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or container cannot be safely and adequately repaired for transportation or transported, it shall be stored pending proper disposition in the safest and most expeditious manner possible.

(f) *Stopped vehicles; other dangerous articles.* Whenever any motor vehicle transporting Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), Class 8 (corrosive), Class 2 (gases), or Division 6.1 (poisonous) materials, is stopped for any cause other than necessary traffic stops upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

(1) For motor vehicles other than cargo tank motor vehicles used for the transportation of Class 3 (flammable liquid) or Division 2.1 (flammable gas) materials and not transporting Division 1.1, 1.2, or 1.3 (explosive) materials, warning devices must be set out in the manner prescribed in §392.22 of this title.

(2) For cargo tanks used for the transportation of Class 3 (flammable liquid) or Division 2.1 (flammable gas) materials, whether loaded or empty, and vehicles transporting Division 1.1, 1.2, or 1.3 (explosive) materials, warning devices must be set out in the manner prescribed by §392.25 of this title.

(g) *Repair and maintenance of vehicles containing certain hazardous materials*—(1) *General.* No person may use heat, flame or spark producing devices to repair or maintain the cargo or fuel containment system of a motor vehicle required to be placarded, other than COMBUSTIBLE, in accordance with subpart F of part 172 of this subchapter. As used in this section, ''containment system'' includes all vehicle components intended physically to contain cargo or fuel during loading or filling, transport, or unloading.

(2) *Repair and maintenance inside a building.* No person may perform repair or maintenance on a motor vehicle subject to paragraph (g)(1) of this section inside a building unless:

(i) The motor vehicle's cargo and fuel containment systems are closed (except as necessary to maintain or repair the vehicle's motor) and do not show any indication of leakage;

(ii) A means is provided, and a person capable to operate the motor vehicle is available, to immediately remove the motor vehicle if necessary in an emergency;

(iii) The motor vehicle is removed from the enclosed area upon completion of repair or maintenance work; and

(iv) For motor vehicles loaded with Division 1.1, 1.2, or 1.3 (explosive), Class 3 (flammable liquid), or Division 2.1 (flammable gas) materials, all sources of spark, flame or glowing heat within the area of enclosure (including any heating system drawing air therefrom) are extinguished, made inoperable or rendered explosion-proof by a suitable method. *Exception:* Electrical equipment on the vehicle, necessary to accomplish the maintenance function, may remain operational.

(h) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any Class 3 (flammable liquid) or Division 6.1 (poisonous liquid) material, or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

[29 FR 18795, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §177.854, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

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

§177.870 Regulations for passenger carrying vehicles.

(a) *Vehicles transporting passengers and property.* In addition to the regulations in parts 170–189 of this subchapter the following requirements shall apply to vehicles transporting passengers and property.

(b) *No Class 1 (explosive) materials or other hazardous materials on passenger-carrying vehicles, exceptions.* No hazardous materials except small-arms

ammunition, emergency shipments of drugs, chemicals and hospital supplies, and the accompanying munitions of war of the Departments of the Army, Navy, and Air Force of the United States Government, are authorized by parts 170–189 of this subchapter to be transported on motor vehicles carrying passengers for hire where other practicable means of transportation is available.

(c) *Class 1 (explosive) materials in passenger-carrying space forbidden.* No Class 1 (explosive) material, except small-arms ammunition, may be carried in the passenger-carrying space of any motor vehicle transporting passengers for hire.

(d) *Hazardous materials on passenger carrying vehicles; quantity.* Where no other practicable means of transportation is available the following articles in the quantities as shown may be transported in motor vehicles carrying passengers for hire in a space other than that provided for passengers: Not to exceed 45 kg (99 pounds) gross weight of any or all of the kinds of Class 1 (explosive) materials permitted to be transported by passenger-carrying aircraft or rail car may be transported on a motor vehicle transporting passengers: *Provided, however,* That samples of Class 1 (explosive) materials for laboratory examination, not to exceed two samples, or a total of no more than 100 detonators, Division 1.4 (explosive) materials at one time in a single motor vehicle, may be transported in a motor vehicle transporting passengers.

(e) *Articles other than Class 1 (explosive) materials on passenger-carrying vehicles.* The gross weight of any given class of hazardous material other than Class 1 (explosive) materials shall not exceed 45 kg (99 pounds), and the aggregate weight of all such other dangerous articles shall not exceed 225 kg (496 pounds). This provision does not apply to nontoxic, nonflammable refrigerants, when such refrigerant is for servicing operations of a motor carrier on whose motor vehicles the refrigerant is used. A cylinder secured against shifting while in transit and not exceeding 113 kg (250 pounds) gross weight may be transported.

(f) *Division 6.1 (poisonous) or Division 2.3 (poisonous gas) materials on passenger-carrying vehicles.* No motor carrier may transport any extremely dangerous Division 6.1 (poisonous) or Division 2.3 (poisonous gas) material, or any paranitroaniline, in any amount, in or on any bus while engaged in the transportation of passengers; or any less dangerous Division 6.1 (poisonous) material, which is other than a liquid, in any amount exceeding an aggregate of 45 kg (99 pounds) gross weight in or on any such bus.

(g) *Class 7 (radioactive) materials.* In addition to the limitations prescribed in paragraphs (b) and (e) of this section, no person may transport any Class 7 (radioactive) material requiring labels under §§172.436, 172.438, and 172.440 of this subchapter in or on any motor vehicle carrying passengers for hire except where no other practicable means of transportation is available. Packages of Class 7 (radioactive) materials must be stored only in the trunk or baggage compartment of the vehicle, and must not be stored in any compartment occupied by persons. Packages of Class 7 (radioactive) materials must be handled and placed in the vehicle as prescribed in §177.842.

[29 FR 18795, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §177.870 see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.