



**BILINGUAL  
HAZARDOUS MATERIALS  
GENERAL AWARENESS  
TRAINING  
Volume IX**

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**DRIVING AND PARKING RULES**



**REGLAS DE MANEJO Y**

# ESTACIONAMIENTO

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07/01/2000

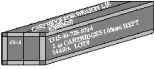
**Applicability**

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- Marked
- Placarded


*Marking*

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*Placarding*

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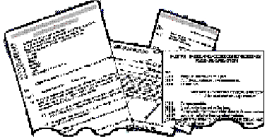
397.1

The rules in this part apply to each motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with 49 CFR Part 172. The rules in this part apply to each officer or employee who performs supervisory duties related to the transportation of hazardous materials or drives the vehicle containing the materials.

**Compliance**

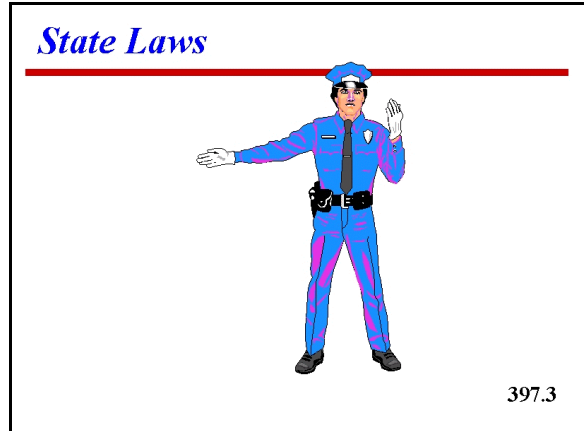
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**Must comply with the Federal Motor Carrier Safety Regulations**



397.2

A motor carrier or other person to which this Part applies must comply with the Federal Motor Carrier Safety Regulations 49 CFR Parts 390-397 inclusive when he/she is transporting hazardous materials requiring placarding or marking.



Every motor vehicle containing hazardous materials must be driven and parked in compliance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless they are at variance with specific regulations of the Department of Transportation which are applicable to the operation of that vehicle and which impose a more stringent obligation or restraint.

### **Attendance & Surveillance**

- **1.1, 1.2, 1.3 must be attended**



397.5

A motor vehicle which contains Division 1.1, 1.2, and or 1.3 (explosive) material must be attended at all times by its driver or a qualified representative of the motor carrier.

### **Attendance & Surveillance**

- **Unless:**
  - On property of carrier
  - On property of shipper
  - In "Safe Haven"
  - 50 pounds or less on construction site
- And:
  - Bailee is aware of nature of explosives, and
  - Vehicle is within Bailee's unobstructed field of view or in a "Safe Haven"

397.5

There is an exception to the attendance requirements for Division 1.1, 1.2, and or 1.3 (explosive) material if all of the following conditions are met: (1) the explosives are on the carrier's property, (2) on the property of the shipper or consignee, (3) in a safe haven, (4) contains 50 pounds or less on a construction site.

The lawful bailee (one to whom the explosives are entrusted) is aware of the nature of the explosives and the explosives are within his unobstructed view. A motor vehicle which contains hazardous materials other than Division 1.1, 1.2, and or 1.3 (explosive) material which is located on a public street or highway or the shoulder must be attended by its driver. The driver may perform duties necessary for the operation of the vehicle.

### **Attendance & Surveillance**

**A Motor Vehicle is attended if the "Person" is:**

- On vehicle
- Awake
- Not in sleeper berth
- Is within 100 feet and has it in their unobstructed view

397.5

A motor vehicle is attended if the person in charge of the motor vehicle is either on the vehicle, but not in the sleeper berth, and awake or is within a hundred feet of the vehicle and has it within his/her unobstructed view. The person in charge may be the driver or another qualified representative of the motor carrier.

A qualified representative of the motor carrier is an individual who:

- Has been designated by the motor carrier to attend the vehicle
- Has been made aware of the nature of the hazardous materials on the vehicle
- Has been instructed in emergency procedures
- Is authorized to move the vehicle and has the means to do so.

