

closer than 15 cm (5.9 inches) from the top of any motor vehicle with a closed body.

(d)–(e) [Reserved]

(f) Nitrates, except ammonium nitrate having organic coating, must be loaded in closed or open type motor vehicles, which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles, the lading must be suitably covered. Ammonium nitrate having organic coating must not be loaded in all-metal vehicles, other than those made of aluminum or aluminum alloys of the closed type.

(g) A motor vehicle may only contain 45.4 kg (100 pounds) or less net mass of material described as “Smokeless powder for small arms, Division 4.1” or “Black powder for small arms, Division 4.1.”

(h) *Division 4.2 (pyrophoric liquid) materials in cylinders.* Cylinders containing Division 4.2 (pyrophoric liquid) materials, unless packed in a strong box or case and secured therein to protect valves, must be loaded with all valves and safety relief devices in the vapor space. All cylinders must be secured so that no shifting occurs in transit.

(i) Division 4.2 (self-heating liquid) material. Notwithstanding the segregation requirements of § 177.848(d), the following Division 4.2 (self-heating) materials may be transported on the same transport vehicle with Class 8 (corrosive) materials. The hazardous materials must be palletized with a minimum height of 100 mm (4 inches) off the floor of the vehicle, and the self-heating material must be separated from the corrosive material by a minimum horizontal distance of 1.2 m (4 feet).

(1) Sodium hydrosulfite or sodium dithionite, UN1384, in PG II or III packaged in UN 1A2 steel drums that meet the Packing Group II performance requirements of subpart M of part 178 of this title.

(2) Thiourea dioxide, UN3341, in PG II or III packaged in UN 1G fiber drums meeting packing group II performance requirements of subpart M of part 178 of this subchapter.

(3) Self-heating, solid, organic, n.o.s., UN3088, in PG II or III packaged in UN

1G fiber drums meeting the Packing Group II performance level requirements of subpart M of part 178 of this subchapter.

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§ 177.839 Class 8 (corrosive) materials.

(See also § 177.834(a) through (j).)

(a) *Nitric acid.* No packaging of nitric acid of 50 percent or greater concentration may be loaded above any packaging containing any other kind of material.

(b) *Storage batteries.* All storage batteries containing any electrolyte must be so loaded, if loaded with other lading, that all such batteries will be protected against other lading falling onto or against them, and adequate means must be provided in all cases for the protection and insulation of battery terminals against short circuits.

[Amdt. 177–87, 61 FR 27175, May 30, 1996]

§ 177.840 Class 2 (gases) materials.

(See also § 177.834 (a) to (j).)

(a) *Floors or platforms essentially flat.* Cylinders containing Class 2 (gases) materials shall not be loaded onto any part of the floor or platform of any motor vehicle which is not essentially flat; cylinders containing Class 2 (gases) materials may be loaded onto any motor vehicle not having a floor or platform only if such motor vehicle be equipped with suitable racks having adequate means for securing such cylinders in place therein. Nothing contained in this section shall be so construed as to prohibit the loading of such cylinders on any motor vehicle having a floor or platform and racks as hereinbefore described.

(1) *Cylinders.* Cylinders containing Class 2 gases must be securely restrained in an upright or horizontal position, loaded in racks, or packed in boxes or crates to prevent the cylinders from being shifted, overturned or ejected from the motor vehicle under normal transportation conditions. A pressure relief device, when installed, must

be in communication with the vapor space of a cylinder containing a Division 2.1 (flammable gas) material.

(2) *Cylinders for hydrogen, cryogenic liquid.* A Specification DOT-4L cylinder containing hydrogen, cryogenic liquid may only be transported on a motor vehicle as follows:

(i) The vehicle must have an open body equipped with a suitable rack or support having a means to hold the cylinder upright when subjected to an acceleration of 2 “g” in any horizontal direction;

(ii) The combined total of the hydrogen venting rates, as marked, on the cylinders transported on one motor vehicle may not exceed 60 SCF per hour;

(iii) The vehicle may not enter a tunnel; and

(iv) Highway transportation is limited to private and contract carriage and to direct movement from point of origin to destination.

