rev. Stat. Ann. sec. 304.200 (Supp. 1989)
Title: MISSOURI OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Missouri overweight motor vehicle permit law authorizes the chief engineer of the State Department of Highways and Transportation, for good cause shown and when the public safety and public interest so justifies, to issue special permits to operate overweight vehicles on State designated highways. See Mo. Rev. Stat. Ann. sec. 304.200 (Supp. 1989). Implementing regulations are authorized. The officer in charge of the maintenance of the streets of any municipality may issue special permits for the use of such streets by overweight vehicles. The Missouri overall gross vehicle weight limit is 80,000 pounds. See sec. 304.180. Motor vehicles in excess of 20,400 pounds per axle cannot operate with the corporate limits of cities of over 75,000 inhabitants.

Special permits may be for a single trip or for a definite period not to exceed the vehicle registration expiration date and must designate the highways and bridges which may be used under the permit. See sec. 304.200.

Comments:

Transportation Legislative Database

Item Number: AR-0082
Action Type: REGULATION
Source: STATE
State: Missouri
Citation: Mo. Admin. Code sec. 301.177
Title: MISSOURI HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS
(UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: STATE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION
Issues: PERMITS
Carrier Permit
REGULATIONS
Adoption of Federal Regulations

Summary

Missouri State Highway Patrol regulations require vehicles transporting hazardous materials to be equipped in accordance with DOT hazardous materials transportation regulations in Title 49 of the Code of Federal Regulations. See Mo. Admin. Code sec. 307.177. Patrol regulations also require hazardous waste transporters to obtain a hazardous waste transporter license. See sec. 260.395.

Comments:

Transportation Legislative Database

Item Number: AR-0094
Action Type: REGULATION
Source: STATE
State: Missouri
Citation: Mo. Admin. Code sec. 304.200
Title: MISSOURI OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY PATROL
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Missouri overweight motor vehicle permit law are contained in Missouri State Highway Patrol regulations. See Mo. Admin. Code sec. 304.200. Significantly, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, and (2) impose date and time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: AR-0095
Action Type: REGULATION
Source: STATE
State: Missouri
Citation: Mo. Code Regs. tit. 7, sec 10-2-010 (Unofficial)
Title: MISSOURI OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY AND TRANSPORTATION DEPARTMENT
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Additional overweight motor vehicle permit provisions are contained in Missouri Highway and Transportation Department regulations. See Mo. Code Regs. tit. 7, sec. 10-2.010 (effective October 13, 1988). Significantly, in addition to the permit law terms, these regulations (1) provide that permits may specify maximum and minimum speeds, (2) provide that escorts may be required, and (3) impose date and time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0063
Action Type: STATUTE
Source: STATE
State: Montana
Citation: Mont. Code Ann. secs. 75-3-101 et seq. (Supp. 1987)
Title: MONTANA NUCLEAR ENERGY LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
REGULATIONS
Consistency with Federal Regulations
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

A Montana nuclear regulatory statute authorizes the Department of Health and Environmental Sciences to promulgate regulations for the licensing and regulation of by-product, source, and special nuclear material, including methods for transportation, technical qualifications of personnel, and accident notification. See Mont. Code Ann. secs. 75-3-101 et seq. (Supp. 1987). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 75-3-203. The statute exempts radioactive material being transported in conformity with NRC regulations. See sec. 75-3-104(1)(c). NRC-licensed Federal agencies are also exempt. See sec. 75-3-103(7) (definition "person"). The Department is authorized to exempt certain users upon finding that this will not cause significant risk to health and safety of the public. See sec. 75-3-202. Rules promulgated under this Act may also provide for recognition of other Federal or State licenses as the Department considers desirable. See sec. 75-3-202(8).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0019.

Transportation Legislative Database

Item Number: ST-0172
Action Type: STATUTE
Source: STATE
State: Montana
Citation: Mont. Code Ann. sec. 90-5-201 (Supp. 1987)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Montana is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Mont. Code Ann. sec. 90-5-201 (Supp. 1987).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0215
Action Type: STATUTE
Source: STATE
State: Montana
Citation: Mont. Code Ann. sec. 61-10-121 (Supp. 1987)
Title: MONTANA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Montana overweight motor vehicle permit law authorizes the Department of Highways and local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on public highways under their respective jurisdictions. See Mont. Code Ann. sec. 61-10-121 (Supp. 1987). A permit fee is prescribed. The Montana gross vehicle weight limit is 80,000 pounds. See sec. 61-10-107.

Issuance of a special permit must be based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation. Permit fees are prescribed for single trip permits and term permits. See sec. 61-10-121.

A special permit applicant must specifically describe the vehicle, load, particular State highways to be used, and whether the permit is for a single trip or continuous operation. The permittee must have public liability and property damage insurance for the protection of the traveling public. See sec. 61-10-121.

A special permit must specify the route. A permit may not be issued for a period of time greater than the period for which the gross vehicle weight license is valid. The Department or local authority may limit the number of trips or establish seasonal or other time limits for use of the overweight permit or otherwise limit or prescribe conditions of operation when necessary to assure against damage to road surfaces or traffic safety. Some form of security to compensate for potential injury to road surfaces may be required. See sec. 61-10-121.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: AR-0019
Action Type: REGULATION
Source: STATE
State: Montana
Citation: Mont. Admin. Rules ch. 40 subchs. 1-11
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND ENVIRONMENTAL SERVICES
Issues: INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Montana Department of Health and Environmental Services, Environmental Sciences Division, has promulgated regulations (effective July 1980) regarding radiation control in chapter 40, subchapters 1-11 of the Administrative Rules of Montana pursuant to Montana Code Ann. sec. 75-3-201 (see TLDB entry ST-0063). The regulations contain provisions on the registration of radiation-producing machines and facilities and the licensing of radioactive materials. The regulations do not apply to NRC-regulated persons. See sec. 16.40.101. Similarly, common and contract carriers subject to the rules and regulations of DOT or the U.S. Postal Service are exempt from the regulations to the extent they transport radiation sources in the regular course of their carriage for another. See sec. 16.40.103.

The regulations otherwise contain provisions for the transport of State-licensed material. See sec. 16.40.324. These regulations require licensee compliance with DOT regulations and the establishment of procedures for opening and closing packages. This particular requirement does not apply to transportation subject to DOT or U.S. Postal Service regulation. See sec. 16.40.324(3).

Comments:

IMPLEMENTS MONTANA NUCLEAR ENERGY LAW (TLDB ENTRY ST-0063).

Transportation Legislative Database

Item Number: AR-0096
Action Type: REGULATION
Source: STATE
State: Montana
Citation: Mont. Admin. Regs. sec. 18.8.601
Title: MONTANA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Montana overweight motor vehicle permit law are contained in Montana Department of Transportation regulations. See Mont. Admin. R. sec. 18.8.601 (March 31, 1988, edition). Significantly, in addition to the permit law terms, these regulations impose date, time-of-day, and seasonal restrictions.

Comments:

Transportation Legislative Database

Item Number: PL-0053
Action Type: PENDING LEGISLATION
Source: STATE
State: Montana
Citation: Montana House Bill 192
Title: RADIATION PROTECTION ACT AMENDMENTS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
Issues: REGULATIONS
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

This bill, introduced in January 1989, proposes to amend the Montana Radiation Protection Act to allow the Department of Health and Environmental Sciences to collect civil penalties for violations of Department radiation protection regulations.

Comments:

Transportation Legislative Database

Item Number: PL-0075
Action Type: PENDING LEGISLATION
Source: STATE
State: Montana
Citation: Mont. Senate Bill 73
Title: MONTANA MOTOR VEHICLE WEIGHT LAW AMENDMENT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF HIGHWAYS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Montana Senate Bill 73 proposes to amend the Montana motor vehicle weight law. Significantly, the bill proposes to adopt a multi-state highway transportation agreement to promote uniformity among participating western states in vehicle size and weight standards on the basis of certain specified objectives, including the adoption of standards that will allow vehicle operation on all State highways not in excess of that arrived at from the Federal weight distribution formula.

Comments:

Transportation Legislative Database

Item Number: ST-0068
Action Type: STATUTE
Source: STATE
State: Nebraska
Citation: Neb. Rev. Stat. secs. 75-363 et seq. (Supp. 1988)
Title: NEBRASKA MOTOR CARRIER ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE PATROL
Issues: INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
REGULATIONS
Adoption of Federal Regulations

Summary

The Nebraska Motor Carrier Act adopts Federal hazardous materials regulations in 49 CFR Parts 171-178 and motor carrier safety regulations in 49 CFR Parts 390-397 with certain limited exceptions. The State patrol is given regulatory compliance inspection authority. See Neb. Rev. Stat. secs. 75-363 et seq. (Supp. 1988). It is made unlawful to transport hazardous materials on State highways without a certain specified level of insurance.

Comments:

Transportation Legislative Database

Item Number: ST-0069
Action Type: STATUTE
Source: STATE
State: Nebraska
Citation: Neb. Rev. Stat. secs. 71-3501 et seq. (Supp. 1988)
Title: NEBRASKA RADIATION CONTROL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

According to the Nebraska Radiation Control Act, radioactive materials transportation is prohibited without prior registration with the department of Health. Common carriers are exempted. See Neb. Rev. Stat. secs. 71-3501 et seq. (Supp. 1988). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 71-3510. Implementing regulations, nonduplicative of Federal regulations, are authorized. See sec. 71-3520.

Comments:

REGULATIONS

Transportation Legislative Database

Item Number: ST-0163
Action Type: STATUTE
Source: STATE
State: Nebraska
Citation: Neb. Rev. Stat. Ann. sec. 81-829.56 (Supp. 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Nebraska is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Neb. Rev. Stat. Ann. sec. 81-829.56 (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0239
Action Type: STATUTE
Source: STATE
State: Nebraska
Citation: Neb. Rev. Stat. sec. 39-6181 (Supp. 1988)
Title: NEBRASKA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Nebraska overweight motor vehicle permit law authorizes the Department of Roads (Department) or Nebraska State Patrol and county authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on highways under their respective jurisdictions. See Neb. Rev. Stat. sec. 39-6181 (Supp. 1988). The Department or county permit authorities are authorized to promulgate implementing regulations and to establish permit fees. The Nebraska gross vehicle weight limit is 80,000 pounds. See sec. 39-6180. Special permit vehicle weight may be 25% greater than the State legal limit.

The special permit must specifically describe the vehicle and load, particular highway involved, and whether the permit is for a single trip or for continuous operation. The permit may contain limits on the number of days during which the permit is valid, the allowable number of trips, seasonal or other time limitations, and other limits of operation when necessary to assure against undue damage to road surfaces or undue danger to public safety. Some form of security to compensate for any roadway injury may also be required. See sec. 39-6181.

Comments:

Transportation Legislative Database

Item Number: AR-0101
Action Type: REGULATION
Source: STATE
State: Nebraska
Citation: Neb. Department of Roads Overweight Motor Vehicle Permit
Regulations (Unofficial)
Title: NEBRASKA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF ROADS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Nebraska overweight motor vehicle law are contained in Nebraska State Department of Roads overweight motor vehicle permit regulations (tit. 408), dated September 15, 1986. Significantly, in addition to the permit law terms, these regulations (1) provide that liability and property damage insurance are required, and (2) impose time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0081
Action Type: STATUTE
Source: STATE
State: Nevada
Citation: Nev. Rev. Stat. Ann. secs. 706.011 et seq. (Michie 1988)
Title: NEVADA MOTOR CARRIER ACT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC SERVICE COMMISSION STATE DEPARTMENT OF TRANSPORTATION
Issues: DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
PERMITS
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

A Nevada statute on motor carrier regulation and licensing authorizes the Nevada Department of Transportation or Public Service Commission to promulgate hazardous materials and hazardous waste transportation regulations. See Nev. Rev. Stat. Ann. secs. 706.011 et seq. at sec. 706.173 (Michie 1988). This law also requires a permit for the transport of radioactive waste on highways in the State. See Nev. Rev. Stat. Ann. sec. 706.441 (Michie 1987). A permit is issuable if the carrier registers its ICC certificate and complies with the Nevada Public Service Commission regulations respecting the registration of interstate carriers or demonstrates to the satisfaction of the Commission that it complies with all Federal and State laws and regulations regarding the handling and transport of radioactive waste and driver and vehicle safety. See sec. 706.441(2).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0060.

Transportation Legislative Database

Item Number: ST-0082

Action Type: STATUTE

Source: STATE

State: Nevada

Citation: Nev. Rev. Stat. Ann. secs. 459.001 et seq. (Michie 1988)

Title: NEVADA HAZARDOUS MATERIALS LAW (UNOFFICIAL)

Transport Mode: ALL

Regulatory Authority: STATE BOARD OF HEALTH
STATE DEPARTMENT OF TRANSPORTATION
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY
HIGHWAY PATROL DIVISION
STATE ENVIRONMENTAL COMMISSION
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
WESTERN INTERSTATE NUCLEAR BOARD

Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
Interagency Cooperation
Interjurisdictional Cooperation
SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
FEES
Carrier Permit Fees
Materials Licensing Fees
Other
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Transportation Legislative Database

Summary

A Nevada hazardous materials statute establishes requirements for hazardous and nuclear materials waste management, transportation, and emergency response. See Nev. Rev. Stat. Ann. secs. 459.001 et seq. (Michie 1988). In relevant part, the statute authorizes the State Environmental Commission to promulgate regulations regarding safety in packaging, handling, transportation, and disposal of hazardous waste, including vehicle and driver safety, and may provide for licensing and other necessary regulation of shippers and carriers involved in hazardous waste transportation in Nevada. See sec. 459.500. The definition of hazardous waste is broad enough to encompass radioactive waste. See sec. 459.430.

Further, a Nevada Board of Health license is required to transfer, receive, or acquire radioactive materials. See secs. 459.010, 459.080, 459.201(1)(a), and 459.120. A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 459.080. A Federally issued license will suffice. See sec. 459.080. NRC-licensed Federal agencies are exempt. See sec. 459.010. Emergency orders are issuable by the Board. See sec. 459.120.

The Nevada Department of Transportation is also required to develop and enforce a plan for highway routing of shipments of controlled quantities of radioactive materials and high-level radioactive waste in Nevada. See sec. 459.125.1. The State Department of Transportation is required to cooperate with the U.S. Department of Transportation, interstate regional transportation commissions, and States contiguous to Nevada to develop plans for the interstate routing of shipments of controlled quantities of radioactive materials of high-level waste. See sec. 459.125.2. The State Department of Transportation is authorized to adopt necessary regulations and to cooperate with Federal, State, and local governmental agencies that regulate other hazardous materials. See sec. 459.125.3.

Effective January 1, 1989, every person who transports hazardous materials in a motor vehicle upon Nevada State highways must obtain a permit, pursuant to State Department of Motor Vehicles used to transport hazardous materials and to submit each motor vehicle used to transport hazardous materials to a safety inspection. See sec. 459.705.

The Nevada Department of Motor Vehicles is authorized to adopt regulations providing, among other things, for the inspection of motor vehicles that transport hazardous materials on the highways of Nevada. Fees are authorized to pay the cost of inspection, permit issuance, and other regulatory enforcement. See sec. 459.710. Also materials in the State must be reported to the Highway Patrol Division within 10 days on forms supplied by the Division designating accidents or incidents involving hazardous materials. See sec. 459.720.

Any person who transports controlled quantities of radioactive materials must notify the Highway Patrol Division not less than 4 hours nor more than 48 hours before beginning to transport that material in Nevada. Any person who

Transportation Legislative Database

transports high-level radioactive waste must notify the Governor or his designee not less than 4 hours before beginning to transport that waste in Nevada. See sec. 459.730.

Any person who possesses any hazardous material involved in a spill or accident requiring cleaning and decontamination of the affected area is responsible for that cleaning and decontamination. See sec. 459.750. Lastly, this law prohibits local governments from adopting ordinances concerning the highway transportation of hazardous materials that (1) are inconsistent with the provisions of the subject State law or implementing regulations or (2) provide for a license, permit, or fee.

Comments:

NEVADA BOARD OF HEALTH RADIATION CONTROL REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0025; NEVADA DEPARTMENT OF TRANSPORTATION HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0060.

Transportation Legislative Database

Item Number: ST-0173
Action Type: STATUTE
Source: STATE
State: Nevada
Citation: Nev. Stat. Ann. Section 459.001 (Michie 1988)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Nevada is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Nev. Stat. Ann. Section 459.001 (Michie 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0219
Action Type: STATUTE
Source: STATE
State: Nevada
Citation: Nev. Rev. Stat. Ann. sec. 484.743 (Supp. 1988)
Title: NEVADA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Nevada overweight motor vehicle permit law authorizes the Department of Transportation (Department) to issue permits to operate overweight vehicles on public highways in the State to the extent authorized by Federal law without forfeiting the State's eligibility for Federal aid in highway construction and maintenance. See Nev. Rev. Stat. Ann. sec. 484.743 (Supp. 1988). Local authorities may issue similar permits for highways under their jurisdiction. See sec. 484.777. The overall gross vehicle weight limit is 76,800 pounds. See sec. 484.746. The weight limit does not apply to any federal aid highway if its application would prevent the State from receiving any federal aid. The Department is also authorized to establish reasonable permit fees. Permits can be single trip permits, multiple trip-limited time permits or continuous permits. See secs. 484.765 and 484.767. No vehicle granted a continuous or multiple trip-limited time permit may exceed a maximum weight of 20,000 pounds per axle. Continuous or multiple trip-limited time permits may be revoked if the Department or local permitting authority find that authorized operation causes highway distress. See sec. 484.765.

Comments:

Transportation Legislative Database

Item Number: AR-0025
Action Type: REGULATION
Source: STATE
State: Nevada
Citation: Nev. Admin. Code secs. 459.010-459.950
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: BOARD OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Nevada Board of Health has promulgated radiation control regulations pursuant to Nev. Rev. Stat. Ann. secs. 459.001 et seq. (see TLDB entry ST-0082) appearing in the Nevada Administrative Code sections 459.010-459.950 which concern radioactive materials licensing, transportation, and radiation protection. The materials licensing requirements are inapplicable to NRC-licensed persons. See sec. 459.118. The regulations further exempt common and contract carriers subject to DOT or Postal Service regulations. See sec. 459.120.

These regulations prohibit the possession of any radioactive material except as authorized in a specific or general license. See sec. 459.180. These regulations require licensee compliance with DOT regulations on packaging, monitoring, marking, labeling, and establishment of instructions for opening packages. See sec. 459.314. The regulations provide that a general license is automatically granted to any private carrier to transport radioactive material in the regular course of its carriage for another provided the transportation is in accordance with applicable and appropriate DOT regulations regarding the loading or storage of packages, placarding of the transporting vehicle, and incident reporting. See sec. 459.234. Persons who transport radioactive material pursuant to this general license are exempt from the State's radiation control regulations. See sec. 459.234. Each licensee is required to immediately notify the Division of radiation incidents resulting in specified exposure levels or property damage. See sec. 459.370.

Transportation Legislative Database

As further relevant to nuclear transportation, the regulations require that each nuclear waste shipment be accompanied by a shipping manifest. See sec. 459.823. The regulations also contain radioactive waste classification and packaging requirements. See secs. 459.826 and 459.830. The shipping manifest must include a certificate by the generator or transporter that the materials are properly classified, described, packaged, marked, labeled, and are in proper condition for transport according to applicable DOT and State Division of Health regulations. See sec. 459.823.

Comments:

IMPLEMENTS NEVADA HAZARDOUS MATERIALS LAW (TLDB ENTRY ST-0082).

Transportation Legislative Database

Item Number: AR-0060
Action Type: REGULATION
Source: STATE
State: Nevada
Citation: Nev. Admin. Code secs. 706.010 et seq.
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
PUBLIC SERVICE COMMISSION
Issues: PERMITS
Carrier Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The Nevada Department of Transportation and Public Service Commission have promulgated motor carrier licensing and other regulations pursuant to Nev. Rev. Stat. Pt. 706. (See TLDB entry ST-0081). See Nev. Admin. Code secs. 706.010 et seq. (July 1986 version). In relevant part, the Department and Commission adopt by reference the DOT hazardous material transportation regulations in 49 CFR Parts 107, 171-173, and 177-178. See sec. 706.378.

Comments:

IMPLEMENTS NEVADA MOTOR CARRIER ACT (TLDB ENTRY ST-0081).

Transportation Legislative Database

Item Number: AR-0074
Action Type: REGULATION
Source: STATE
State: Nevada
Citation: Nev. Admin. Code secs. 705.310 et seq.
Title: RAIL TRANSPORTATION OF HAZARDOUS MATERIALS REGULATIONS
(UNOFFICIAL)
Transport Mode: RAIL
Regulatory Authority: PUBLIC SERVICE COMMISSION
Issues: Transport Permit
Material Handling
Other
Adoption of Federal Regulations
Transport Permit Fees

Summary

The Nevada Public Service Commission has promulgated regulations regarding the transportation of hazardous (including radioactive) material by rail. See Nevada Admin. Code sec. 705.310 et seq. (Jan. 1987 version). These regulations require a permit to load or unload hazardous material onto or from railroad property, to transfer hazardous material from railroad property to another means of transportation, or to store hazardous material on railroad property without a permit issued by the Commission. See sec. 705.320. The permit application must include, among other things, a map of the proposed site for loading, unloading, transfer or storage; a summary of any hazardous materials releases during the preceding 12 months; and an outline of the procedures to be used in the loading, unloading, transfer or storage of the hazardous material. The permit fee is \$200. See sec. 705.330. In evaluating the permit application, the Commission will consider, among other things, the proximity of the proposed site to heavily traveled highways. See sec. 705.340. DOT hazardous materials transportation regulations in 49 CFR Parts 171-174 are adopted by reference. See sec. 705.380.

Comments:

Transportation Legislative Database

Item Number: AR-0102
Action Type: REGULATION
Source: STATE
State: Nevada
Citation: Nev. Department of Transportation Overweight Motor Vehicle
Permit Regulations (Unofficial)
Title: NEVADA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Nevada overweight motor vehicle permit law are contained in Nevada Department of Transportation overweight vehicle permit regulations (effective October 1976). Significantly, in addition to the permit law terms, these regulations (1) require permittees to indemnify the State against liability for personal injury or property damage resulting from use of the permit, (2) impose date and time-of-day restrictions, and (3) impose general route limitations.

Comments:

Transportation Legislative Database

Item Number: ST-0071
Action Type: STATUTE
Source: STATE
State: New Hampshire
Citation: N.H. Rev. Stat. Ann. secs. 162-B:1 et seq. (Supp. 1988)
Title: NUCLEAR MATERIALS REGULATION LAW (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF PUBLIC PARKS AND HIGHWAYS
Issues: MATERIALS LICENSING

Summary

This New Hampshire statute authorizes the Department of Public Parks and Highways to initiate studies relevant to the regulation of nuclear materials transportation on State highways. See N.H. Rev. Stat. Ann. secs. 162-B:1 et seq. (Supp. 1988). No person may possess or transfer nuclear material without an NRC license if so required by the Atomic Energy Act (see TLDB entry ST-0134). See sec. 162- B:2.

Comments:

Transportation Legislative Database

Item Number: ST-0072
Action Type: STATUTE
Source: STATE
State: New Hampshire
Citation: N.H. Rev. Stat. Ann. secs. 375-B:1 et seq. (Supp. 1988)
Title: NEW HAMPSHIRE CONTRACT CARRIERS LAW (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: PUBLIC SERVICE COMMISSION
Issues: PERMITS
Carrier Permit

Summary

This New Hampshire statute requires common contract carriers to obtain a certificate or permit from the Public Service Commission prior to transporting radioactive material. See N.H. Rev. Stat. Ann. secs. 375-B:1 et seq. (Supp. 1988). Motor vehicles owned by or under contract with the Federal government are exempt. See sec. 375-B:3.

Comments:

Transportation Legislative Database

Item Number: ST-0073
Action Type: STATUTE
Source: STATE
State: New Hampshire
Citation: N.H. Rev. Stat. Ann. secs. 125-F:1 et seq. (Supp. 1988)
Title: N.H. RADIOLOGICAL HEALTH LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH SERVICES
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

Pursuant to New Hampshire statute establishing a radiological health program, it is unlawful to transport radioactive material unless licensed or registered with the Division of Public Health Services of the Department of Health and Human Services, in conformance with regulations adopted for that purpose by the Division. See N.H. Rev. Stat. Ann. secs. 125-F:1 et seq. (Supp. 1988). Such rules are to be adopted with "due regard" to compatibility with Federal Government programs. See sec. 125-F:5. The term "person" excludes Federal agencies. See sec. 125-F:3. If New Hampshire becomes an agreement State with the NRC, an NRC materials licensee shall be deemed to possess a like license under this State statute. See sec. 125-F:14. The Division is also authorized to enter into an agreement with the NRC for a State-conducted inspection and training program. See sec. 125-F:15.

Comments:

Transportation Legislative Database

Item Number: ST-0217
Action Type: STATUTE
Source: STATE
State: New Hampshire
Citation: N.H. Rev. Stat. Ann. sec. 266:24 (Supp. 1988)
Title: NEW HAMPSHIRE OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The New Hampshire overweight motor vehicle permit law authorizes the Department of Transportation (Department) to issue special permits to operate overweight motor vehicles on public highways in the State. See N.H. Rev. Stat. Ann. sec. 266:24 (Supp. 1988). The New Hampshire gross vehicle weight limit on interstate highways and non-interstate State highways is 80,000 pounds. See sec. 266:18. Any police officer may allow on any non-interstate highway a tolerance of 5% and above the weight limit. See secs. 266:18-a and 266:18-b.

The Department must determine that issuance of a special permit will not be detrimental to the preservation of the highway and the public use thereof. The permit applicant must carry a bond to cover any possible damage to the highways or bridges over which overweight vehicles may pass and must comply with relevant regulations. See sec. 266:24.

The Department is authorized to enter into a multi-jurisdictional regional overweight truck permit compact, to be known as the New England overweight truck permit agreement, for oversize indivisible loads on interstate highways. The purpose of the agreement is to promote and encourage uniform interstate overweight vehicle permit requirements. See sec. 266:24-b.

Comments:

Transportation Legislative Database

Item Number: AR-0103
Action Type: REGULATION
Source: STATE
State: New Hampshire
Citation: N.H. Department of Public Works and Highways Overweight Motor Vehicle Permit Regulations (Unofficial)
Title: NEW HAMPSHIRE OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the New Hampshire overweight motor vehicle permit law are contained in the New Hampshire Department of Public Works and Highway regulations (effective July 1983). Specifically, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, (2) require specific routes to be designated in each permit, and (3) impose date and time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0074
Action Type: STATUTE
Source: STATE
State: New Jersey
Citation: N.J. Stat. Ann. secs. 27:5H-1 et seq. (West 1989)
Title: NUCLEAR WASTE TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: NUCLEAR WASTE TRANSPORT COMMISSION
Issues: ROUTING
Motor Vehicle
Designation Criteria
Interjurisdictional Cooperation
EMERGENCY RESPONSE
Planning and Training
Financial Support
REGULATIONS

Summary

This statute establishes a Nuclear Waste Transport Commission in New Jersey to undertake a variety of activities. See N.J. Stat. Ann. secs. 27:5h-1 et seq. (West 1989). The first is to establish criteria for selection of State-designated high-level nuclear transportation routes in conformity with Federal law and unique State needs and to designate such routes in the future. Second, the Commission is required to make recommendations with respect to nuclear transportation accident response matters for incorporation by the Department of Environmental Protection in the State radiation emergency response plan. Third, the Commission is to review and evaluate the existing training of State and local public safety personnel in nuclear transportation accident response and to make appropriate recommendations. The Commission is authorized to adopt any regulations deemed necessary to effectuate the purposes of this Act.

Comments:

Transportation Legislative Database

Item Number: ST-0075
Action Type: STATUTE
Source: STATE
State: New Jersey
Citation: N.J. Stat. Ann. secs. 26:2D-1 et seq. (West 1989)
Title: N.J. RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Issues: ROUTING
Motor Vehicle
INSPECTION AND ENFORCEMENT
SHIPMENT RESTRICTIONS
PERMITS
Transport Permit
REGULATIONS

Summary

Pursuant to the New Jersey Radiation Protection Act, the transportation of large-quantity radioactive materials is prohibited without obtaining a certificate of handling from the Department of Environmental Protection. See N.J. Stat. Ann. secs. 26:2D-1 et seq. (West 1989). Any person seeking to obtain a certificate must submit certain required information, including the following, within 7 business days of the scheduled transportation: shipment date and time; starting point; route and destination; and other information as may be requested. The Department has the discretion to change dates, times, or routes if necessary to "maximize" public health and safety protection. See sec. 26:2D-19. Transportation of radioactive materials in any county in the State with an average population density exceeding 1,000 persons per square mile is prohibited. See sec. 26:2D-23.1. Exceptions to the "certificate of handling" requirement are obtainable for reasons involving public policy or national security interests that transcend public health and safety concerns. See sec. 26:2D-23.3.

Comments:

IMPLEMENTING REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0023.

Transportation Legislative Database

Item Number: ST-0076
Action Type: STATUTE
Source: STATE
State: New Jersey
Citation: N.J. Stat. Ann. secs. 39:5B-18 et seq. (West 1989)
Title: TRANSPORTATION OF DANGEROUS ARTICLES LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

New Jersey has a statute concerning the transportation of dangerous articles on the highway. See N.J. Stat. Ann. secs. 39:5B-18 et seq. (West 1989). The statute requires a certificate of handling issued by the Department of Environmental Protection for the transport of radioactive materials and conspicuous placarding if not otherwise required by Federal law. It further authorizes State Police inspections to determine compliance with the terms of the Act and the provisions of the certificate of handling. The Act directs the Department to adopt regulations concerning the transportation of hazardous materials which conform, to the maximum extent practicable, with DOT regulations in 49 CFR Parts 100-199. See sec. 39:5B-26. The Act further directs the superintendent of the State Police to adopt regulations concerning the qualifications of interstate motor carrier operators and vehicles which "substantially conform" to the requirements established pursuant to the Federal Surface Transportation Assistance Act of 1982 (see TLDB entry ST-0178). See sec. 39:5B-32.

Comments:

Transportation Legislative Database

Item Number: ST-0240
Action Type: STATUTE
Source: STATE
State: New Jersey
Citation: N.J. Stat. Ann. sec. 39:3-84 (Supp. 1989)
Title: NEW JERSEY OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The New Jersey overweight motor vehicle permit law authorizes the Division of Motor Vehicles, in its discretion, to issue special permits, to operate overweight vehicles with indivisible loads on public highways. A fee schedule is also authorized. See N.J. Stat. Ann. sec. 39:3-84 (Supp. 1989). The New Jersey overall gross vehicle weight limit is 80,000 pounds.

Comments:

Transportation Legislative Database

Item Number: AR-0023
Action Type: REGULATION
Source: STATE
State: New Jersey
Citation: N.J. Admin. Code tit. 7 ch. 28
Title: RADIATION PROTECTION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF RADIATION PROTECTION
STATE POLICE
Issues: ROUTING
Motor Vehicle Regulations
Designation Criteria
Interagency Cooperation
PHYSICAL PROTECTION
Escorts
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
SHIPMENT RESTRICTIONS
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The New Jersey Department of Environmental Protection, Bureau of Radiation Protection has promulgated regulations in title 7 of the New Jersey Admin. Code chapter 28 (revised May 1987) pursuant to N.J. Stat. Ann. secs. 26:2D-1 et seq. (see TLDB entry ST-0075). As relevant to nuclear transportation, sections 7:28-12.1 to 7:28-12.9 require a certificate of handling from the Department prior to the transportation of nuclear material, including spent fuel, in the State. See sec. 7:28-12.5.

An application for certificate of handling must include, among other things, the name of the shipper and carrier, type and quantity of nuclear material, shipment date, starting point, scheduled route and destination, type of vehicle and cask, safeguard plan, affidavit of insurance, and any additional information required by the Department. The proposed route must utilize railways, roadways, or other transport modes deemed safe by the Department and State Police. Major highways must be used for road shipments,

Transportation Legislative Database

except where the Department judges such routes would place a greater threat to the public health and safety than alternative routing or where secondary roads must be used for a minimum distance for egress from the point of origin or ingress to the final destination. The applicant may not transport in any New Jersey county which has a population density exceeding 1,000 persons per square mile. If movement through a densely populated area is unavoidable, the following additional measures must be taken: (1) the transit must be nonstop; (2) primary roads must be used; (3) an armed escort force consisting of local police or trained armed guards must be provided by the shipper; and (4) no spent fuel may be shipped through densely populated areas between 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m. The State Police are given the right to disapprove escort or special handling specifications and to prohibit any shipment until a State Police escort or other action can be arranged. The Department may require changes in dates, routes, or times to transport if necessary to maximize protection of public health and safety. See sec. 7:28-12.5.

Comparable, but somewhat less stringent, certificate of handling requirements are provided for the transportation of non-spent fuel radioactive material. See sec. 7:28-12.4. This includes the transportation of radioactive materials in quantities specified in section 7:28-12.3. Section 7:28-12.3 further provides that, in the case of intrastate shipments, no person may permit the transportation of any radioactive material outside its authorized location unless in compliance with all relevant DOT, NRC, or U.S. Postal Service regulations.