### **Attendance & Surveillance**

**A "Safe Haven" is an area specifically approved in writing by:**

- Local, State or Federal Governmental Authority
- For the parking of unattended vehicles containing Division 1.1,1.2,1.3 materials

397.5

A Safe Haven® must be approved in writing by a Local, State, or Federal government authority.

## ***Parking***

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### **Must not be parked:**

- On or within 5 ft of the traveled portion of a public road or highway.
- On private property without the knowledge and permission of the property owner.
- Within 300 ft of a bridge, tunnel dwelling or place where people work.

397.7

Motor vehicles transporting Division 1.1, 1.2, and /or 1.3 materials must not be parked:

- (1) On or within 5 ft of the traveled portion of a public road or highway.
- (2) On private property without the knowledge and permission of the property owner.
- (3) Within 300 ft of a bridge, tunnel, dwelling or place where people work.

## ***Parking***

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### **Must not be parked:**

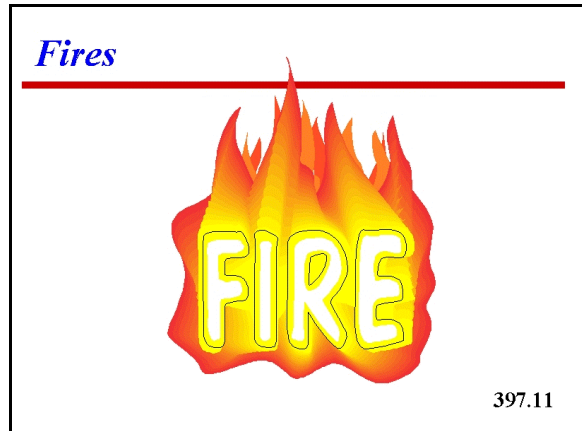
- On or within 5 ft of the traveled portion of a public road or highway except for brief periods for operational necessity when it is impractical to park elsewhere

397.7

Motor vehicles transporting all other hazardous materials must not be parked:

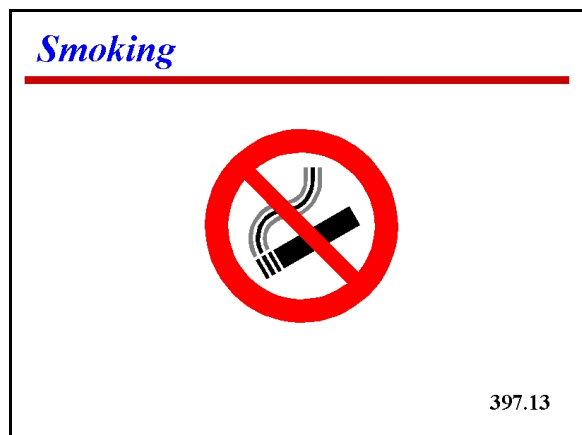
- (1) On or within 5 ft of the traveled portion of a public road or highway except for brief periods for operational necessity.





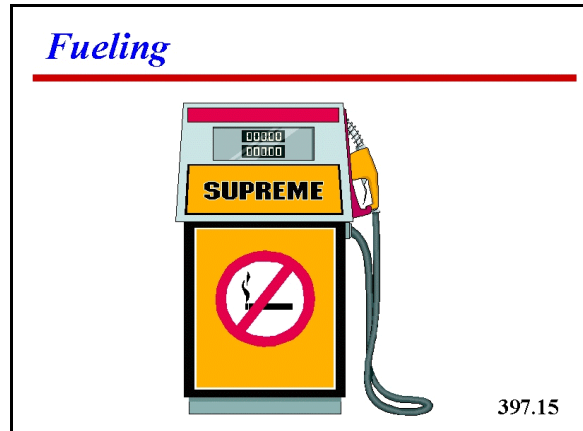
Motor vehicles transporting hazardous materials must not be operated near an open fire unless the driver has taken precautions to insure that the vehicle can safely pass the fire without stopping.

Motor vehicles transporting hazardous materials must not be parked within 300 feet of an open fire.



