

**CHAPTER 403. HAZARDOUS MATERIAL TRANSPORTATION**

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**Authority**

The provisions of this Chapter 403 issued under section 6 of the Hazardous Substances Transportation Act (35 P.S. § 841.6); and section 1 of the act of June 23, 1978 (P.L. 509, No. 80) (35 P.S. §§ 841.3 and 841.6), unless otherwise noted.

**Source**

The provisions of this Chapter 403 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451, unless otherwise noted.

**Cross References**

This chapter cited in 25 Pa. Code § 230.2 (relating to definitions); 25 Pa. Code § 230.13 (relating to transportation of licensed material); 34 Pa. Code § 14a.102 (relating to pumps); and 67 Pa. Code § 179.12 (relating to emergency movements).

**§ 403.1. General information and requirements.**

(a) *Purpose.* The purpose of this chapter is to prescribe the methods of packing, loading and unloading of hazardous materials; the specifications, marking, inspection, condition and equipment of vehicles transporting hazardous materials; the qualifications of drivers and other matters relating to operation of the vehicles; the routing and parking of the vehicles; and other factors affecting the nature and degree of risk involved in the transportation of hazardous materials.

(b) *Application.* Application shall include the following:

(1) Every shipper and motor carrier and its officers, drivers, agents, employees and representatives involved or related to the transportation of interstate or intrastate commerce, or both, shall comply with this chapter.

(2) Officers, agents, representatives, drivers and employees of shippers and carriers involved or concerned with the management, maintenance, operation or driving of vehicles shall be conversant and knowledgeable with this chapter.

(c) *General rule.*

(1) Hazardous materials that do not comply with the requirements of this chapter may not be offered for transportation or transported.

(2) Hazardous materials which are manufactured, packaged, stored, loaded, unloaded or transported shall be open to inspection upon request by a Pennsylvania State Police Officer or qualified Commonwealth employee.

(3) No person may represent, by marking or otherwise, that a container or package for the transportation of hazardous materials is safe, certified or in compliance with the requirements of the Department unless the container or package meets the requirements of this chapter.

**Authority**

The provisions of this § 403.1 issued and amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.1 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial pages (371029) to (371030).

**§ 403.2. [Reserved].**

**Authority**

The provisions of this § 403.2 reserved under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.2 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; reserved October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial pages (371030) and (204455).

**Cross References**

This section cited in 67 Pa. Code § 403.6 (relating to effect of incorporation of the *Code of Federal Regulations*).

**§ 403.3. [Reserved].**

**Source**

The provisions of this § 403.3 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; reserved March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487. Immediately preceding text appears at serial page (133052).

**Cross References**

This section cited in 25 Pa. Code § 230.14 (relating to general licenses for carriers).

**§ 403.4. Adoption of portions of 49 CFR by reference.**

(a) The Department incorporates by reference the following portions of 49 CFR (relating to transportation):

- (1) Part 171 (relating to general information, regulations, and definitions).
- (2) Part 172 (relating to hazardous materials tables and hazardous materials communications regulations).
- (3) Part 173 (relating to shippers—general requirements for shipments and packagings).
- (4) Part 177 (relating to carriage by public highway).
- (5) Part 178 (relating to shipping container specification).
- (6) Part 180 (relating to continuing qualification and maintenance of packagings).
- (7) Part 388 (relating to cooperative agreements with states).
- (8) Part 397 (relating to transportation of hazardous materials; driving and parking rules).
- (9) Part 107, Subparts F and G (relating to registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and registration of persons who offer or transport hazardous materials).

(b) Appropriate parts of 49 CFR may be obtained from the following:

- (1) United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 644-2721.
- (2) United States Government Printing Office, Book Store, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.
- (3) United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 655-4000.

**Authority**

The provisions of this § 403.4 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.4 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; amended October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial page (204456).

**Cross References**

This section cited in 67 Pa. Code § 403.2 (relating to definitions).

**§ 403.5. Interpretations of Federal Motor Carrier Safety Regulations, Federal Motor Carrier Safety Administration, United States Department of Transportation and Hazardous Materials Regulations, Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation.**

The Department will be guided by interpretations of the Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, United States Department of Transportation, available at [http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrcguide.aspx?section\\_type=G.](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrcguide.aspx?section_type=G.), and Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation, available at <http://www.phmsa.dot.gov/regulations/title49/b/2/1>.