(3) *Cylinders containing material classed as Division 2.3, Hazard Zone A.* (i) Notwithstanding the segregation requirements of §177.848(d), a cylinder containing a Division 2.3, Hazard Zone A materials may be transported on the same transport vehicle with materials classed as Division 2.1, Class 3, Class 4, Class 5, and Class 8 if all of the following requirements are met:

(A) The Division 2.3, Hazard Zone A material must be packaged as authorized by this subchapter. In addition, each package must be placed in a plastic bag which is taped closed and then overpacked in a UN 1A2 steel drum tested and marked for a PG II or higher performance level with insulation material inside to protect the cylinders from fire. The outside of the overpack must be marked with an indication that the inner packagings conform to the prescribed specifications.

(B) A Division 2.1 material requiring strong non-bulk outer packagings in accordance with §173.301(a)(9) of this subchapter must be overpacked in a UN 1A2 steel or 1H2 plastic drum tested and marked for a PG II or higher performance level. The outside of the overpack must be marked with an indication that the inner packagings conform to the prescribed specifications.

(C) Packages containing Division 2.3 Hazard Zone A material must be sepa-

rated within the transport vehicle from packages containing Division 2.1, Class 3, Class 4, Class 5, and Class 8 materials by a minimum horizontal distance of 1.2 m (4 feet). In addition, all steel or plastic overpacks containing packages of Division 2.3, Hazard Zone A or Division 2.1 material must be placed on pallets within the transport vehicle.

(ii) Notwithstanding the segregation requirements of §177.848(d), Division 2.3, Hazard Zone A material may be transported on the same transport vehicle with non-bulk packagings and IBCs meeting a UN performance standard containing only the residue of Division 2.1, 4.3, 5.1, and Class 3 and 8 materials if all of the following requirements are met:

(A) The materials are transported in enclosed trailers equipped with inlet and outlet vent openings with a minimum total area of one square foot per 1,000 cubic feet of trailer volume. Electrical systems within the trailer’s interior must be non-sparking or explosion proof.

(B) Cylinders must be transported in an upright position and securely restrained within the trailer, or loaded into racks, secured to pallets, or packed in wooden or fiberboard boxes or crates to prevent the cylinders from shifting or overturning within the motor vehicle under normal transportation conditions. If cylinders are secured to a pallet, the pallet must be designed to transport 1,590 kg (3,500 lbs.) per pallet and the cylinders must be secured within the pallet by a web strap rated at 4,545 kg (10,000 lbs.).

(C) A cylinder containing Division 2.3 Hazard Zone A materials must be separated from non-bulk packagings and IBCs meeting a UN performance standard containing the residue of materials in Division 2.1, 4.3, or 5.1, or Class 3 or 8 by a minimum horizontal distance of 3 m (10 feet). The maximum gross weight of Division 2.3 Hazard Zone A material carried on one vehicle must not exceed 3,636 kg (8,000 lbs.).

(D) Motor carriers must have a satisfactory safety rating as prescribed in 49 CFR part 385.

(4) *Cylinders for acetylene.* Cylinders containing acetylene and manifolded as part of a mobile acetylene trailer

system must be transported in accordance with §173.301(g) of this subchapter.

(b) Portable tank containers containing Class 2 (gases) materials shall be loaded on motor vehicles only as follows:

(1) Onto a flat floor or platform of a motor vehicle.

(2) Onto a suitable frame of a motor vehicle.

(3) In either such case, such containers shall be safely and securely blocked or held down to prevent shifting relative to each other or to the supporting structure when in transit, particularly during sudden starts and stops and changes of direction of the vehicle.

(4) Requirements of paragraphs (1) and (2) of this paragraph (b) shall not be construed as prohibiting stacking of containers provided the provisions of paragraph (3) of this paragraph (b) are fully complied with.

(c) [Reserved]

(d) *Engine to be stopped in cargo tank motor vehicles, except for transfer pump.* No Division 2.1 (flammable gas) material shall be loaded into or on or unloaded from any cargo tank motor vehicles with the engine running unless the engine is used for the operation of the transfer pump of the vehicle. Unless the delivery hose is equipped with a shut-off valve at its discharge end, the engine of the motor vehicle shall be stopped at the finish of such loading or unloading operation while the filling or discharge connections are disconnected.

