

VEHICLES TRANSPORTING HAZARDOUS MATERIALS

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What is a hazardous material?

Section 353 of the California Vehicle Code (CVC) and Title 49, Code of Federal Regulations (CFR), Section 171.8, define a hazardous material (HM) as a substance or material which is capable of posing an unreasonable risk to health, safety, and property when transported in a vehicle. Additionally, hazardous substances, marine pollutants, and elevated temperature materials are also HM. Hazardous materials can be liquids, solids, or gases. Some examples are explosives, gasoline, hydrochloric acid, propane, and acetylene.

How do I know if the material I am transporting is a hazardous material?

There are many resources for determining if a material is a HM. One indication a material may be hazardous would be markings or labels applied to product packaging. Hazard warning labels are usually diamond shaped and come in a variety of colors. Further information may also be provided by a chemical manufacturer or distributor on a Safety Data Sheet (SDS). The SDS will provide guidance if the material is regulated in highway transportation.

What are the rules for transporting hazardous materials?

The rules for transporting HM are outlined in Title 49, CFR. These regulations apply to the transportation of HM in both intrastate and interstate commerce. State laws and regulations reference or adopt many of these federal regulations and are applicable, with some exceptions, to all persons transporting HM on public roads. This includes transportation for commercial purposes, transportation by state or local governments, and private individuals. Federal HM regulations are contained in Title 49, CFR, Parts 171-180; and state HM regulations are contained in Title 13, California Code of Regulations, Sections 1160-1167.

Do I need a commercial driver's license or a hazardous materials endorsement before transporting hazardous materials?

Section 15278(a) CVC requires a driver to obtain a commercial driver's license with a HM endorsement if the vehicle transporting HM is **required** to display placards pursuant to Section 27903 CVC and Title 49, CFR, Section 172.504.

Are there federal requirements to obtain any permits or licenses before transporting hazardous materials?

The Pipeline and Hazardous Material Safety Administration requires persons who transport HM to comply with the registration requirements set forth in Title 49, CFR, Section 107.601. Registration is required when the HM being transported requires the display of placards. Hazardous materials registration is also required when transporting HM, which do not require placards (e.g., Class 9 materials) in a package having a capacity of 3,500 gallons or more for liquids and gases or in excess of 468 cubic feet for solids.

The Federal Motor Carrier Safety Administration requires carriers to obtain a Hazardous Materials Safety Permit (HMSP), prior to transporting certain quantities of materials which present a greater safety risk. The materials which require a HMSP are listed in Title 49, CFR, Section 385.403.

Does the California Highway Patrol (CHP) require any permits or licenses before transporting hazardous materials?

Section 32000.5 CVC requires a person who transports HM in certain quantities to obtain a Hazardous Materials Transportation License (HMTL) from the CHP. This requirement applies to intrastate and interstate carriers.

An HMTL is required to be obtained in either of the following circumstances:

- The shipment of HM **requires** the display of hazard warning placards.
- The shipment of HM exceeds 500 pounds, is being transported for a fee (for-hire), and the material would normally require placards if shipped in a greater quantity.

For further information or to obtain an HMTL, please refer to the following CHP forms available at: www.chp.ca.gov.

- CHP 361E, Hazardous Materials Transportation License - Application Instructions
- CHP 361M, Application for Hazardous Materials Transportation License

Do I need a lock on my trailer if I am transporting hazardous materials?

Section 32001(c)(5) CVC requires a lock on a vehicle when equipped with an enclosed cargo body and when HM is being transported in a quantity which **requires** the display of placards. The cargo body shall be locked during transportation to prevent any unauthorized entry. This requirement may be met by using a bolt seal, padlock, integrated locking mechanism, or other equivalent securement device.

Are the hazardous materials laws and regulations available on the internet?

The full text of the CVC is available on the California Department of Motor Vehicle's Web site at: www.dmv.ca.gov.

Title 13, California Code of Regulations, is available at: govt.westlaw.com.

Title 49, CFR, is available at: www.ecfr.gov.

ABOUT THIS INFORMATION SHEET: The information contained in this document does not contain all requirements relative to hazardous materials transportation and is provided for general guidance only. Persons transporting hazardous materials are obligated to comply with all applicable laws and regulations.