

CHAPTER 1

**EXCERPTS FROM CALIFORNIA VEHICLE CODE, DIVISION 14,
TRANSPORTATION OF EXPLOSIVES**

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CHAPTER 1

EXCERPTS FROM CALIFORNIA VEHICLE CODE, DIVISION 14, TRANSPORTATION OF EXPLOSIVES

1. CALIFORNIA VEHICLE CODE, SECTION 31600. EXPLOSIVES DEFINED. For the purposes of this division “explosive” or “explosives” means any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion and which is capable of a relatively instantaneous or rapid release of gas and heat. “Explosive” or “explosives” includes, but is not necessarily limited to, explosives as defined in Section 12000 of the Health and Safety Code, and any of the following:

(a) Dynamite, nitroglycerine, picric acid, lead azide, fulminate of mercury, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps, commercial boosters, ammonium nitrate-fuel oil mixture (blasting agent), or any explosives as defined in Section 841 of Title 18 of the United States Code and published pursuant to Section 555.23 of Title 27 of the Code of Federal Regulations, when transported in a combined load with any explosive, as defined in this section.

(b) Substances determined to be division 1.1, 1.2, 1.3, or 1.6 explosives as classified by the United States Department of Transportation.

(c) “Explosive” or “explosives” does not include small arms ammunition or any other division 1.4 explosive.

(d) This division shall not apply to special fireworks classified by the United States Department of Transportation as division 1.2 or 1.3 explosives when those special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

(e) Nothing in this chapter supersedes any regulations for the transportation of hazardous materials as defined in Section 2402.7 or as regulated in Division 14.1 (commencing with Section 32000).

2. CALIFORNIA VEHICLE CODE, SECTION 31601. APPLICATION OF DIVISION.

(a) This division shall apply to the operation of any motor vehicle on any highway, and to the operation and parking of any vehicle on any property designated pursuant to this division as a safe stopping place for the purpose of transporting any explosive in any amount when the transportation is rendered as a delivery

service or for hire, or in any other event for the purpose of transporting any explosive or a combined load of any explosive and ammonium nitrate-fuel oil mixture (blasting agent) in an amount in excess of 1,000 pounds. The transportation of quantities of explosives of 1,000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code. Notwithstanding other provisions of this section, a license required by Section 31602 may be used to transport quantities of less than 1,000 pounds of explosives if all other requirements of this division are met.

(b) It is the legislative intention in enacting this division and with particular reference to requiring licenses for transportation of explosives as set forth herein that such provisions shall apply uniformly throughout the State of California and that such license to be obtained from the Department of the California Highway Patrol, as provided in Chapter 2.5 (commencing with Section 2500) of Division 2, shall be in lieu of any requirement for any license to be obtained by any such owner from any local authority within the state.

3. CALIFORNIA VEHICLE CODE, SECTION 31602. LICENSE: ROUTES TO BE USED.

(a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of the vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 31601 unless the owner then holds a valid license for the transportation of explosives as provided in this division, except such persons as are expressly exempted in this division.

(b) It is a misdemeanor for the owner, or authorized agent of the owner, of any vehicle transporting explosives to drive, or to permit the driving of the vehicle, or for the driver to drive such vehicle, upon any public highway, not designated in regulations adopted by the Department of the California Highway Patrol as a route for the transportation of explosives, unless the use of the highway is required to permit delivery of, or the loading of, explosives at a point not on a highway designated as a route for the transportation of explosives, or unless the use of the highway is required to permit the vehicle to proceed to, and return from, a point designated as an inspection stop pursuant to this division.

(c) It is a misdemeanor for the driver of any vehicle transporting explosives to stop at any place not designated as a safe stopping place unless the vehicle is disabled or except when necessary to avoid conflict with other traffic or to comply with the orders of a peace officer or an official traffic control device. A safe stopping place is any location designated by the Department of the California Highway Patrol where the driver may stop for food, fuel or other necessary reasons and any location

designated by the Department of the California Highway Patrol as a safe parking place, a safe stopping place, or as an inspection stop for purposes of this division.

