

Public Law 86-710

AN ACT

September 6, 1960
[S. 1806]

To revise title 18, chapter 39, of the United States Code, entitled "Explosives and Combustibles".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code, sections 831–835, inclusive, entitled "Explosives and Combustibles", as amended, is hereby amended to read as follows:

**"CHAPTER 39—EXPLOSIVES AND OTHER
DANGEROUS ARTICLES**

"Sec.

831. Definitions.

832. Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles.

833. Marking packages containing explosives and other dangerous articles.

834. Regulation by Interstate Commerce Commission.

835. Administration.

"§ 831. Definitions

"As used in this chapter—

"Unless otherwise indicated, 'carrier' means any person engaged in the transportation of passengers or property, by land, other than pipelines, as a common, contract, or private carrier, or freight forwarder as those terms are used in the Interstate Commerce Act, as amended, and officers, agents, and employees of such carriers.

"'Person' means any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"'For-hire carrier' includes common and contract carriers.

"'Shipper' shall be construed to include officers, agents, and employees of shippers.

"'Interstate and foreign commerce' means commerce between a point in one State and a point in another State, between points in the same State through another State or through a foreign country, between points in a foreign country or countries through the United States, and commerce between a point in the United States and a point in a foreign country or in a Territory or possession of the United States, but only insofar as such commerce takes place in the United States. The term 'United States' means all the States and the District of Columbia.

"'State' includes the District of Columbia.

"'Detonating fuzes' means fuzes used in military service to detonate the explosive charges of military projectiles, mines, bombs, or torpedoes.

"'Fuzes' means devices used in igniting the explosive charges of projectiles.

"'Fuses' means the slow-burning fuses used commercially to convey fire to an explosive combustible mass.

"'Fusees' means the fusees ordinarily used on steamboats, railroads, and motor carriers as night signals.

"'Radioactive materials' means any materials or combination of materials that spontaneously emit ionizing radiation.

"'Etiologic agents' means the causative agent of such diseases as may from time to time be listed in regulations governing etiologic agents prescribed by the Interstate Commerce Commission under section 834 of this chapter.

“§ 832. Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles

“(a) Any person who knowingly transports, carries, or conveys within the United States, any dangerous explosives, such as and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, or any radioactive materials, or etiologic agents, on or in any passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce, by land, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both: *Provided, however,* That such explosives, radioactive materials, or etiologic agents may be transported on or in such car or vehicle whenever the Interstate Commerce Commission finds that an emergency requires an expedited movement, in which case such emergency movements shall be made subject to such regulations as the Commission may deem necessary or desirable in the public interest in each instance: *Provided further,* That under this section it shall be lawful to transport on or in any such car or vehicle, small quantities of explosives, radioactive materials, etiologic agents, or other dangerous commodities of the kinds, in such amounts, and under such conditions as may be determined by the Interstate Commerce Commission to involve no appreciable danger to persons or property: *And provided further,* That it shall be lawful to transport on or in any such car or vehicle such fuses, torpedoes, rockets, or other signal devices as may be essential to promote safety in the operation of any such car or vehicle on or in which transported. This section shall not prevent the transportation of military forces with their accompanying munitions of war on passenger-equipment cars or vehicles.

“(b) No person shall knowingly transport, carry or convey within the United States liquid nitroglycerin, fulminate in bulk in dry condition, or other similarly dangerous explosives, or radioactive materials, or etiologic agents, on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, except under such rules and regulations as the Commission shall specifically prescribe with respect to the safe transportation of such commodities. The Commission shall from time to time determine and prescribe what explosives are ‘other similarly dangerous explosives’, and may prescribe the route or routes over which such explosives, radioactive materials, or etiologic agents shall be transported. Any person who violates this provision, or any regulation prescribed hereunder by the Interstate Commerce Commission, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(c) Any shipment of radioactive materials made by or under the direction or supervision of the Atomic Energy Commission or the Department of Defense which is escorted by personnel specially designated by or under the authority of the Atomic Energy Commission or the Department of Defense, as the case may be, for the purpose of national security, shall be exempt from the requirements of sections 831-835 of this chapter and the rules and regulations prescribed thereunder. In the case of any shipment of radioactive materials made by or under the direction or supervision of the Atomic Energy Commission or the Department of Defense, which is not so