Comments:

IMPLEMENTS N.J. RADIATION PROTECTION ACT (TLDB ENTRY ST-0075).

Transportation Legislative Database

Item Number: AR-0104
Action Type: REGULATION
Source: STATE
State: New Jersey
Citation: N.J. Admin. Code sec. 39:3-84
Title: NEW JERSEY OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DIVISION OF MOTOR VEHICLES
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the New Jersey overweight motor vehicle permit law are contained in New Jersey Division of Motor Vehicles regulations. See N.J. Admin. Code sec. 13:18-1.2. Specifically, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, and (2) require a certificate of insurance.

Comments:

Transportation Legislative Database

Item Number: PL-0029
Action Type: PENDING LEGISLATION
Source: STATE
State: New Jersey
Citation: N.J. Assembly Bill 2263 (Proposed Amendment to N.J. Rev. Stat. Ann. tit. 13)
Title: TRANSLOADING FACILITY SAFETY ACT
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE DEPARTMENT OF TRANSPORTATION
Issues: EMERGENCY RESPONSE
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

This bill, introduction date unknown, proposes to amend N.J. Rev. Stat. tit. 13 to provide for safety reviews at facilities at which hazardous materials are handled or stored incident to their transportation. This bill would require such transloading facilities to register with the New Jersey Department of Environmental Protection and supply certain information concerning the nature of the substances handled at the facility, its proximity to populated areas and chemical plants, a hazardous materials handling risk evaluation, and the extent to which personnel have been instructed in the risk of, and trained to respond to, such risks and hazards.

Hazardous materials under the proposed legislation include materials for which placards are required pursuant to DOT hazardous materials transportation regulations. A transloading facility under the proposed legislation is a facility at which hazardous materials are handled or stored incidental to their transportation.

The bill further requires the New Jersey Department of Transportation, in consultation with the Department of Environmental Protection, to adopt regulations governing the handling, storage, and management of hazardous materials at transloading facilities. These regulations include recommended practices and procedures for on- and off-loading of materials, storage guidelines, equipment requirements, and emergency response training. The State Police are authorized to inspect motor vehicles, railroad cars, and places of origin or destination in the State of the hazardous materials being

Transportation Legislative Database

transported as necessary to carry out the provisions of this proposed law. The State Police may also inspect vehicles and railroad cars transporting hazardous materials to ascertain that transported packages, among other things, have been properly classified, described, packaged, marked, labeled, and are in proper condition for shipment.

Comments:

Transportation Legislative Database

Item Number: PL-0030
Action Type: PENDING LEGISLATION
Source: STATE
State: New Jersey
Citation: N.J. Assembly Bill 2265
Title: HAZARDOUS MATERIALS TRANSPORTATION ENFORCEMENT AND TRAINING FUND ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support
DRIVER - OPERATOR TRAINING
Financial Support
INSPECTION AND ENFORCEMENT
Financial Support
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
PERMITS
Transport Permit
FEES
Transport Permit Fees

Summary

This bill, introduced in January 1988, requires the transporters of hazardous materials, including material for which a placard is required under DOT hazardous materials transportation regulations, to obtain an annual or per-shipment permit from the New Jersey Department of Transportation. This requirement does not apply to any Federally owned or operated vehicle. The accompanying permit fees are to be placed in a newly established hazardous materials transportation enforcement and training fund to be used to support hazardous materials transportation safety, enforcement, and training.

The transportation permit application must include a certification that the applicant and vehicle comply with applicable Federal and State laws and any information that the Department deems necessary to protect public health and safety. The Department is also required to collect information concerning accidents and hazardous materials transportation maintained by the

Transportation Legislative Database

Federal government or the State. This bill would further require that accident reports submitted to the State Division of Motor Vehicles designate whether the accident involved a vehicle containing hazardous material, and whether there was a release of the hazardous material.

Comments:

Transportation Legislative Database

Item Number: PL-0040
Action Type: PENDING LEGISLATION
Source: STATE
State: New Jersey
Citation: N. J. Assembly Bill 3557 and Senate Bill 463
Title: N. J. TRANSPORTATION OF DANGEROUS ARTICLES LAW AMENDMENT
(UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
MUNICIPAL LAW ENFORCEMENT DEPARTMENTS
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities

Summary

These identical bills, introduced in 1988 and still pending, proposed to amend the New Jersey Transportation of Dangerous Articles Law (N.J. Stat. Ann. sec. 39:5B-26) to require the State Department of Transportation to specify by regulation a list of hazardous materials which are deemed to be the most dangerous to human life upon exposure or accident. A shipper or transporter of any such material must provide prior written or oral notification to the law enforcement department of each municipality through which the materials will be transported. The bill would also permit a county or municipal law enforcement officer to enforce the State laws on hazardous materials transportation provided the officer has successfully completed a training course approved by the Division of State Police.

Comments:

Transportation Legislative Database

Item Number: PL-0054
Action Type: PENDING LEGISLATION
Source: STATE
State: New Jersey
Citation: N.J. Assembly Bill 2264
Title: TRANSPORTATION OF DANGEROUS ARTICLES LAW AMENDMENT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSURANCE - LIABILITY
Liability Requirements and Limitations

Summary

This bill, introduced in January 1989, proposes to amend the New Jersey Transportation of Dangerous Articles Law to provide that, in any action for damages resulting from the discharge of hazardous materials attributable to an accident involving a motor vehicle, there shall be a rebuttable presumption that the carrier was negligent in selecting the route taken if the route did not conform to the routing guidelines established by an Federal or State agency.

Comments:

Transportation Legislative Database

Item Number: ST-0078
Action Type: STATUTE
Source: STATE
State: New Mexico
Citation: N.M. Stat. Ann. secs. 74-3-1 et seq. (Supp. 1989)
Title: NEW MEXICO RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: ENVIRONMENTAL IMPROVEMENT BOARD
HEALTH AND ENVIRONMENT DEPARTMENT
Issues: ROUTING
Motor Vehicle
INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING

Summary

Under the New Mexico Radiation Protection Act a license from the Environmental Improvement Board is required to possess radioactive material unless the person holds an NRC license. See N.M. Stat. Ann. secs. 74-3-1 et seq. (Supp. 1989). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 74-3-15. The Act does not apply to radioactive materials transportation in conformity with DOT or other cognizant Federal agency regulations, nor to any material owned or transported for or by the United States. See sec. 74-3-10.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0024.

Transportation Legislative Database

Item Number: ST-0080
Action Type: STATUTE
Source: STATE
State: New Mexico
Citation: N.M. Stat. Ann. sec. 74-4B-1 et seq. (Supp. 1989)
Title: NEW MEXICO EMERGENCY MANAGEMENT ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE POLICE
HAZARDOUS MATERIALS EMERGENCY RESPONSE ADMINISTRATOR
HAZARDOUS MATERIALS SAFETY BOARD
Issues: EMERGENCY RESPONSE
INCIDENT NOTIFICATION

Summary

The New Mexico Emergency Management Act provide that any driver of a vehicle carrying hazardous materials involved in an accident that may cause injury to persons or property must immediately notify the New Mexico State Police by the quickest means of communication available. The State Government has primary responsibility for the management of the hazardous materials accident. See N.M. Stat. Ann. sec. 74-4B-1 et seq. (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0152

Action Type: STATUTE

Source: STATE

State: New Mexico

Citation: N.M. Stat. Ann. secs. 74-4A-1 et seq. (Supp. 1989)

Title: NEW MEXICO RADIOACTIVE AND HAZARDOUS MATERIALS TRANSPORTATION ACT

Transport
Mode: MOTOR VEHICLE

Regulatory
Authority: ENVIRONMENTAL IMPROVEMENT BOARD

Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
REGULATIONS
Consistency with Federal Regulations

Summary

Under the New Mexico Radioactive and Hazardous Materials Transportation Act, the State Environmental Improvement Board has the authority to promulgate regulations regarding the highway transport of radioactive materials, including the establishment of routing criteria and designation of routes, except as specifically preempted by Federal law. See N.M. Stat. Ann. secs. 74-4A-1 et seq. (Supp. 1989). The Act also establishes a radioactive waste consultation task force to negotiate for the State with the Federal Government in all areas related to siting, licensing, and operation of new Federal high-level radioactive waste, transuranic radioactive waste, and low-level radioactive waste facilities. See sec. 74-4A-7. The Act further establishes a radioactive and hazardous materials committee to make legislative recommendations regarding radioactive materials transportation, among other things. See sec. 74-4A-11.

Comments:

Transportation Legislative Database

Item Number: ST-0174
Action Type: STATUTE
Source: STATE
State: New Mexico
Citation: N.M. Stat. Ann. secs. 11-9-1 et seq. (Supp. 1988)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

New Mexico is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See N.M. Stat. Ann. secs. 11-9-1 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE

Transportation Legislative Database

Item Number: ST-0218
Action Type: STATUTE
Source: STATE
State: New Mexico
Citation: N.M. Stat. Ann. sec. 66-7-413 (Supp. 1988)
Title: NEW MEXICO OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The New Mexico overweight motor vehicle permit law authorizes the New Mexico Motor Transportation Division (Division) and local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on any public highway under their respective jurisdictions. See N.M. Stat. Ann. sec. 66-7-413 (Supp. 1988). The New Mexico gross vehicle weight limit is 80,000 pounds. See sec. 66-7-410.

Implementing regulations are authorized concerning safety practices, liability insurance and equipment for escort vehicles provided by the carrier or the Division. A permit fee to defray the cost of State or local police escorts is authorized. The permit may be a single trip permit or term permit not to exceed one year and may designate the route to be travelled and any other restrictions or conditions deemed necessary. See sec. 66-7-413.

Comments:

Transportation Legislative Database

Item Number: ST-0243
Action Type: STATUTE
Source: STATE
State: New Mexico
Citation: Ch. 149 of 1989 Laws of New Mexico
Title: Hazardous Chemicals Information Act
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: STATE EMERGENCY RESPONSE COMMISSION
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities

Summary

This law, enacted in March 1989, creates a new Hazardous Chemicals Information Act and amends the New Mexico Emergency Management Act (N.M. Stat. Ann. sec. 7 4-4B-1). The new Hazardous Chemicals Information Act requires facility owners or operators (including motor vehicle and rail owners or operators) required by the Federal Emergency Planning and Community Right-to-Know Act of 1986 (42 USC sec. 11001) to file a written report to local emergency planning committees in the event of the release of an extremely hazardous substance to file such reports with the State Emergency Response Commission.

The amendment to the New Mexico Emergency Management Act requires drivers of vehicles carrying hazardous (including radioactive) materials involved in an accident which may cause injury to persons or property or the owners or shippers of such material with knowledge of such accident to immediately notify the New Mexico State Police.

Comments:

Transportation Legislative Database

Item Number: AR-0024
Action Type: REGULATION
Source: STATE
State: New Mexico
Citation: N.M. Environmental Improvement Division Regs. 1-101 to 12-300
(Unofficial)
Title: NUCLEAR MATERIALS LICENSING AND TRANSPORTATION REGULATIONS
(UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: ENVIRONMENTAL IMPROVEMENT DIVISION
Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
REGULATIONS
MATERIALS LICENSING

Summary

The New Mexico Environmental Improvement Division has promulgated regulations (effective October 1981) concerning nuclear materials licensing and transportation pursuant to N.M. Stat. Ann. secs. 74-3-1 et seq. (see TLDB entry ST-0078). See Radiation Protection Regs. 1-101 to 12-300. Except as provided in Rule 3-800 the regulations are inapplicable to common and contract carriers subject to DOT or Postal Service regulations. See Rule 1-110B. DOE prime contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites are further exempt. See Rule 1-110D. Rule 3-700 contains radioactive materials preparation regulations, which, by their terms, do not apply to DOT or Postal Service-regulated transportation.

Rule 3-800 requires a specific license of the carrier to transport nuclear waste on New Mexico highways. The license application must contain, among other things, a statement of Federal law compliance; evidence of sufficient financial protection; and a statement of the origin, destination, and proposed routes for transportation. In approving routes, the Division is required to consult with affected local subdivisions and the State Transportation Department. See Rule 3-800D. To promote the objective of safest possible transport, vehicles carrying nuclear waste are required, to

Transportation Legislative Database

the extent practicable, to travel on interstate highways; use routes that minimize travel time; avoid traveling through or near heavily populated areas; avoid tunnels, narrow streets and alleys; avoid areas adjacent to large numbers of people; avoid stops in populated areas; and avoid hazardous road conditions due to climatic or structural conditions. See Rule 3-800E. Carriers are required to report nuclear incidents to the Division verbally as soon as practicable after the incident and in writing within 24 hours after that. See Rule 3-800G.

Comments:

IMPLEMENTS NEW MEXICO RADIATION PROTECTION ACT (TLDB ENTRY ST-0078).

Transportation Legislative Database

Item Number: OT-0029
Action Type: OTHER
Source: STATE
State: New Mexico
Citation: N.M. Transportation Department Overweight Motor Vehicle Permit
Guidebook (Unofficial)
Title: NEW MEXICO OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: MOTOR TRANSPORTATION DIVISION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the New Mexico overweight motor vehicle permit law are contained in a New Mexico Transportation Department guide book, dated September 1986. Significantly, in addition to the permit law terms, this guide (1) provides the permit must be found not to adversely affect the overall traveling public, nor create undue hazards to public or private property, (2) restricts permits to indivisible loads, (3) requires a certificate of insurance, and (4) imposes weather restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0084
Action Type: STATUTE
Source: STATE
State: New York
Citation: N.Y. Transp. Law Section 14f (McKinney 1989)
Title: NEW YORK TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: COMMISSIONER OF TRANSPORTATION
Issues: TRANSPORTATION OPERATIONS
REGULATIONS

Summary

New York transportation law requires the Commissioner of Transportation to promulgate regulations governing radioactive materials transportation. See N.Y. Transp. Law sec. 14f (McKinney 1989). It is expressly provided that nothing in this section can be construed to abrogate or effect the provisions of any Federal, State, or local statute, regulation, or resolution that is more restrictive than or that supersedes the provisions of this section. See sec. 14f, para. 5. The law makes it unlawful to transport radioactive material in violation of Commissioner transportation regulations or without a conspicuously marked or placarded vehicle. See also N.Y. Transp. Law sec. 380 (McKinney Supp. 1988) in accord.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0026.

Transportation Legislative Database

Item Number: ST-0220
Action Type: STATUTE
Source: STATE
State: New York
Citation: N.Y. Veh. & Traf. Law sec. 385 (McKinney 1989)
Title: NEW YORK OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The New York overweight motor vehicle permit law authorizes the Department of Transportation (Department) to issue special permits to operate overweight motor vehicles on any highway under its jurisdiction to extent not inconsistent with Federal law. See N.Y. Veh. & Traf. Law sec. 385 (McKinney 1989). The New York gross vehicle weight limit is 80,000 pounds. See sec. 385. Implementing regulations must provide for the safety of the traveling public and the protection of the highways and environment. Permit fees must be established by regulation. See sec. 385.

If a permit application is for the use of local highways not under the Department's jurisdiction, it must immediately notify the locality having jurisdiction over such highway. That locality has 15 days to comment on the permit application. See sec. 385.

Permits may be single trip permits or annual permits. The annual permit is only available for indivisible loads. Overweight permittees must operate over specified highways. See sec. 385.

Comments:

Transportation Legislative Database

Item Number: AR-0026
Action Type: REGULATION
Source: STATE
State: New York
Citation: N.Y. Transp. Code tit. 17, secs. 507.1-507.9
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION, DIVISION OF TRAFFIC AND SAFETY
Issues: INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Regulations - Requirements
REGULATIONS
Adoption of Federal Regulations

Summary

The New York Department of Transportation, Division of Traffic and Safety has promulgated regulations (effective 1986) pursuant to N.Y. Transp. Law sec. 14-f (see TLDB entry ST-0084) and contained in Title 17 of the Transportation Code secs. 507.1-507.9 regarding hazardous materials transportation. The regulations adopt the Federal hazardous materials transportation regulations and the Federal motor carrier safety regulations in 49 CFR with certain specified exceptions. The regulations impose these requirements on every carrier, whether by highway, rail, or air, engaged in transportation of hazardous materials within the State. The regulations require all carriers, and persons engaged in hazardous materials transportation, to report immediately to the Fire or Police Department of the local municipality any transportation incident regarding hazardous materials. The regulations further authorize the Department of Environmental Conservation, local police officers, the Division of State Police, and the Federal Highway Administration to conduct regulatory compliance inspections. With regard to radioactive materials transportation, it is specifically provided that no State requirements should be construed to abrogate or affect the provisions of any Federal, State, or local requirement that is more restrictive than or that supersedes provisions of these regulations.

Comments:

IMPLEMENTS NEW YORK TRANSPORTATION LAW (TLDB ENTRY ST-0084).

Transportation Legislative Database

Item Number: PL-0037
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Senate Bill 845
Title: NEW YORK TRANSPORTATION LAW AMENDMENT (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Designation Criteria

Summary

This bill, introduced in January 1989, proposes to amend the State transportation law (N.Y. Trans. Law Sec. 14i) to require that all intrastate transportation of radioactive materials must be along preapproved routes. This bill would require the State Department of Transportation (Department), to establish criteria for the safe transportation of radioactive materials. Such criteria must take into consideration proximity of routes to population areas, local fire and emergency response capabilities, and the risk of accident. The Department is also obligated to adopt regulations prescribing a procedure for the certification of routes. In order to have a route certified, any person planning the intrastate transportation of radioactive material must file the proposed route and time of shipment with the Department for approval. The Department would be required to hold a public hearing before certifying a route. The bill would authorize the Department, upon certification of a route, to impose such limitations as are appropriate for safety purposes consistent with Federal regulations.

Comments:

Transportation Legislative Database

Item Number: PL-0056
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Assembly Bill 522
Title: RADIOACTIVE WASTE TRANSPORTATION ACT
Transport Mode: ALL
Regulatory Authority: STATE DISASTER PREPAREDNESS COMMISSION
Issues: ROUTING
Motor Vehicle
Rail
SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training
Financial Support
PHYSICAL PROTECTION
Escorts
INSURANCE - LIABILITY
Liability Requirements and Limitations
PERMITS
Transport Permit
REGULATIONS
Consistency with Federal Regulations
FEES
Transport Permit Fees
Other

Summary

This bill, introduced in January 1989, proposes to enact a new Radioactive Waste Transportation Act. First, the bill would require carriers of radioactive waste (including low-level waste and highway route controlled quantity radioactive material) to receive a permit to transport in the State. A permit fee and an additional \$1,000 per truck-load fee is imposed on carriers transporting highway route controlled quantity radioactive material. Permit fees are slated for emergency response training for public safety personnel and developing emergency response procedures. Second, the bill would require radioactive waste transportation carriers to assume responsibility for any costs arising from an accident occurring during the transportation of radioactive waste and agree to hold the State harmless for

Transportation Legislative Database

any claims arising out of personal or property damage from such accident. Third, the bill would require the Governor or his designee, to request 72 hours prenotification of highway route controlled quantity radioactive materials shipments. Such notification is to include routes, carrier name, point of origin and destination, and schedule. Fourth, the bill would require a police escort for shipments of highway route controlled radioactive material. Fifth, the bill would require the New York Disaster Preparedness Commission to develop a training program and emergency response plan for radioactive waste transportation. The bill provides that implementing regulations for the new law must conform with comparable Federal requirements.

Comments:

Transportation Legislative Database

Item Number: PL-0057
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Assembly Bill 1442
Title: NEW YORK EXECUTIVE LAW AMENDMENT (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Planning and Training
 REGULATIONS
 Other

Summary

This bill, introduced in January 1989, proposes to amend the New York Executive Law to require cities and counties to prepare analyses using uniform State criteria of their vulnerability and capability to respond to hazardous materials transportation accidents.

Comments:

Transportation Legislative Database

Item Number: PL-0058
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Assembly Bill 485
Title: NEW YORK TRANSPORTATION LAW AMENDMENT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities

Summary

This bill, introduced in January 1989, proposes to amend the New York Transportation Law to require the Department of Transportation (Department) to adopt regulations providing for annual inspections of trucks transporting hazardous materials.

Comments:

Transportation Legislative Database

Item Number: PL-0059
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Assembly Bill 2250
Title: NEW YORK TRANSPORTATION LAW AMENDMENT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
STATE DISASTER PREPAREDNESS COMMISSION
Issues: ROUTING
Motor Vehicle
Regulations
Designation Criteria
Interagency Cooperation
EMERGENCY RESPONSE
Planning and Training

Summary

This bill, introduced in January 1989, proposes to amend the New York Transportation Law to require the Department of Transportation, in consultation with the Disaster Preparedness Commission, to establish criteria for the designation of radioactive materials transportation routes. This criteria must take into consideration the proximity of the route to populations, emergency capabilities, and the risk of accident. The Department must further adopt regulations prescribing the forms and procedures to be followed for the certification of routes for the in- and cross-State transportation of radioactive materials.

Comments:

Transportation Legislative Database

Item Number: PL-0060
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Senate Bill 864
Title: LIQUIFIED PETROLEUM AND NATURAL GAS AND RADIOACTIVE MATERIALS ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Designation Criteria

Summary

This bill, introduced in January 1989, proposes to enact a new Liquified Petroleum and Natural Gas and Radioactive Materials Act (amended N.Y. Env't. Conser'n. Law sec. 23-1701). This bill, in relevant part, contains radioactive materials route certification requirements identical to those in New York Assembly bill 2250.

Comments:

Transportation Legislative Database

Item Number: PL-0061
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Assembly Bill 3093
Title: NEW YORK TRANSPORTATION LAW AMENDMENT (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
STATE POLICE
Issues: PHYSICAL PROTECTION
Escorts

Summary

This bill, introduced in February 1989, proposes to amend the New York Transportation Law to require the Department, in cooperation and consultation with the Division of State Police, to adopt regulations providing for a police escort for all carriers of radioactive materials in State.

Comments:

Transportation Legislative Database

Item Number: PL-0062
Action Type: PENDING LEGISLATION
Source: STATE
State: New York
Citation: N.Y. Assembly Bill 5849
Title: RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Responsibilities and Capabilities
PHYSICAL PROTECTION
Escorts
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

This bill, introduced in March 1989, proposes to enact a new Radiation Protection Act. This bill has several provisions. First, the bill would require the Department to license radiation source users responsible for the transporting of radiation sources and require the registration of radiation sources so transported. Licensing and registration fees are to be prescribed by regulation. Second, the bill would require the Department to develop a radiation emergency response program. Third, the bill would prohibit the transportation of spent fuel unless the transporter notifies the Department in advance in accordance with NRC prenotification regulations. Fourth, all shipments of spent fuel would have to be escorted by the New York State Police. Fifth, the bill requires the Department to develop a radiation transportation emergency response plan.

Comments:

Transportation Legislative Database

Item Number: OT-0030
Action Type: OTHER
Source: STATE
State: New York
Citation: N.Y. Department of Transportation Overweight Motor Vehicle
Permit Information Form (Unofficial)
Title: NEW YORK OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on the implementation of the New York overweight motor vehicle permit law are contained in a New York Department of Transportation information form dated February 1988. Significantly, in addition to the permit law terms, this information form (1) requires permittees to use approved routes, (2) imposes date, time-of-day, and weather restrictions, and (3) requires insurance coverage.

Comments:

Transportation Legislative Database

Item Number: ST-0061
Action Type: STATUTE
Source: STATE
State: North Carolina
Citation: N.C. Gen. Stat. ch. 104E (Supp. 1988)
Title: NORTH CAROLINA RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HUMAN RESOURCES
RADIATION PROTECTION COMMISSION
Issues: ROUTING
Motor Vehicle
Designation Criteria
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The North Carolina Radiation Protection Act creates the North Carolina Radiation Protection Commission within the Department of Human Resources and authorizes the Commission to promulgate regulations respecting transportation of radioactive materials. See N.C. Gen. Stat. ch. 104E (Supp. 1988). Such regulations may include, but are not limited to, provisions for signs, packing, marking, labeling, and handling, and may provide for designation of routes within the State. The Commission is authorized to adopt, in whole or in part, Federal rules and regulations promulgated by NRC, DOT and the Postal Service governing transportation of radioactive materials. The Department is authorized to enter into agreements with the responsible Federal agencies to avoid duplication of effort or conflict in enforcement and inspection.

The Act further provides for licensing or registration of all "persons" who transport radioactive materials. See sec. 104E-7. A Federal (NRC) - State

Transportation Legislative Database

regulatory transfer agreement is authorized to be sought. See sec. 104E-10. The term "person" excludes NRC-licensed Federal agencies. See sec. 104E-5(11). The Department is further authorized to conduct inspections for compliance and to institute training and educational programs for persons transporting radioactive material. See sec. 104E-11. Fees may be charged to administer such programs. See sec. 104E-19. Last, persons transporting radioactive material are required to first post such bond, insurance, or security as Commission regulations may require. See sec. 104E-18.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0020.

Transportation Legislative Database

Item Number: ST-0062
Action Type: STATUTE
Source: STATE
State: North Carolina
Citation: N.C. Gen. Stat. ch. 166A (Supp. 1988)
Title: NORTH CAROLINA EMERGENCY MANAGEMENT ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY
Issues: EMERGENCY RESPONSE
 Planning and Training
 Financial Support
 INSURANCE - LIABILITY

Summary

The North Carolina Emergency Management Act sets forth the authority and responsibility of the governor, State agencies, and local governments in the area of emergency response and provides for cooperation and coordination of such activities. See N.C. Gen. Stat. ch. 166A (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0064
Action Type: STATUTE
Source: STATE
State: North Carolina
Citation: N.C. Gen. Stat. sec, 20-167.1 (Supp. 1988)
Title: NORTH CAROLINA MOTOR VEHICLE LAW
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF NATURAL RESOURCES
RADIATION PROTECTION COMMISSION
STATE HIGHWAY PATROL
Issues: SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
REGULATIONS

Summary

The North Carolina Motor Vehicle Code requires advance notification to the State Highway Patrol before spent nuclear fuel is transported on highways of the State. The Radiation Protection Commission is authorized to promulgate regulations necessary to implement this provision. See N.C. Gen Stat. sec. 20-167.1 (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0238
Action Type: STATUTE
Source: STATE
State: North Carolina
Citation: N.C. Gen. Stat. sec. 20-119 (Supp. 1988)
Title: NORTH CAROLINA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The North Carolina overweight motor vehicle permit law authorizes the Department of Transportation (Department), in its discretion, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on public highways in the State. See N.C. Gen. Stat. sec. 20-119 (Supp. 1988). The North Carolina gross weight vehicle limit is 80,000 pounds. See sec. 20-118. Implementing regulations are authorized. Overweight vehicles are prohibited from operating on interstate highways unless authorized by agreement with or approval of the U.S. Department of Transportation. See sec. 20-118(i).

Permits may be single trip permits or annual permits with prescribed permit fees. The Department or local highway authorities may prohibit vehicle operation or restrict vehicle weight when any highway under their respective jurisdictions would be damaged due to deterioration, rain, snow or other climatic conditions. See sec. 20-121.

Comments:

Transportation Legislative Database

Item Number: AR-0020
Action Type: REGULATION
Source: STATE
State: North Carolina
Citation: N.C. Admin. Code tit. 10 Ch. 3
Title: NORTH CAROLINA REGULATIONS FOR PROTECTION AGAINST RADIATION
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HUMAN RESOURCES
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Title 10, chapter 3 of the North Carolina Administrative Code contains radiation protection regulations promulgated by the Department of Human Resources (May 1986 version) pursuant to N.C. Gen. Stat. ch. 104E. (See TLDB entry ST-0061). These regulations contain provisions for nuclear materials licensing and radiation protection standards. These regulations prohibit the possession of any source of ionizing radiation, except as authorized in a specific or general license. DOE contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites are exempt. See sec. 3G.2206.

The regulations provide that a general license is automatically issued to any common or contract carriers to transport radioactive material in the regular course of their carriage for another provided the transportation is in accordance with applicable and appropriate DOT or U.S. Postal Service regulations relating to packaging, marking and labeling, loading and storage, placarding, monitoring, and accident reporting. See sec. 3G.2416. Carriers are further prohibited from transporting nuclear waste or spent fuel in the State without prior notification to the Highway Patrol in accordance with the requirements of 10 CFR sec. 71.5(b). See sec. 3G.2416.

Comments:

Transportation Legislative Database

IMPLEMENTS NORTH CAROLINA RADIATION PROTECTION ACT (TLDB ENTRY ST-0061).

Transportation Legislative Database

Item Number: AR-0105
Action Type: REGULATION
Source: STATE
State: North Carolina
Citation: N.C. Department of Transportation Overweight Motor Vehicle
Permit Regulations (Unofficial)
Title: NORTH CAROLINA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the North Carolina overweight motor vehicle permit law are contained in North Carolina Department of Transportation regulations (June 1985 version). Specifically, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, (2) designate routes, (3) impose weather, speed limits, and date and time-of-day restrictions, and (4) provide that escorts are discretionary.

Comments:

Transportation Legislative Database

Item Number: ST-0067
Action Type: STATUTE
Source: STATE
State: North Dakota
Citation: N.D. Cent. Code secs. 23-20.1-01 et seq. (Supp. 1987)
Title: MATERIALS LICENSING LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

A North Dakota statute authorizes the Department of Health to provide for the licensing and regulation of persons to possess or transfer radioactive materials. See N.D. Cent. Code secs. 23-20.1-01 et seq. (Supp. 1987). NRC-licensed Federal agencies are excluded from its provisions. See Section 23-20.1-01.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0021.

Transportation Legislative Database

Item Number: ST-0143
Action Type: STATUTE
Source: STATE
State: North Dakota
Citation: N.D. Cent. Code Ann. sec. 39-21-44 (Supp. 1987)
Title: NORTH DAKOTA MOTOR VEHICLE ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY PATROL
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The North Dakota Motor Vehicle Act requires any vehicle used to transport any explosive or hazardous material upon a highway be equipped with at least one fire extinguisher. The statute further authorizes the State Highway Patrol to adopt hazardous materials transportation safety regulations. See N.D. Cent. Code Ann. sec. 39-21-44. The regulations must duplicate or be consistent with DOT hazardous materials transportation regulations in 49 CFR Parts 170-177.

Comments:

Transportation Legislative Database

Item Number: ST-0216
Action Type: STATUTE
Source: STATE
State: North Dakota
Citation: N.D. Cent. Code Ann. sec. 39-12-02 (Supp. 1987)
Title: NORTH DAKOTA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The North Dakota overweight motor vehicle permit law authorizes the highway patrol and local authorities, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on public highways under their respective jurisdictions. See N.D. Cent. Code Ann. sec. 39-12-02 (Supp. 1987). Implementing regulations and permit fees are authorized. The North Dakota gross vehicle weight limit on interstate highways is 80,000 pounds, and 105,500 pounds on non-interstate public highways. See sec. 39-12-05.

Special permits may designate the routes to be travelled and contain any restrictions or conditions deemed necessary. Only single trip permits are available. See sec. 39-12-02.

Comments:

Transportation Legislative Database

Item Number: AR-0021
Action Type: REGULATION
Source: STATE
State: North Dakota
Citation: N.D. Admin. Code art. 33-10
Title: RADIOLOGICAL HEALTH RULES
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF HEALTH
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Article 33-10 of the North Dakota Administrative Code contains radiological health regulations (1985 version) promulgated pursuant to N.D. Rev. Stat. secs. 23-20.1-01 et seq. (see TLDB entry ST-0067). These regulations prohibit the possession of any source of ionizing radiation, except as authorized in the specific or general license. Section 33-N-01-05 exempts DOE contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites. The regulations provide that a general license is automatically granted to any common or contract carriers to transport radioactive material in the regular course of their carriage for another, provided the transportation is in accordance with applicable DOT regulations regarding packaging, monitoring, marking, and labeling. See sec. 33-10-03-07. Common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt to the extent that they transport radioactive material in the regular course of their carriage for another. These regulations require State nuclear materials licensees to provide notification in writing of the transportation of nuclear waste outside the confines of their facilities to the Governors of any States through which such shipments will pass and the Department at least 7 days in advance (by mail), or 4 days in advance (by messenger). The notification must include a description of the nuclear waste, origin and destination, estimated schedule, and point of contact.

Transportation Legislative Database

Comments:

IMPLEMENTS NORTH DAKOTA MATERIALS LICENSING LAW (TLDB ENTRY ST-0067).