(d) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a license is required, the lessee shall be deemed the owner for the purposes of this division.

4. CALIFORNIA VEHICLE CODE, SECTION 31607. INSPECTION OF VEHICLE TRANSPORTING EXPLOSIVES.

(a) Any person operating or permitting the operation of a vehicle or combination of vehicles used in the transportation of explosives and subject to this division shall make or cause to be made an inspection of every said vehicle or combination of vehicles as hereinafter set forth.

(b) Such inspection as called for in Section 31608 shall be made immediately preceding the actual transportation of explosives by the vehicle and whenever there is an interchange of any vehicle operating in combination with any other vehicle in the transportation of explosives.

(c) Inspection of tires and brakes shall also be made en route at suitable intervals, off the roadway, at inspection stops established by the Department of the California Highway Patrol, at regular stops, terminal points, or driver-change points.

5. CALIFORNIA VEHICLE CODE, SECTION 31608. SCOPE OF INSPECTION. The inspection of a vehicle required under subdivision (b) of Section 31607 shall include inspection of the following:

(a) Brakes and the brake system.

(b) The ignition and lighting systems.

(c) All tires on the equipment.

(d) All supplemental equipment as required by Section 31610.

6. CALIFORNIA VEHICLE CODE, SECTION 31609. RECORD OF INSPECTION.

Every person operating a vehicle or combination of vehicles in the transportation of explosives subject to this division shall complete a record of every inspection which is required under Sections 31607 and 31608 in such form as approved by the Department of the California Highway Patrol showing the time and place of every inspection^[1]. The person making the inspection shall certify the fact in the record. The forms may be

based upon the type used by the United States Department of Transportation. The record of every inspection shall be made at the time such inspection is conducted.

The driver of the vehicle shall display the record upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of this code.

7. CALIFORNIA VEHICLE CODE, SECTION 31610. REQUIREMENTS IN RESPECT TO EQUIPMENT. Every vehicle or combination of vehicles used in the transportation of explosives and subject to this division, in addition to any other equipment required by law, shall be equipped and maintained as required by this section.

- (a) Brakes and the brake system shall be maintained in good and safe operating condition.
- (b) The ignition and lighting systems shall be maintained in good operating condition.
- (c) All tires shall be in good condition, properly matched and inflated. Except as may be necessary to cause immediate replacement, no vehicle shall be driven unless all tires in actual use on the vehicle are properly inflated.
- (d) Fire extinguishers and other safety equipment prescribed by regulations adopted by the department pursuant to subdivision (f) of Section 34500 and 34501 shall be carried in each vehicle or combination of vehicles.
- (e) No flare, fusee, oil lantern, or any signal device producing a flame shall be carried upon any vehicle or combination of vehicles.

¹The Department has approved the following forms for recording inspections: CHP 148A, Inspection Record – Explosive Hazards Transportation or a company produced form containing all items listed on the CHP 148A. Annex A contains a sample CHP 148A.

8. CALIFORNIA VEHICLE CODE, SECTION 31611. INSTRUCTIONS TO DRIVERS.

Every owner of a vehicle used in the transportation of explosives and subject to this division shall make available in each vehicle the latest map showing the routes which are to be used for the transportation of explosives which has been furnished for the vehicle by the Department of the California Highway Patrol, a list of the safe stopping places prescribed by the regulations of the Department of the California Highway Patrol for vehicles transporting explosives. The owner shall require that the driver be thoroughly familiar with the provisions of this division before operating any vehicle in the transportation of explosives.

9. CALIFORNIA VEHICLE CODE, SECTION 31614. TRAFFIC LAWS APPLICABLE TO TRANSPORTATION OF EXPLOSIVES. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the Department of the California Highway Patrol, drivers shall follow such routes as may be prescribed or established by local authorities.