**Authority**

The provisions of this § 403.5 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.5 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; amended October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial page (204457).

**Cross References**

This section cited in 67 Pa. Code § 403.2 (relating to definitions).

**§ 403.6. Effect of incorporation of the *Code of Federal Regulations*.**

To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, unless the context indicates otherwise, the following words and phrases shall be substituted for the language of the Federal regulations. A reference to an authorized representative or special agent of the United States Department of Transportation, the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration means a Pennsylvania State Police Officer or qualified Commonwealth employee as the term is defined in 75 Pa.C.S. § 4102 (relating to definitions).

**Authority**

The provisions of this § 403.6 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.6 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; corrected May 28, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication

and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; amended October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial pages (204457) to (204458).

**§ 403.7. Supplemental rules and regulations.**

(a) *Towing of vehicles.* A motor vehicle transporting hazardous materials in a quantity requiring the motor vehicle to display markings or placarding may not be towed on a highway except to remove the motor vehicle and cargo to the nearest place of safety, in the judgment of the carrier or its representative after consultation where possible with police, fire or other emergency personnel. The motor vehicle may not be moved until the hazardous materials are stable unless failure to do so would constitute a threat to persons or property. For requirements regarding accidents involving specific types of hazardous materials, see 49 CFR 177.854 (relating to disabled vehicles and broken or leaking packages; repairs).

(b) *The Vehicle Code.* Title 75 of the *Pennsylvania Consolidated Statutes* (relating to Vehicle Code), and provisions of this title not inconsistent with this chapter, apply to the transportation of hazardous materials.

(c) *Presentation of documents.* A driver of a vehicle transporting a hazardous material on a highway shall present upon request to a member of the State Police or qualified Commonwealth employee, as the term is defined in 75 Pa.C.S. § 4102 (relating to definitions), all documents required under this chapter to be in the driver's possession.

**Authority**

The provisions of this § 403.7 amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.7 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; amended October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial pages (204458) and (302901).

**§ 403.8. [Reserved].**

**Source**

The provisions of this § 403.8 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended December 21, 1979, effective December 22, 1979, 9 Pa.B. 4190; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and reserved December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365. Immediately preceding text appears at serial pages (71289) to (71290) and (62010) to (62015).

**§ 403.8a. Out-of-service criteria.**

(a) *Application.* In determining whether a vehicle or driver of a vehicle, or both, will be placed out-of-service under 75 Pa.C.S. § 4704(c) (relating to

inspection by police or Commonwealth personnel), State Police and qualified Commonwealth employees will use the criteria in this chapter.

(b) *Adoption of standards.*

(1) *General.* The out-of-service criteria in the “North American Standard Out-of-Service Criteria” are incorporated by reference.

(2) *Obtaining criteria.* The “North American Standard Out-of-Service Criteria” may be obtained by contacting the Commercial Vehicle Safety Alliance, 1101 17th Street NW, Suite 803, Washington, D.C. 20036, (301) 830-6143.

**Authority**

The provisions of this § 403.8a issued and amended under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.8a adopted March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; amended October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial pages (302902) and (204461).

**§ 403.9. Penalties.**

Penalties shall be as contained in 75 Pa.C.S. § 8306 (relating to penalties).

**Source**

The provisions of this § 403.9 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365. Immediately preceding text appears at serial pages (62015) and (91829).

**§ 403.10. [Reserved].**

**Authority**

The provisions of this § 403.10 reserved under the Vehicle Code, 75 Pa.C.S. §§ 6103 and 8302.

**Source**

The provisions of this § 403.10 adopted July 27, 1979, effective November 1, 1979, 9 Pa.B. 2451; amended May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583; readopted and amended December 2, 1988, effective upon publication and applies retroactively to November 5, 1988, 18 Pa.B. 5365; amended March 18, 1994, effective March 19, 1994, 24 Pa.B. 1487; reserved October 26, 2018, effective October 27, 2018, 48 Pa.B. 6839. Immediately preceding text appears at serial page (204461).

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