Transportation Legislative Database

Item Number: AR-0106
Action Type: REGULATION
Source: STATE
State: North Dakota
Citation: N.D. Admin. Code Art. 38-06
Title: NORTH DAKOTA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: HIGHWAY PATROL
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the North Dakota overweight motor vehicle permit law are contained in North Dakota Highway Patrol regulations. See N.D. Admin. Code Art. 38-06 (effective January 1, 1988). Significantly, in addition to the permit law terms, these regulations (1) provide that escorts are not required for overweight motor vehicles unless determined to be necessary by the Highway Department Chief Engineer, Bridge Engineer, District Engineer, or Highway Patrol, (2) require liability insurance for vehicles with gross weight in excess of 200,000 pounds, and (3) impose time-of-day and vehicle distance restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0085
Action Type: STATUTE
Source: STATE
State: Ohio
Citation: Ohio Rev. Code Ann. sec. 3701.91 (Baldwin 1988)
Title: OHIO RADIATION PROTECTION LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: PUBLIC HEALTH COUNCIL
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Consistency with Federal Regulations
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

An Ohio radiation protection statute authorizes the Public Health Council to promulgate regulations, no more stringent than Federal regulations, for the possession and registration of sources of radiation. See Ohio Rev. Code Ann. sec. 3701.91 (Baldwin 1988). This Act does not apply to Federally licensed radioactive material. See sec. 3701.91(B). Registration is not required of persons possessing radioactive material solely for the purpose of transportation. See sec. 3701.91(H). All sources of radiation must be transported in such a manner as to prevent improper radiological exposure. See sec. 3701.94.

Comments:

IMPLEMENTING REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0027.

Transportation Legislative Database

Item Number: ST-0086
Action Type: STATUTE
Source: STATE
State: Ohio
Citation: Ohio Rev. Code Ann. secs. 4163.01 et seq. (Baldwin 1988)
Title: OHIO ATOMIC ENERGY LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DISASTER SERVICES AGENCY
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
REGULATIONS

Summary

Ohio atomic energy law requires shipment prenotification by the carrier or shipper of nuclear material to the State Disaster Services Agency. The notice must be in writing 48 hours in advance and include, among other things, the type and quantity of nuclear material, transportation mode, proposed date and time of shipment, point of origin and termination, and scheduled route. See Ohio Rev. Code Ann. secs. 4163.01 et seq. (Baldwin 1988). This law does not apply to radioactive material, other than by-product, shipped for the Department of Defense or Department of Energy. See sec. 4163.07(D). A number of designated State agencies are authorized to study the need for State legislative or regulatory changes regarding the State presence of nuclear material.

Comments:

Transportation Legislative Database

Item Number: ST-0146
Action Type: STATUTE
Source: STATE
State: Ohio
Citation: Ohio Rev. Code Ann. secs. 4905 et seq. (1988 Act 428)
Title: HAZARDOUS MATERIALS TRANSPORTATION ACT
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: HAZARDOUS MATERIALS TRANSPORTATION ACT
Issues: ROUTING
Motor Vehicle
Rail
Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
EMERGENCY RESPONSE
Planning and Training
Financial Support
SHIPMENT RESTRICTIONS
PERMITS
Carrier Permit
REGULATIONS
FEES
Carrier Permit Fees

Summary

The Hazardous Materials Transportation Act authorizes the Public Utilities Commission to adopt regulations consistent with, and equivalent in scope and content to, DOT hazardous materials transportation regulations regarding the motor vehicle and rail transportation of hazardous (including radioactive) materials. See Ohio Rev. Code Ann. secs. 4905 et seq. Highway Patrol regulatory compliance inspections are authorized. See sec. 5503.02. The Commission is further authorized to require the registration of hazardous materials carriers over public highways or railroads and to impose registration fees for the same. See sec. 4905.80. The fees, among other things, may be used to provide training for public safety and emergency services personnel to respond to hazardous materials transportation releases. See sec. 4905.80. The Commission may require any registered transporter to provide regular information to the Commission concerning, among other things,

Transportation Legislative Database

transportation routes used during the preceding year. See sec. 4905.80.

The Act authorizes the Commission to determine those hazardous materials that present an extraordinary transportation risk of injury to public health or safety or the environment during transportation. It then authorizes the Commission, after consultation with certain designated State agencies, to define what quantities of which of materials so designated, transported along which routes, should be subject to shipment prenotification. See sec. 4905.81(B) and (C). The specific prenotification requirement may be established by regulation and, among other things, may include the provision of certain emergency contact information. See sec. 4905.81(C).

Transporters of any hazardous material included on the list established by the Commission must further submit an annual report containing, among other things, the following information for the immediate preceding year: identity of the listed material, the quantities of the subject material, the routes used, the times of day transported, and the frequency of shipments. See sec. 4905.81(D). The Commission must designate by rule the material included in the list for which a route assessment is required prior to transportation in the State. See sec. 4905.81(E).

No person may transport any designated material without having had an assessment of the route in accordance with applicable Federal regulations and upon consideration of the following factors, among others: (1) whether historical information indicates that the route presents an unreasonable risk of accident due to the condition or configuration of the roadway or railbed or traffic conditions; (2) whether the route passes in such proximity to a watercourse or body of water used as a source of water by a public water supply, or passes in such proximity to a body of water that serves to recharge an aquifer used as a source of water, that a release of the listed material during transportation would constitute an imminent and substantial threat of contamination; (3) whether the overall risk of catastrophic injury to public health or safety or the environment from transportation of the material would be reduced by transporting the material over an alternate route; (4) whether the use of an alternate route would enhance the emergency response capability of the State or locale through which the materials are likely to pass; (5) the capacity of persons transporting the material to assess, predict, and designate the routes used; and (6) any delays that would be imposed on movement of shipments of material by the use of an alternate route and the effects of the delay on the overall safety of the shipment. See sec. 4905.81(P). The Act exempts from its annual report and route assessment requirements shippers and transporters of any "large quantity" special nuclear or by-product material who are subject to the prenotification requirements of Ohio Rev. Code Ann. sec. 4163.17 (see TLDB entry ST-0086).

Comments:

Transportation Legislative Database

Item Number: ST-0221
Action Type: STATUTE
Source: STATE
State: Ohio
Citation: Ohio Rev. Code Ann. sec. 4513.34 (Baldwin 1988)
Title: OHIO OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Ohio overweight motor vehicle permit law authorizes the Department of Transportation (Department) and local authorities, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on highways under their respective jurisdictions. See Ohio Rev. Code Ann. sec. 4513.34 (Baldwin 1988). Implementing regulations and permit fees are authorized. The Ohio gross vehicle weight limit is 80,000 pounds. See sec. 5577.04.

Permit applications must be in such form as the Department or local permit authority prescribes. Special permits may be issued for any period of time up to one year. See sec. 4513.34

Comments:

Transportation Legislative Database

Item Number: AR-0027
Action Type: REGULATION
Source: STATE
State: Ohio
Citation: Ohio Admin. Code secs. 3701-38-01 to 3701-38-39
Title: RADIATION PROTECTION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations

Summary

The Ohio Department of Health has promulgated radiation protection regulations in sections 3701-38-01 to 3701-38-39 of the Ohio Administrative Code (effective October 1982, as amended) pursuant to Ohio Rev. Code Ann. sec. 3701.90 (see TLDB entry ST-0085). The regulations prescribe radiation source registration requirements and invoke the DOT regulations in 49 CFR Parts 170-179 on intrastate radioactive materials transportation not otherwise subject to such regulations. See secs. 3701-38-06 and 3701-38-37. NRC-regulated parties are exempt from the regulations. See sec. 3701-38-07.

Comments:

IMPLEMENTS OHIO RADIATION PROTECTION LAW (TLDB ENTRY ST-0085).

Transportation Legislative Database

Item Number: AR-0107
Action Type: REGULATION
Source: STATE
State: Ohio
Citation: Ohio Admin. Code sec. 5501:2-101 et seq.
Title: OHIO OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Ohio overweight motor vehicle permit law are contained in Ohio Department of Transportation regulations (see Ohio Admin. Code sec. 5501:2-101) and a 1983 overweight permit application manual. Significantly, in addition to the permit law terms, these regulations and manual (1) authorize permits only for indivisible loads, (2) impose weather, speed, date, time-of-day, and distance restrictions, (3) require use of designated routes, and (4) require provision of insurance or bond, and (5) provide for the use of escorts at the discretion of the Department.

Comments:

Transportation Legislative Database

Item Number: ST-0087
Action Type: STATUTE
Source: STATE
State: Oklahoma
Citation: Okla. Stat. Ann. tit. 47, secs. 230.1 et seq. (West 1989)
Title: OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS
TRANSPORTATION ACT
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: PUBLIC SAFETY DEPARTMENT
Issues: EMERGENCY RESPONSE
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

Pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, the Public Safety Department is authorized to promulgate regulations relative to motor carrier safety in the transport of hazardous materials and to coordinate the implementation of a transportation emergency response system. See Okla. Stat. Ann. tit. 47, secs. 230.1 et seq. (West 1989). The definition of hazardous materials is broad enough to encompass radioactive materials. See sec. 230.3. The Department is authorized to conduct investigations, inspect and examine records relative to motor carrier safety, inspect drivers or commercial motor carriers for statutory or regulatory violations, and prohibit any commercial driver from transporting hazardous materials if such driver is unqualified under Federal or State regulation. See sec. 230.4. Under the Act, a person involved in an incident or accident during the transportation of hazardous material must immediately report such event by telephone to the Department. See sec. 230.8. A written report must be submitted by the person to the Department on a prescribed form. See sec. 230.8(b). Transportation of hazardous materials not in compliance with the Act is prohibited. See sec. 230.9. The Department may

Transportation Legislative Database

adopt by reference and enforce all or any portion of the Federal motor carrier safety regulations and hazardous materials regulations of DOT. See sec. 230.4.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0052.

Transportation Legislative Database

Item Number: ST-0222
Action Type: STATUTE
Source: STATE
State: Oklahoma
Citation: Okla. Stat. Ann. tit. 47 sec. 14-118 (West 1989)
Title: OKLAHOMA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Oklahoma overweight motor vehicle permit law authorizes the Transportation Commission (Commission) to formulate overweight motor vehicle permit regulations for the State trunk highway system, including the national system of interstate highways. See Okla. Stat. Ann. tit. 47 sec. 14-118 (West 1989). The Oklahoma gross vehicle weight limit is 90,000 pounds. See sec. 14-109.

Overweight permit regulations must include provisions for permit duration, seasonal operation, and hours of the day when the permit is valid. The permit system must include fees and require a bond from the applicants. It is the stated purpose of this law to permit the necessary movement of overweight vehicles consistent with the following: (1) the protection of the motoring public from potential traffic hazards, (2) the protection of highway surfaces and private property, and (3) maintenance of a normal flow of traffic with a minimum of interference. The motor vehicle operator is liable for any damage to highways, bridges, or roads. See sec. 14-114.

Comments:

Transportation Legislative Database

Item Number: AR-0052
Action Type: REGULATION
Source: STATE
State: Oklahoma
Citation: Okla. Dept. of Public Safety Emergency Rules and Regulations
(Unofficial)
Title: EMERGENCY RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE
OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS ACT
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The Oklahoma Department of Public Safety has adopted emergency rules and regulations (effective October 1987) for the enforcement of the Oklahoma Motor Carrier and Hazardous Materials Transportation Act (Okla. Stat. Ann. tit. 47, secs. 230.1 et seq., [see TLDB entry ST-0087]). These emergency rules adopt and incorporate DOT hazardous materials transportation and motor carrier safety regulations in 49 CFR Parts 170-178 and 391-397 with certain specified exceptions.

Comments:

IMPLEMENTS OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS
TRANSPORTATION ACT (TLDB ENTRY ST-0087).

Transportation Legislative Database

Item Number: AR-0108
Action Type: REGULATION
Source: STATE
State: Oklahoma
Citation: Okla. Department of Public Safety Overweight Motor Vehicle
Permit Regulations (Unofficial)
Title: OKLAHOMA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Oklahoma overweight motor vehicle permit law are contained in Oklahoma Department of Public Safety overweight permit regulations (November 1, 1986, version). Significantly, in addition to the permit law terms, these regulations require permittees to use the shortest route.

Comments:

Transportation Legislative Database

Item Number: ST-0088
Action Type: STATUTE
Source: STATE
State: Oregon
Citation: 1987 Or. Laws ch. 86 (Unofficial)
Title: PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION
MANAGEMENT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: INTERSTATE COMMITTEE
Issues: ROUTING
Motor Vehicle
Interjurisdictional Cooperation
EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations

Summary

This law establishes a committee comprised of representatives from each party State to further cooperation between the States on emergency response and to coordinate activities by the States to eliminate unnecessary duplication of regulations regarding the transportation and handling of radioactive materials shipments. See 1987 Or. Laws ch. 86. The party States include Idaho, Oregon, and Washington. The model standards must not conflict with Federal law or regulation and would require a carrier to provide, among other things, the mode, route, and schedule of transportation; proof of compliance with Federal, State, and local radioactive materials transportation rules and regulations; and proof of compliance with Federal and State insurance requirements. Consistent with pertinent Federal law or regulations, the party States would also agree to develop model uniform procedures for issuing permits to carriers, record keeping, safety standards, routing, emergency planning, placarding, and State inspection.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: ST-0089
Action Type: STATUTE
Source: STATE
State: Oregon
Citation: Or. Rev. Stat. Ann. secs. 469.300 et seq. (Supp. 1989)
Title: OREGON NUCLEAR FACILITY LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE ENERGY FACILITY SITING COUNCIL
STATE DEPARTMENT OF ENERGY
Issues: ROUTING
Motor Vehicle
Rail
Barge
SHIPMENT NOTIFICATION
EMERGENCY RESPONSE
Planning and Training
Financial Support
PHYSICAL PROTECTION
Escorts
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations
FEES
Transport Permit Fees

Summary

Pursuant to an Oregon statute on the regulation of nuclear facilities, radioactive materials transportation is prohibited in the State without a State permit. See Or. Rev. Stat. Ann. secs. 469.300 et seq. (Supp. 1989). The State Energy Facility Siting Council is authorized to review security programs for transporting commercially generated spent fuel. See sec. 469.530. A required State permit is issuable for a 1-year period and is predicated on submission of an application describing the radioactivity of the material to be transported, proposed routes, mode of transportation and other information required by the State Department of Energy. Sec. 469.605(2),(3). The permit application may include a description of the material to be transported, a description of the proposed routes and

Transportation Legislative Database

schedule, and a description of the transportation mode. A permit fee is required to cover the costs of permit issuance, investigation and prosecution of State law violations, and State emergency response training if Federal funds are insufficient. See sec. 469.605(4). Any permit condition established by the Department must be consistent with DOT and NRC regulations. See sec. 469.613.

The Council is further authorized to promulgate regulations encompassing notification, record keeping, reporting, packaging, emergency response, route designation, certain specified transportation conditions for certain classes of radioactive material (such as specific routes, times, communications, speed limits, escorts, and crew training), and liability insurance. See sec. 469.607(1). Such regulations must be consistent with DOT and NRC rules. See sec. 469.606(3).

Any person obtaining a transportation permit from the Department must establish and maintain any records the Council may require and permit State shipment inspections. See sec. 469.613. A permit recipient is also required to indemnify the State for any claims against the State arising from the release of radioactive material during transportation and for the cost of response to a transportation accident. See sec. 469.615. State inspections of highway route controlled shipments prior to or upon entry into the State are also required. See sec. 469.613.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0028.

Transportation Legislative Database

Item Number: ST-0137
Action Type: STATUTE
Source: STATE
State: Oregon
Citation: Or. Rev. Stat. Ann. sec. 453.825 (Supp. 1989)
Title: OREGON PUBLIC HEALTH AND SAFETY CODE (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
INTERAGENCY HAZARD COMMUNICATION COUNCIL
Issues: REGULATIONS

Summary

The Oregon Public Health and Safety Code contains a provision requiring the State Department of Transportation to coordinate the development of a single plan and procedure for the regulation of hazardous material and waste and radioactive material and waste in Oregon. See Or. Rev. Stat. Ann. sec. 453.825 (Supp. 1989). The Department is required to coordinate with the Interagency Hazard Communication Council in developing this plan.

Comments:

Transportation Legislative Database

Item Number: ST-0144
Action Type: STATUTE
Source: STATE
State: Oregon
Citation: Or. Rev. Stat. Ann. secs. 761.110 et seq. (Supp. 1989)
Title: OREGON HAZARDOUS MATERIALS RAILROAD TRANSPORTATION ACT
(UNOFFICIAL)
Transport
Mode: RAIL
Regulatory
Authority: EMERGENCY MANAGEMENT DIVISION
PUBLIC UTILITY COMMISSION
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Regulations - Requirements
REGULATIONS

Summary

An Oregon statute on railroad transportation of hazardous materials requires a railroad to notify the Public Utility Commission before transporting hazardous materials into the State to or from a railroad terminal located in the State. See Or. Rev. Stat. secs. 761.110 et seq. (Supp. 1989). Each railcar containing hazardous materials which remains in a rail yard or station for more than 2 hours must be visually inspected. See sec. 761.395. The Commission is authorized to prescribe what material in quantity is hazardous to public health, safety, or welfare and what notification is required to provide for the safe transportation of such material, including the time, content, and manner of notification. See sec. 761.400. Each railroad that gives notice to DOT of an accident that occurs during the course of hazardous materials transportation must give similar notice to the State Emergency Management Division. See sec. 761.405. The statute authorizes the Commission to adopt regulations setting standards for the safe transportation of hazardous waste by all transporters. See sec. 761.415.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0055.

Transportation Legislative Database

Item Number: ST-0248
Action Type: STATUTE
Source: STATE
State: Oregon
Citation: Ore. Veh. Code sec. 818.200 (Supp. 1988)
Title: OREGON OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Oregon overweight permit law authorizes an Oregon road authority to issue permits to operate overweight motor vehicles on public highways, if in the public interest. See Ore. Veh. Code sec. 818.200. A permit fee schedule is prescribed. The Oregon gross vehicle weight limit is 80,000 pounds. See sec.818.040.

Comments:

Transportation Legislative Database

Item Number: AR-0028
Action Type: REGULATION
Source: STATE
State: Oregon
Citation: Or. Admin. Rules ch. 345, Div. 60
Title: RADIOACTIVE MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: STATE DEPARTMENT OF ENERGY
FACILITY SITING COUNCIL
Issues: ROUTING
Motor Vehicle
Rail
Barge
Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
Regulations - Requirements
SHIPMENT RESTRICTIONS
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
FEES
Transport Permit Fees

Summary

The Oregon Facility Siting Council has promulgated regulations regarding the transportation of radioactive material in chapter 345, division 60, of the Oregon Administrative Rules. See Rules 345-60-001 through 345-60-050. These rules are promulgated pursuant to Or. Rev. Stat. Ann. secs. 469.300 et seq. (see TLDB entry ST-0089). According to Rule 003, the transport by or under the direction of a Federal agency and Federal vehicles is exempt from the rules. It is further stated that the rules are intended to be consistent with DOT and NRC rules.

Transportation Legislative Database

Rule 004 requires persons to obtain a transport permit from the Oregon Department of Energy prior to transport of nuclear material in the State. The permit application must include, among other things, a general description of the material intended for transport; a description of the mode of transportation, routes, and approximate schedule; a description of past Federal, State, or local nuclear transportation law violations; and a commitment to comply with the Council regulations. The rule requires a \$70.00 fee for each shipment, or an annual fee of \$500.00, whichever is less. Temporary permits are available at Oregon ports of entry.

Rule 005 requires advance notification of nuclear shipments by 10 CFR section 71.97 and 10 CFR section 73.37(f). The Oregon Department of Energy is identified as the Governor's designee to receive advance notification.

Rule 007 authorizes inspection of nuclear shipments for compliance with applicable rules and regulations.

Rule 015 requires that all aspects of vehicles, drivers, and equipment be in accordance with Oregon Administrative Rules, chapter 860, division 65. It is noted that these Public Utility Commission rules reference the requirements of 49 CFR Parts 390-397.

Rule 025 requires that packaging, placarding, labeling, shipping documentation, and all other aspects of transportation of nuclear material be in accordance with 10 CFR Parts 71 and 73 and 49 CFR Parts 171-179.

Rule 030 requires a carrier of any nuclear material to immediately report any vehicle accidents, regardless of whether radioactive material has been damaged or dispersed.

Rule 040 requires that nuclear fuel shipments be routed in accordance with 10 CFR section 73.37 and highway-route controlled shipments be in accordance with 49 CFR Section 177.825. These materials are to be transported on interstate highways or railroads.

Rule 045 requires spent nuclear fuel to be insured as required by the Price-Anderson Act. Nuclear materials carriers are required to comply with applicable Federal and Oregon insurance requirements. Reference is made to Oregon Administrative Rules, chapter 860, division 63 of the Public Utility Commission and 49 CFR Part 387.

Rule 050 requires vehicles to avoid movement during a road condition advisory from the Oregon State Highway Division.

Comments:

IMPLEMENTS OREGON NUCLEAR FACILITY LAW (TLDB ENTRY ST-0089).

Transportation Legislative Database

Item Number: AR-0055
Action Type: REGULATION
Source: STATE
State: Oregon
Citation: Or. Admin. Rules 46-500 et seq.
Title: OREGON RAILROAD HAZARDOUS MATERIALS TRANSPORTATION RULES
Transport Mode: RAIL
Regulatory Authority: PUBLIC UTILITY COMMISSION
Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
REGULATIONS
Adoption of Federal Regulations

Summary

The Oregon Public Utility Commission has promulgated regulations regarding the transportation of hazardous materials by railroad pursuant to Or. Rev. Stat. secs. 761.110 et seq. (see TLDB entry ST-0144). See Or. Admin. Rules 46-500 et seq. (Jan. 1986 version). Rule 46-510 requires each railroad intending to transport hazardous materials to provide advanced notification to the Public Utility Commission and certain specified information to emergency response agencies. Rule 46-530 requires each railroad to issue specific instructions to its operating employees to conduct visual inspections of railcars. Rule 46-910 requires a transporter to obtain an identification number from the Commission. Rule 46-920 adopts DOT hazardous materials transportation regulations in 49 CFR Parts 171-179 as relevant to railroads. Rule 46-930 requires a transporter to clean up any hazardous waste discharge that may occur during transportation.

Comments:

IMPLEMENTS OREGON HAZARDOUS MATERIALS RAILROAD TRANSPORTATION ACT (TLDB ENTRY ST-0144).

Transportation Legislative Database

Item Number: AR-0109
Action Type: REGULATION
Source: STATE
State: Oregon
Citation: Ore. Admin. Rules sec. 734-4-005
Title: OREGON OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Oregon overweight motor vehicle permit law are contained in Oregon Department of Transportation regulations. See Or. Admin. Rules sec. 734-74-005 (effective October 1983). Significantly, in addition to the permit law terms, these regulations (1) require permittees to use routes designated by the State Highway Engineer, (2) impose day, time-of-day, weather, and speed restrictions, (3) require public liability and property damage insurance and/or indemnity bond, and (4) limit permits to indivisible loads.

Comments:

Transportation Legislative Database

Item Number: PL-0073
Action Type: PENDING LEGISLATION
Source: STATE
State: Oregon
Citation: Oregon Senate Bill 1038
Title: PROPOSED AMENDMENT TO ORE. REV. STAT. SEC. 468.780
Transport
Mode: VESSEL
Regulatory
Authority:
Issues: INSURANCE - LIABILITY

Summary

This bill, introduced in March 1989, proposes to amend Or. Rev. Stat. sec. 468.780 to establish financial assurance requirements for ships that transport hazardous materials in the waters of the State.

Comments:

Transportation Legislative Database

Item Number: ST-0090
Action Type: STATUTE
Source: STATE
State: Pennsylvania
Citation: Pa. Rev. Stat. tit. 35, secs. 7110.101 et seq. (Supp. 1989)
Title: PENNSYLVANIA RADIATION PROTECTION ACT
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL RESOURCES
Issues: SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Responsibilities and Capabilities
Financial Support
PHYSICAL PROTECTION
Escorts
INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Pennsylvania Radiation Protection Act authorizes the Department of Environmental Resources to establish a program for the registration, licensing, control, management, regulation and inspection of radiation sources. See Pa. Rev. Stat. tit. 35, secs. 7110.101 et seq. (Supp. 1989). A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 7110.102(6). Registration and licensing are not required for activities within the exclusive jurisdiction of the NRC. See sec. 7110.301(c)(15). Annual licensing and registration fees are imposed. See sec. 7110.401. Prior notification of highway or rail spent fuel transportation and State Police escorts are required. See secs. 7110.601 and 7110.602. The Department is also required to develop a transportation emergency response plan. See sec. 7110.604.

Comments:

Transportation Legislative Database

AUTHORIZED REGULATIONS ARE SUMMARIZED IN AR-0070.

Transportation Legislative Database

Item Number: ST-0091
Action Type: STATUTE
Source: STATE
State: Pennsylvania
Citation: Pa. Rev. Stat. tit. 75, secs. 8301 et seq. (Supp. 1989)
Title: HAZARDOUS MATERIALS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
DRIVER - OPERATOR TRAINING
Regulations - Requirements
Qualifications
Training
INSPECTION AND ENFORCEMENT
PERMITS
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations

Summary

A Pennsylvania hazardous materials transportation statute authorizes the State Department of Transportation to adopt regulations regarding packing, loading and unloading, specifications, marking, inspection, vehicle condition and equipment, driver qualifications, and routing relative to hazardous materials transportation. See Pa. Rev. Stat. tit. 75, sec. 8301 et seq. (Supp. 1989). Department regulations must, as far as practicable, correspond with Federal regulations. It is the avowed purpose of this section of the Act to avoid the imposition of conflicting regulations upon persons who operate vehicles according to Federal regulations. See sec. 8303. The Department is also authorized to issue special permits for cargo tanks. See sec. 8302.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0047.

Transportation Legislative Database

Item Number: ST-0249
Action Type: STATUTE
Source: STATE
State: Pennsylvania
Citation: Pa. Rev. Stat. Ann. tit. 75, sec. 4902 (Supp. 1988)
Title: PENNSYLVANIA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Pennsylvania overweight motor vehicle permit law authorizes the State Department of Transportation (Department) and local authorities to issue permits to operate overweight motor vehicles on public highways and bridges under their respective jurisdictions. See Penn. Stat. Ann. tit. 75, sec. 4902 (Supp. 1988). The Pennsylvania gross vehicle weight limit is 80,000 pounds. See sec. 4943. Some form of security may be required as necessary to cover the cost of any repairs or restoration necessitated by the permitted vehicles. The Department may designate alternate routes for overweight vehicles. See sec. 4902.

Comments:

Transportation Legislative Database

Item Number: AR-0047
Action Type: REGULATION
Source: STATE
State: Pennsylvania
Citation: 67 Pa. Admin. Code ch. 403
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF TRANSPORTATION, HAZARDOUS SUBSTANCES
TRANSPORTATION BOARD
Issues: INSPECTION AND ENFORCEMENT
OVERWEIGHT TRUCKS
INCIDENT NOTIFICATION
Regulations - Requirements
PERMITS
Carrier Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The Pennsylvania Department of Transportation has promulgated regulations pursuant to Pa. Rev. Stat. Ann. tit. 75, secs. 8301 et seq. (formerly tit. 35, secs. 841 et seq.) [see TLDB entry ST-0091] regarding hazardous materials transportation. See 67 Pennsylvania Administrative Code chapter 403. These regulations adopt, in whole or in part, DOT hazardous materials and motor carrier safety regulations in 49 CFR Parts 171, 172, 173, 177, 178, 388, and 390-397 and specified DOT Federal Register interpretations of the motor carrier safety regulations. See secs. 403.4 and 403.5. Regulations concerning carrier registration, vehicle weight limitations, special permits for cargo tanks, vehicle out-of-service criteria, and accident reporting requirements are additionally imposed. See sections 403.3, 403.7, and 403.8. The regulations also authorize safety inspections by the Hazardous Substances Transportation Board. See sec. 401.3.

Comments:

IMPLEMENTS PENNSYLVANIA HAZARDOUS MATERIALS TRANSPORTATION LAW (TLDB ENTRY ST-0091).

Transportation Legislative Database

Item Number: AR-0070
Action Type: REGULATION
Source: STATE
State: Pennsylvania
Citation: Dept. of Environmental Resources Regulations Chapters 216-219
(unofficial)
Title: Pa. Radiation Protection Regulations (unofficial)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL RESOURCES
Issues: TRANSPORTATION OPERATIONS
Material Preparation
Material Handling
Shipping Records
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Pennsylvania Department of Environmental Resources has promulgated regulations regarding the registration of radiation producing machines, the licensing of radioactive material, and standards for protection against radiation. See Penn. Radiological Health Regulations Chapters 216-219 (October 1987). Federal agencies and DOE prime contractors performing work for DOE at Federal sites, including the transportation of radioactive sources to or from the sites, are exempt. See sec. 215.32.

The regulations prohibit any person from delivering radioactive material to a carrier for transport, or transporting radioactive material, except as authorized in a general or specific license issued by the Department. See sec. 217.111. Common and contract carriers subject to DOT or U.S. Postal Service regulations are exempt from the regulations to the extent they transport radioactive material in the regular course of their carriage for another. See sec. 217.112. The regulations provide that a general license is automatically granted to any common or contract carrier to transport radioactive material in the regular course of their carriage for another if the transportation is in accordance with applicable and appropriate DOT regulations regarding the loading and storage of packages, placarding of transport vehicles, and incident reporting. See sec. 217.113. The regulations further provide that a general license is automatically granted to deliver radioactive material to a carrier for transport if the materials

Transportation Legislative Database

licensee complies with the applicable DOT regulations in 49 CFR Parts 170-179 or Pennsylvania Department of Transportation regulations in Title 67 of the Pennsylvania Administrative Code appropriate to the mode of transport as relevant to radioactive materials packaging, procedures for opening and closing packages, and any special instructions to the consignee. See sec. 217.114. Materials licensing fees are prescribed in Section 218.11.

Comments:

IMPLEMENTS PENNSYLVANIA RADIATION PROTECTION ACT (TLDB ENTRY ST-0090).

Transportation Legislative Database

Item Number: AR-0110
Action Type: REGULATION
Source: STATE
State: Pennsylvania
Citation: 67 Pa. Admin. Code ch. 179
Title: PENNSYLVANIA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Pennsylvania overweight motor vehicle permit law are contained in Pennsylvania Department of Transportation regulations. See 67 Penn. Admin. Code ch. 179. Significantly, in addition to the permit law terms, these regulations (1) require permit applications to specify the type of load and vehicle, point of origin and destination, start and end dates, and proposed shipment routes, (2) authorize permits only for indivisible loads, (3) contain time-of-day, date, and weather restrictions, (4) provide that the permittee is liable for any personal injury or property damage claims resulting from overweight operation, and (5) require escorts for loads in excess of 201,000 pounds.

Comments:

Transportation Legislative Database

Item Number: PL-0063
Action Type: PENDING LEGISLATION
Source: STATE
State: Pennsylvania
Citation: Pennsylvania House Bill 843 and Senate Bill 649
Title: HAZARDOUS MATERIALS PROTECTION ACT
Transport Mode: ALL
Regulatory Authority: EMERGENCY MANAGEMENT COUNCIL
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Financial Support
DRIVER - OPERATOR TRAINING
Training
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations

Summary

These identical bills, introduced in March and April 1989, propose to enact the Hazardous Materials Protection Act. The bill contains several provisions. First, the bill designates the Pennsylvania Emergency Management Council (PEMA) as the State's emergency response commission and establishes an emergency planning committee in each county to act in accordance with the Emergency Planning and Community Right-to-Know Act of 1986. Second, the bill creates a hazardous materials response fund to provide financial assistance to State agencies and counties to develop an integrated response capability to the risks posed by hazardous materials releases. Third, the bill would establish an emergency notification system whereby the release of any hazardous materials during transportation would be reported to the proper State and county emergency response officials. Fourth, the bill would require PEMA to develop a hazardous materials safety program for incorporation into the State emergency management plan which includes an assessment of the potential risks that hazardous materials release during transportation related accidents pose to the general public. Fifth, the bill would require the establishment of training standards or a certification program for the formation of State agency, local agency, or regional hazardous materials response teams. Sixth, the bill would provide civil liability protection to State officials and emergency response personnel who are properly carrying out their duties and responsibilities under the proposed hazardous materials safety program. Seventh, the bill would require persons responsible for the release of hazardous materials to pay the costs

Transportation Legislative Database

incurred by emergency response teams in handling such releases.

Comments:

Transportation Legislative Database

Item Number: ST-0092
Action Type: STATUTE
Source: STATE
State: Rhode Island
Citation: R.I. Gen. Laws secs. 23-1.3-1 et seq. (Supp. 1988)
Title: RHODE ISLAND RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

A Rhode Island radiation control statute provides for licensing and registration of radiation sources. See R.I. Gen. Laws secs. 23-1.3-1 et seq. (Supp. 1988). NRC-licensed Federal agencies are excluded from these statutory requirements. See sec. 23-1.3(g) definition of "person." The State radiation control agency is conferred responsibility for the regulation of radiation sources and their transportation inspection, licensing, and registration. See sec. 23-1.3-2. Associated fees are authorized. See sec. 23-1.3-5. The statute authorizes the State to become an agreement State with the NRC and provides that any party with a Federal license in effect prior to such date shall be deemed in compliance with the State provisions. See sec. 23-1.3-7. The administrator is further authorized to order emergency response actions considered necessary. See sec. 23-1.3-9.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0029.