(b) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(c) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(d) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless all of that portion of the lading which consists of explosives is contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate it shall be closed and secured in place during such transportation.

(e) Every motor vehicle transporting explosives shall have either a closed body or have the explosive cargo covered with a fire- and water-resistant tarpaulin, and in either event, care shall be taken to protect the load from moisture and sparks. Subject to other exceptions as are permitted by the United States Department of

Transportation regulations, explosives may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire- and water-resistant containers or covered with a fire- and water-resistant tarpaulin.

(f) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(g) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the Department of the California Highway Patrol unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(h) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

(i) No person shall transport any explosives in a passenger vehicle, or bus, which is subject to this division.

10. CALIFORNIA VEHICLE CODE, SECTION 31616. DESIGNATION OF ROUTES.

The Department of the California Highway Patrol, after consultation with the officials having the responsibility for the prevention and suppression of fire in communities through which routes for the transporting of explosives pass, representatives of transportation companies concerned, explosives manufacturers, and the State Fire Marshal shall, by regulation, designate the routes in this state which are to be used for the transportation of explosives. The Department of the California Highway Patrol shall prepare for distribution to persons engaged in the transportation of explosives, maps which clearly indicate the routes, as established in regulations, which are to be used for the transportation of explosives. The Department of the California Highway Patrol shall prepare for distribution to persons engaged in the transportation of explosives a list of locations of required inspection stops, safe parking places, and safe stopping places and shall revise the list to keep it current. Notwithstanding any other provision of law, regulations adopted pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, except that, for the purposes of subdivision (a) of Section 11346.4 of the Government Code, the public comment period shall be 30 days, and the regulations shall become effective upon filing with the Secretary of State.

ANNEX A

CHP 148A, INSPECTION RECORD - EXPLOSIVE HAZARDS TRANSPORTATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL		INSTRUCTIONS: To be carried in motor vehicles transporting Division 1.1, 1.2 or 1.3 explosives. Inspections shall be conducted in accordance with California Vehicle Code (CVC) 31609.		
INSPECTION RECORD-EXPLOSIVE HAZARDS TRANSPORTATION				
CHP 148A (Rev. 5-03) OPI 062				
CARRIER'S NAME	EXPLOSIVES LICENSE NUMBER	INSPECTION TYPE		
A Trucking Company	192950	<input checked="" type="checkbox"/> Initial (at origin) <input type="checkbox"/> Interchange (of any vehicle combination)		
CARRIER'S ADDRESS		INSPECTION LOCATION (CITY)		
1234 E. 7th Street Anywhere, CA 94298		Lincoln, CA		
		INSPECTION DATE AND TIME		
		10/28/2015 1030 Hours		
Driver's Name(s)	License #	Vehicle	License Plate #	State
1. John A. Smith	B000001	410	8A95345	CA
2.				
3.				
4.				
Initial/Interchange Inspection (Per CVC 31610)				
Item Inspection (Initial & Interchange)	CVC Cite	Complies	Does Not Comply	Remarks (Explain "No" answers and indicate corrective action taken)
1. Red Emergency Reflectors: Three required, carry in vehicle or combination.	25300	✓		
2. Explosive Route Maps: Must show routes, inspection stops, safe stopping places, and safe parking places.	31611	✓		
3. Brake Systems: Adjustments, leakage, operation.	31610	✓		
4. Ignition and Lighting Systems: Head, brake, tail, turn signals, clearance, sidemarker, light, wiring.	31610	✓		
6. Tires: Good condition, properly matched and inflated.	31610	✓		
7. Fire extinguishers: One 10-BC unit, or two units, equivalent UL rating, serviceable, nonfreezing. Mounted/carried on vehicle.	31610	✓		
8. No flame producing signal devices	31610	✓		
DRIVER'S/INSPECTOR'S SIGNATURE			DATE	
			10/28/2015	
Enroute Inspections of Tires and Brakes (Per CVC 31607)				
Inspection Location (City)	Date/Time	Driver's Initials	Remarks	

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