

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

**PROPOSED TEXT**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 3,  
AMEND SECTIONS 1160.2 AND 1164

**GENERAL HAZARDOUS MATERIALS REGULATIONS  
(CHP-R-2018-08)**

*Existing text:* .....Times New Roman 12 point font.  
*Additions:* .....Times New Roman 12 point font with single underline.  
*Deletions:* .....~~Times New Roman 12 point font with strikethrough~~

**§ 1160.2. U.S. Department of Transportation Regulations.**

(a) Incorporation by Reference. This article incorporates by reference portions of 49 CFR Part 107, Parts 171 through 180, and Part 393 to the extent specified in this article. Unless otherwise specified, all references ~~in this article~~ to 49 CFR in this article are those regulations published on October 1, 2019. ~~for persons:~~

(1) ~~Not subject to federal jurisdiction per 49 CFR Part 171, are those regulations published on October 1, 1999.~~Should a private carrier find a regulation adopted pursuant to this section to be unnecessarily burdensome or impracticable, the carrier may apply, at no cost, for an alternate method of compliance pursuant to Section 1160.4.

(2) ~~Subject to federal jurisdiction per 49 CFR Part 171, are regulations published on October 1, 2015.~~

(b) Federal Preeminence. Provisions of the Hazardous Materials Transportation Act recodified into Title 49 U.S. Code (49 U.S.C.) Section 5125, preempt any requirements of any state or political subdivision thereof inconsistent with the act or federal HM Regulations relating to hazardous materials transported in commerce. The U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Administration (PHMSA) may except any material from being classed as hazardous, or change any classification or transportation requirement in accordance with authority granted that agency, and such action shall govern the application of this article. In lieu of compliance with the provisions of this article, hazardous materials shipment preparation and transportation in compliance with a later promulgated PHMSA requirements, exemption or exception than that adopted by reference in this article is permitted. This includes compliance

with a later promulgated requirement prior to its effective date during any period of time where earlier compliance is authorized in the applicable final rulemaking.

(c) Limited Applications. 49 CFR Parts 174 and 179 shall apply only as referenced in 49 CFR Parts 173, 177, and 178.

(d) Motor Carrier Safety Requirements. Provisions of 49 CFR Part 393 applies as incorporated in cargo tank specifications referenced in 49 CFR Part 178.

(e) Referenced Regulations. Copies of 49 CFR, can be obtained from:

SUPERINTENDENT OF DOCUMENTS

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“<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>” or through the U.S. Department of Transportation, PHMSA's web site at “<http://phmsa.dot.gov/regulations>”.

Note: Authority cited: Sections 2402.7 and 34501, Vehicle Code. Reference: Sections 2402.7 and 34501, Vehicle Code.

#### **§ 1164. Vehicle Loading.**

(a) Loading Requirements. Load securement, loading, unloading and vehicle utilization shall comply with 49 CFR Part 177, Subparts A, B, and C.

~~(b) Packages. Packages shall be secured during transit by use of bracing, chocks, or tiedowns to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies, or racks on flatbed vehicles shall not be relied upon for the securement of portable tanks.~~

Note: Authority and reference cited: Section 34501, Vehicle Code.