(e) Chlorine cargo tank motor vehicles shall be shipped only when equipped:

(1) With a gas mask of a type approved by the National Institute of Occupational Safety and Health (NIOSH) Pittsburgh Research Center, U.S. Department of Health and Human Services for chlorine service; and

(2) With an emergency kit for controlling leaks in fittings on the dome cover plate.

(f) A cargo tank motor vehicle used for transportation of chlorine may not be moved, coupled or uncoupled, when any loading or unloading connections are attached to the vehicle, nor may it be left without the power unit attached

unless the vehicle is chocked or equivalent means are provided to prevent motion. For additional requirements, see §173.315(o) of this subchapter.

(g) Each liquid discharge valve on a cargo tank motor vehicle, other than an engine fuel line valve, must be closed during transportation except during loading and unloading.

(h) The driver of a motor vehicle transporting a Division 2.1 (flammable gas) material that is a cryogenic liquid in a package exceeding 450 L (119 gallons) of water capacity shall avoid unnecessary delays during transportation. If unforeseen conditions cause an excessive pressure rise, the driver shall manually vent the tank at a remote and safe location. For each shipment, the driver shall make a written record of the cargo tank pressure and ambient (outside) temperature:

(1) At the start of each trip,

(2) Immediately before and after any manual venting,

(3) At least once every five hours, and

(4) At the destination point.

(i) No person may transport a Division 2.1 (flammable gas) material that is a cryogenic liquid in a cargo tank motor vehicle unless the pressure of the lading is equal to or less than that used to determine the marked rated holding time (MRHT) and the one-way travel time (OWTT), marked on the cargo tank in conformance with §173.318(g) of this subchapter, is equal to or greater than the elapsed time between the start and termination of travel. This prohibition does not apply if, prior to expiration of the OWTT, the cargo tank is brought to full equilibration as specified in paragraph (j) of this section.

(j) Full equilibration of a cargo tank transporting a Division 2.1 (flammable gas) material that is a cryogenic liquid may only be done at a facility that loads or unloads a Division 2.1 (flammable gas) material that is a cryogenic liquid and must be performed and verified as follows:

(1) The temperature and pressure of the liquid must be reduced by a manually controlled release of vapor; and

(2) The pressure in the cargo tank must be measured at least ten minutes after the manual release is terminated.

(k) A carrier of carbon monoxide, cryogenic liquid must provide each driver with a self-contained air breathing apparatus that is approved by the National Institute of Occupational Safety and Health; for example, Mine Safety Appliance Co., Model 401, catalog number 461704.

(l) *Operating procedure.* Each operator of a cargo tank motor vehicle that is subject to the emergency discharge control requirements in §173.315(n) of this subchapter must carry on or within the cargo tank motor vehicle written emergency discharge control procedures for all delivery operations. The procedures must describe the cargo tank motor vehicle's emergency discharge control features and, for a passive shut-down capability, the parameters within which they are designed to function. The procedures must describe the process to be followed if a facility-provided hose is used for unloading when the cargo tank motor vehicle has a specially equipped delivery hose assembly to meet the requirements of §173.315(n)(2) of this subchapter.

(m) *Cargo tank motor vehicle safety check.* Before unloading from a cargo tank motor vehicle containing a liquefied compressed gas, the qualified person performing the function must check those components of the discharge system, including delivery hose assemblies and piping, that are readily observed during the normal course of unloading to assure that they are of sound quality, without obvious defects detectable through visual observation and audio awareness, and that connections are secure. This check must be made after the pressure in the discharge system has reached at least equilibrium with the pressure in the cargo tank. Operators need not use instruments or take extraordinary actions to check components not readily visible. No operator may unload liquefied compressed gases from a cargo tank motor vehicle with a delivery hose assembly found to have any condition identified in §180.416(g)(1) of this subchapter or with piping systems found to have any condition identified in §180.416(g)(2) of this subchapter.

(n) *Emergency shut down.* If there is an unintentional release of product to the environment during unloading of a

liquefied compressed gas, the qualified person unloading the cargo tank motor vehicle must promptly shut the internal self-closing stop valve or other primary means of closure and shut down all motive and auxiliary power equipment.

