§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

(a) Care of lading, hazardous materials. Whenever for any cause other than necessary traffic stops any motor vehicle transporting any hazardous material is stopped upon the traveled portion of any highway or shoulder thereof, special care shall be taken to guard the vehicle and its load or to take such steps as may be necessary to provide against hazard. Special effort shall be made to remove the motor vehicle to a place where the hazards of the materials being transported may be provided against. See §§392.22, 392.24, and 392.25 of this title for warning devices required to be displayed on the highway.

(b) Disposition of containers found broken or leaking in transit. When leaks occur in packages or containers during the course of transportation, subsequent to initial loading, disposition of such package or container shall be made by the safest practical means afforded under paragraphs (c), (d), and (e) of this section.

(c) Repairing or overpacking packages.

1. Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.

2. Packages of hazardous materials that are damaged or found leaking during transportation, and hazardous materials that have spilled or leaked during transportation, may be forwarded to destination or returned to the shipper in a salvage drum in accordance with the requirements of §173.3(c) of this subchapter.

(d) Transportation of repaired packages. Any package repaired in accordance with the requirements of paragraph (c)(1) of this section may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements:

1. The package must be safe for transportation.

2. The repair of the package must be adequate to prevent contamination of or hazardous admixture with other lading transported on the same motor vehicle therewith.

3. If the carrier is not himself the shipper, the consignee’s name and address must be plainly marked on the repaired package.

(e) Disposition of unsafe broken packages. In the event any leaking package...
or container cannot be safely and ade-
quately 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 liq-
uid), Class 4 (flammable solid), Class 5
(oxidizing), Class 8 (corrosive), Class 2
(gases), or Division 6.1 (poisonous) ma-
terials, is stopped for any cause other
than necessary traffic stops upon the
traveled portion of any highway, or a
shoulder next thereto, the following re-
quirements shall be complied with dur-
ing 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 Divi-
sion 1.1, 1.2, or 1.3 (explosive) mate-
rals, 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, warn-
ing devices must be set out in the man-
er 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 re-
pair or maintain the cargo or fuel con-
tainment system of a motor vehicle re-
quired to be placarded, other than
COMBUSTIBLE, in accordance with
subpart F of part 172 of this sub-
chapter. As used in this section, “con-
tainment 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 sub-
ject to paragraph (g)(1) of this section
inside a building unless:

(i) The motor vehicle’s cargo and fuel
containment systems are closed (ex-
cept 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 emer-
gency;

(iii) The motor vehicle is removed
from the enclosed area upon comple-
tion 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 equip-
ment on the vehicle, necessary to ac-
complish 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 (flam-
mable 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.

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EDITORIAL NOTE: For Federal Register ci-
tations 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 Pas-
sengers for Hire

§ 177.870 Regulations for passenger
carrying vehicles.

(a) Vehicles transporting passengers
and property. In addition to the regula-
tions 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 except small-arms