Transportation Legislative Database

Item Number: ST-0093
Action Type: STATUTE
Source: STATE
State: Rhode Island
Citation: R.I. Gen. Laws secs. 23-19.1.1 et seq. (Supp. 1988)
Title: RHODE ISLAND HAZARDOUS WASTE MANAGEMENT ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Issues: INSURANCE - LIABILITY
PERMITS
Carrier Permit
REGULATIONS
FEES

Summary

The Rhode Island Hazardous Waste Management Act authorizes the Department of Environmental Management to promulgate regulations for the storage, transportation, treatment, and disposal of hazardous waste. See R.I. Gen. Laws secs. 23-19.1.1 et seq. (Supp. 1988). The definition of hazardous waste in the statute does not specifically include or exclude nuclear waste. See sec. 23-19.1-4. A transportation permit and fee requirement is imposed. See sec. 23-19.1-10 and 23-19.1-14.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0030.

Transportation Legislative Database

Item Number: ST-0164
Action Type: STATUTE
Source: STATE
State: Rhode Island
Citation: R.I. Gen. Laws secs. 30-15-14 et seq. (Supp. 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Rhode Island is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See R.I. Gen. Laws secs. 30-15-14 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0223
Action Type: STATUTE
Source: STATE
State: Rhode Island
Citation: R.I. Gen. Laws sec. 31-25-21 (Supp. 1988)
Title: RHODE ISLAND OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Rhode Island overweight motor vehicle permit law authorizes the Department of Transportation (Department) and local authorities, in their discretion, upon application and good cause shown, to issue special permits to operate overweight motor vehicles on public highways under their respective jurisdictions. See R.I. Gen. Laws sec. 31-25-21 (Supp. 1988). Permit fees are prescribed. The Rhode Island gross valid weight limit is 80,000 pounds. Special permits may not be issued for divisible loads weighing in excess of 104,800 pounds. See sec. 31-25-21.

Permit fees are prescribed. Permit applications must specifically describe the vehicle, load to be operated, particular highways involved, and whether such permit is for a single trip or for continuous operation. The Department or local authorities may limit the number of trips, establish seasonal or other time limits within which the vehicles may be operated, or otherwise prescribe conditions of operation necessary to ensure against undue damage to road structures. Some form of security may be required to compensate for any injury to any road structure. See sec. 31-25-23.

The Department may enter into agreements with other States providing for the reciprocal enforcement of overweight vehicle permit laws of those jurisdictions. Special permits may be single trip permits or annual permits. See sec. 31-25-23.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: AR-0029
Action Type: REGULATION
Source: STATE
State: Rhode Island
Citation: R.I. Div. of Occupational Health, Dept. of Health, Radiation Control Regs. (Unofficial)
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DIVISION OF OCCUPATIONAL HEALTH, DEPARTMENT OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Rhode Island Division of Occupational Health, Department of Health has promulgated rules and regulations, pursuant to R.I. Gen. Laws secs. 23-1.3-1 et seq. (see TLDB entry ST-0092), pertaining to the control of radiation (as amended October 1984). These regulations relate to the licensing and registration of radioactive materials. There are no nuclear transportation provisions. The regulations are inapplicable to NRC-regulated nuclear materials. See the foreword.

Comments:

IMPLEMENTS RHODE ISLAND RADIATION CONTROL LAW (TLDB ENTRY ST-0092).

Transportation Legislative Database

Item Number: AR-0030
Action Type: REGULATION
Source: STATE
State: Rhode Island
Citation: R.I. Dept. of Environmental Management Hazardous Waste
Transportation Regs. 1-12 (Unofficial)
Title: HAZARDOUS WASTE TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Issues: EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Transport Permit Fees

Summary

The Rhode Island Department of Environmental Management has promulgated regulations (amended September 1987) implementing R.I. Gen. Laws secs. 23-19.1.1 et seq. (see TLDB entry ST-0093) regarding, among other things, the issuance of hazardous waste transportation permits. Although neither the enabling legislation nor these regulations define hazardous waste so as to specifically include nuclear waste, the regulatory definition seems aimed at nonnuclear hazardous waste. Nonetheless, in the event nuclear waste is covered in this statutory scheme, the permit requirements are as follows.

In order to obtain a transportation permit, Rule 6.03 requires receipt by the transporter of other required Federal and State licenses, non-transportation of extremely hazardous waste per the hazardous waste manifest (certain specified roads), notification of the Department immediately in the event of a hazardous waste spill, and submission of the procedures employed by the transporter in responding to spills and other emergency situations. A permit fee of \$25.00 is imposed and the transporter is required to maintain liability insurance specified in 49 CFR section 387.7(d) and to apply for and obtain U.S. EPA identification number. See Rule 6.02.

Transportation Legislative Database

Comments:

IMPLEMENTS RHODE ISLAND HAZARDOUS WASTE MANAGEMENT ACT (TLDB ENTRY ST-0093).

Transportation Legislative Database

Item Number: AR-0050

Action Type: REGULATION

Source: STATE

State: Rhode Island

Citation: R.I. Public Utilities Commission Rules and Regs. I-VII
(Unofficial)

Title: RULES AND REGULATIONS GOVERNING THE TRANSPORTATION OF
RADIOACTIVE MATERIAL

Transport
Mode: MOTOR VEHICLE

Regulatory
Authority: PUBLIC UTILITIES COMMISSION, DIVISION OF PUBLIC
UTILITIES AND CARRIERS
STATE POLICE
STATE DEPARTMENT OF TRANSPORTATION

Issues: ROUTING
Motor Vehicle
INSURANCE - LIABILITY
INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility
SHIPMENT RESTRICTIONS
PERMITS
Transport Permit
REGULATIONS
Consistency with Federal Regulations

Summary

The Rhode Island Public Utilities Commission, Division of Public Utilities and Carriers, has promulgated regulations governing radioactive materials transportation pursuant to enabling authority in R.I. Gen. Laws tit. 39, ch. 12. These regulations provide that the following shipments of radioactive material require a permit from the Division prior to traveling on Rhode Island highways: any large-quantity radioactive material as specified by NRC regulation in 10 CFR Part 71, any quantity of radioactive waste produced as part of the nuclear fuel cycle which is being shipped from or through the State to a waste disposal site or facility, and any shipment of radioactive material or waste which is carried by commercial carrier and required to be placarded pursuant to NRC regulations in 10 CFR or DOT regulations in 49 CFR. See section II. Radioactive materials shipped by or for the United States Government for military or national security purposes or which are related to

Transportation Legislative Database

national defense are exempt. Any motor carrier transporting the commodities specified above must file an application with the motor carrier examiner, Division of Public Utilities and Carriers, at least 4 hours prior to commencement of transportation over Rhode Island highways.

The application must include, among other things, a detailed description of the routes to be followed; date and time of transportation; origin and destination of shipment; proof of proper insurance; certification from the shipper that the articles described in the shipping papers are properly classified, described, packaged, marked, and labeled and in proper condition for transportation according to applicable NRC and DOT regulations; and a certification from the carrier that the packaged radioactive material has been properly loaded, blocked, and secured onto the transport vehicle and is in compliance with applicable DOT motor carrier safety regulations. See section III. The regulations prohibit transportation of radioactive material over the highways of the State during the hours of 7 to 9 a.m. and 4 to 6 p.m. Monday through Friday. See section V.

Any motor carrier transporting the specified commodities must immediately notify the Rhode Island State Police and file a written notice of any accident within 24 hours to the Division and Rhode Island Department of Transportation. See section VI. It expressly provided that these regulations are considered to be in addition to any Federal regulations governing the transportation of hazardous materials. See section VII.

Comments:

Transportation Legislative Database

Item Number: AR-0111
Action Type: REGULATION
Source: STATE
State: Rhode Island
Citation: R.I. Department of Transportation Reg. 7 (Unofficial)
Title: RHODE ISLAND OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Rhode Island overweight motor vehicle permit laws are contained in Rhode Island Department of Transportation regulation 7 (December 1988 version). The regulation does not contain any significant provisions in addition to those in the permit law itself.

Comments:

Transportation Legislative Database

Item Number: PL-0074
Action Type: PENDING LEGISLATION
Source: STATE
State: Rhode Island
Citation: Rhode Island Assembly Bill 89
Title: HAZARDOUS MATERIALS DIVERSION ACT FOR THE SCITUATE RESERVOIR WATERSHED
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Issues: DRIVER - OPERATOR TRAINING
Regulations - Requirements
Training
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
SHIPMENT RESTRICTIONS
Other
TRANSPORTATION OPERATIONS
Shipping Records
REGULATIONS
Adoption of Federal Regulations

Summary

This bill, introduced in February 1989, proposes to enact the Hazardous Materials Diversion Act for the Scituate Reservoir Watershed. First, the bill would prohibit the transportation of radioactive materials in the Scituate Reservoir watershed except under certain limited circumstances. Second, the bill would also require adoption of DOT hazardous materials transportation regulations in 49 CFR Parts 100-179 and DOT motor carrier safety regulations in 49 CFR Parts 383-397. Third, the bill would further require the Rhode Island Department of Environmental Management to maintain information on hazardous materials shipment accidents. Fourth, in the event of a hazardous materials transportation accident, the bill would make the transporter liable for any State or local agency response costs. Fifth, the bill would require mandatory insurance before any hazardous materials are transported through the watershed. Lastly, the bill would require that each carrier provide evidence of completion of any DOT required hazardous materials transportation training.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: ST-0094
Action Type: STATUTE
Source: STATE
State: South Carolina
Citation: S.C. Code Ann. secs. 13-7-110 et seq. (Supp. 1988)
Title: S.C. RADIOACTIVE WASTE TRANSPORTATION AND DISPOSAL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Issues: ROUTING
Motor Vehicle
Rail
SHIPMENT NOTIFICATION
Prénotification
EMERGENCY RESPONSE
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Alternatives
Liability Alternatives
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Transport Permit Fees

Summary

Before radioactive waste may be transported in South Carolina, the South Carolina Radioactive Waste Transportation and Disposal Act requires shippers of high-level radioactive waste to post a bond or evidence of sufficient liability insurance to protect the State and the public, to certify that they have complied with all applicable State and Federal laws and regulations, to certify that they will hold the State harmless in the event of radiological injury or damage to person or property, to provide the State with a shipping manifest, and to obtain a transportation permit. See S.C. Code Ann. secs. 13-7-110 et seq. and sec. 13-7-140 (Supp. 1988). Insurance carried pursuant to 42 USC Section 7210 is deemed sufficient to meet the bond requirements. See sec. 13-7-140. The Act applies to government agencies as well as private entities. See sec. 13-7-120 (definition of "person").

Radioactive waste carriers must notify the Department of Health and

Transportation Legislative Database

Environmental Control of any route or arrival change and provide the Department with certification that the shipment is properly placarded and that the vehicle has been inspected, is in compliance with applicable Federal and State requirements, has received the shipper certificate of compliance and shipping manifest, and will comply with all relevant Federal and State laws. See sec. 13-7-150. Evidence of completion of Federally required operator training for radioactive waste transporters must also be provided. See sec. 13-7-150.

The Department is authorized to promulgate regulations establishing provisions regarding signs, packing, marking, loading, and handling; requiring shippers to specify arrival date and primary route and to provide 72-hour written prenotification; and outlining a permit and fee system. See sec. 13-7-160. The Department is authorized to issue an order in the event of an emergency requiring that the necessary responsive action be taken. See sec. 13-1-200.

Comments:

Transportation Legislative Database

Item Number: ST-0095
Action Type: STATUTE
Source: STATE
State: South Carolina
Citation: S.C. Code Ann. secs. 13-7-10 et seq. (Supp. 1988)
Title: SOUTH CAROLINA ATOMIC ENERGY AND RADIATION CONTROL ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEVELOPMENT BOARD
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Issues: INSPECTION AND ENFORCEMENT
TRANSPORTATION OPERATIONS
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The South Carolina Atomic Energy and Radiation Control Act provides for the promulgation of regulations regarding the licensing, registration, and transportation of sources of ionizing radiation. See S.C. Code Ann. secs. 13-7-10 et seq. (Supp. 1988). Associated fees are authorized. See sec. 13-7-45. A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 13-7-60. Its provisions are expressly inapplicable to the transportation of radioactive waste regulated by the South Carolina Radioactive Waste Transportation and Disposal Act (see TLDB entry ST-0094). See sec. 13-7-70.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRIES AR-0031 AND AR-0051.

Transportation Legislative Database

Item Number: ST-0165
Action Type: STATUTE
Source: STATE
State: South Carolina
Citation: S.C. Code Ann. secs. 25-9-10 et seq. (Supp. 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

South Carolina is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See S.C. Code Ann. secs. 25-9-10 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0224
Action Type: STATUTE
Source: STATE
State: South Carolina
Citation: S.C. Code Ann. sec. 56-5-4170 (Supp. 1988)
Title: SOUTH CAROLINA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The South Carolina overweight motor vehicle permit law authorizes the Department of Highways and Public Transportation (Department) and local authorities, in their discretion, upon application and good cause shown, and in the public interest, to issue special permits to operate overweight motor vehicles with indivisible loads upon public highways under their respective jurisdictions. See S.C. Code Ann. sec. 56-5-4170 (Supp. 1988). The South Carolina gross vehicle weight limit is 80,000 pounds on interstate highways and 73,280 pounds on non-interstate highways. See sec. 56-5-4140.

Special permit applications must specifically describe the vehicle and load to be operated and the particular highways included. Limiting conditions of operation may be prescribed in the permit. Insurance or some other form of security may be required. The Department must find that overweight shipments will not damage the highways or unduly interfere with highway traffic. The issuance of a permit does not waive any liability or responsibility the applicant might have for any property damage to the highways or for personal injuries. The Department may require the vehicle owner or operator to furnish a certificate showing the amount of public liability and property damage they carry. The Department must determine the speeds to be permitted for overweight shipments. See sec. 56-5-417.

Comments:

Transportation Legislative Database

Item Number: AR-0031
Action Type: REGULATION
Source: STATE
State: South Carolina
Citation: S.C. Dept. of Health and Environmental Control Reg. 61-63
Title: RADIATION PROTECTION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING

Summary

The South Carolina Department of Health and Environmental Control has promulgated regulations (revised September 1983) regarding radioactive materials licensing and protection standards pursuant to S.C. Code Ann. secs. 13-7-10 et seq. (see TLDB entry ST-0095). The regulations do not apply to NRC-licensed persons. There are no requirements specific to nuclear transportation.

Comments:

IMPLEMENTS SOUTH CAROLINA ATOMIC ENERGY AND RADIATION CONTROL ACT (TLDB ENTRY ST-0095).

Transportation Legislative Database

Item Number: AR-0051
Action Type: REGULATION
Source: STATE
State: South Carolina
Citation: S.C. Dept. of Health and Environmental Control Reg. 61-83
Title: RADIOACTIVE WASTE TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Issues: ROUTING
Motor Vehicle
SHIPMENT NOTIFICATION
Prenotification
DRIVER - OPERATOR TRAINING
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
FEES
Transport Permit Fees

Summary

The South Carolina Department of Health and Environmental Control (Department) promulgated regulations pursuant to the S.C. Code Ann. secs. 13-7-10 et seq. (see TLDB entry ST-0095) regarding radioactive waste transportation (effective May 22, 1981). These regulations impose the applicable Federal nuclear transportation regulations in 49 CFR Parts 171-179 and 386-399, 10 CFR Part 71, and Department Regulation 61-63 (see TLDB entry AR-0031) on all shippers, carriers, or other persons who transport radioactive waste in South Carolina. See section 1.2.

Shipper-related requirements are as follows. First, the regulations require the shipper to obtain a radioactive waste transport permit from the Department prior to transporting radioactive waste in South Carolina. See section 3. See also Form RHA-200P (application form and content). An unspecified fee is also required. Before a permit is issued, the shipper must provide satisfactory evidence of liability insurance to the Department; certify that it will comply fully with all applicable Federal and State laws regarding packaging, transportation, and delivery of radioactive waste; and

Transportation Legislative Database

certify that it will hold the State harmless for all actions arising out of radiological injury or damage to persons or property occurring during transportation. See sections 3.2 - 3.4. Permit fees are determined annually and assessed according to certain prescribed radioactive waste classifications. See section 3.5. Written notice to the Department is required at least 72 hours before transport. See section 4.1. The manifest accompanying each shipment of radioactive waste must include a copy of the shipper's certification prepared on Department Form RHA-CT which certifies that the shipment has been inspected and complies with all Federal and State laws regarding packaging, transportation, and delivery of radioactive waste. See section 4.3.

Carrier-related requirements are as follows. First, for each shipment of radioactive waste transported in South Carolina, the carrier must complete the Carrier's Certification portion of Form RHA-CT provided by the shipper. See section 5.1. The carrier must certify, among other things, that the shipment is placarded as required by law and regulation, all required shipping papers have been properly executed, the transport vehicle has been inspected and meets all applicable Federal and State regulations, the carrier has received a copy of the shipper's Forms RHA-PNC and RHA-CT, and the carrier will comply with all Federal and State laws regarding radioactive waste transportation. See section 5.1. The carrier must immediately notify the Department of any variance from any designated route or schedule provided by the shipper on Form RHA-PNC.

Comments:

IMPLEMENTS SOUTH CAROLINA ATOMIC ENERGY AND RADIATION CONTROL ACT (TLDB ENTRY ST-0095).

Transportation Legislative Database

Item Number: AR-0112
Action Type: REGULATION
Source: STATE
State: South Carolina
Citation: S.C. Department of Highways and Public Transportation Reg.
63-368 (Unofficial)
Title: SOUTH CAROLINA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the South Carolina overweight motor vehicle permit law are contained in South Carolina Department of Highways and Public Transportation regulation 63-368 (revised November 1, 1988). Significantly, in addition to the permit law terms, this regulation (1) imposes route and weather restrictions, and (2) provides that escorts are discretionary.

Comments:

Transportation Legislative Database

Item Number: ST-0096
Action Type: STATUTE
Source: STATE
State: South Dakota
Citation: S.D. Codif. Laws Ann. secs. 34-21-1 et seq. (Supp. 1989)
Title: SOUTH DAKOTA RADIATION RESOURCES AND URANIUM RESOURCES EXPOSURE
CONTROL ACT

Transport
Mode: UNSPECIFIED

Regulatory
Authority: DEPARTMENT OF WATER AND NATURAL RESOURCES

Issues: SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility
REGULATIONS
Consistency with Federal Regulations
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The South Dakota Radiation Resources and Uranium Resources Exposure Control Act authorizes the State Department of Water and Natural Resources to develop programs, with due regard for compatibility with Federal programs, for regulation and inspection of radioactive materials. See S.D. Codified Laws Ann. secs. 34-21-1 et seq. (Supp. 1989). It is unlawful under this Act for any person to transport radioactive materials in the State unless registered with, or licensed by, the State Secretary of Health under authorized regulations. See sec. 34-21-20. The Act provides that possession of a Federal materials license is deemed satisfactory. See sec. 34-21-21. The Act also authorizes State entry into a Federal-State nuclear regulatory transfer agreement. The term "person" excludes any successor agency to the Atomic Energy Commission. See sec. 34-21-2. Any Federal Agency is required to notify the governor 72 hours in advance before transporting any radioactive waste through the State. See sec. 34-21-47.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: ST-0097
Action Type: STATUTE
Source: STATE
State: South Dakota
Citation: S.D. Codif. Laws Ann. sec. 49-28A-1 et seq. (Supp. 1989)
Title: SOUTH DAKOTA HAZARDOUS MATERIALS TRANSPORTATION SAFETY ACT
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF MILITARY AND VETERAN AFFAIRS
DIVISION OF
HIGHWAY PATROL
Issues: EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
REGULATIONS
Adoption of Federal Regulations

Summary

The South Dakota Hazardous Materials Transportation Safety Act adopts the hazardous materials transportation regulations in 49 CFR Parts 171-179 and motor carrier safety regulation in 49 CFR Parts 390-397. See S.D. Codified Laws Ann. secs. 49-28A-1 et seq. (Supp. 1989). The statute authorizes the Division of Highway Patrol to promulgate rules for the enforcement of such motor carrier safety regulations and for the safe transport of hazardous materials by motor vehicle. See sec. 49-28A-2. The rules may not apply to radioactive materials transported under an NRC permit. This statute contains further provisions authorizing regulatory compliance inspections and requiring motor carriers or the first law enforcement officer to arrive at the scene of an accident to notify the Department of Military and Veteran Affairs. That Department is responsible for coordinating all accident response actions. See sec. 49-28A-6 and 49-28A-7.

Comments:

Transportation Legislative Database

Item Number: ST-0225
Action Type: STATUTE
Source: STATE
State: South Dakota
Citation: S.D. Codif. Laws Ann. sec. 32-22-38 (Supp. 1989)
Title: SOUTH DAKOTA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The South Dakota overweight motor vehicle permit law authorizes the Department of Commerce to issue overweight permits to operate overweight motor vehicles on State or interstate highways to be designated by the Department of Transportation. See S.D. Codif. Laws Ann. sec. 32-22-38 (Supp. 1989). Implementing regulations are authorized. The South Dakota gross vehicle weight limit on interstate highways is 80,000 pounds. See sec. 33-22-16. Single trip or annual permits may be issued by local authorities for overweight motor vehicle operation on highways under their jurisdiction. See sec. 32-22-40. The weight limit on non-interstate public highways is determined using the federal bridge weight formula based on axle number and spacing. See sec. 33-22-16.

Comments:

Transportation Legislative Database

Item Number: AR-0113
Action Type: REGULATION
Source: STATE
State: South Dakota
Citation: S.D. Admin. Rules ch. 70:03:01
Title: SOUTH DAKOTA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the South Dakota overweight motor vehicle permit law are contained in South Dakota Department of Transportation regulations. See S.D. Admin. R. ch. 70:03:01. Significantly, in addition to the permit law terms, these regulations (1) restrict permits to indivisible loads, (2) require route approval, (3) require liability insurance, (4) require escorts only for overweight and overwidth loads, and (5) impose time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0098
Action Type: STATUTE
Source: STATE
State: Tennessee
Citation: Tenn. Code Ann. secs. 68-23-201 et seq. (Supp. 1988)
Title: ATOMIC ENERGY AND NUCLEAR MATERIALS LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: RADIOLOGICAL HEALTH SERVICES DEPARTMENT,
HEALTH AND ENVIRONMENT COMMISSION
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
INSPECTION AND ENFORCEMENT
INCIDENT NOTIFICATION
REGULATIONS
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Tennessee statute authorizes the Radiological Health Services Department to adopt rules and regulations regarding, among other things, licensing requirements and standards regarding the packaging or containerization, loading of transport vehicles, shipping of radioactive material to a materials licensee in Tennessee, and incident reporting. See Tenn. Code Ann. secs. 68-23-201 et seq. (Supp. 1988). The statute provides for issuance of materials possession licenses and accompanying fees. See secs. 68-23-206 and 68-23-216. Regulatory compliance inspections are authorized. See sec. 68-23-207. The Department is further authorized to take the necessary steps to respond to a radiological incident. See sec. 68-23-203.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0032.

Transportation Legislative Database

Item Number: ST-0099
Action Type: STATUTE
Source: STATE
State: Tennessee
Citation: Tenn. Code Ann. secs. 65-15-101 et seq. (Supp. 1988)
Title: MOTOR CARRIER LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: PUBLIC SERVICE COMMISSION
Issues: SHIPMENT NOTIFICATION
Prenotification
TRANSPORTATION OPERATIONS
REGULATIONS

Summary

Tennessee statute empowers the Public Service Commission to license, supervise, and regulate motor carriers. See Tenn. Code Ann. secs. 65-15-101 et seq. (Supp. 1988). Prior notification to the State Public Service Commission is required before transporting spent fuel in the State.

Comments:

Transportation Legislative Database

Item Number: ST-0226
Action Type: STATUTE
Source: STATE
State: Tennessee
Citation: Tenn. Code Ann. sec. 55-11-205 (Supp. 1988)
Title: TENNESSEE OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Tennessee overweight motor vehicle permit law authorizes the Department of Transportation (Department) to issue special permits to operate overweight motor vehicles with indivisible loads upon public highways. See Tenn. Code Ann. sec. 55-11-205 (Supp. 1988). Implementing regulations and permit fees are authorized. The Tennessee gross vehicle weight limit is 80,000 pounds. See sec. 55-11-203.

Special permits may not exceed one year in duration. Special permits can be issued only upon such terms and conditions, and in the interest of public safety and the preservation of the highways, as prescribed by regulation. Some form of bond or surety is required from the permit applicant to cover potential damages to roads or bridges resulting from overweight shipments. See sec. 55-11-205.

Comments:

Transportation Legislative Database

Item Number: AR-0032
Action Type: REGULATION
Source: STATE
State: Tennessee
Citation: Tenn. Dept. of Health and Environment Rules secs. 1200-2-4-.01
to 1200-2-9-.22 (Unofficial)
Title: RADIATION PROTECTION REGULATIONS
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF HEALTH AND ENVIRONMENT
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations
FEES
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

Sections 1200-2-4-.01 to 1200-2-9-.22 of the Tennessee Department of Health and Environment rules (1986 version) contain regulations regarding radioactive materials licensing and radiation protection standards pursuant to Tenn. Code Ann. secs. 68-23-201 et seq. (see TLDB entry ST-0098). The regulations prohibit the possession of any source of ionizing radiation, except as authorized in a specific or general license. See sec. 1200-2-10-.02. DOE contractors performing work at Government-owned or controlled sites, including transporting sources of radiation to or from such sites are exempt. See sec. 1200-2-10-.06. Section 1200-2-10-.30 provides that no State licensee, not otherwise subject to DOT or other Federal regulations, may transport radioactive material unless in compliance with DOT or U.S. Postal Service regulations.

Comments:

IMPLEMENTS TENNESSEE RADIOLOGICAL HEALTH SERVICE ACT (TLDB ENTRY ST-0098).

Transportation Legislative Database

Item Number: AR-0114
Action Type: REGULATION
Source: STATE
State: Tennessee
Citation: Tenn. Admin. Code ch. 1680-2-2
Title: TENNESSEE OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Tennessee overweight motor vehicle permit law are contained in Tennessee Department of Transportation (Department) overweight vehicle regulations. See Tenn. Admin. Code ch. 1680-2-2. Significantly, in addition to the permit law terms, these regulations (1) provide the Department with the discretion to restrict routes, (2) impose weather, traffic density, and time-of-day restrictions, and (3) provide that escorts are required.

Comments:

Transportation Legislative Database

Item Number: PL-0038
Action Type: PENDING LEGISLATION
Source: STATE
State: Tennessee
Citation: Tenn. Senate Bill 45
Title: TENNESSEE MOTOR CARRIER LAW AMENDMENT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: PUBLIC SERVICE COMMISSION
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
PHYSICAL PROTECTION
Responsibilities and Capabilities
Escorts
PERMITS
Transport Permit
REGULATIONS
Consistency with Federal Regulations
FEES
Transport Permit Fees

Summary

This bill, introduced in January 1989, proposes to amend the Tennessee motor carrier law (Tenn. Code Ann. sec. 65-15-126) to require advance notification to the Public Service Commission (Commission) for the highway or rail transport of spent nuclear fuel. The bill would also require receipt of a certificate for hazardous transport from the Commission by each shipper of spent fuel to be transported over the highways or railways of Tennessee. A \$1,000.00 fee is prescribed for the certificate. The Commission is to provide by regulation the form and manner of an application for a certificate.

The bill would also require the Commission to provide all shipments of spent fuel with an escort. The shipper would be required to reimburse the Commission for such escort at a prescribed rate. The bill would also authorize the Commission to collect information on the volumes, routes and risks from spent fuel transport over the various highways and railways of the State. The Commission is further authorized to designate by regulation alternate routes for the transportation of spent fuel through highly

Transportation Legislative Database

populated areas or along routes where the risk of accidents is greatest. The Commission is lastly authorized to promulgate any regulations necessary to implement this new law which can be no more restrictive than any existing NRC or DOT regulation.

Comments:

Transportation Legislative Database

Item Number: ST-0101
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. art. 4413(6b) (Vernon 1989)
Title: HAZARDOUS MATERIAL TRANSPORTATION EMERGENCIES ACT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: EMERGENCY RESPONSE
INCIDENT NOTIFICATION
REGULATIONS
Adoption of Federal Regulations

Summary

This statute requires the Department of Public Safety to adopt rules, consistent with Federal rules, regarding the reporting of the release of hazardous (including radioactive) materials and requires the Department to be responsible for onsite coordination of hazardous materials transportation emergencies.

Comments:

Transportation Legislative Database

Item Number: ST-0102
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. art. 4590f (Vernon 1989)
Title: TEXAS RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH
Issues: ROUTING
Motor Vehicle
INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

Article 4590f of the Texas Civil Statutes provides that it is the policy of the State to institute and maintain a radiological regulatory program compatible with Federal standards and regulatory programs. See Tex. Rev. Civ. Stat. art. 4590f (Vernon 1989). Section 4 of the Act designates the Texas Department of Health as the Texas State radiation control agency and authorizes it, among other things, to adopt rules and guidelines providing for the transport and routing of radioactive material within the State. Section 6 of the Act requires the agency to promulgate regulations for the licensing and regulation of radioactive materials. This law provides that it is unlawful for any "person" to transport any source of radiation unless licensed, registered, or exempted by the agency in accordance with the Act's provisions. See sec. 13. Under Section 3 of the Act, the term "person" excludes Federal agencies licensed or exempted by the NRC. Further, under the Department's implementing regulations (sec. 11.3), any NRC or Energy Research and Development Administration (ERDA, now DOE) contractor operating in Texas is exempt from the Department's radiation control requirements to the extent such contractor possesses or transfers sources of radiation under such contract.

Comments:

Transportation Legislative Database

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0033.

Transportation Legislative Database

Item Number: ST-0103
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. arts. 6448 and 6448(a) (Vernon 1989)
Title: TEXAS RAILROAD COMMISSION LAW (UNOFFICIAL)
Transport
Mode: RAIL
Regulatory
Authority: TEXAS RAILROAD COMMISSION
Issues: REGULATIONS
Consistency with Federal Regulations

Summary

Railroad safety is regulated by the Texas Railroad Commission, which has been granted the authority to implement the requirements of the Federal Railroad Safety Act of 1970. See Tex. Rev. Civ. Stat. arts. 6448 and 6448(a) (Vernon 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0104
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. art. 6889-7 (Vernon 1989)
Title: TEXAS DISASTER ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DIVISION OF EMERGENCY MANAGEMENT
Issues: EMERGENCY RESPONSE

Summary

The Texas Disaster Act of 1975 is intended to clarify and strengthen the roles of the governor, State agencies, and local governments in the prevention of, preparation for, response to, and recovery from natural disasters or disasters caused by humans. See Tex. Rev. Civ. Stat. art. 6889-7 (Vernon 1989). The governor is authorized, among other things, to recommend emergency evacuations and to prescribe evacuation routes, modes of transportation, and destinations.

The Act establishes a Division of Emergency Management in the governor's office mandated to prepare a comprehensive State emergency management plan to include the coordination of Federal, State, and local emergency activities and plans. The Act requires each county to maintain an emergency management program or participate in local or interjurisdictional emergency management programs. Each city that does not have a program and has not made arrangements to participate in an existing program is required to designate a liaison officer to facilitate the cooperation and protection of that municipality in the work of disaster prevention, preparedness, response, and recovery.

Comments:

Transportation Legislative Database

Item Number: ST-0105
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. art. 6701(d), sec. 139 (Vernon 1989)
Title: TEXAS UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: TRANSPORTATION OPERATIONS
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations

Summary

Under the Texas Uniform Act Regulating Traffic on Highways, the Texas Department of Public Safety is required to promulgate regulations governing the highway transportation of hazardous materials which either duplicate or are consistent with the DOT transportation regulations regulating traffic on highways. The regulations include those pertaining to vehicle marking or placarding. See Tex. Rev. Civ. Stat. art. 6701(d), sec. 139 (Vernon 1989).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRIES AR-0034 AND AR-0061.

Transportation Legislative Database

Item Number: ST-0166
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. art. 6889-5 (Vernon 1989)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Texas is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See Tex. Rev. Civ. Stat. art. 6889-5 (Vernon 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0227
Action Type: STATUTE
Source: STATE
State: Texas
Citation: Tex. Rev. Civ. Stat. art. 6701d-11 (Vernon 1989)
Title: TEXAS OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Texas overweight motor vehicle permit law authorizes the Commissioners Courts, through the county judges and municipal authorities, to issue permits to operate overweight motor vehicles with indivisible loads upon State highways and public roads within their respective jurisdiction. See Tex. Rev. Civ. Stat. art. 6701d-11 (Vernon 1989). The permit is limited to 90 days. The Texas gross vehicle weight limit is 80,000 pounds. See sec. 3B.