(o) *Daily test of off-truck remote shut-off activation device.* For a cargo tank motor vehicle equipped with an off-truck remote means to close the internal self-closing stop valve and shut off all motive and auxiliary power equipment, an operator must successfully test the activation device within 18 hours prior to the first delivery of each day. For a wireless transmitter/receiver, the person conducting the test must be at least 45.72 m (150 feet) from the cargo tank and may have the cargo tank in his line of sight.

(p) *Unloading procedures for liquefied petroleum gas and anhydrous ammonia in metered delivery service.* An operator must use the following procedures for unloading liquefied petroleum gas or anhydrous ammonia from a cargo tank motor vehicle in metered delivery service:

(1) For a cargo tank with a capacity of 13,247.5 L (3,500 water gallons) or less, excluding delivery hose and piping, the qualified person attending the unloading operation must remain within 45.72 meters (150 feet) of the cargo tank and 7.62 meters (25 feet) of the delivery hose and must observe both the cargo tank and the receiving container at least once every five minutes when the internal self-closing stop valve is open during unloading operations that take more than five minutes to complete.

(2) For a cargo tank with a capacity greater than 13,247.5 L (3,500 water gallons), excluding delivery hose and piping, the qualified person attending the unloading operation must remain within 45.72 m (150 feet) of the cargo tank and 7.62 m (25 feet) of the delivery hose when the internal self-closing stop valve is open.

(i) Except as provided in paragraph (p)(2)(ii) of this section, the qualified person attending the unloading operation must have an unobstructed view of the cargo tank and delivery hose to the maximum extent practicable, except during short periods when it is

necessary to activate controls or monitor the receiving container.

(ii) For deliveries where the qualified person attending the unloading operation cannot maintain an unobstructed view of the cargo tank, when the internal self-closing stop valve is open, the qualified person must observe both the cargo tank and the receiving container at least once every five minutes during unloading operations that take more than five minutes to complete. In addition, by the compliance dates specified in §§173.315(n)(5) and 180.405(m)(3) of this subchapter, the cargo tank motor vehicle must have an emergency discharge control capability that meets the requirements of §173.315(n)(2) or §173.315(n)(4) of this subchapter.

(q) *Unloading procedures for liquefied petroleum gas and anhydrous ammonia in other than metered delivery service.* An operator must use the following procedures for unloading liquefied petroleum gas or anhydrous ammonia from a cargo tank motor vehicle in other than metered delivery service:

(1) The qualified person attending the unloading operation must remain within 7.62 m (25 feet) of the cargo tank when the internal self-closing stop valve is open.

(2) The qualified person attending the unloading operation must have an unobstructed view of the cargo tank and delivery hose to the maximum extent practicable, except during short periods when it is necessary to activate controls or monitor the receiving container.

(r) *Unloading using facility-provided hoses.* A cargo tank motor vehicle equipped with a specially designed delivery hose assembly to meet the requirements of §173.315(n)(2) of this subchapter may be unloaded using a delivery hose assembly provided by the receiving facility under the following conditions:

(1) The qualified person monitoring unloading must visually examine the facility hose assembly for obvious defects prior to its use in the unloading operation.

(2) The qualified person monitoring unloading must remain within arm's reach of the mechanical means of closure for the internal self-closing stop valve when the internal self-closing

stop valve is open except for short periods when it is necessary to activate controls or monitor the receiving container. For chlorine cargo tank motor vehicles, the qualified person must remain within arm's reach of a means to stop the flow of product except for short periods when it is necessary to activate controls or monitor the receiving container.

(3) If the facility hose is equipped with a passive means to shut off the flow of product that conforms to and is maintained to the performance standard in §173.315(n)(2) of this subchapter, the qualified person may attend the unloading operation in accordance with the attendance requirements prescribed for the material being unloaded in §177.834 of this section.

(s) *Off-truck remote shut-off activation device.* For a cargo tank motor vehicle with an off-truck remote control shut-off capability as required by §173.315(n)(3) or (n)(4) of this subchapter, the qualified person attending the unloading operation must be in possession of the activation device at all times during the unloading process. This requirement does not apply if the activation device is part of a system that will shut off the unloading operation without human intervention in the event of a leak or separation in the hose.