escorted by specially designated personnel, certification upon the bill of lading by or under the authority of the Atomic Energy Commission or the Department of Defense, as the case may be, that the shipment contains radioactive materials shall be conclusive as to content, and no further description shall be necessary or required; but each package, receptacle, or other container in such unescorted shipment shall on the outside thereof be plainly marked 'radioactive materials', and shall not be opened for inspection by the carrier.

“§ 833. Marking packages containing explosives and other dangerous articles

“Any person who knowingly delivers to any carrier engaged in interstate or foreign commerce by land or water, and any person who knowingly carries on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce, by land, any explosive, or other dangerous article, specified in or designated by the Interstate Commerce Commission pursuant to section 834 of this chapter, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or any person who so delivers any such article without informing such carrier in writing of the true character thereof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof, if such marking is required by regulations prescribed by the Interstate Commerce Commission, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from the violation of this section, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“§ 834. Regulations by Interstate Commerce Commission

“(a) The Interstate Commerce Commission shall formulate regulations for the safe transportation within the United States of explosives and other dangerous articles, including radioactive materials, etiologic agents, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land, and upon all shippers making shipments of explosives or other dangerous articles via any carrier engaged in interstate or foreign commerce by land or water.

“(b) The Commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Before adopting any regulations relating to radioactive materials the Interstate Commerce Commission shall advise and consult with the Atomic Energy Commission.

“(c) Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport.

“(d) Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is specified by the Commission, take effect ninety days after their formulation and publication by the Commission and shall be in effect until reversed, set aside, or modified.

“(e) In the execution of sections 831–835, inclusive, of this chapter the Commission may utilize the services of carrier and shipper associations, including the Bureau for the Safe Transportation of

Explosives and other Dangerous Articles, and may avail itself of the advice and assistance of any department, commission, or board of the Federal Government, and of State and local governments, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law.

“(f) Whoever knowingly violates any such regulation shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from such violation, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“§ 835. Administration

“(a) The Interstate Commerce Commission is authorized and directed to administer, execute, and enforce all provisions of sections 831–835, inclusive, of this chapter, to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration, and to employ such officers and employees as may be necessary to carry out these functions.

“(b) The Commission is authorized to make such studies and conduct such investigations, obtain such information, and hold such hearings as it may deem necessary or proper to assist it in exercising any authority provided in sections 831–835, inclusive, of this chapter. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirement under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (49 U.S.C. 46), shall apply with respect to any individual who specifically claims such privilege: *Provided, however*, That before any person may be required to appear and testify or produce documentary evidence, he shall be advised by the Commission that he must specifically claim such privilege. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

27 Stat. 443.

“(c) In administering and enforcing the provisions of sections 831–835, inclusive, of this chapter and the regulations prescribed thereunder the Commission shall have and exercise all the powers conferred upon it by the Interstate Commerce Act, including procedural and investigative powers and the power to examine and inspect records and properties of carriers engaged in transporting explosives and other dangerous articles in interstate or foreign commerce and the records and properties of shippers to the extent that such records and properties pertain to the packing and shipping of explosives and other dangerous articles and the nature of such commodities.”

49 USC 1, 301, 901, 1001, 1231.

Approved September 6, 1960.

Public Law 86-711

AN ACT

To increase the maximum amount which may be borrowed by the District of Columbia for use in the construction and improvement of its sanitary and combined sewer systems, and for other purposes.

September 6, 1960
[S. 3834]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 214 of the District of Columbia Public Works Act of 1954 (68 Stat. 108; sec. 43–1613, D.C. Code, 1951 edition) is amended by striking “\$5,000,000” and inserting in lieu thereof “\$32,000,000”.

D. C., sanitary and sewer systems.
Loan limit.