A bond may be required from the permit applicant in an amount sufficient to guarantee the payment of any damages to any road or bridge sustained as a consequence of the authorized transportation. The State Highway and Public Transportation Commission is required to formulate implementing regulations. These regulations must ensure that overweight transportation is conducted in such a manner as to adequately protect the safety of the travelling public, minimize any delays and inconvenience to vehicle operators, and to assure payment for added wear on the highways in proportion to reduction of service life. The regulations must consider the following: (1) the safety and convenience of the general travelling public; (2) the suitability of highways and the seasonal effects on highway load capacity; and (3) the State's investment in its highway system. See sec. 6701d-11.

Comments:

Transportation Legislative Database

Item Number: AR-0033
Action Type: REGULATION
Source: STATE
State: Texas
Citation: Texas Dept. of Health, Bureau of Radiation Control Regs.
(Unofficial)
Title: RADIATION CONTROL REGULATIONS (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF HEALTH, BUREAU OF RADIATION CONTROL
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Texas Department of Health's Bureau of Radiation Control has promulgated regulations for the control of radiation (October 1986 revision) pursuant to Tex. Rev. Civ. Stat. art. 4590f (see TLDB entry ST-0102). These regulations govern the licensing of radioactive material (Part 41) and registration of radiation machines and services (Part 42). The preamble to the regulations notes that an NRC-Texas agreement transferred to the State regulatory authority within Texas over by-product, source, and special nuclear materials in quantities not sufficient to form a critical mass. The regulations (sec. 11.3) exempt any DOE contractor operating in Texas from these regulations to the extent such contractor possesses or transfers sources of radiation under such contract.

Comments:

IMPLEMENTS TEXAS RADIATION CONTROL LAW (TLDB ENTRY ST-0102).

Transportation Legislative Database

Item Number: AR-0034
Action Type: REGULATION
Source: STATE
State: Texas
Citation: Tex. Dept. of Public Safety Reg. No. 3.59 (Unofficial)
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations

Summary

The Texas Department of Public Safety has promulgated a regulation (No. 3.59, effective September 1973) that adopts the Federal hazardous materials regulations in 49 CFR Part 171-178 and Federal motor carrier regulations in 49 CFR 390-397 with certain specified exceptions such as the Federal incident reporting requirements. The regulation authorizes police officers of any city having a population of 300,000 or more to enforce the Federal motor carrier safety regulations upon completion of an approved training course.

Comments:

IMPLEMENTS TEXAS UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS (TLDB ENTRY ST-0105).

Transportation Legislative Database

Item Number: AR-0061
Action Type: REGULATION
Source: STATE
State: Texas
Citation: Tex. Admin. Code tit. 37, secs. 3.101 and 3.102
Title: HAZARDOUS MATERIALS INCIDENTS REGULATIONS
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: INCIDENT NOTIFICATION
Methods
Timing
Responsibility
REGULATIONS

Summary

The Texas Department of Public Safety has promulgated regulations requiring carriers involved in transportation incidents involving releases of reportable quantities of hazardous materials on public roads or railroads to report in writing, within 10 days, certain specified information regarding the circumstances of the incident. See Tex. Admin. Code tit. 37, secs. 3.101 and 3.102.

Comments:

IMPLEMENTS TEXAS UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS (TLDB ENTRY ST-0105).

Transportation Legislative Database

Item Number: OT-0031
Action Type: OTHER
Source: STATE
State: Texas
Citation: Tx. Department of Highways and Public Transportation Overweight Motor Vehicle Permit Booklet (Unofficial)
Title: TEXAS OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Texas overweight motor vehicle law are contained in a Texas Department of Highways and Public Transportation overweight vehicle permit booklet, dated August 1, 1985. Significantly, in addition to the permit law terms, this booklet (1) contains special requirements to move loads in excess of 250,000 pounds, including routes, (2) provides that only single-trip permits are available except for oil well clean-out or drilling equipment, and (3) provides that escorts are not normally required.

Comments:

Transportation Legislative Database

Item Number: ST-0106
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. sec. 41-6-154 (Supp. 1989)
Title: HAZARDOUS MATERIALS MOTOR VEHICLE LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations

Summary

Under the Utah motor vehicle code, the State Department of Transportation is required to adopt hazardous materials transportation regulations consistent with, or adoptive of, related DOT regulations. See Utah Code Ann. sec. 41-6-154 (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0107
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. secs. 63-5-1 et seq. (Supp. 1989)
Title: EMERGENCY PREPAREDNESS LAW
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DIVISION OF COMPREHENSIVE EMERGENCY MANAGEMENT
Issues: EMERGENCY RESPONSE

Summary

Utah statute establishes the Division of Comprehensive Emergency Management to manage all aspects of disaster mitigation, preparedness, response, and recovery. See Utah Code Ann. secs. 63-5-1 et seq. (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0108
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. sec. 26-1-27 (Supp. 1989)
Title: RADIATION CONTROL LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF HEALTH
Issues: MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

The Utah Health Code authorizes the Department of Health to require the registration and licensing of radiation sources. See Utah Code Ann. sec. 26 -1-27 (Supp. 1989). Possession of a Federal license shall suffice if in effect at the time of any authorized Federal-State agreement on radiation control.

Comments:

Transportation Legislative Database

Item Number: ST-0109
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. secs. 27-12-27 et seq. and secs. 27-12-149 et seq. (Supp. 1989)
Title: UTAH HIGHWAY LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE TRANSPORTATION COMMISSION
Issues: OVERWEIGHT TRUCKS
 Permits
 REGULATIONS
 FEES
 Other

Summary

The Utah Highway Code requires a permit for an oversized load on Utah Highways issued by the State Transportation Commission or the Highway Patrol acting for the Commission. See Utah Code Ann. secs. 27-12-149 et seq. (Supp. 1989). The State Transportation Commission is authorized to issue an overweight permit for the operation of such a vehicle for a \$200 fee. The Code also contains a designation of State highways but not in the specific context of nuclear transportation routing. See Utah Code Ann. secs. 27-12-27 et seq. (Supp. 1989).

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0035.

Transportation Legislative Database

Item Number: ST-0175
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. secs. 63-41-1 et seq. (Supp. 1989)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Utah is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Utah Code Ann. secs. 63-41-1 et seq. (Supp. 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0182
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. secs. 78-17-1 et seq. (Supp. 1989)
Title: UTAH NUCLEAR INCIDENT COMPENSATION LAW (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority:
Issues: INSURANCE - LIABILITY
Liability Requirements and Limitations

Summary

The Utah Judicial Code has a provision which imposes liability on any person who owns or transports nuclear material for harm from nuclear incidents covered under the financial protection and indemnification terms of the Price Anderson Act provisions of the Federal Atomic Energy Act (see TLDB entry ST-0134). See Utah Code Ann. sec. 78-17-1 et seq.

Comments:

Transportation Legislative Database

Item Number: ST-0228
Action Type: STATUTE
Source: STATE
State: Utah
Citation: Utah Code Ann. sec. 27-12-154 (Supp. 1989)
Title: UTAH OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Utah overweight motor vehicle permit law authorizes the State Transportation Commission (Commission) or the highway patrol acting for the Commission, in their discretion, upon application and good cause shown, to issue special permits to operate overweight vehicles on public highways in the State. See Utah Code Ann. sec. 27-12-154 (Supp. 1989). Permit fees and implementing regulations are authorized. The Utah gross vehicle weight limit is 80,000 pounds. See sec. 27-12-154.

The special permit application must provide the proposed maximum wheel and axle loads and axle spacing, the specific roads for which the permit is requested, and whether the permit is for a single trip or for continued operation. The permit may limit the number of trips, establish seasonal or other time limitations, or otherwise limit the conditions of operation when necessary to assure against undue damage to road structures. Some form of security may be required to compensate for any potential injury to road structures. See sec. 27-12-154.

Comments:

Transportation Legislative Database

Item Number: AR-0116
Action Type: REGULATION
Source: STATE
State: Utah
Citation: Utah Department of Transportation Overweight Motor Vehicle
Permit Regulations (Unofficial)
Title: UTAH OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Utah overweight motor vehicle permit law are contained in Utah Department of Transportation regulations (August 1984 version). Significantly, in addition to the permit law terms, these regulations (1) require separate permits for divisible and indivisible loads, (2) impose liability on permittees for any personal or property damage arising from overweight operation, (3) require a specified level of personal and property damage insurance, (4) require use of designated routes, (5) provide that movements of large loads on high traffic volume routes will not normally be considered favorably, (6) impose date, time-of-day, weather, and speed restrictions, (7) require 24 hours advance notification of overweight shipments, (8) require escorts at the discretion of the Utah Highway Patrol, and (9) require permittees to indemnify the State for any claims against it arising from overweight operation.

Comments:

Transportation Legislative Database

Item Number: ST-0116
Action Type: STATUTE
Source: STATE
State: Vermont
Citation: Vt. Stat. Ann. tit. 5, secs. 2001 et seq. (Supp. 1988)
Title: VERMONT HAZARDOUS MATERIAL TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: AGENCY OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Designation Criteria
Interjurisdictional Cooperation
REGULATIONS
Consistency with Federal Regulations

Summary

A Vermont transportation statute authorizes the Agency of Transportation to promulgate regulations regarding the transportation of hazardous (including radioactive) material in the State. See Vt. Stat. Ann. tit. 5, sec. 2001 (Supp. 1988). The regulations must be no less protective than Federal hazardous material transportation regulations. This Act also authorizes the Agency to designate preferred highway routes for nuclear materials transportation and to confer with affected municipalities on such matters. See sec. 2003.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0036.

Transportation Legislative Database

Item Number: ST-0118
Action Type: STATUTE
Source: STATE
State: Vermont
Citation: Vt. Stat. Ann. tit. 18, secs. 1651 et seq. (Supp. 1988)
Title: VERMONT RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: COMMISSIONER OF HEALTH
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

A Vermont statute on radiation control prohibits transportation of nuclear material unless licensed by, or registered with, the Commissioner of Health. See Vt. Stat. Ann. tit. 18, secs. 1651 et seq. (Supp. 1988). The Commissioner of Health is authorized to promulgate regulations. The Act authorizes Vermont to enter into a State agreement with NRC and provides that any person with a Federal license prior to an agreement satisfies the State licensing requirement. See sec. 1653. The agency is authorized to conduct inspections to verify compliance with the Act and regulations. See sec. 1654.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0068.

Transportation Legislative Database

Item Number: ST-0120
Action Type: STATUTE
Source: STATE
State: Vermont
Citation: Vt. Stat. Ann. tit. 20, secs. 43 et seq. (Supp. 1988)
Title: VERMONT CIVIL DEFENSE LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: DEPARTMENT OF PUBLIC SAFETY
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Financial Support

Summary

A Vermont civil defense statute provides for the development of a nuclear reactor radiological emergency response plan and fund. See Vt. Stat. Ann. tit. 20, secs. 43 et seq. (Supp. 1988). It does not expressly pertain to nuclear transportation emergencies.

Comments:

Transportation Legislative Database

Item Number: ST-0250
Action Type: STATUTE
Source: STATE
State: Vermont
Citation: Vt. Stat. Ann. tit. 23, sec. 1400 (Supp. 1988)
Title: VERMONT OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: COMMISSIONER OF MOTOR VEHICLES
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Vermont overweight motor vehicle permit law authorizes the State Commissioner of Motor Vehicles, in his discretion, to issue permits to operate overweight motor vehicles upon public highways in the State. See Vt. Stat. Ann. tit. 23, sec. 1400 (Supp. 1988). The Vermont gross vehicle weight limit is 80,000 pounds. See sec. 1392. The Commission may incorporate such permit restrictions and regulations as most conducive to proper highway uses. See sec. 1401. Permit fees are prescribed.

Comments:

Transportation Legislative Database

Item Number: AR-0036
Action Type: REGULATION
Source: STATE
State: Vermont
Citation: Vt. Agency of Transportation, Hazardous Materials Transportation Regulations (Unofficial)
Title: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: AGENCY OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations
FEES
Transport Permit Fees

Summary

The Vermont Agency of Transportation has promulgated regulations regarding hazardous materials transportation (revised July 1987) pursuant to Vt. Stat. Ann. tit. 5, sec. 2001 (see TLDB entry ST-0116). These regulations adopt the DOT regulations in 49 CFR Parts 170-179, 390, and 397 and NRC regulations in 10 CFR Part 71 with certain specified exceptions. The regulations confer authority on any State law enforcement officer to enforce the State transportation regulations. The regulations require receipt of a hazardous waste transportation vehicle permit from the Agency of Transportation, Department of Motor Vehicles. The permit is issued annually at a \$10.00 fee. The regulations further prohibit highway transport of nuclear materials except on State-designated routes selected by the Vermont Secretary of Transportation in accordance with 49 CFR 172, 173, and 177 and Vt. Stat. Ann. tit. 5, sec. 2003.

Prior approval is required for the transport of nuclear waste by the Agency

Transportation Legislative Database

of Transportation. An application for approval must contain, among other things, the proposed route and transport mode; emergency telephone numbers; description of the shipment; estimated date and time of departure, arrival, and scheduled stops; certification of vehicle compliance inspection; copies of any NRC-approved routes; an emergency plan; a certification of compliance with applicable Federal and State regulations; a copy of the NRC container certification; a certification of acceptable bond or insurance; a certification that the selected route is the shortest and most direct; and a \$1,000.00 fee for each shipment. Upon receipt of approval to transport, the applicant must notify the agency not less than 48 hours in advance of the scheduled shipment.

Comments:

IMPLEMENTS VERMONT HAZARDOUS MATERIAL TRANSPORTATION LAW (TLDB ENTRY ST-0116).

Transportation Legislative Database

Item Number: AR-0068
Action Type: REGULATION
Source: STATE
State: Vermont
Citation: Vt. Radiation Protection regulations sec. 5-301 et seq.
(unofficial)
Title: VERMONT RADIATION PROTECTION REGULATIONS (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority: BOARD OF HEALTH
DIRECTOR OF OCCUPATIONAL HEALTH
Issues: ROUTING
Motor Vehicle
Rail
Regulations
Designation Criteria
SHIPMENT NOTIFICATION
Regulations - Requirements
Prenotification
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Vermont Board of Health has promulgated regulations establishing standards for protection against radiation hazards associated with sources of ionizing radiation, including the registration of such material. See Vt. Rad. Prot. Regs. secs. 5-301 et seq. These regulations do not extend to NRC licensed material. See sec. 5-304. The regulations require persons transporting large quantity radioactive material or spent fuel in the State to provide prior notification to the Director of Occupational Health. The shipper must additionally supply the following information in writing or by telephone to the Director of Occupational Health at least two working days prior to shipment: shipper name, carrier name, radioactive material type and quantity, shipment date and time, starting point, scheduled route and destination, and other information as required. Shipments are to be made in the State with due regard to public health and safety. The Director is authorized to require changes in dates, routes or time of shipment if necessary to maximize protection of public health and safety. Where possible, the Director is obligated to coordinate such changes with counterparts in adjoining political jurisdictions.

Transportation Legislative Database

Comments:

IMPLEMENTS VERMONT RADIATION CONTROL LAW (TLDB ENTRY ST-0118).

Transportation Legislative Database

Item Number: AR-0117
Action Type: REGULATION
Source: STATE
State: Vermont
Citation: Vt. Agency of Transportation Overweight Motor Vehicle Permit
Regulations (Unofficial)
Title: VERMONT OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: AGENCY OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Vermont overweight motor vehicle permit law are contained in the Vermont Agency of Transportation overweight motor vehicle permit regulations (effective December 5, 1988). Significantly, in addition to the permit law terms, these regulations (1) require permittees to hold the State harmless for any liability claims arising from overweight operation, (2) require a specified level of insurance, (3) require the use of designated routes, (4) restrict permits to indivisible loads, (5) impose weather, speed, date, and time-of-day restrictions, and (6) require police escorts for hazardous moves at the discretion of the Commercial Vehicles Operations Chief.

Comments:

Transportation Legislative Database

Item Number: ST-0111
Action Type: STATUTE
Source: STATE
State: Virginia
Citation: Va. Code Ann. secs. 10.1-1400 et seq. (Supp. 1988)
Title: VIRGINIA WASTE MANAGEMENT ACT
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF WASTE MANAGEMENT
WASTE MANAGEMENT BOARD
Issues: INSPECTION AND ENFORCEMENT
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations

Summary

The Virginia Hazardous Waste Management Act requires a permit from the Department of Waste Management to transport hazardous waste. The statutory definition of hazardous waste does not specifically include or exclude nuclear waste. See Va. Code Ann. secs. 10.1-1400 et seq. (Supp. 1988). The Act also authorizes the Virginia Waste Management Board, in cooperation with other interested State agencies, to promulgate regulations regarding the loading, unloading, packing, identification, marking, placarding, storage, and transportation of hazardous materials. Such Virginia regulations must be no more restrictive than applicable Federal laws and regulations. See sec. 10.1-1450. This Act further provides that any person transporting hazardous materials in accordance with Federal regulations is deemed to comply with provisions of this statute. See sec. 10.1-1454.

Comments:

Transportation Legislative Database

Item Number: ST-0112
Action Type: STATUTE
Source: STATE
State: Virginia
Citation: Va. Code Ann. secs. 44-146.13 et seq. (Supp. 1988)
Title: VIRGINIA EMERGENCY AND DISASTER LAW
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF EMERGENCY SERVICES
WASTE MANAGEMENT BOARD
Issues: EMERGENCY RESPONSE
REGULATIONS
Consistency with Federal Regulations

Summary

The Virginia Emergency and Disaster Law creates the Department of Emergency Services, among other things, to promulgate plans and procedures for emergency preparedness. See Va. Code Ann. secs. 44-146.13 et seq. (Supp. 1988). This act also requires the Department to maintain a register of shippers of radioactive material and to monitor the transportation of such materials pursuant to regulations promulgated by the Virginia Waste Management Board. Regulations promulgated by the Board may not conflict with Federal statutes or regulations. See sec. 44-146.30.

This statute further authorizes the Department to coordinate the development of hazardous materials training programs and hazardous materials emergency response programs with State and local agencies and related groups. The Department is also obligated to administer the implementation of the emergency response program. See sec. 44-146.35. The Department is authorized to enter into agreements with State and local entities to provide hazardous materials emergency response support within a specific geographical area within the State on a cost-sharing basis. See sec. 44-146.36. Each locality is obligated to appoint a hazardous materials coordinator to coordinate the hazardous materials emergency response program within their political subdivision. See sec. 44-146.38.

Comments:

Transportation Legislative Database

Item Number: ST-0115
Action Type: STATUTE
Source: STATE
State: Virginia
Citation: Va. Code Ann. secs. 32.1-227 et seq. (Supp. 1988)
Title: RADIATION CONTROL LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: RADIATION ADVISORY BOARD
Issues: EMERGENCY RESPONSE
REGULATIONS
MATERIALS LICENSING
NRC-State Regulatory Agreement
State Radiation Protection Program Feature

Summary

A Virginia radiation control statute authorizes the Radiation Advisory Board to adopt regulations for the licensing, registration and regulation of nuclear materials and to develop a program for response to radiation emergencies. A Federal (NRC) - State regulatory transfer agreement is authorized to be sought. See sec. 32.1-230. See Va. Code Ann. secs. 32.1-227 et seq. (Supp. 1988). NRC-licensed agencies are exempt. See sec. 32.1-228.

Comments:

Transportation Legislative Database

Item Number: ST-0229
Action Type: STATUTE
Source: STATE
State: Virginia
Citation: Va. Code Ann. sec. 46.1-343 (Supp. 1988)
Title: VIRGINIA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Virginia overweight motor vehicle permit law authorizes the State Highway and Transportation Board and local authorities in their discretion, upon application and good cause shown, to issue special permits to operate overweight motor vehicles upon public highways under their respective jurisdictions. See Va. Code Ann. sec. 46.1-343 (Supp. 1988). The Virginia gross vehicle weight limit is 80,000 pounds. See sec. 46.1-339. Special permits may designate the route to be travelled and contain any other restrictions or conditions deemed necessary. See sec. 46.1-343.

Comments:

Transportation Legislative Database

Item Number: RE-0001
Action Type: RESOLUTION
Source: STATE
State: Virginia
Citation: Virginia State Joint Resolution 155
Title: HAZARDOUS MATERIALS TRANSPORTATION STUDY ACT (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY
Issues: ROUTING
Motor Vehicle
Rail
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities

Summary

This resolution, passed in February 1989, resolves that the Virginia Department of Transportation and Public Safety and other named agencies are to conduct a study to evaluate all hazardous substances whose transportation would constitute a threat to Virginia's citizens or their environment. The study must additionally develop criteria to analyze and select a regionally coordinated system of safe routes for such substances.

Comments:

Transportation Legislative Database

Item Number: OT-0032
Action Type: OTHER
Source: STATE
State: Virginia
Citation: Va. Department of Highways and Transportation Overweight Motor
Vehicle Permit Manual
Title: VIRGINIA OVERWEIGHT MOTOR VEHICLE PERMIT PROCEDURES (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF HIGHWAYS AND TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Virginia overweight motor vehicle permit law are contained in regulations reprinted in a Virginia Department of Highways and Transportation overweight vehicle permit manual, dated January 1, 1986. Significantly, in addition to the permit law terms, these regulations (1) impose route specification, (2) impose time-of-day and holiday restrictions, and (3) provide that escorts are discretionary.

Comments:

Transportation Legislative Database

Item Number: ST-0121
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 4.24.314 (Supp. 1989)
Title: FINANCIAL LIABILITY LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: INCIDENT COMMAND AGENCY
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 Financial Support
 INSPECTION AND ENFORCEMENT
 INSURANCE - LIABILITY

Summary

Under a Washington statute related to financial liability, any person transporting hazardous materials must clean up any transportation incident. Such operators are liable for any extraordinary cost incurred by local or State governments in protecting the public from harm resulting from a hazardous materials incident. See Wash. Rev. Code Ann. sec. 4.24.314 (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0122
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 47.48.50 (Supp. 1989)
Title: WASHINGTON TRAFFIC LAW (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE PATROL
Issues: SHIPMENT RESTRICTIONS

Summary

Pursuant to a Washington traffic statute, the State Patrol may prohibit the transportation of placarded radioactive cargo over State highways if weather or other conditions create a substantial risk to public safety. See Wash. Rev. Code Ann. sec. 47.48.50 (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0123
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. secs. 43.200 et seq. (Supp. 1989)
Title: WASHINGTON RADIOACTIVE WASTE ACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: NUCLEAR WASTE BOARD (ADVISORY)
Issues: TRANSPORTATION OPERATIONS

Summary

The Washington Radioactive Waste Act create a Nuclear Waste Board to identify and review State policies relating to high-level and low-level nuclear waste pursuant to the NWPA and Federal low-level waste act. See Wash. Rev. Code Ann. secs. 43.200 et seq. (Supp. 1989). It has no regulatory authority.

Comments:

Transportation Legislative Database

Item Number: ST-0124
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 70.136.050 (Supp. 1989)
Title: WASHINGTON HAZARDOUS MATERIALS INCIDENTS LAW (UNOFFICIAL)
Transport
Mode: UNSPECIFIED
Regulatory
Authority: HAZARDOUS MATERIALS INCIDENTS COMMAND AGENCY
Issues: EMERGENCY RESPONSE
INSURANCE - LIABILITY

Summary

Under a Washington statute related to hazardous materials incidents, civil damage limitations are established for persons responding to a hazardous materials emergency under certain prescribed conditions. See Wash. Rev. Code Ann. sec. 70.136.050 (Supp. 1988).

Comments:

Transportation Legislative Database

Item Number: ST-0125
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 47.01.270 (Supp. 1989)
Title: WASHINGTON HAZARDOUS MATERIALS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: SHIPMENT RESTRICTIONS
REGULATIONS

Summary

A Washington Department of Transportation statute authorizes the Department to adopt regulations to establish procedures for giving notice to transporters of placarded radioactive cargo of times when transportation of such cargo is prohibited. See Wash. Rev. Code Ann. sec. 47.01.270 (Supp. 1989).

Comments:

Transportation Legislative Database

Item Number: ST-0126
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 43.146.010 (Supp. 1989)
Title: PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION
MANAGEMENT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: INTERSTATE COMMITTEE
Issues: ROUTING
Motor Vehicle
Regulations
Interjurisdictional Cooperation
EMERGENCY RESPONSE
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations

Summary

This law establishes a committee comprised of representatives from each party State to further cooperation between the States on emergency response and to coordinate activities by the States to eliminate unnecessary duplication of regulations regarding the transportation and handling of radioactive materials shipments. The party States include Idaho, Oregon, and Washington. To accomplish this goal, a committee is proposed to develop model regulatory standards and coordinate decisions by party States relating to the routing and inspection of radioactive materials shipments. The model standards must not conflict with Federal law or regulation and would require a carrier to provide, among other things, the mode, route, and schedule of transportation; proof of compliance with Federal, State, and local radioactive materials transportation rules and regulations; and proof of compliance with Federal and State liability insurance requirements. Consistent with pertinent Federal law or regulations, the party States would also agree to develop model uniform procedures for issuing permits to carriers, record keeping, safety standards, routing, emergency planning, placarding, and State inspection.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: ST-0140
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 46.48.170 et seq. (Supp. 1989)
Title: WASHINGTON MOTOR VEHICLE CODE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY PATROL
Issues: REGULATIONS
Adoption of Federal Regulations

Summary

The Washington Motor Vehicle Code authorizes the State Patrol to adopt and enforce Federal regulations in 49 CFR Parts 100 - 199 as these regulations apply to motor carriers. See Wash. Rev. Code Ann. secs. 46.48.170 et seq. (Supp. 1989). The Washington State Patrol is authorized to establish such additional rules not inconsistent with these Federal regulations which compelling reasons make necessary by virtue of the risk associated with hazardous materials transportation.

Comments:

AUTHORIZED REGULATIONS ARE SUMMARIZED IN TLDB ENTRY AR-0062.

Transportation Legislative Database

Item Number: ST-0176
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. secs. 43.21F.400 et seq. (Supp. 1989)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Washington is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Wash. Rev. Code Ann. secs. 43.21F.400 et seq. (Supp. 1989).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0230
Action Type: STATUTE
Source: STATE
State: Washington
Citation: Wash. Rev. Code Ann. sec. 46.44.095 (Supp. 1989)
Title: WASHINGTON OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Washington overweight motor vehicle permit law authorizes the Department of Transportation (Department) to issue additional tonnage permits to operate overweight motor vehicles on public highways. See Wash. Rev. Code Ann. sec. 46.44.095 (Supp. 1989). The Washington maximum gross vehicle weight limit is 80,000 pounds. See sec. 46.44.041.

The additional tonnage permit must be issued on such conditions as may be prescribed by the Department pursuant to regulations adopted by the Transportation Commission. The additional tonnage permit entitles the permittee to carry additional loads upon highways the Department determines are capable of withstanding the increased loads without undue damage. Permits shall not be valid on any highway where the use of such permit would deprive the State of Federal aid highway funds. See sec. 46.44.095.

Comments:

Transportation Legislative Database

Item Number: AR-0062
Action Type: REGULATION
Source: STATE
State: Washington
Citation: Wash. Admin. Code chs. 446-450
Title: WASHINGTON HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE HIGHWAY PATROL
Issues: INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
REGULATIONS
Adoption of Federal Regulations

Summary

The Washington State Highway Patrol has promulgated regulations regarding the transportation of radioactive and hazardous waste on State highways pursuant to Wash. Rev. Code Ann. secs. 46.48.170 et seq. (see TLDB entry ST-0140). See Wash. Admin. Code chs. 446-450 (1986 edition). Section 446-50-040 requires all carriers of radioactive waste to enter the State through one of two specified ports of entry. Section 446-50-050 requires all carriers of radioactive waste to submit to a comprehensive safety equipment inspection conducted by the Patrol. Section 446-50-080 adopts DOT hazardous materials transportation regulations in 49 CFR Parts 170-173 and 177-178.

Comments:

IMPLEMENTS WASHINGTON MOTOR VEHICLE CODE (TLDB ENTRY ST-0140).

Transportation Legislative Database

Item Number: AR-0081
Action Type: REGULATION
Source: STATE
State: Washington
Citation: Wash. Admin. Code sec. 468-38-135
Title: WASHINGTON HAZARDOUS MATERIALS ROUTING REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle Regulations.

Summary

The Washington State Department of Transportation (Department) has promulgated a regulation authorizing the State patrol or Department to close a highway to transporters of placarded radioactive or hazardous materials because of weather or other conditions that create a substantial risk to public safety. See Wash. Admin. Code sec. 468-38-135 (March 15, 1988, edition).

Comments:

Transportation Legislative Database

Item Number: AR-0118
Action Type: REGULATION
Source: STATE
State: Washington
Citation: Wash. Admin. Code sec. 468-38-020
Title: WASHINGTON OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits

Summary

Details on implementation of the Washington overweight motor vehicle permit law are contained in Washington State Department (Department) of Transportation regulations. See Wash. Admin. Code sec. 468-38-020 (March 15, 1988, edition). Significantly, in addition to the permit law terms, these regulations (1) provide that certain published routes must be used by overweight vehicles, (2) provide that permittees are responsible and liable for personal injury or property damage resulting from overweight motor vehicle accidents, and (3) require the provision of escorts at the discretion of the Department.

Comments:

Transportation Legislative Database

Item Number: PL-0065
Action Type: PENDING LEGISLATION
Source: STATE
State: Washington
Citation: Washington Senate Bill 6061
Title: MOTOR VEHICLE CODE AMENDMENT (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE PATROL
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Methods
Planning and Training

Summary

This bill, introduced in March 1989, proposes to amend the Washington motor vehicle code to require the State Patrol to either develop a permanent working group or use an existing working group to periodically review guidelines and response capabilities pertaining to radioactive materials and radioactive waste. The State Patrol would be further required to report annually to the Governor and specified legislative committees on the use and transportation of radioactive materials within the State. The report must contain an evaluation of the adequacy of emergency response capability for radioactive materials transportation accidents.

Comments:

Transportation Legislative Database

Item Number: ST-0167
Action Type: STATUTE
Source: STATE
State: West Virginia
Citation: W. Va. Code Ann. secs. 15-5-22 et seq. (Supp. 1988)
Title: INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT
Transport Mode: UNSPECIFIED
Regulatory Authority: CIVIL DEFENSE DEPARTMENT
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

West Virginia is a party to the Interstate Civil Defense and Disaster Compact which, in relevant part, obligates the party States to provide mutual aid in meeting any emergency, including radiological emergencies. See W. Va. Code Ann. secs. 15-5-22 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0232
Action Type: STATUTE
Source: STATE
State: West Virginia
Citation: W. Va. Code Ann. sec. 17C-17-11 (Supp. 1988)
Title: WEST VIRGINIA OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The West Virginia overweight motor vehicle permit law authorizes the West Virginia Department of Highways (Department), in its discretion, upon application and good cause shown, to issue overweight permits to operate overweight motor vehicles upon public highways. See W. Va. Code Ann. sec. 17C-17-11 (Supp. 1988). The West Virginia gross vehicle weight limit on interstate highways is 80,000 pounds. The maximum weight on non-interstate highways is 65,000 pounds. See sec. 17C-17-9.

An overweight permit applicant must agree to compensate the Department for all damages or expenses incurred from authorized overweight transportation. The permit application must specifically describe the vehicles and loads to be operated, the particular highway included, and whether such permit is requested for a single trip or for continuous operation. The Department may limit the number of trips, establish seasonal or other time limits, or otherwise prescribe conditions of operation when necessary to assure against undue damage to road services. A bond or some other form of security may be required as necessary to compensate for any roadway structural damage and to specify number and type of escort vehicles. A permit fee is prescribed. See sec. 17C-17-11.

Comments:

Transportation Legislative Database

Item Number: AR-0119
Action Type: REGULATION
Source: STATE
State: West Virginia
Citation: W.V. Department of Highways Reg. 7 (Unofficial)
Title: WEST VIRGINIA OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: DEPARTMENT OF HIGHWAYS
Issues: ROUTING
Motor Vehicle
Regulations

Summary

Details on implementation of the West Virginia overweight motor vehicle permit law are contained in West Virginia Department of Highways regulation 7. Significantly, in addition to the permit law terms, these regulations (1) restrict travel to designated routes, (2) impose time-of-day and date restrictions, and (3) authorize seasonal and other time limitation.

Comments:

Transportation Legislative Database

Item Number: ST-0127
Action Type: STATUTE
Source: STATE
State: Wisconsin
Citation: Wis. Stat. Ann. secs. 140.50 et seq. (Supp. 1988)
Title: WISCONSIN RADIATION PROTECTION ACT
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
FEES
Materials Licensing Fees
MATERIALS LICENSING
State Radiation Protection Program Feature

Summary

The Wisconsin Radiation Protection Act authorizes the Department of Industry, Labor and Human Relations to promulgate regulations, including registration of sources of radiation, as may be necessary to prohibit and prevent unnecessary radiation. See Wis. Stat. Ann. secs. 140.50 et seq. (Supp. 1988). Associated registration fees are authorized. The Department is required to exempt from registration any sources licensed by the Atomic Energy Commission (now NRC).