(t) *Unloading without appropriate emergency discharge control equipment.* Until a cargo tank motor vehicle is equipped with emergency discharge control equipment in conformance with §§173.315(n)(2) and 180.405(m)(1) of this subchapter, the qualified person attending the unloading operation must remain within arm's reach of a means to close the internal self-closing stop valve when the internal self-closing stop valve is open except during short periods when the qualified person must activate controls or monitor the receiving container. For chlorine cargo tank motor vehicles unloaded after December 31, 1999, the qualified person must remain within arm's reach of a means to stop the flow of product except for short periods when it is necessary to activate controls or monitor the receiving container.

(u) *Unloading of chlorine cargo tank motor vehicles.* Unloading of chlorine

from a cargo tank motor vehicle must be performed in compliance with Section 3 of the Chlorine Institute Pamphlet 57, “Emergency Shut-off Systems for Bulk Transfer of Chlorine” (IBR, see § 171.7 of this subchapter).

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EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 177.840, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 177.841 Division 6.1 (poisonous) materials and Division 2.3 (poisonous gas) materials.

(See also § 177.834 (a) to (j).)

(a) *Arsenical compounds in bulk.* Care shall be exercised in the loading and unloading of “arsenical dust”, “arsenic trioxide”, and “sodium arsenate”, allowable to be loaded into sift-proof, steel hopper-type or dump-type motor-vehicle bodies equipped with water-proof, dust-proof covers well secured in place on all openings, to accomplish such loading with the minimum spread of such compounds into the atmosphere by all means that are practicable; and no such loading or unloading shall be done near or adjacent to any place where there are or are likely to be, during the loading or unloading process assemblages of persons other than those engaged in the loading or unloading process, or upon any public highway or in any public place. Before any motor vehicle may be used for transporting any other articles, all detectable traces of arsenical materials must be removed therefrom by flushing with water, or by other appropriate method, and the marking removed.

(b) [Reserved]

(c) *Division 2.3 (poisonous gas) or Division 6.1 (poisonous) materials.* The transportation of a Division 2.3 (poisonous gas) or Division 6.1 (poisonous) material is not permitted if there is any interconnection between packagings.

(d) [Reserved]

(e) A motor carrier may not transport a package:

(1) Except as provided in paragraph (e)(3) of this section, bearing or required to bear a POISON or POISON

INHALATION HAZARD label or placard in the same motor vehicle with material that is marked as or known to be foodstuffs, feed or edible material intended for consumption by humans or animals unless the poisonous material is packaged in accordance with this subchapter and is:

(i) Overpacked in a metal drum as specified in § 173.25(c) of this subchapter; or

(ii) Loaded into a closed unit load device and the foodstuffs, feed, or other edible material are loaded into another closed unit load device;

(2) Bearing or required to bear a POISON, POISON GAS or POISON INHALATION HAZARD label in the driver's compartment (including a sleeper berth) of a motor vehicle; or

(3) Bearing a POISON label displaying the text “PG III,” or bearing a “PG III” mark adjacent to the POISON label, with materials marked as, or known to be, foodstuffs, feed or any other edible material intended for consumption by humans or animals, unless the package containing the Division 6.1, Packing Group III material is separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials with foodstuffs, feed or any other edible material would not occur.

(f) Notwithstanding the segregation requirements of § 177.848(d), when transported by highway by private or contract motor carrier, Division 6.1 PG I, Hazard Zone A toxic-by-inhalation (TIH) materials meeting the definition of a hazardous waste as provided in § 171.8 of this subchapter, may be transported on the same transport vehicle with materials classed as Class 3, Class 4, Class 5, and Class 8. The Division 6.1 PG I, Hazard Zone A materials must be loaded on pallets and separated from the Class 3, Class 4, Class 5, and Class 8 materials by a minimum horizontal distance of 2.74 m (9 feet) when in conformance with the following:

(1) The TIH materials are packaged in combination packagings as prescribed in § 173.226(c) of this subchapter.

(2) The combination packages containing TIH materials must be:

(i) Filled and packed by the offeror's hazmat employees;