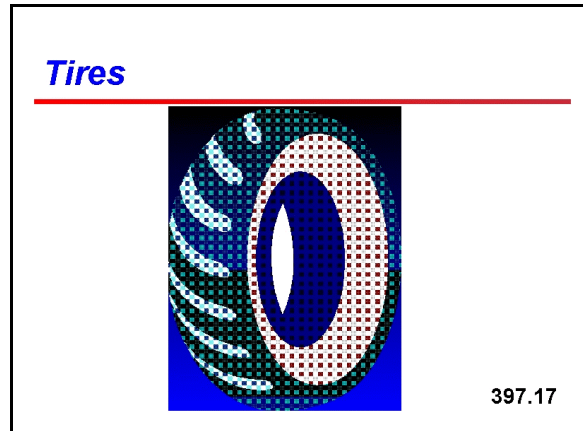
No person may smoke or carry a lighted cigarette, cigar, or pipe within 25 feet of:

- (1) A motor vehicle transporting Class 1 materials, Class 5 materials, or flammable materials classified as Division 2.1, Class 3, Division 4.1 and 4.2., or
- (2) An empty tank motor vehicle which has been used to transport Class 3 materials or Division 2.1 materials that were required to be placarded.



When a motor vehicle transporting hazardous materials is being fueled

- The vehicle engine must not be operating
- The person fueling the vehicle must be in control of the fueling process at the point where the fuel tank is filled



Drivers operating motor vehicles transporting hazardous materials equipped with dual tires on any axle must check the tires:

- (1) Every 2 hours or 100 miles whichever occurs first.
- (2) At the beginning of every trip
- (3) Each time the vehicle is parked

The driver when making these checks must comply with the rules in 49 CFR 397.5 and 397.7

Tires that are found to be flat, leaking, or improperly inflated shall be repaired before the vehicle is driven. However the vehicle may be driven to the nearest safe place in order to effect repairs.

Tires that are found to be overheated will be immediately removed and placed at a safe distance from the motor vehicle. The driver shall not operate the vehicle until the source of overheating is corrected.

## ***Instructions and Documents***

- **1.1, 1.2, 1.3 must have:**
  - Copy of PART 397
  - Emergency Instructions



397.19

A motor carrier that transports Division 1.1, 1.2, and/or Division 1.3 materials must furnish the driver with:

- (1) copy of the rules in Part 397
- (2) emergency instructions including telephone numbers of individuals to notify, the nature of the explosives, and the precautions to be taken in case of fires, accidents or leakage.

The driver must sign a receipt for these documents and this receipt must be kept on file for 1 year from the date of signature.

The driver must be familiar with these documents and they must be in his possession. In addition the driver must have a copy of a written route plan that complies with 49 CFR 397.67.

### ***Motor Carrier Responsibility for Routing***

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- **For NRHM must comply with State and Indian Tribe NRHM routing**
- **Placarded and Marked vehicles must avoid heavily populated areas, tunnels, etc.**
- **1.1, 1.2, 1.3 must have a written route plan**

397.67

For Non Radioactive Hazardous Materials ( NRHM) must comply with State and Indian Tribe NRHM routing

Placarded and Marked vehicles that are not subject to NRHM from either a State or Indian Tribe must avoid heavily populated areas, tunnels, etc. Deviations are allowed where no practical alternative exists or to reach terminals, rest and fueling stops, etc. Deviations for operating convenience are not allowed.

Division 1.1, 1.2, 1.3 materials must have a written route plan

## **Requirements for Motor Carriers and Drivers**

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- For Class 7 material requiring placarding operated on routes that minimize risk
- HRCQ Class 7 material must use preferred route
- Deviation from preferred routes only under certain circumstances
- HRCQ Class 7 material must have a written route plan
- Additional training requirements
- Reports to FMCSA



397.101

Motor carriers transporting and drivers who operate motor vehicles containing Class 7 material requiring placarding must

- 1 Operate these vehicles on routes that minimize risk
- 2 Highway Route Controlled Quantities (HRCQ) Class 7 material must use preferred route
- 3 Deviation from preferred routes only under certain circumstances
- 4 HRCQ Class 7 material must have a written route plan with a copy provided to the driver and the shipper.
- 5 Additional training requirements
- 6 Reports to FMCSA are required for shipments of HRCQ Class 7 material