Comments:

Transportation Legislative Database

Item Number: ST-0128
Action Type: STATUTE
Source: STATE
State: Wisconsin
Citation: Wis. Stat. Ann. secs. 166.01 et seq. (Supp. 1988)
Title: WISCONSIN EMERGENCY PLANNING LAW (UNOFFICIAL)
Transport Mode: UNSPECIFIED
Regulatory Authority: DEPARTMENT OF ADMINISTRATION
GOVERNOR'S OFFICE
DIVISION OF EMERGENCY GOVERNMENT
Issues: EMERGENCY RESPONSE
INSURANCE - LIABILITY

Summary

Wisconsin statute confers responsibility and authority for emergency management on the governor and other State agencies, including the Department of Administration. See Wis. Stat. Ann. secs. 166.01 et seq. (Supp. 1988). The statute contains provisions on radioactive waste emergencies. See sec. 166.15. These apply to any individual company, including the Federal Government. See sec. 166.15(g) (definition "person"). Under this provision all responsible parties are strictly liable for any harm caused by a nuclear incident.

Comments:

Transportation Legislative Database

Item Number: ST-0231
Action Type: STATUTE
Source: STATE
State: Wisconsin
Citation: Wis. Stat. Ann. sec. 348.25 (Supp. 1988)
Title: WISCONSIN OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
Regulations - Requirements
Permits
FEES
Other

Summary

The Wisconsin overweight motor vehicle permit law authorizes the Wisconsin Highway Commission (Commission) and local officials, for good cause shown, to issue single trip, multiple trip, or annual permits to operate overweight motor vehicles with indivisible loads on public highways under their respective jurisdictions. See Wis. Stat. Ann. sec. 348.25 (Supp. 1988). The Wisconsin gross vehicle weight limit on non-interstate highways is 80,000 pounds. See sec. 348.15.

Overweight permits may contain such reasonable conditions as the Commission or local officials deem necessary for the safety of travel and protection of the highways. Local permit authorities may require permittees to file a bond or certificate of insurance to cover any claims for damage or injury to persons or highways. See sec. 348.25.

Comments:

Transportation Legislative Database

Item Number: AR-0120
Action Type: REGULATION
Source: STATE
State: Wisconsin
Citation: Wis. Admin. Code ch. 30
Title: WISCONSIN OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS
(UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: STATE DEPARTMENT OF TRANSPORTATION
Issues: ROUTING
Motor Vehicle
Regulations

Summary

Details on implementation of the Wisconsin overweight motor vehicle permit law are provided in Wisconsin Department of Transportation regulations. See Wis. Admin. Code ch. 30, dated August 1978. Significantly, in addition to the permit law terms, these regulations (1) provide that permits are not valid during adverse weather or road conditions, and (2) impose time-of-day restrictions.

Comments:

Transportation Legislative Database

Item Number: ST-0129
Action Type: STATUTE
Source: STATE
State: Wyoming
Citation: Wyo. Stat. sec. 31-5-959 (Supp. 1988)
Title: HAZARDOUS MATERIALS TRANSPORTATION LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY DEPARTMENT
Issues: TRANSPORTATION OPERATIONS
REGULATIONS
Consistency with Federal Regulations

Summary

Wyoming statute authorizes the Highway Department to promulgate such regulations, including marking or placarding, as may be necessary for the safe transportation of hazardous materials. See Wyo. Stat. sec. 31-5-959 (Supp. 1988). The regulations must be consistent with DOT hazardous materials regulations.

Comments:

Transportation Legislative Database

Item Number: ST-0177
Action Type: STATUTE
Source: STATE
State: Wyoming
Citation: Wyo. Stat. secs. 9-6-101 et seq. (Supp. 1988)
Title: WESTERN INTERSTATE NUCLEAR COMPACT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: WESTERN INTERSTATE NUCLEAR BOARD
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Planning and Training

Summary

Wyoming is a party to the Western Interstate Nuclear Compact which, in relevant part, obligates party States to provide mutual aid in coping with nuclear incidents. This may or may not extend to nuclear transportation incidents. See Wyo. Stat. secs. 9-6-101 et seq. (Supp. 1988).

Comments:

INTERSTATE NUCLEAR EMERGENCY ASSISTANCE COMPACT

Transportation Legislative Database

Item Number: ST-0233
Action Type: STATUTE
Source: STATE
State: Wyoming
Citation: Wyo. Stat. sec. 31-5-1004 (Supp. 1988)
Title: WYOMING OVERWEIGHT MOTOR VEHICLE PERMIT LAW (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: OVERWEIGHT TRUCKS
 Regulations - Requirements
 Permits
 FEES
 Other

Summary

The Wyoming overweight motor vehicle permit law authorizes the Department of Transportation, upon application and good cause shown, to issue permits, under special circumstances, to operate overweight motor vehicles with indivisible loads upon public highways. See Wyo. Stat. sec. 31-5-1004 (Supp. 1988). Implementing regulations are authorized and a permit fee assessed. The Wyoming gross vehicle weight limit is 80,000 pounds. See sec. 31-5-1002.

An overweight permit application must specifically describe the applicant, vehicle or load to be operated, particular highway to be used, and whether the permit is requested for a single trip or an extended period. Each permit must contain the following provisions: permit term, description of load to be moved, the permitted weight of the vehicle, description of equipment, route to be travelled, and operating procedures. See sec. 31-5-1004.

Overweight permits must be issued upon conditions deemed necessary for safety of travel and the protection of the highway system as to time of day and day of week, route, equipment, speed, and other conditions as necessary. See sec. 31-5-1004.

Comments:

Transportation Legislative Database

Item Number: ST-0242
Action Type: STATUTE
Source: STATE
State: Wyoming
Citation: Chapter 109 of the 1989 Laws of Wyoming
Title: PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION
MANAGEMENT
Transport
Mode: UNSPECIFIED
Regulatory
Authority: PUBLIC SERVICE COMMISSION
INTERSTATE COMMITTEE
Issues: ROUTING
Regulations
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities
INSPECTION AND ENFORCEMENT
Regulations - Requirements
Responsibilities and Capabilities
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
PERMITS
Carrier Permit
TRANSPORTATION OPERATIONS
Material Preparation
REGULATIONS
Consistency with Federal Regulations

Summary

This statute establishes a committee comprised of representatives from each party State to facilitate cooperation between the States on emergency response and to coordinate activities by the States to eliminate unnecessary duplication of regulations regarding the transportation and handling of radioactive materials shipments. See Chapter 109 of the 1989 Laws of Wyoming. Party States include Idaho, Oregon, Washington, and Wyoming. The model standards must not conflict with Federal law or regulation and would require a carrier to provide, among other things, the mode, route, and schedule of transportation; proof of compliance with Federal, State, and local radioactive materials transportation rules and regulations; and proof of compliance with Federal and State liability insurance requirements. Consistent with pertinent Federal law or regulations, the party States would

Transportation Legislative Database

also agree to develop model uniform procedures for issuing permits to carriers, record keeping, safety standards, routing, emergency planning, placarding, and State inspection.

Comments:

Transportation Legislative Database

Item Number: AR-0121
Action Type: REGULATION
Source: STATE
State: Wyoming
Citation: Wyo. Department of Highways Reg. ch. 27 (Unofficial)
Title: WYOMING OVERWEIGHT MOTOR VEHICLE PERMIT REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DEPARTMENT OF HIGHWAYS
Issues: ROUTING
Motor Vehicle Regulations

Summary

Details on implementation of the Wyoming overweight motor vehicle permit law are contained in chapter 27 of the Wyoming Department of Highway regulations (revised 1988). Significantly, in addition to the permit law terms, these regulations (1) provide that permits are only available for indivisible loads, (2) impose time-of-day and date restrictions, and (3) provide that permit applicants must identify proposed route and any other requested information.

Comments:

Transportation Legislative Database

Item Number: OT-0002
Action Type: OTHER
Source: STATE
State: Wyoming
Citation: March 1985 and November 1987 Wyo. Governor Letters
Title: LETTER AND MEMORANDUM POLICY ON RADIOACTIVE MATERIALS
TRANSPORTATION (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HIGHWAY PATROL
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE

Summary

A 1985 letter from the Governor of Wyoming to the Highway Patrol requested the Highway Patrol to escort radioactive materials shipments on Wyoming highways. The letter directed that these shipments utilize interstate highways only, unless otherwise authorized by the Governor. It indicated further that notification of these shipments would be furnished to the Highway Patrol by the Division of Radiological Health Services within the Department of Health.

A 1987 memorandum from the Governor to the Division of Radiological Health Services directed that escorting of spent fuel shipments by the Highway Patrol be discontinued but that the prenotification procedures be continued. The memorandum also encourages the Division to look at methods of improving State emergency response capabilities in the event of a hazardous materials transportation problem.

Comments:

TRANSPORTATION POLICY LETTER

Transportation Legislative Database

Item Number: OT-0020
Action Type: OTHER
Source: STATE
State: Wyoming
Citation: WYOMING - U.S. DEPARTMENT OF ENERGY IDAHO OPERATIONS OFFICE
MEMORANDUM OF UNDERSTANDING
Title: MEMORANDUM OF UNDERSTANDING BETWEEN WYOMING AND DOE-IDAHO
OPERATIONS OFFICE ON RADIOLOGICAL ASSISTANCE RESPONSE (DECEMBER
21, 1988)
Transport
Mode: ALL
Regulatory
Authority: DEPARTMENT OF ENERGY - IDAHO OPERATIONS OFFICE
WYOMING RADIOLOGICAL RESPONSE TEAM
Issues: EMERGENCY RESPONSE
Responsibilities and Capabilities
Financial Support
INSURANCE - LIABILITY
Liability Requirements and Limitations

Summary

The State of Wyoming and U.S. Department of Energy Idaho Operations Office (DOE:Idaho) have entered into a Memorandum of Understanding (dated December 21, 1988) which establishes a framework of cooperation between the State of Wyoming and DOE:Idaho in the planning for and provision and/or coordination of Federal radiological assistance, if required, in the event of an occurrence of a radiological incident in Wyoming.

Comments:

FEDERAL (DOE-IDAHO) - STATE (WYOMING) MEMORANDUM OF UNDERSTANDING

APPENDIX A

FEDERAL/STATE ISSUE INDEX

FEDERAL/STATE ISSUE INDEX

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
1. Routing	Federal	14, 17, 20, 22, 27, 29, 30, 31, 36, 40, 43, 45, 49
	California	97, 99, 101, 105
	Colorado	116, 118, 122, 126
	Connecticut	130
	Delaware	141
	Washington, D.C.	144
	Florida	147, 151
	Georgia	154, 160
	Idaho	163, 172
	Illinois	188
	Indiana	191
	Louisiana	221
	Maine	235
	Massachusetts	252
	Michigan	263
	Minnesota	269
	Mississippi	273, 281
	Nevada	302
	New Jersey	317, 318, 321, 329
	New Mexico	330, 332, 336
	New York	342, 343, 347, 348
	North Carolina	352
	Ohio	367, 368
	Oregon	378, 380, 385

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
1. Routing	Pennsylvania	392
	Rhode Island	408
	South Carolina	413, 419
	Tennessee	432
	Texas	435
	Vermont	454, 458, 460
	Virginia	467
	Washington	474, 480
	West Virginia	485
	Wisconsin	489
	Wyoming	493
2. Shipment Notification	Federal	1, 22, 30, 32
	Alabama	65
	Arizona	75
	Arkansas	82
	California	96, 97, 99, 105
	Colorado	116, 122, 124
	Delaware	141
	Florida	147, 151
	Georgia	158, 160
	Idaho	170, 172
	Illinois	183, 188
	Indiana	196
	Iowa	205

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
2. Shipment Notification	Kansas	213
	Maine	233, 235
	Maryland	242
	Massachusetts	252, 254
	Minnesota	269
	Mississippi	276, 279, 281
	Nevada	302
	New Jersey	328
	New York	343, 350
	North Carolina	357
	North Dakota	363
	Ohio	367, 368
	Oregon	380, 383, 385, 387
	Pennsylvania	390
	South Carolina	413, 419
	South Dakota	422
	Tennessee	428, 431
	Vermont	458, 460
3. Emergency Response	Federal	1, 17, 25, 27, 30, 32, 35, 36, 38, 43, 45, 61
	Arizona	68, 70, 73
	Arkansas	80, 85, 86
	California	103, 104
	Colorado	120, 126
	Connecticut	135

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
3. Emergency Response	Florida	149
	Georgia	160
	Idaho	163, 167, 168, 172
	Illinois	177, 180, 190
	Indiana	193
	Iowa	200, 203
	Kansas	208, 209
	Kentucky	214, 216
	Louisiana	222, 223
	Maine	230
	Maryland	239, 240
	Massachusetts	251
	Michigan	261, 263
	Minnesota	269
	Mississippi	276
	Missouri	283
	Montana	289
	Nebraska	298
	Nevada	302, 305
	New Jersey	317, 324, 326
	New Mexico	331, 333, 335
	New York	343, 345, 347, 350
	North Carolina	354
	Ohio	368

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
3. Emergency Response	Oklahoma	373
	Oregon	378, 380
	Pennsylvania	390, 398
	Rhode Island	400, 402, 406
	South Carolina	413, 416
	South Dakota	424
	Tennessee	427
	Texas	434, 438, 440
	Utah	447, 450
	Vermont	456, 458
	Virginia	464, 465, 467
	Washington	469, 472, 474, 477, 482
	West Virginia	483
	Wisconsin	487
	Wyoming	491, 493
4. Physical Protection	Federal	20, 22, 47
	Arkansas	82
	Connecticut	130
	Georgia	154
	Idaho	172
	New Jersey	321
	New York	343, 349, 350
	Oregon	380
	Pennsylvania	390

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
4. Physical Protection	Tennessee	432
5. Driver - Operator Training	Federal	5, 10, 12, 19, 27, 30, 32, 38, 43, 49
	Alabama	62
	Arizona	68
	California	97, 99, 108, 110
	Colorado	115, 122
	Idaho	172
	Illinois	188
	Kansas	211
	Louisiana	220
	Minnesota	267, 271
	Mississippi	281
	Montana	288
	Nevada	301
	New Jersey	319, 324, 326
	North Carolina	352
	Oklahoma	373
	Oregon	380, 385
	Pennsylvania	392, 398
	Rhode Island	411
	South Carolina	413, 419
6. Inspection and Enforcement	Federal	4, 5, 8, 9, 10, 14, 16, 19, 20, 25, 27, 37, 38, 43, 45, 53
	Alabama	62, 65

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
6. Inspection and Enforcement	Arizona	68, 70, 71, 72, 75
	Arkansas	80, 82, 83, 91
	California	95, 97, 105, 108, 110, 112
	Colorado	115, 116, 118, 122, 124
	Connecticut	129, 130
	Delaware	136, 137
	Washington, D.C.	143, 144
	Florida	147, 148
	Georgia	154, 156, 158, 160
	Idaho	163, 164, 165, 166, 170, 172
	Illinois	176, 179, 181, 183, 185, 190
	Indiana	191, 192, 195
	Iowa	202, 206
	Kansas	211, 214
	Kentucky	215
	Louisiana	220, 221
	Maine	228, 229
	Maryland	238, 242
	Massachusetts	248, 250, 251
	Michigan	258, 260, 263
	Minnesota	267, 269
	Mississippi	273, 276, 279, 281
	Montana	288, 292

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
6. Inspection and Enforcement	Nebraska	296
	Nevada	301, 302, 307
	New Hampshire	315
	New Jersey	318, 319, 321, 324, 326, 328
	New Mexico	330, 336
	New York	341, 346
	North Carolina	352, 357
	North Dakota	360, 363
	Ohio	366, 371
	Oklahoma	373
	Oregon	378, 380, 383, 385, 387
	Pennsylvania	390, 392, 394
	Rhode Island	400, 405, 406
	South Carolina	413, 415, 418, 419
	South Dakota	422, 424
	Tennessee	427, 430
	Texas	435, 442, 443
	Vermont	455, 458
	Virginia	463
	Washington	469, 474, 479
	Wisconsin	486
	Wyoming	493
7. Insurance - Liability	Federal	6, 19
	Alabama	63

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
7. Insurance - Liability	Arizona	70, 72
	Arkansas	85, 89, 92
	California	97
	Colorado	116, 118 122
	Connecticut	135
	Georgia	154, 156, 160
	Idaho	163, 164, 165, 172
	Indiana	195
	Kansas	211
	Louisiana	220, 221
	Maine	230
	Massachusetts	252
	Minnesota	267, 271
	Mississippi	276, 281
	Nebraska	296
	Nevada	302
	New Jersey	321, 329
	New Mexico	336
	New York	343
	North Carolina	352, 254
	Oregon	378, 380, 385, 389
	Pennsylvania	398
	Rhode Island	401, 406, 408, 411
	South Carolina	413, 419

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
7. Insurance - Liability	Utah	451
	Vermont	458
	Washington	469, 472, 474
	Wisconsin	487
	Wyoming	493
8. Cask Design and Testing	Federal	1, 20, 22, 32, 36, 43, 46, 49, 51, 52, 53, 54, 56, 57, 58, 59, 60
	California	112
	Florida	151
	Idaho	172
	Maine	233, 235
9. Overweight Trucks	Alabama	64, 67
	Arizona	74, 78
	Arkansas	87, 94
	California	106, 114
	Colorado	121, 128
	Connecticut	132, 134
	Delaware	138, 142
	Washington, D.C.	146
	Florida	150, 153
	Georgia	157, 162
	Idaho	169, 175
	Illinois	182, 187

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
9. Overweight Trucks	Indiana	194, 198
	Iowa	204
	Kansas	210, 212
	Kentucky	217, 219
	Louisiana	224, 227
	Maine	232, 236
	Maryland	241, 247
	Massachusetts	249, 257
	Michigan	262, 266
	Minnesota	270, 272
	Missouri	278
	Missouri	284, 286, 287
	Montana	290, 293, 295
	Nebraska	299, 300
	Nevada	306, 311
	New Hampshire	312, 316
	New Jersey	320, 323
	New Mexico	334, 338
	New York	340, 351
	North Carolina	356, 359
	North Dakota	362, 365
	Ohio	370, 372
	Oklahoma	375, 377
	Oregon	384, 388

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
9. Overweight Trucks	Pennsylvania	393, 394, 397
	Rhode Island	403, 410
	South Carolina	417, 421
	South Dakota	425, 426
	Tennessee	429, 431
	Texas	441, 445
	Utah	449, 452, 453
	Vermont	457, 462
	Virginia	466, 468
	Washington	478, 481
	West Virginia	484
	Wisconsin	488
	Wyoming	492
10. Defense Waste Transport		
11. Incident Notification	Federal	8, 16, 19, 20, 25, 43
	Alabama	65, 75
	Arkansas	82, 92
	Colorado	115, 122, 124, 126
	Connecticut	133
	Idaho	170
	Illinois	177
	Indiana	196
	Iowa	201, 206

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
11. Incident Notification	Kansas	211
	Kentucky	214
	Louisiana	220
	Maine	229, 230
	Massachusetts	252, 254
	Michigan	258, 260, 263
	Minnesota	267
	Mississippi	281
	Montana	288
	Nevada	302
	New Jersey	326
	New Mexico	331, 336
	New York	341
	Oklahoma	373
	Oregon	383, 385
	Pennsylvania	394
	Rhode Island	406, 408
	South Dakota	422, 424
	Tennessee	427
	Texas	434, 444
12. Shipment Restrictions	Arkansas	82
	California	97, 99, 101
	Colorado	118, 126
	Connecticut	130

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
12. Shipment Restrictions	Georgia	160
	Idaho	172, 174
	Indiana	191
	Louisiana	221
	Maryland	237, 244
	Massachusetts	256
	Michigan	263
	New Jersey	318, 321
	North Carolina	355
	Ohio	368
	Oregon	385
	Rhode Island	408, 411
	Washington	470, 473
13. Infrastructure Improvements	Federal	1, 4, 16
	Iowa	206
14. Permits	Federal	3, 14, 36, 43
	Arkansas	83, 89, 92
	California	99
	Colorado	116, 118, 122
	Connecticut	130
	Delaware	136
	Washington, D.C.	143, 144
	Georgia	154, 160
	Idaho	163, 164, 165, 172

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
14. Permits	Illinois	188
	Iowa	200
	Kentucky	214
	Maryland	244
	Michigan	263
	Minnesota	267, 271
	Mississippi	273, 276, 281
	Missouri	285
	Nevada	301, 302, 309, 310
	New Hampshire	314
	New Jersey	318, 319, 321, 326
	New York	343
	Ohio	368
	Oregon	378, 380, 385
	Pennsylvania	392, 394
	Rhode Island	401, 406, 408
	South Carolina	413, 419
	Tennessee	432
	Vermont	458
	Virginia	463
	Washington	474
	Wyoming	493
15. Transportation Operations	Federal	1, 3, 5, 8, 9, 10, 14, 15, 16, 17, 19, 20, 22, 25, 31, 34, 42, 43, 45, 48, 49, 50
	Alabama	65

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
15. Transportation Operations	Arizona	75
	Arkansas	79, 89, 92
	California	97, 99, 108, 110
	Colorado	115, 116, 122, 124
	Connecticut	133
	Delaware	136, 139
	Washington, D.C.	143, 144
	Florida	148, 151
	Georgia	154, 158, 160
	Idaho	163, 170
	Illinois	177, 179, 183
	Indiana	196
	Iowa	202
	Kansas	207
	Louisiana	221
	Maine	233, 235
	Maryland	242
	Mississippi	279, 281
	Montana	292
	Nevada	301, 302, 307, 310
	New Jersey	319, 324
	New York	339
	North Carolina	352
	North Dakota	363

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
15. Transportation Operations	Oklahoma	373
	Oregon	378, 385
	Pennsylvania	392, 395
	Rhode Island	406, 411
	South Carolina	413, 415, 419
	Tennessee	428
	Texas	439
	Virginia	463
	Washington	471, 474
16. Regulations	Wyoming	490, 493
	Federal	1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 20, 25, 27, 35, 38, 43, 46, 49, 50, 51, 55
	Alabama	62, 65
	Arizona	68, 71, 75, 77
	Arkansas	80, 82, 83, 89, 91, 92
	California	95, 97, 99, 107, 108, 110, 112
	Colorado	115, 116, 118, 122, 124, 126
	Connecticut	129, 130, 133
	Delaware	136, 137, 141
	Washington, D.C.	143, 144
	Florida	147, 148, 151
	Georgia	154, 156, 158, 160
	Idaho	163, 164, 166, 170, 172
	Illinois	176, 177, 179, 181, 183, 185, 186, 188

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
16. Regulations	Indiana	191, 192, 195
	Iowa	199, 200, 202, 205, 206
	Kansas	211
	Kentucky	214, 215, 218
	Louisiana	220, 221, 225
	Maine	228, 229, 235
	Maryland	237, 238, 242, 244, 246
	Massachusetts	248, 250, 251, 255
	Michigan	258, 260, 263
	Minnesota	267
	Mississippi	273, 275, 276, 279, 281
	Missouri	283, 285
	Montana	288, 292, 294
	Nebraska	296, 297
	Nevada	301, 302, 307, 309, 310
	New Hampshire	315
	New Jersey	317, 318, 319, 321, 324
	New Mexico	330, 332, 336
	New York	339, 341, 343, 345
	North Carolina	352, 355, 357
	North Dakota	360, 361, 363
	Ohio	366, 367, 368, 371
	Oklahoma	373, 376
	Oregon	378, 380, 382, 383, 385, 387
	Pennsylvania	390, 392, 394

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
16. Regulations	Rhode Island	400, 401, 405, 406, 408, 411
	South Carolina	413, 415, 418, 419
	South Dakota	422, 424
	Tennessee	427, 428, 430, 432
	Texas	434, 435, 437, 439, 442, 443, 444
	Utah	446, 449
	Vermont	454, 455, 458
	Virginia	463, 464, 465
	Washington	473, 474, 476, 479
	Wisconsin	486
	Wyoming	490, 493
17. Fees	Federal	14, 41, 43
	Alabama	62, 64, 65
	Arizona	68, 75
	Arkansas	80, 87, 89
	California	95, 106, 113
	Colorado	115, 116, 118, 121, 122, 124
	Connecticut	130, 132
	Delaware	136, 138
	Washington, D.C.	143, 144
	Florida	150
	Georgia	154, 157, 158, 160
	Idaho	164, 165, 169
	Illinois	178, 179, 188

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
17. Fees	Indiana	191, 192, 194
	Iowa	204, 210
	Kentucky	214, 215, 217
	Louisiana	221, 224
	Maine	228, 232
	Maryland	241, 242
	Massachusetts	249
	Michigan	258, 262, 265
	Minnesota	267, 269, 270, 271
	Mississippi	276, 278, 281
	Missouri	284
	Montana	290
	Nebraska	299
	Nevada	302, 306, 310
	New Hampshire	316
	New Jersey	320, 326
	New Mexico	334
	New York	340, 343, 350
	North Carolina	352, 356, 357
	North Dakota	360, 362, 363
	Ohio	366, 368, 370
	Oklahoma	375
	Oregon	380, 384, 385
	Pennsylvania	390, 393
	Rhode Island	400, 401, 403, 406

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
17. Fees	South Carolina	413, 415, 417, 419
	South Dakota	424
	Tennessee	429, 430, 432
	Texas	441
	Utah	449, 452
	Vermont	457, 458
	Virginia	466
	Washington	478
	West Virginia	484
	Wisconsin	486, 488
	Wyoming	492
18. Materials Licensing	Alabama	62, 65
	Arizona	68
	Arkansas	80, 91
	California	95, 113
	Colorado	115, 124
	Connecticut	129, 130, 133
	Delaware	136, 139
	Florida	147, 151
	Georgia	156, 158
	Idaho	166, 170
	Illinois	179, 183
	Indiana	192, 196
	Kentucky	215

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
18. Materials Licensing	Louisiana	221, 225
	Maine	228, 233, 235
	Maryland	238, 242
	Massachusetts	248, 250
	Michigan	258, 265
	Minnesota	268
	Mississippi	273, 279
	Missouri	283
	Montana	288, 292, 294
	Nebraska	297
	Nevada	302, 307
	New Hampshire	313, 315
	New Mexico	330, 336
	New York	350
	North Carolina	352, 357
	North Dakota	360, 363
	Ohio	366
	Pennsylvania	390, 395
	Rhode Island	400, 405
	South Carolina	415, 418
	South Dakota	422
	Tennessee	427, 430
	Texas	435, 442
	Utah	448

<u>Issue</u>	<u>Federal/State</u>	<u>Page Number</u>
18. Materials Licensing	Vermont	455, 460
	Virginia	465
	Wisconsin	486

APPENDIX B

LOCAL ORDINANCES

It should be noted that the local ordinances listed in this database do not represent a comprehensive collection of local law on the subject of radioactive and hazardous materials transportation. These ordinances have been collected incidental to other ongoing work of the OCRWM Transportation Program and are presented herein for illustrative purposes only. As with all information in the TLDB, persons should not rely on these entries in determining whether they are under any legal obligation to comply with any particular statute, regulation, or ordinance. The applicability of a particular statute, regulation, or ordinance should be determined only upon a personal review of the entire statute, regulation, or ordinance itself.

Transportation Legislative Database

Item Number: OR-0054
Action Type: ORDINANCE
Source: LOCAL
State: Alabama
Citation: Ordinances No. 41-069 and 41-089
Title: TRANSPORTATION OF HAZARDOUS MATERIALS ORDINANCE
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
Other
REGULATIONS
Adoption of Federal Regulations

Summary

Mobile, Alabama, has an ordinance which makes it unlawful for any person to drive past the point of entrance to a vehicular tunnel in any vehicle transporting 250 pounds or more of hazardous (including radioactive) material. See Ordinance No. 41-069 as amended by Ordinance No. 41-089. Vehicles transporting hazardous material must further comply with all applicable Federal laws and regulations.

Comments:

Transportation Legislative Database

Item Number: OR-0001
Action Type: ORDINANCE
Source: LOCAL
State: Alabama
Citation: Ordinance No. 88:D
Title: HAZARDOUS WASTE TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: MONTEVALLO POLICE DEPARTMENT
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
SHIPMENT NOTIFICATION
 Prenotification
INSURANCE - LIABILITY
 Insurance Requirements and Limitations
 Liability Requirements and Limitations
INCIDENT NOTIFICATION
 Timing
 Responsibility
SHIPMENT RESTRICTIONS
 Specific
 Other
REGULATIONS
 Adoption of Federal Regulations

Summary

The City of Montevallo, Alabama, has an ordinance (No. 88:D) which contains State highway designations for the vehicle transportation of hazardous waste. The ordinance also limits motor vehicles carrying hazardous waste within the city to 30 miles per hour, requires such vehicles to follow within 100 feet of any other vehicle within the city limits, prohibits operation from 6:30 -8:30 a.m. and from 2:00-3:30 p.m., and requires drivers to notify the Montevallo Police Department by telephone prior to 8:00 a.m. on the day of expected transportation through the city with information on the schedule and route to be utilized. Such vehicles are also required to be marked or placarded in accordance with DOT hazardous materials transportation regulations. Such vehicles must also carry and have available for inspection any required waste manifest. Finally, drivers of such vehicles must immediately report any accident to the Montevallo Police and carry evidence of liability insurance covering the consequences of cargo spills.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: OR-0004
Action Type: ORDINANCE
Source: LOCAL
State: Arizona
Citation: Ordinance No. 5148 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Tuscon, Arizona, has an ordinance which prohibits the transportation of spent fuel which exceeds a 20-curie radioactivity level and NRC-defined "large quantity" radioactive material within or through the city. See Ordinance No. 5148. This ordinance does not apply to materials passing through Tuscon on Federal or State highways over which the city does not have jurisdiction, or by rail over established rails and rights-of-way reserved to the railroads, nor materials being transported by or for the United States Government for national security, military, or national defense purposes.

Comments:

Transportation Legislative Database

Item Number: OR-0040
Action Type: ORDINANCE
Source: LOCAL
State: California
Citation: Ordinance No. 5320-N.S. (Unofficial)
Title: AN ORDINANCE REGULATING TRANSPORTATION OF RADIOACTIVE MATERIALS
Transport Mode: ALL
Regulatory Authority: FIRE CHIEF
Issues: PERMITS
Transport Permit

Summary

The City of Berkeley has an ordinance (No. 5320-N.S.) which requires a certificate of emergency transport for shipment through or in the city of large quantities of radioactive materials.

Comments:

Transportation Legislative Database

Item Number: OR-0042
Action Type: ORDINANCE
Source: LOCAL
State: California
Citation: Ordinance No. 1403 (Unofficial)
Title: PROHIBITION OF NUCLEAR WASTE TRANSPORTATION ORDINANCE
Transport
Mode: ALL
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Humboldt has an ordinance (No. 1403) which prohibits the transportation of nuclear reactor waste or fuel by-products to or through Humboldt for the purpose of storage or disposal.

Comments:

Transportation Legislative Database

Item Number: OR-0005
Action Type: ORDINANCE
Source: LOCAL
State: California
Citation: Ordinance No. 1889 (Unofficial)
Title: HAZARDOUS MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: TRANSPORTATION OPERATIONS
Material Preparation

Summary

The City of Redwood, California, has a hazardous materials ordinance which, among other things, prohibits any vehicle transporting any hazardous (including radioactive) material without a properly affixed vehicle placard in conformity with DOT hazardous materials transportation regulations. See Ordinance No. 1889.

Comments:

Transportation Legislative Database

Item Number: OR-0006
Action Type: ORDINANCE
Source: LOCAL
State: Colorado
Citation: Ordinance No. 2204
Title: TRANSPORTATION OF HAZARDOUS MATERIALS AND HAZARDOUS WASTE
ORDINANCE (UNOFFICIAL)
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: CITY FIRE DISTRICTS
Issues: ROUTING
Motor Vehicle
Designation Criteria
INCIDENT NOTIFICATION
Timing
Responsibility
REGULATIONS
Other

Summary

The City of Arvada, Colorado, has an ordinance regarding the transportation of hazardous (apparently including radioactive) materials and waste. See Ordinance No. 2204. This ordinance adopts Colorado Public Utilities Commission and Colorado State Department of Health regulations regarding hazardous materials or waste transportation. See sec. 1. The ordinance requires the Chief of Police, after consulting with city fire districts, to prepare a map designating transportation and delivery routes for hazardous materials or waste. The ordinance prescribes permissible vehicle routes for such transportation.

The ordinance provides that, unless there is no practicable alternative, motor vehicles transporting hazardous material or waste must be operated over routes which do not go through or near heavily-populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. The ordinance limits the parking and garaging of motor vehicles transporting hazardous materials or waste.

Motor vehicle accidents involving hazardous materials or waste must be reported immediately to the Fire Department with certain specified information provided. Motor vehicles transporting hazardous materials or waste must operate at all times with their headlights illuminated. Finally, motor vehicles transporting hazardous materials or waste must have the

Transportation Legislative Database

appropriate placard affixed to the motor vehicle as required by DOT hazardous materials transportation regulations.

Comments:

Transportation Legislative Database

Item Number: OR-0053
Action Type: ORDINANCE
Source: LOCAL
State: Colorado
Citation: Ordinance No. 5039
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: POLICE DEPARTMENT
FIRE DEPARTMENT
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
INCIDENT NOTIFICATION
Timing
SHIPMENT RESTRICTIONS
Other
REGULATIONS
Adoption of Federal Regulations

Summary

Boulder, Colorado, has an ordinance regarding hazardous material transportation (Ordinance No. 4967). This ordinance adopts DOT hazardous materials regulations in 49 CFR Parts 171-179, DOT motor carrier safety regulations in 49 CFR Parts 390-397, and NRC regulations regarding spent fuel and high-level radioactive waste transportation in 10 CFR Parts 71 and 73. See sections 6-7-3. The ordinance authorizes city peace officers and city fire department personnel to inspect any vehicle transporting hazardous (including radioactive) material or waste in the city to determine whether the vehicle is in compliance with the requirements of the ordinance. See section 6-7-6. Hazardous materials transporters must notify the city fire department of any hazardous material incident at the earliest practicable moment. See section 6-7-7. The ordinance establishes allowable routes for the transportation of hazardous material and waste in the city and prohibits their transfer over nondesignated routes without prior fire department authorization and only for the purpose of pick-up and delivery in the city. See section 6-7-8. The city manager is obligated to make recommendations on proposed transport route changes to the city council considering, among other things: accessibility, topography, traffic congestion and flow, and public exposure. See section 6-7-10.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: OR-0043
Action Type: ORDINANCE
Source: LOCAL
State: Colorado
Citation: Ordinance No. 96 (Unofficial)
Title: AN ORDINANCE CONTAINING REGULATIONS CONCERNING THE
TRANSPORTATION OF HAZARDOUS AND RADIOACTIVE MATERIALS BY MOTOR
VEHICLE
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: FIRE CHIEF
POLICE DEPARTMENT
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
SHIPMENT RESTRICTIONS
General
Other
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The City of Fort Collins, Colorado, has an ordinance regarding hazardous materials transportation. See Fort Collins City Code sec. 11-1 et seq. The ordinance adopts DOT hazardous materials transportation regulations (49 CFR Parts 101-173, 177, and 178), Federal motor carrier safety regulations (49 CFR Parts 390-397), and NRC nuclear transportation regulations (10 CFR Part 71). See sec. 3-1. Second, the ordinance prohibits placarded motor vehicles carrying hazardous materials to be transported within the city except for the purpose of making pickups or deliveries within the city unless the Chief of Police designates a city route for such transportation. See sec. 11-4. Exemptions from this restriction are obtainable from the Chief of Police where no practicable alternative exists to the transporter's preferred route through the city. See sec. 11-5. The following additional requirements

Transportation Legislative Database

apply to placarded motor vehicles carrying radioactive material: traffic and parking restrictions, headlight illumination requirements, and vehicle handling and vehicle condition provisions. See sec. 11-6.

Radioactive materials incidents must be reported immediately to the Poudre fire authority by the transporter by telephone or other effective means. See sec. 11-7. Transporters of radioactive material may not permit or the discharge of such materials to the environment. See sec. 11-9. Finally, law enforcement officers of the Police Department are authorized to inspect any motor vehicle and shipping records involving the transport of radioactive materials on the city streets or highways when the officer deems that such motor vehicles or their operation is unsafe or is otherwise appropriate. See sec. 11-10.

Comments:

Transportation Legislative Database

Item Number: OR-0007
Action Type: ORDINANCE
Source: LOCAL
State: Colorado
Citation: City Code sec. 11-3 et seq.
Title: HAZARDOUS MATERIALS TRANSPORTATION
Transport Mode: MOTOR VEHICLE
Regulatory Authority: CHIEF OF POLICE
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
INCIDENT NOTIFICATION
Regulations - Requirements
Timing
Responsibility
SHIPMENT RESTRICTIONS
Other
REGULATIONS
Adoption of Federal Regulations

Summary

The City of Fort Collins, Colorado, has an ordinance regarding hazardous materials transportation. See Fort Collins City Code sec. 11-1 et seq. The ordinance adopts DOT hazardous materials transportation regulations (49 CFR Parts 101-173, 177, and 178), Federal motor carrier safety regulations (49 CFR Parts 390-397), and NRC nuclear transportation regulations (10 CFR Part 71). See sec. 3-1. Second, the ordinance prohibits placarded motor vehicles carrying hazardous materials to be transported within the city except for the purpose of making pickups or deliveries within the city unless the Chief of Police designates a city route for such transportation. See sec. 11-4. Exemptions from this restriction are obtainable from the Chief of Police where no practicable alternative exists to the transporter's preferred route through the city. See sec. 11-5. The following additional requirements apply to placarded motor vehicles carrying radioactive material: traffic and parking restrictions, headlight illumination requirements, and vehicle handling and vehicle condition provisions. See sec. 11-6.

Radioactive materials incidents must be reported immediately to the Poudre fire authority by the transporter by telephone or other effective means. See

Transportation Legislative Database

sec. 11-7. Transporters of radioactive material may not permit or the discharge of such materials to the environment. See sec. 11-9. Finally, law enforcement officers of the Police Department are authorized to inspect any motor vehicle and shipping records involving the transport of radioactive materials on the city streets or highways when the officer deems that such motor vehicles or their operation is unsafe or is otherwise appropriate. See sec. 11-10.

Comments:

Transportation Legislative Database

Item Number: OR-0050
Action Type: ORDINANCE
Source: LOCAL
State: Connecticut
Citation: Motor Vehicle and Traffic Code sec. 6-60
Title: TRANSPORTATION OF HAZARDOUS WASTE ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: TOWN MANAGER
Issues: ROUTING
Motor Vehicle
SHIPMENT RESTRICTIONS
Specific
Other
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
Material Preparation
REGULATIONS
Adoption of Federal Regulations
Consistency with Federal Regulations

Summary

The town of Einfield, Connecticut has an ordinance requiring a permit from the town manager to transport hazardous waste within the city. See Motor Vehicle and Traffic Code Section 6-60, et seq. A permit cannot be issued unless the waste is to be transported on streets permitted under federal, state and/or local requirements, for a purpose which is not in violation of any applicable federal, state or local law. There are a number of identified preconditions to issuance of a permit, including time and date restrictions and restrictions or proximity to more populous areas, hospitals, schools and places of public assembly. The permit application must indicate, among other things, the times, routes and purpose of the transportation.

The manager shall grant or deny the permit within five days of receipt of the permit application. The permit is valid for one year. The manager may hold a hearing to determine whether a given permit violation warrants its suspension or revocation or assessment of a fine. The permit application is \$50.00.

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: OR-0052
Action Type: ORDINANCE
Source: LOCAL
State: Georgia
Citation: Ordinance No. 1984-18 (Unofficial)
Title: COST RECOVERY FOR HAZARDOUS MATERIALS DAMAGE ORDINANCE
Transport Mode: ALL
Regulatory Authority:
Issues: INSURANCE - LIABILITY
Liability Requirements and Limitations
Liability Alternatives

Summary

Atlanta has an ordinance which authorizes the city to recover from any hazardous materials shipper, carrier, or other responsible person all costs incurred by the city in the prevention, abatement, or removal of the discharge of hazardous materials during the course of transportation in the city. See Ordinance No. 1984-16.

Comments:

Transportation Legislative Database

Item Number: OR-0002
Action Type: ORDINANCE
Source: LOCAL
State: Illinois
Citation: Vermillion Ordinance No. 1045
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

Vermillion County, Illinois, has an ordinance which prohibits importation of hazardous or toxic waste for the purpose of storage or disposal. See Ordinance No. 1045. Hazardous waste could include nuclear waste.

Comments:

Transportation Legislative Database

Item Number: OR-0062
Action Type: ORDINANCE
Source: LOCAL
State: Kansas
Citation: Ordinance No. 5344 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: FIRE CHIEF
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Laurence, Kansas, has an ordinance which prohibits the transportation of spent fuel which exceeds a 20-curie radioactivity content level and NRC-designated "large quantity" radioactive material within or through the city. See Ordinance No. 5344. Other types and quantities of radioactive material may be transported upon the provision of certain specified information by the carrier, including transportation route, date, and time of shipment. See sec. II. Radiation sources shipped by or for the Federal Government for military or national defense purposes are exempt. See sec. IV.

Comments:

Transportation Legislative Database

Item Number: OR-0063
Action Type: ORDINANCE
Source: LOCAL
State: Kansas
Citation: Ordinance No. 34-029 and 27-569 (Unofficial)
Title: HAZARDOUS WASTE TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: HEALTH OFFICER
Issues: TRANSPORTATION OPERATIONS
Other

Summary

The City of Wichita, Kansas, has an ordinance which requires hazardous waste to be transported only in specially licensed trucks and in specially labeled containers. See Ordinance No. 27-569 and 34-029. It is not clear whether radioactive waste qualifies as hazardous waste for purposes of this ordinance.

Comments:

Transportation Legislative Database

Item Number: OR-0008
Action Type: ORDINANCE
Source: LOCAL
State: Kentucky
Citation: Ordinance No. 36-83 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS WASTE ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: FIRE CHIEF
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT RESTRICTIONS
Specific
Other
PERMITS
Transport Permit

Summary

The City of Covington, Kentucky, has an ordinance which requires receipt of a permit from the Covington Fire Chief for the motor vehicle transportation of any hazardous (including radioactive) waste through the city. See Ordinance 36-83. The permit application must be on forms prescribed by the Fire Chief and contain such information as may be required. See sec. 2. In order to issue a permit, the Fire Chief must determine that no practical alternative route to pass through the city exists. See sec. 2. Interstate or intrastate hazardous waste transportation through the city, with no pick up or delivery in the city, may only be in accordance with routes and times prescribed by the Fire Chief when such transportation is not covered by a Fire Department permit. See sec. 4. The most direct routes must be utilized through the least inhabited areas and may not occur during rush hours between 6:00 to 10:00 a.m. and 3:00 to 7:00 p.m. See sec. 4(b).

Interstate or intrastate transportation of hazardous waste are banned in the public interest by the Fire Chief, unless the transporter can show that no practical alternative route to passage through the city exists or that a critical emergency requires delivery in the city. Any emergency shipments so authorized must conform to routes, times, and safety conditions specified by the Fire Chief. See sec. 4(c).

Comments:

Transportation Legislative Database

Transportation Legislative Database

Item Number: OR-0059
Action Type: ORDINANCE
Source: LOCAL
State: Kentucky
Citation: Ordinance No. 261-85 (Unofficial)
Title: HAZARDOUS MATERIALS ORDINANCE
Transport Mode: ALL
Regulatory Authority: HAZARDOUS MATERIALS TEAM
Issues: ROUTING
EMERGENCY RESPONSE
Responsibilities and Capabilities
Methods
Planning and Training
INSPECTION AND ENFORCEMENT
Responsibilities and Capabilities
INSURANCE - LIABILITY
Liability Requirements and Limitations
INCIDENT NOTIFICATION
Regulations - Requirements
Methods
Timing
Responsibility

Summary

Lexington-Fayette County, Kentucky, has an ordinance establishing an emergency response management program for response to hazardous materials incidents. See Ordinance No. 261-85. Nuclear material is regulated pursuant to this ordinance subject to the limits in the Atomic Energy Act and other applicable Federal and State law. See section 16a-1(6). The ordinance creates a hazardous materials team (HMT) responsible, among other things for: maintaining an inventory of hazardous materials handled within the county, conducting a review and analysis of hazardous materials shipment routes, proposing federally consistent local routing requirements, reviewing and analyzing hazardous materials handling practices, and managing all incidents involving hazardous materials, including emergency response and cleanup activities. See section 16-a-14. A hazardous materials coordinator is required to be appointed as the hazardous materials team leader to coordinate the activities of the team, including the responsibility to assure that an adequate number of inspectors are properly equipped and trained to analyze individual spill prevention and control plans and inspect facilities for hazardous or potentially hazardous conditions. Reportable

Transportation Legislative Database

quantities of hazardous materials discharges must be reported to the HMT.
See section 16a-4.

The ordinance contains a preemption clause which provides that the ordinance is not intended to conflict with existing Federal or State laws and that, where any regulated area has been specifically preempted by Federal law or regulation, compliance with such Federal authority shall be considered in compliance with the provisions of this ordinance which are so preempted. See section 16a-27. The stated purpose of the emergency response management program is to provide a system in which effective local emergency response efforts are coordinated with those of the State and Federal governments.

Comments:

Transportation Legislative Database

Item Number: OR-0061
Action Type: ORDINANCE
Source: LOCAL
State: Louisiana
Citation: Ordinance No. 85-6 (Unofficial)
Title: TRANSPORTATION OF TOXIC WASTE ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: CITY MAYOR
CITY COUNCIL
Issues: PERMITS
Transport Permit

Summary

Morgan City, Louisiana, has an ordinance which requires receipt of a permit from the mayor and city council for the transport of toxic material. See Ordinance No. 85-6. Toxic material is defined as any hazardous waste which, in turn, is defined in terms of Louisiana Department of Natural Resources regulations. It is not known whether radioactive waste would qualify as hazardous waste under such regulations.

Comments:

Transportation Legislative Database

Item Number: OR-0060
Action Type: ORDINANCE
Source: LOCAL
State: Louisiana
Citation: Ordinance No. 84-29 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS SUBSTANCES ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: STATE DEPARTMENT OF PUBLIC SAFETY
Issues: PERMITS
Transport Permit

Summary

St. John the Baptist Parish, Louisiana, has an ordinance which requires receipt of a special permit from the State Department of Public Safety prior to the transportation of hazardous materials upon parish streets and roadways other than State-maintained highways. See Ordinance No. 84-29. It is not certain whether radioactive materials qualify as hazardous materials for purposes of this ordinance. It is further unlawful to park or stop a vehicle transporting hazardous materials on any parish street or highway except in case of emergency.

Comments:

Transportation Legislative Database

Item Number: OR-0058
Action Type: ORDINANCE
Source: LOCAL
State: Maryland
Citation: Bill No. 81-15 (Unofficial)
Title: NUCLEAR WASTE TRANSPORTATION ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: CENTRAL ALARM
Issues: SHIPMENT NOTIFICATION
Prenotification

Summary

Harford County, Maryland, has an ordinance which requires written prenotification to the county prior to high-level nuclear waste transportation into the county by motor vehicle. See Emergency Bill 81-15. Notification must include the following information: manifest number, shipper name, carrier name, type and quantity of radioactive material, shipment date and time, starting point, scheduled route destination, and emergency contact. See section 23-40. Transportation by or for the Federal Government for military or national security purposes which are related to national defense and any high-level nuclear waste transported on interstate I-95 are exempt. See section 23-42.

Comments:

Transportation Legislative Database

Item Number: OR-0057
Action Type: ORDINANCE
Source: LOCAL
State: Maryland
Citation: Emergency Bill 1-81 (Unofficial)
Title: NUCLEAR WASTE ORDINANCE
Transport
Mode: ALL
Regulatory
Authority: SHERIFF
Issues: SHIPMENT NOTIFICATION
Prenotification

Summary

Kent County, Maryland, has an emergency ordinance which requires 24 hours prenotification to the sheriff of the transport of any high-level nuclear waste within Kent County. See Emergency Bill No. 1-81.

Comments:

Transportation Legislative Database

Item Number: OR-0056
Action Type: ORDINANCE
Source: LOCAL
State: Massachusetts
Citation: Ordinance 1980-44 (Unofficial)
Title: RAIL TRANSPORTATION NOTIFICATION ORDINANCE
Transport Mode: RAIL
Regulatory Authority: FIRE COMMISSIONER
Issues: SHIPMENT NOTIFICATION
Prenotification

Summary

Boston, Massachusetts, has an ordinance which requires rail transporters of hazardous materials in the City of Boston to provide prior notification to the fire commissioner. The fire commissioner must record and compile such information in order to insure adequate response in case of an accident involving a hazardous material. The commissioner must notify the Commission of Health and Hospitals of any shipment whose spillage or other accident would require an emergency response by the Department of Health and Hospitals. See Ordinance 44-1980.

Comments:

Transportation Legislative Database

Item Number: OR-0064
Action Type: ORDINANCE
Source: LOCAL
State: Michigan
Citation: Ordinance No. 525 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE
Transport
Mode: ALL
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Ypsilanti, Michigan, prohibits the transportation of spent fuel in excess of a 20-curie radioactivity content level and any NRC-defined "large quantity" radioactive material within or through the city. See Ordinance No. 525. Other types and quantities of radioactive material may be transported upon 48 hours prior notification and the provision of certain specified information, including transportation route and time. The ordinance does not apply to radioactive materials shipped by or for the Federal Government for national security, military, or national defense purposes. See sec. 4.

Comments:

Transportation Legislative Database

Item Number: OR-0016
Action Type: ORDINANCE
Source: LOCAL
State: Minnesota
Citation: Ordinance No. 84-216 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: CIVIL DEFENSE DIRECTOR
Issues: ROUTING
Interagency Cooperation
EMERGENCY RESPONSE
Responsibilities and Capabilities

Summary

The City of Minneapolis, Minnesota, has an ordinance requiring the Civil Defense Director to submit an annual assessment to the Mayor and City Council on the adequacy of local emergency response capability and the safety of radioactive materials transportation in Minneapolis. See Ordinance No. 84-216. The Director must make such assessment after consultation and coordination with the owner and/or consignee of the material, the transporter of the material, the Health, Police and Fire Departments of the city and the State of Minnesota. The Director must further consider the transport method, routes, timing, and any unique local features involving the potential to disturb the shipment or expose the locale or nearby persons to harm, and the availability of emergency response resources and plans of local agencies, the materials owner, the transporter, and the State.

Comments:

Transportation Legislative Database

Item Number: OR-0024
Action Type: ORDINANCE
Source: LOCAL
State: Mississippi
Citation: UNNUMBERED AND UNCODIFIED
Title: HAZARDOUS MATERIALS ORDINANCE
Transport Mode: ALL
Regulatory Authority: FIRE AND SHERRIFF'S DEPARTMENT
STATE EMERGENCY MANAGEMENT AGENCY
Issues: ROUTING
Motor Vehicle
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
SHIPMENT RESTRICTIONS
Other
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
Other

Summary

The County of Adams, Mississippi, has an ordinance which designates interstate highways as preferred routes for motor vehicle transportation of hazardous (including radioactive) material through the county when this material is not destined for delivery within the county. Principal county streets are designated as preferred routes for motor vehicle transportation of hazardous material when this material is to be picked up or delivered to locations within the county. Main track lines of railroads are designated as preferred routes for rail transportation of hazardous materials through the county. See section 4. The ordinance prohibits the transportation of hazardous material except in accordance with DOT, NRC, Mississippi, and applicable local ordinances. See section 5. The ordinance does not apply to

Transportation Legislative Database

weapons transported by the Federal Government or National Guard for military, national defense, or security purposes. See section 5.

Hazardous materials transporters must immediately report incidents or accidents to the Pike County Sheriff. See section 6(B). The ordinance further prescribes transport vehicle operational condition and inspection requirements and operator qualification requirements. See section 6(C) and (D).

A permit from the Mississippi Emergency Management Agency is required prior to radioactive waste transportation into or through the county. See section 6(E). Transporters must have evidence of sufficient liability insurance to protect the counties and general public from personal injury or property damage due to transportation. See section 6(F). Transporters must hold the county and municipality harmless from all claims arising out of any hazardous materials transportation incident or accident. See section 6(G). Transporters are further responsible for the cost of cleanup of any hazardous materials accidents. See section 6(H). The ordinance adopts a hazardous materials incident contingency plan and requests all county and municipal departments and agencies to perform those functions assigned by the county hazardous material response plan. See section 9.

Comments:

Transportation Legislative Database

Item Number: OR-0036
Action Type: ORDINANCE
Source: LOCAL
State: Mississippi
Citation: Code of Ordinances Art. 7 sec. 13 et seq.
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: CHIEF OF POLICE
MISSISSIPPI EMERGENCY MANAGEMENT AGENCY
Issues: ROUTING
Motor Vehicle
Rail
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities
Financial Support
INSURANCE - LIABILITY
Insurance Requirements and Limitations
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations

Summary

The City of McComb, Mississippi, has an ordinance regulating the transportation of hazardous (including radioactive) material within the city. See Code of Ord. art. 7, section 13-120 et seq. The ordinance designates interstate highways as preferred routes for hazardous materials motor vehicle transportation when the material is not destined for delivery in the city. The principal arteries or streets within the city are designated as preferred routes when the material is to be picked up or delivered within the city. The main trunk lines of railroads are designated as preferred routes for hazardous materials rail transportation through the city. See section 3.

The ordinance invokes DOT and NRC transportation regulations, Mississippi statutes, and the city fire prevention codes. See section 4. The ordinance

Transportation Legislative Database

does not apply to hazardous materials shipped by or for the Federal Government for military, national security, or national defense purposes. All vehicles transporting hazardous materials are confined to preferred routes except where emergency conditions make such routes unsafe or it is necessary to stop for rest, fuel, or vehicle repairs. See section 5.

Hazardous materials transporters must immediately report transportation incidents or accidents to the Chief of Police. The report must indicate the location of the incident, the hazardous materials involved, and the availability of shipping papers. See section 5. The ordinance also sets forth vehicle operational conditions and operator qualifications. See section 5.

Radioactive waste material transportation is prohibited without a permit issued by the Mississippi Emergency Management Agency under enabling State statutes and regulations. See section 5(E). Hazardous materials transporters must have sufficient liability insurance to protect the city and general public from personal injury or property damage due to transportation incidents. Hazardous materials transporters must further hold the city harmless for all claims arising out of any hazardous materials transportation incident within the city. The hazardous materials transporter is responsible for the cost of cleanup of any hazardous material accident. See section 5(F), (G), (H).

The ordinance requires the adoption of a contingency plan for handling hazardous materials incidents. See section 8(A). The ordinance further requires all municipal departments and agencies to perform those functions assigned by the Hazardous Material Response Plan of the Pike County Civil Defense Council. See section 8(B).

Comments:

Transportation Legislative Database

Item Number: OR-0025
Action Type: ORDINANCE
Source: LOCAL
State: Mississippi
Citation: UNNUMBERED AND UNCODIFIED
Title: HAZARDOUS MATERIALS ORDINANCE
Transport Mode: ALL
Regulatory Authority: LOCAL FIRE AND LAW ENFORCEMENT AGENCIES
MISSISSIPPI EMERGENCY MANAGEMENT AGENCY
Issues: ROUTING
Motor Vehicle
Designation Criteria
EMERGENCY RESPONSE
Responsibilities and Capabilities
INSPECTION AND ENFORCEMENT
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
INCIDENT NOTIFICATION
Methods
Timing
Responsibility
SHIPMENT RESTRICTIONS
Other
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
Other

Summary

Pike County, Mississippi, has an ordinance which designates interstate highways as preferred routes for motor vehicle transportation of hazardous (including radioactive) material through the county when this material is not destined for delivery within the county. Principal county streets are designated as preferred routes for motor vehicle transportation of hazardous material when this material is to be picked up or delivered to locations within the county. Main track lines of railroads are designated as preferred routes for rail transportation of hazardous materials through the county. See section 4. The ordinance prohibits the transportation of hazardous material except in accordance with DOT, NRC, Mississippi, and applicable local ordinances. See section 5. The ordinance does not apply to weapons

Transportation Legislative Database

transported by the Federal Government or National Guard for military, national defense, or security purposes. See section 5.

Hazardous materials transporters must immediately report incidents or accidents to the Pike County Sheriff. See section 6(B). The ordinance further prescribes transport vehicle operational condition and inspection requirements and operator qualification requirements. See section 6(C) and (D).

A permit from the Mississippi Emergency Management Agency is required prior to radioactive waste transportation into or through the county. See section 6(E). Transporters must have evidence of sufficient liability insurance to protect the counties and general public from personal injury or property damage due to transportation. See section 6(F). Transporters must hold the county and municipality harmless from all claims arising out of any hazardous materials transportation incident or accident. See section 6(G). Transporters are further responsible for the cost of cleanup of any hazardous materials accidents. See section 6(H). The ordinance adopts a hazardous materials incident contingency plan and requests all county and municipal departments and agencies to perform those functions assigned by the county hazardous material response plan. See section 9.

Comments:

Transportation Legislative Database

Item Number: OR-0017
Action Type: ORDINANCE
Source: LOCAL
State: Missouri
Citation: Ordinance No. 52123 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority:
Issues: TRANSPORTATION OPERATIONS
Material Preparation
Shipping Records

Summary

The City of Kansas City, Missouri, has an ordinance prohibiting the transportation of any radioactive material unless all containers and transport vehicles are constructed, labeled, and placarded in compliance with applicable DOT regulations in 49 CFR Part 172 and NRC regulations in 10 CFR 71. See Ordinance No. 52123.

Comments:

Transportation Legislative Database

Item Number: OR-0045
Action Type: ORDINANCE
Source: LOCAL
State: Montana
Citation: Ordinance No. 2181 (Unofficial)
Title: AN ORDINANCE CONCERNING THE TRANSPORTATION OF RADIOACTIVE
MATERIALS IN THE CITY OF MISSOULA
Transport
Mode: ALL
Regulatory
Authority: POLICE DEPARTMENT
CITY COUNCIL
Issues: ROUTING
Designation Criteria
PHYSICAL PROTECTION
Escorts
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
PERMITS
Transport Permit
FEES
Transport Permit Fees

Summary

The City of Missoula has an ordinance (No. 2181) which prohibits the transport into or through the city of large amounts of radioactive material without issuance of permit by the city council. A permit may be granted only upon a finding that the shipment is of a special non-recurring nature, is in the public interest, and will be accomplished in a manner which clearly protects the health and safety of the citizens. In granting such a permit, the council may require changes in dates or routes, posting of a bond, and escort costs. See Section 4.

Comments:

Transportation Legislative Database

Item Number: OR-0028
Action Type: ORDINANCE
Source: LOCAL
State: Nevada
Citation: Ordinance No. 960 (Unofficial)
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: FIRE CHIEF
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
EMERGENCY RESPONSE
 Financial Support
INSURANCE - LIABILITY
 Liability Requirements and Limitations
SHIPMENT RESTRICTIONS
 Other
PERMITS
 Transport Permit
TRANSPORTATION OPERATIONS
 Other
FEES
 Transport Permit Fees

Summary

Clark County, Nevada has an ordinance regarding the transportation of hazardous materials. See Ordinance No. 960. First, the ordinance requires the Fire Chief to collect information from Federal, State, and other sources on the types, volumes, routes, and risks of hazardous materials transportation and to report annually to the Board of County Commissioners on such matters and the adequacy of emergency response capabilities in case of an accident. Second, the ordinance prohibits any carrier from transporting hazardous materials upon Clark County highways without obtaining a certificate from the Fire Chief. The carrier must demonstrate that it complies with all Federal and State laws and regulations regarding the handling and transport of hazardous materials and the safety of drivers and vehicles in order to obtain a permit. The ordinance authorizes the Board of County Commissioners to establish a certificate fee. The certificate fee must reflect the cost of emergency response preparation. Third, the ordinance adopts DOT hazardous materials transportation regulations in 49 CFR Parts 171-199 and NRC nuclear transportation regulations in 10 CFR Part 71.

Transportation Legislative Database

Fourth, the ordinance requires hazardous materials transporters to require the consignee of each shipment of hazardous materials to remove the shipment from the carrier's property within 48 hours after the notice of arrival. Fifth, the ordinance prohibits the transportation of hazardous materials through heavily populated areas, including certain specified towns within the county, where there is neither a point of origin nor destination within such towns. Sixth, the ordinance requires that hazardous materials incidents required to be reported by DOT regulations in 49 CFR Section 171.15 be reported immediately by the carrier to the Fire Department. Seventh, the ordinance provides that hazardous materials transporters are liable to Clark County for the payment of all costs and expenses of the Fire Department or others incurred in the control, neutralization, or cleanup of an incident.

Comments:

Transportation Legislative Database

Item Number: OR-0029
Action Type: ORDINANCE
Source: LOCAL
State: Nevada
Citation: Ordinance No. 3190 (Unofficial)
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: DEPARTMENT OF FIRE SERVICES
Issues: ROUTING
 Motor Vehicle
 Rail
 Designation Criteria
EMERGENCY RESPONSE
 Planning and Training
 Financial Support
PHYSICAL PROTECTION
 Responsibilities and Capabilities
 Escorts
INSURANCE - LIABILITY
 Liability Requirements and Limitations
INCIDENT NOTIFICATION
 Timing
 Responsibility
SHIPMENT RESTRICTIONS
 Specific
 Other
PERMITS
 Transport Permit
TRANSPORTATION OPERATIONS
 Other
REGULATIONS
 Adoption of Federal Regulations
FEES
 Transport Permit Fees

Summary

The City of Las Vegas, Nevada, has an ordinance that regulates the transportation of hazardous (including radioactive) materials in the city. See Ord. No. 3190. The ordinance adopts by reference DOT hazardous materials transportation regulations, DOT motor carrier safety regulations, and NRC radioactive materials transportation regulations. The ordinance requires the

Transportation Legislative Database

Department of Fire Services to collect information on the volumes, routes, risks, and conditions of hazardous materials transportation by any mode and report annually to the City Council on such transportation of the adequacy of the city emergency response capabilities in case of accidents.

A permit is required annually for the transport of hazardous material from the Department of Fire Services. The application must be filed at least 60 days prior to the intended date of shipment into the city. The application must include the following information: a description of the materials; a shipper certification that the material is properly classified, described, packaged and labeled and in proper condition for transportation according to applicable Federal and State regulations; the origin route and destination of the shipment; a copy of the route plan required by DOT regulation; and a 24-hour emergency response telephone number. The Department must refuse the permit if adequate training, equipment, and planning does not exist in the Department to respond to an emergency or the shipment containers have been determined incapable of withstanding the effect of an accident.

The permit applicant must pay a fee according to a schedule to be adopted by the City Council reflecting the cost of emergency response preparation and permit issuance and may also reflect the relative hazard and potential risk to the public. The fees collected must be used to reimburse the cost of administering the permit program and emergency response preparation and enforcement.

Hazardous materials transportation incidents must be reported immediately to the Department of Fire Services. The Department of Fire Services may temporarily suspend any motor vehicle transporting hazardous materials without notice whenever road, weather, traffic, or other hazardous circumstances so warrant.

The Department is also authorized to designate routes and to implement other restrictions for transportation of hazardous materials within the city. The following restrictions apply to the motor vehicle transportation of hazardous materials in the city: use of city streets in a situation in which there is neither a point of origin nor a destination within the city is prohibited and the Department of Fire Services may require advance notification, a police escort or a cargo inspection if, in its judgement, emergency response may be enhanced by such measures. Any advance notification received by the Governor under NRC regulations must be immediately forwarded to the city. Motor vehicle transportation within the city is also subject to routine traffic requirements and motor vehicle transporting hazardous materials must maintain a minimum of a 300-foot distance from other vehicles carrying hazardous materials. Motor vehicles carrying hazardous material must use only state-designated routes identified in the ordinance.

The Department is authorized to collect the following information from all railroads relative to hazardous materials rail shipments: annual volume of such cargo, containers used, routes, accident rates, whether each railroad is utilizing an acceptable methodology for determining routes, and the adequacy of each railroad's emergency response preparations. The Department is authorized, in order to remedy a local rail shipment hazard, to petition the

Transportation Legislative Database

Public Service Commission for remedial legislation or rulemaking. Lastly, the hazardous materials transporter is liable to the city for the payment of all costs and expenses which the Department incurs in responding to a transportation incident.

Comments:

Transportation Legislative Database

Item Number: OR-0044
Action Type: ORDINANCE
Source: LOCAL
State: Nevada
Citation: Ordinance No. 821 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS MATERIALS ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: FIRE DEPARTMENT
Issues: INSURANCE - LIABILITY
Liability Requirements and Limitations
INCIDENT NOTIFICATION
Methods
Timing
REGULATIONS
Adoption of Federal Regulations

Summary

The City of North Las Vegas has an ordinance (No. 821) concerning hazardous materials transportation by various modes in and through the city. The ordinance adopts the provisions of 10 CFR Parts 171-179 and 10 CFR Part 71. See section 3 (1) and (2). The motor carrier safety regulations in 49 CFR Parts 390-397 are further adopted by reference. See Section 4. The ordinance provides that when any of its provisions are found to be in conflict with the adopted federal regulations, the provision establishing the highest standard for protection of the safety and welfare shall prevail. See Section 3(3). Incidents involving hazardous materials occurring within the city of North Las Vegas required to be reported by 10 CFR Section 171.15 shall be reported immediately by the carrier to the fire department. See Section 6. A carrier shall be liable to the City of North Las Vegas for all costs and expenses incurred by the city in the control of such incidents. See Section 7.

Comments:

Transportation Legislative Database

Item Number: OR-0048
Action Type: ORDINANCE
Source: LOCAL
State: New Jersey
Citation: Ordinance No. 1064 (Unofficial)
Title: HIGHLAND PARK NUCLEAR-FREE ZONE ORDINANCE
Transport Mode: ALL
Regulatory Authority: STATE TRANSPORTATION DEPARTMENT
CITY MAYOR
CITY COUNCIL
Issues: SHIPMENT NOTIFICATION
Prenotification
SHIPMENT RESTRICTIONS
General

Summary

The City of Highland Park has an ordinance (No. 1064), among other things, requiring provision of advance notification by DOT or the State Transportation Department of radioactive waste shipments through the city and requiring the mayor and council to seek to prevent such shipments by seeking an exemption of preemption by DOT or using other available legal means.

Comments:

Transportation Legislative Database

Item Number: OR-0065
Action Type: ORDINANCE
Source: LOCAL
State: New Jersey
Citation: Ordinance No. 24-83 (Unofficial)
Title: RADIOACTIVE WASTE TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
Other

Summary

The Township of Lacey, New Jersey, had an ordinance which prohibits the transportation of spent nuclear fuel or other radioactive waste in the township for purposes of storage within the township. See Ord. No. 24-83. The ordinance does not prohibit transportation of spent fuel or radioactive waste through the township as authorized and sanctioned by the Federal Government and the State of New Jersey. See section 3.

Comments:

Transportation Legislative Database

Item Number: OR-0023
Action Type: ORDINANCE
Source: LOCAL
State: New Jersey
Citation: Ordinance No. 65+FK (Unofficial)
Title: COMPREHENSIVE HAZARDOUS MATERIALS REGULATION ORDINANCE
Transport Mode: ALL
Regulatory Authority: DIRECTOR OF THE FIRE DEPARTMENT
Issues: ROUTING
 Motor Vehicle
 Rail
 Designation Criteria
 EMERGENCY RESPONSE
 Responsibilities and Capabilities
 INCIDENT NOTIFICATION
 Methods
 Timing
 Responsibility
 SHIPMENT RESTRICTIONS
 Specific
 TRANSPORTATION OPERATIONS
 Material Preparation
 REGULATIONS
 Adoption of Federal Regulations

Summary

The City of Newark, New Jersey, has an ordinance regarding hazardous (including radioactive) materials regulation which, among other things, adopt DOT hazardous materials transportation regulations, DOT motor carrier safety regulations, and NRC radioactive materials transportation regulations. See Ord. No. 65+FK. The ordinance requires the Director of the Fire Department to prepare an annual report to the City Council regarding hazardous materials transportation which includes the following information: all available information on the volumes, routes, locations, and risks of hazardous materials transportation by any mode; the adequacy of emergency response capabilities in case of a transportation accident; information on the routes and volumes of hazardous waste shipments through the city; and information from all railroads operating in or near the city on the storage containers used for transportation, routes, hazardous cargos handled, accident rates, track maintenance data, and whether the railroads have utilized an acceptable methodology for determining routes and yards of lowest

Transportation Legislative Database

risk for such cargos. See section 13.2. The ordinance requests the State to conduct surveys to determine the volumes, routes, compliance with Federal and State regulations, accident rates, and other information on hazardous materials motor vehicle transportation. The Director of the Fire Department is further required to consult with nearby jurisdictions and perform whatever risk analysis may be useful on a city or regionwide basis of comparative routings and other potential regulatory conditions of hazardous materials transportation (for example, curfews). See section 13.3.1. To the extent practical, the Director is required to utilize risk analyses analogous to that in the DOT hazardous materials transportation routing guidelines. The Director is authorized to perform later and more comprehensive risk analyses in conjunction with nearby jurisdictions on a periodic basis. Initial and subsequent risk analyses must consider the comparative impacts of enacted or proposed city regulatory restrictions on hazardous materials transportation, specifically insofar as such restrictions may redirect hazardous cargos onto routes in surrounding jurisdictions or may cause delays for such cargos. See section 13.3.1.

Hazardous materials may be transported only on those streets and highways designated by the Director and identified in the ordinance. See section 13.3.2. No high risk hazardous materials may be picked up or delivered during rush hours of 7:00 a.m. to 9:00 a.m. and 4:30 p.m. to 6:30 p.m. Vehicles transporting hazardous materials must maintain a minimum specified distance from other vehicles carrying hazardous materials except when overtaking or passing. Vehicles transporting hazardous materials must operate at all times with their headlights illuminated. Hazardous materials transporters are not permitted to discharge hazardous materials to the environment. See section 13.3.2. Hazardous materials transportation incidents are required to be reported immediately by the carrier to the Fire Department by telephone. See section 13.4.1. The Director must request the railroad to provide information on the adequacy of emergency response in case of rail accidents, including staff availability, and other emergency resources. See section 13.4.2.

Comments:

Transportation Legislative Database

Item Number: OR-0046
Action Type: ORDINANCE
Source: LOCAL
State: New Mexico
Citation: Ordinance No. 186 (Unofficial)
Title: AN ORDINANCE REGULATING VEHICLES CONTAINING HAZARDOUS MATERIALS
Transport Mode: MOTOR VEHICLE
Regulatory Authority: FIRE DEPARTMENT
Issues: ROUTING
SHIPMENT RESTRICTIONS
 Specific
 Other
PERMITS
 Transport Permit

Summary

The City of Bloomfield has an ordinance (No. 186) which prohibits the transportation of hazardous material in the city without a permit granted by the fire department. See Section IV. The permit shall also designate the route, hours permitted, and other restrictions deemed necessary to protect the citizens or property of the city. There is no charge for the permit and it may be granted for up to one year annually renewable. See Section IV(b).

Comments:

Transportation Legislative Database

Item Number: OR-0030
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Ordinance No. 80-297 (Unofficial)
Title: SPENT FUEL TRANSPORTATION BAN ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Binghamton, New York, has an ordinance which prohibits the transportation of spent nuclear fuel on streets or highways maintained by the city. See Ord. No. 82-297. The ordinance identifies those streets or highways maintained by the city. See section 2. The ordinance does not apply to transportation on streets or highways located in the city which are maintained by the State of New York. See section 2. The transportation of spent fuel for military or national defense purposes are exempt. See section 2.

Comments:

Transportation Legislative Database

Item Number: OR-0027
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Geneva Municipal Code sec. 60.67
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE
Transport Mode: MOTOR VEHICLE
RAIL
Regulatory Authority: CHIEF OF POLICE
Issues: ROUTING
Motor Vehicle
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
EMERGENCY RESPONSE
Responsibilities and Capabilities
INSURANCE - LIABILITY
Insurance Requirements and Limitations
Liability Requirements and Limitations
PERMITS
Transport Permit
FEES
Transport Permit Fees

Summary

The City of Geneva, New York, has an ordinance regarding the transportation of radioactive waste. See Geneva Municipal Code section 60.67. The ordinance prohibits the transportation by rail or highway into Geneva of high-level radioactive waste, including spent fuel, unless the shipper, carrier, or other responsible party does the following: (1) provides two-weeks written prenotification to the Chief of Police including information on the shipment date, transport method, route, starting point and destination, identification of all radioactive material, and the identity of any person responsible for safety, emergency or accident cleanup, and any other information the Chief of Police may require consistent with public health, safety and welfare; (2) provides satisfactory proof of financial security and insurance to cover any damage, costs or expenses incurred as a result of an accident and agrees to be financially responsible for the total cost of all damages resulting from any such accident; and (3) obtains a transportation permit from the City Clerk for a \$100 fee.

Transportation Legislative Database

Radioactive sources may only be transported into and through the city over such routes and only at such times of day as the Chief of Police may direct consistent with the public health, safety, and welfare. The ordinance does not apply to radiation sources shipped by or for the Federal Government for military, national security, or national defense purposes.

Comments:

Transportation Legislative Database

Item Number: OR-0035
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Ordinance No. 80-2 (Unofficial)
Title: HIGH-LEVEL RADIOACTIVE MATERIALS TRANSPORTATION BAN ORDINANCE
(UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Ithaca, New York, has an ordinance which prohibits the transportation of high-level radioactive materials into or through the city. See Ord. No. 82-2. High-level radioactive materials (not including high-level radioactive waste) transported by or for the Federal Government for military or national defense purposes are exempt.

Comments:

Transportation Legislative Database

Item Number: OR-0034
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Local Law No. 2 (Unofficial)
Title: HIGH-LEVEL RADIOACTIVE WASTE TRANSPORTATION BAN ORDINANCE
(UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The County of Onondaga, New York, has an ordinance which prohibits the transportation of high-level radioactive waste materials into or through the county. See Local Law No. 2.

Comments:

Transportation Legislative Database

Item Number: OR-0068
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Oxford Local Law No. 1 of 1989
Title: TRANSPORTATION OF HAZARDOUS SUBSTANCES ORDINANCE
Transport Mode: ALL
Regulatory Authority: VILLAGE CLERK
Issues: PERMITS
 Transport Permit
 FEES
 Transport Permit Fees

Summary

Oxford, N.Y., had an ordinance prohibiting the transportation of radioactive waste in the city without a permit obtained from the village clerk. A permit fee of \$1000 is assessed. See Local Law No. 1 of 1989.

Comments:

Transportation Legislative Database

Item Number: OR-0033
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Local Law No. 10 (Unofficial)
Title: RADIOACTIVE MATERIALS TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: COUNTY EMERGENCY SERVICES COORDINATOR/CIVIL DEFENSE DIRECTOR
Issues: ROUTING
Motor Vehicle
EMERGENCY RESPONSE
Responsibilities and Capabilities
PERMITS
Transport Permit

Summary

The County of St. Lawrence, New York, has an ordinance which requires the receipt of a certificate of emergency transport from the County Emergency Services Coordinator/Civil Defense Director for the shipment of spent nuclear fuel with a radioactivity content level in excess of 20 and NRC-defined "large quantity" radioactive material. See Local Law No. 10. The written request for the certificate must include the following information: the nature of the material and possible danger therefrom, transport route, shipment date and time, specific emergency response procedures required in case of an accident, and payment of a \$100 fee. See section 3. A certificate will be issued for the most compelling reasons involving urgent public policy or national security interests transcending public health and safety concerns. See section 4. The certificate will be valid for a period not to exceed 72 hours. See section 5. The ordinance does not apply to radiation sources shipped by or for the Federal Government for military, national security, or national defense purposes. See section 7.

Comments:

Transportation Legislative Database

Item Number: OR-0067
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Syracuse Fire Prevention Code sec. 20.14
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: FIRE DEPARTMENT
Issues: ROUTING
Motor Vehicle
SHIPMENT NOTIFICATION
Prenotification
INSPECTION AND ENFORCEMENT
Regulations - Requirements
REGULATIONS

Summary

The city of Syracuse, New York, has a local ordinance which requires owners of vehicles involved in the interstate shipment of hazardous material to comply with DOT regulations and to register with the Fire Department for the purpose of assuring due notification and use of officially designated routes, approved stopping and parking places, and inspections stops. See Syracuse Fire Prev. Code sec. 20.14.

Comments:

Transportation Legislative Database

Item Number: OR-0032
Action Type: ORDINANCE
Source: LOCAL
State: New York
Citation: Local Law No. 1 (Unofficial)
Title: HIGH-LEVEL RADIOACTIVE MATERIALS TRANSPORTATION BAN ORDINANCE
(UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
Specific

Summary

The City of Watkins Glen, New York, has an ordinance which prohibits the transportation of high-level radioactive material into or through the city. See Local Law No. 1. High-Level radioactive materials (not including high-level radioactive waste) transported by or for the Federal Government for military or national defense purposes are exempt.

Comments:

Transportation Legislative Database

Item Number: AR-0080
Action Type: REGULATION
Source: LOCAL
State: New York
Citation: N.Y. City Health Code sec. 175.111
Title: HAZARDOUS MATERIALS TRANSPORTATION RULE
Transport Mode: ALL
Regulatory Authority: CITY BOARD OF HEALTH
Issues: PERMITS
Transport Permit

Summary

New York City has an ordinance which requires receipt of a certificate of emergency transport from the city health department in order to transport spent fuel or any large quantity radioactive material through or into the city. See New York City Health Code section 175.111. The ordinance notes that such certificate will be issued for the most compelling reasons involving urgent public policy or national security transcending public health and safety concerns and that economic considerations alone will not be acceptable as justification for the issuance of such certificates. This ordinance does not apply to radioactive materials shipments by or for the Federal Government for military, national security, or national defense purposes. This ordinance was found federally preempted in *City of New York v. DOT*, 715 F.2d 732 (2d Cir. 1983), cert. denied, 104 S. Ct. 1403 (1984).

Comments:

Transportation Legislative Database

Item Number: AR-0079
Action Type: REGULATION
Source: LOCAL
State: New York
Citation: Thousand Islands Bridge Authority Regs. sec. 5500 et seq.
(Unofficial)
Title: RADIOACTIVE MATERIALS TRANSPORTATION REGULATIONS (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: THOUSAND ISLANDS BRIDGE AUTHORITY
Issues: PHYSICAL PROTECTION
Regulations - Requirements
Responsibilities and Capabilities
Escorts
PERMITS
Transport Permit
REGULATIONS
Adoption of Federal Regulations
FEES
Transport Permit Fees

Summary

The Thousand Islands Bridge Authority in New York has promulgated regulations (effective November 1979) which, among other things, require vehicles transporting radioactive material to obtain a special permit from the Authority and, if required as a condition of such permit, to allow a special escort to be provided at a prescribed fee. See Authority Rules and Regulations sec. 5500 at sec. 5503.3. The regulations also prohibit the transportation of dangerous materials except in compliance with applicable Federal and Canadian regulations. See sec. 5505.9.

Comments:

Transportation Legislative Database

Item Number: OR-0020
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Ordinance No. 10373 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS SUBSTANCES ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: FIRE CHIEF
Issues: INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations

Summary

Ashtabula, Ohio has an ordinance prohibiting the transportation of radioactive materials in the city contrary to applicable NRC and DOT radioactive materials transportation regulations. See Ordinance No. 10373.

Comments:

Transportation Legislative Database

Item Number: OR-0037
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Ordinance No. 136-85 (Unofficial)
Title: HAZARDOUS MATERIALS TRANSPORTATION ORDINANCE
Transport Mode: ALL
Regulatory Authority: FIRE CHIEF
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
 INCIDENT NOTIFICATION
 Methods
 Timing
 Responsibility
 SHIPMENT RESTRICTIONS
 Specific
 Other
 PERMITS
 Transport Permit
 REGULATIONS
 Adoption of Federal Regulations

Summary

The City of Columbus, Ohio, has an ordinance regarding hazardous (including radioactive) materials transportation. See Ord. No. 136-85. This ordinance adopts and incorporates DOT hazardous materials transportation regulations (49 CFR Parts 171-173 and 177), and DOT motor carrier safety regulations (49 CFR Part 397). The ordinance prescribes the routes to be used for hazardous materials motor vehicle transportation. The ordinance prohibits transportation on specified portions of specified interstate highways which pass through the city where there is neither a point of origin or a destination within the city. The use of city streets in the downtown area is prohibited between 6:00 a.m. and 8:00 p.m. daily except Saturdays, Sundays, and holidays.

Exceptions to the routing restrictions may be obtained by permit from the Chief of the Division of Fire. Permit applications must be made 30 days in advance and are granted only where a compelling need is shown and the requested transportation is in the public's interest. Permits may set forth additions such as routes and other special precautions as determined by the

Transportation Legislative Database

Fire Chief.

The ordinance further invokes specific provisions of the DOT motor carrier safety regulations regarding materials vehicle operation and requires maintenance of a minimum distance of at least 300 feet from one vehicle carrying hazardous materials to another. The ordinance requires that incidents involving hazardous materials be reported immediately by the carrier to the Division of Fire by telephone. Lastly, the hazardous materials transporter is liable to the city for the payment of all costs and expenses of the Division of Fire incurred in controlling a hazardous materials incident.

Comments:

Transportation Legislative Database

Item Number: OR-0003
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Ordinance No. 1978-141 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DIRECTOR OF SAFETY
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
 SHIPMENT NOTIFICATION
 Prenotification
 PERMITS
 Transport Permit
 TRANSPORTATION OPERATIONS
 Material Preparation
 Material Handling
 REGULATIONS
 Adoption of Federal Regulations
 Other

Summary

Maple Heights, Ohio, has an ordinance requiring a permit from the Director of Safety for the motor vehicle transportation of spent fuel with a radioactivity content level in excess of 20 curies and large quantity radioactive material. See Ord. No. 1978-141. A permit may not be issued without a showing that the radioactive material has been or will be containerized, packaged, and labeled in conformity with DOT, NRC, or other related Federal or State regulations and that the shipment is necessitated by urgent public policy or national security interests transcending public safety and health concerns. Permitted shipments of radioactive material must be transported over such routes and at such times of day as the Director of Safety may direct consistent with public health, safety, and welfare and the convenience of the shipper or carrier. The ordinance further requires a 2-week shipment prenotification to the Director including the following information: the date of shipment, the type and quantity of radioactive materials involved, the method of transportation, route, starting point, destination, and such other information as the Director may reasonably require. The ordinance does not apply to radioactive materials shipped by or for the Federal Government for military, national security, or national

Transportation Legislative Database

defense purposes.

Comments:

Transportation Legislative Database

Item Number: OR-0021
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Ordinance No. 78-0-139 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: SAFETY DIRECTOR
Issues: ROUTING
Designation Criteria
SHIPMENT NOTIFICATION
Prenotification
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
Material Preparation

Summary

Mentor, Ohio has an ordinance concerning the transportation of radioactive materials. See Ordinance No. 78-0-139. This ordinance requires receipt of a permit from the Safety Director to transport radioactive materials, including spent fuel and large quantity radioactive material, by motor vehicle into the city. The safety director cannot issue a permit unless: (1) there is a showing that the radioactive material is containerized, packaged, and labeled in conformity with DOT, NRC, or other related Federal or State regulations, and (2) there is a showing that the shipment is necessitated by urgent public policy or national security interests transcending the public safety and health concerns of the city. The ordinance provides that radioactive materials permitted to be shipped through the city must be over such routes or at such times of day, consistent with the public health, safety and welfare, and the convenience of the shipper or carrier, as the Safety Director may direct.

Comments:

Transportation Legislative Database

Item Number: OR-0051
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Traffic Code sec. 347.01 et seq.
Title: RADIOACTIVE MATERIALS TRANSPORTATION ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DIRECTOR OF PUBLIC SAFETY
Issues: SHIPMENT NOTIFICATION
 Prenotification
 PERMITS
 Transport Permit

Summary

Richmond Heights (Ohio) has an ordinance requiring receipt of a permit for, and the provision of prior notification to, the Director of Public Safety for the transport of spent fuel or large quantity radioactive material. See Traffic Code Section 347.01, et seq. This provision does not apply to federal government shipments.

Comments:

Transportation Legislative Database

Item Number: OR-0022
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Ordinance No. 78-97 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: DIRECTOR OF HEALTH
Issues: ROUTING
 Designation Criteria
 SHIPMENT NOTIFICATION
 Prenotification
 PERMITS
 Transport Permit
 TRANSPORTATION OPERATIONS
 Material Preparation

Summary

The City of Shaker Heights, Ohio, has an ordinance which requires receipt of a permit from the Director of Health for the motor vehicle transportation of spent fuel which exceeds a 20-curie radioactivity content level and large quantity radioactive material. See Ord. No. 78-97. A 2-week prior notice to the Director is required for radioactive materials shipments. The notice must include the following information: shipment date, type and quantity of material, transport method, route, starting point and destination, and such other information that the Director may reasonably require. The Director may not issue a permit unless there is a showing that the radioactive material has been, or will be, containerized, packaged, and labeled in conformity with DOT, NRC, and other related Federal or State regulations and that the shipment is necessitated by urgent public policy or national security interest transcending public safety and health concerns. Permitted shipments of radioactive material must be over routes designated by the Director.

Comments:

Transportation Legislative Database

Item Number: OR-0047
Action Type: ORDINANCE
Source: LOCAL
State: Ohio
Citation: Ordinance No. 50-78 (Unofficial)
Title: TRANSPORTATION OF RADIOACTIVE MATERIALS ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority: MAYOR-SAFETY DIRECTOR
Issues: ROUTING
Motor Vehicle
Designation Criteria
PERMITS
Transport Permit
TRANSPORTATION OPERATIONS
Material Preparation

Summary

The City of South Euclid has an ordinance requiring a permit from the Mayor-Safety Director for the motor vehicle transportation of radioactive materials within the city. Ordinance No. 50-78. The permit application must be submitted two weeks prior to the date of shipment and indicate, among other things, the type and quantity of material, route, destination and such other information as the mayor may reasonably require. The disclosure of any defense information or restricted data, as defined in the Atomic Energy Act or Energy Reorganization Act, is specifically not required.

A permit may not issue unless there has been a showing that the material is containerized and packaged in conformity with DOT, NRC or other related federal or state regulations and that the shipment is necessitated by "urgent public policy" or national security interests that transcend public safety and health concerns. An "urgent public policy" does not include interests other than medical or educational interests unless expressly authorized in writing by DOT or any other federal or state agency. Permitted radioactive materials shipments must be shipped over such routes and such times of day as the mayor may direct.

Comments:

Transportation Legislative Database

Item Number: OR-0031
Action Type: ORDINANCE
Source: LOCAL
State: Pennsylvania
Citation: Ordinance No. 14 (Unofficial)
Title: HAZARDOUS WASTE TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The Township of Herrick, Pennsylvania, has an ordinance which prohibits the transportation of hazardous (including radioactive) waste in the township. See Ord. No. 14.

Comments:

Transportation Legislative Database

Item Number: OR-0026
Action Type: ORDINANCE
Source: LOCAL
State: South Carolina
Citation: Ordinance No. 75 (Unofficial)
Title: NUCLEAR MATERIALS TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: OFFICE OF THE COUNTY SUPERVISOR
Issues: ROUTING
Interagency Cooperation
INSPECTION AND ENFORCEMENT
REGULATIONS
Adoption of Federal Regulations
Other

Summary

Anderson County, South Carolina, has an ordinance which regulates the transportation of nuclear material. See Ord. No. 75. The ordinance mandates compliance with the Hazardous Materials Transportation Act of 1975 (HMTA), DOT hazardous materials transportation regulations, DOT motor carrier safety regulations, NRC radioactive materials transportation regulations, the South Carolina Atomic Energy and Radiation Control Act, the South Carolina Radioactive Waste Transportation and Disposal Act, and South Carolina Department of Health and Environmental Control radioactive materials transportation regulations. The ordinance requires that procedures for establishing and maintaining liaison with the Office of the Governor and South Carolina Department of Health and Environmental Control, the designated State routing agency for nuclear materials, be developed and administered by the Office of the Supervisor. The Office of the Supervisor is also conferred the authority to act as the county routing agency for nuclear materials in cooperation with responsible State authorities. See section 2.

Comments:

Transportation Legislative Database

Item Number: OR-0015
Action Type: ORDINANCE
Source: LOCAL
State: South Carolina
Citation: Ordinance No. 179-42 (Unofficial)
Title: TRANSPORTATION OF NUCLEAR MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The City of Charleston, South Carolina, has an ordinance which prohibits the transportation of spent fuel which exceeds a 20-curie radioactivity content level and NRC-defined "large quantity" radioactive material in the city. See Ordinance No. 179-42. Other types and quantities of radioactive material may be transported upon 48 hours prenotification and the provision of certain specified information, including route and time of transport. The ordinance does not apply to radioactive material shipped by or for the Federal Government for national security, military, or national defense purposes.

Comments:

Transportation Legislative Database

Item Number: OR-0013
Action Type: ORDINANCE
Source: LOCAL
State: Tennessee
Citation: Ordinance No. 79-1265 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS MATERIALS PROHIBITION ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: SHIPMENT RESTRICTIONS
General

Summary

The Counties of Nashville and Davidson, Tennessee, have a joint ordinance which prohibits the motor vehicle transportation of radioactive material on any street, alley, or thoroughfare within the metropolitan area. See Ordinance No. 79-1265.

Comments:

Transportation Legislative Database

Item Number: OR-0038
Action Type: ORDINANCE
Source: LOCAL
State: Texas
Citation: Ordinance No. 15984 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS MATERIALS ORDINANCE
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: ROUTING
Motor Vehicle
Designation Criteria
INSPECTION AND ENFORCEMENT
SHIPMENT RESTRICTIONS
Other
TRANSPORTATION OPERATIONS
Material Preparation

Summary

The City of Dallas has an ordinance on the transportation of hazardous materials within the city (No. 15984). Transportation of hazardous materials on certain segments of public highways and streets is prohibited. See Section 4(b) and (c). The vehicle operator transporting hazardous materials is required to display an appropriate placard meeting DOT specifications and inspect the vehicle condition before operation.

Comments:

Transportation Legislative Database

Item Number: OR-0039
Action Type: ORDINANCE
Source: LOCAL
State: Texas
Citation: Ordinance No. 6625 (Unofficial)
Title: AN ORDINANCE REGULATING THE TRANSPORTATION OF RADIOACTIVE MATERIALS THROUGH THE CITY OF EL PASO
Transport Mode: MOTOR VEHICLE
Regulatory Authority: CITY FIRE MARSHALL
CITY HEALTH OFFICER
Issues: ROUTING
Motor Vehicle
Designation Criteria
PHYSICAL PROTECTION
Responsibilities and Capabilities
Escorts
SHIPMENT RESTRICTIONS
Other
PERMITS
Transport Permit

Summary

El Paso has an ordinance regarding radioactive materials transportation through the city. A certificate of emergency transport issued by the city fire marshall and health officer is required for each shipment transported through, or brought into, the city. The certificate is to be issued only for the most "compelling reasons involving urgent public policy and national security interest transcending public health and safety concerns." See paragraph 2. Economic considerations are unacceptable justification. The ordinance further prescribes those streets to be used for nuclear materials transportation.

A permit is further required from the fire marshall and health officer prior to transportation of such material. In order to grant such a permit, it must be found that the transportation of such material "can be accomplished in a manner necessary to protect the health and safety of the citizens of El Paso." See paragraph 5. The permit is obtainable three days after application. The fire marshall and health officer may require changes in dates, routes, or time for the transportation of such material. If a police escort is required, any cost incurred by the city for the transportation of nuclear material shall be borne by the shipper prior to

Transportation Legislative Database

issuance of an emergency transport certificate.

Comments:

Transportation Legislative Database

Item Number: OR-0014
Action Type: ORDINANCE
Source: LOCAL
State: Texas
Citation: Ordinance No. 83-101 (Unofficial)
Title: TRANSPORTATION OF HAZARDOUS MATERIALS ORDINANCE (UNOFFICIAL)
Transport Mode: MOTOR VEHICLE
Regulatory Authority:
Issues: ROUTING
 Designation Criteria
 SHIPMENT RESTRICTIONS
 Specific

Summary

The City of Galveston, Texas, has an ordinance which describes routes for the transport of hazardous (including radioactive) materials through and around the city. See Ordinance No. 83-101. The movement of hazardous material from the designated routes to the point of destination must be by the most direct route and is prohibited between the hours of 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. Mondays through Fridays.

Comments:

Transportation Legislative Database

Item Number: OR-0010
Action Type: ORDINANCE
Source: LOCAL
State: Texas
Citation: UNNUMBERED AND UNCODIFIED
Title: TRANSPORTATION OF DANGEROUS ARTICLES ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: FIRE CHIEF
Issues: PERMITS
 Transport Permit
 TRANSPORTATION OPERATIONS
 Other

Summary

The City of Laredo, Texas, has an ordinance prohibiting the transportation of radioactive materials within the city limits without specific authorization from the Fire Chief. There are no specific authorization application provisions. The ordinance further contains provision for radioactive materials vehicle loading and unloading.

Comments:

Transportation Legislative Database

Item Number: OR-0069
Action Type: ORDINANCE
Source: LOCAL
State: Utah
Citation: Salt Lake City Traffic Code sec. 12.28.140
Title: HAZARDOUS MATERIALS ROUTING ORDINANCE
Transport
Mode: MOTOR VEHICLE
Regulatory
Authority: FIRE DEPARTMENT
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
 PERMITS
 Other

Summary

Salt Lake City, Utah has an ordinance designating routes for hazardous materials shipments unless otherwise authorized by special permit of the fire department. See Traff Code sec. 12.28.140.

Comments:

Transportation Legislative Database

Item Number: OR-0011
Action Type: ORDINANCE
Source: LOCAL
State: Vermont
Citation: UNNUMBERED AND UNCODIFIED
Title: RADIOACTIVE WASTE TRANSPORTATION ORDINANCE (UNOFFICIAL)
Transport Mode: ALL
Regulatory Authority: BOARD OF SELECTMEN
Issues: EMERGENCY RESPONSE
 Responsibilities and Capabilities
 INSURANCE - LIABILITY
 Insurance Requirements and Limitations
 Liability Requirements and Limitations
 CASK DESIGN AND TESTING
 Testing Requirements and Alternatives
 PERMITS
 Transport Permit

Summary

The City of Glover, Vermont, has an ordinance which requires receipt of a certificate of emergency transport from the Board of Selectman (Board) prior to the transportation of radioactive waste in the city. The certificate application must include the following information: the nature and amount of radioactive waste to be transported, transport method, 30-day transport time period, cask or container test results, carrier liability insurance, emergency response provisions, and evidence of compliance with DOT, NRC and Vermont radioactive waste transportation regulations. The Board may not consider any certificate application until it is in receipt of explicit instructions from the State of Vermont or the Federal Government for use by town officials and the town ambulance and Fire Department rescue service in responding to a transportation emergency.

The Board may issue a certificate of emergency transport if it finds satisfactory evidence that the shipments will be made in accordance with DOT, NRC and Vermont radioactive waste transportation regulations, that the casks or containers are capable of withstanding the maximum expected crash forces, that sufficient liability insurance exists to fully satisfy any personal injury or property claims, and that provisions for equipment and personnel necessary to handle an emergency situation are adequate.

Transportation Legislative Database

Comments:

Transportation Legislative Database

Item Number: OR-0009
Action Type: ORDINANCE
Source: LOCAL
State: Virginia
Citation: Spotsylvania County Code sec. 22-1 et seq.
Title: NUCLEAR MATERIALS TRANSPORTATION ORDINANCE
Transport Mode: ALL
Regulatory Authority: COORDINATOR OF EMERGENCY SERVICES
Issues: ROUTING
 Motor Vehicle
 Designation Criteria
 EMERGENCY RESPONSE
 Responsibilities and Capabilities
 PHYSICAL PROTECTION
 Escorts
 SHIPMENT RESTRICTIONS
 Other
 PERMITS
 Transport Permit
 TRANSPORTATION OPERATIONS
 Material Preparation
 Shipping Records
 FEES
 Transport Permit Fees

Summary

The City of Spotsylvania, Virginia, has an ordinance requiring the receipt of a certificate of emergency transport for the shipment of spent fuel which exceeds a 20-curie radioactivity content level and NRC-defined "large quantity" of radioactive material. See Spotsylvania City Code section 22-1 et seq. The certificate application must be made to the Coordinator of Emergency Services at least 90 days prior to the shipment date and must contain the following information: (1) a description of the radioactive material, (2) a shipper's certification of DOT and NRC regulatory compliance, (3) the origin, route, destination, and date of each shipment, and (4) the name, address, and telephone number of the carrier, vehicle identification number, and driver's license number.

The certificate may be issued upon a finding that (1) urgent public policy interests transcend the potential risk to public health and safety, (2) transportation routes will not pass within 5000 feet of public institutions,

Transportation Legislative Database

(3) appropriate procedures and precautions exist to protect county residents in the event of a transportation accident, (4) the radioactive material has or will be properly containerized, packaged, labeled, and transported in conformity with NRC or other relevant Federal or State regulations, and (5) that container tests demonstrate their ability to withstand, without breach of containment, the impact of a severe transportation accident under expected conditions. Each shipment is required to be escorted within the county limits by law enforcement officers of the Sheriff's Department of the county or other law enforcement officer designated by the coordinator. See sec. 4. Certificate fees from \$100 to \$5000 are authorized to be imposed on the shipper. See sec. 5.

Comments:

Transportation Legislative Database

Item Number: OR-0066
Action Type: ORDINANCE
Source: LOCAL
State: Washington
Citation: Ordinance No. 1229 (Unofficial)
Title: NUCLEAR WASTE ORDINANCE (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority:
Issues: SHIPMENT RESTRICTIONS
Other

Summary

The City of Bothell, Washington, has an ordinance which prohibits the transportation of special nuclear material or nuclear waste within the city. See Ord. No. 1229. The ordinance exempts direct activities of the Federal Government. See section 1.

Comments:

Transportation Legislative Database

Item Number: OR-0012
Action Type: ORDINANCE
Source: LOCAL
State: Wisconsin
Citation: Ordinance No. 394 (Unofficial)
Title: HAZARDOUS MATERIALS ORDINANCE (UNOFFICIAL)
Transport
Mode: ALL
Regulatory
Authority:
Issues: INSURANCE - LIABILITY
Liability Requirements and Limitations

Summary

The City of Lake Mills, Wisconsin, has an ordinance requiring payment of costs incurred in containing or cleaning up an accidental spill involving the transportation of hazardous materials by highway or rail. It is not clear whether radioactive materials constitute hazardous materials for purposes of this ordinance.

Comments: