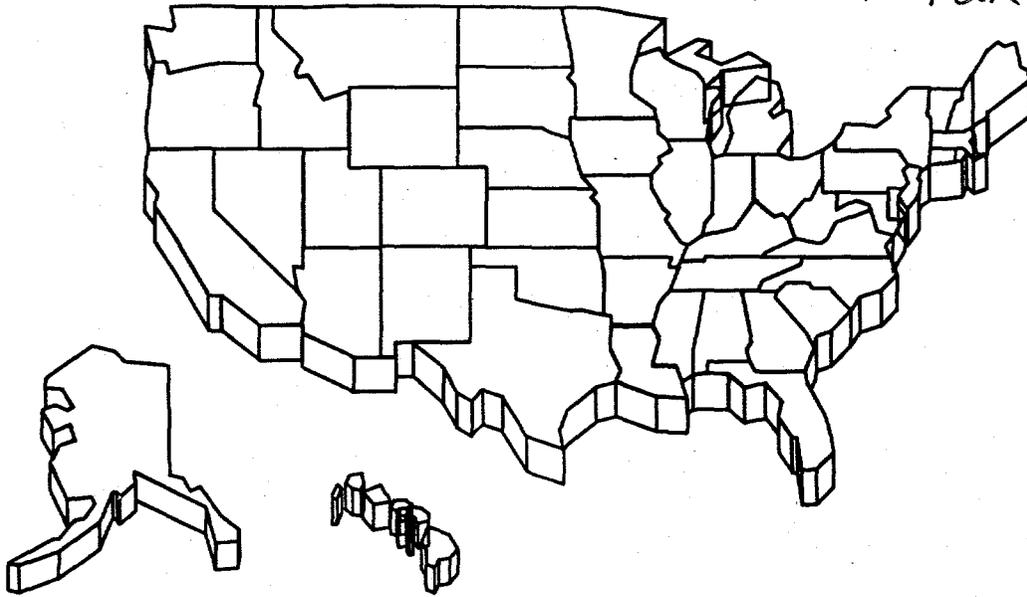


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**TRANSPORTATION LEGISLATIVE DATA BASE**  
**State Radioactive Materials Transportation Statute Compilation**  
**1989-1993**

Prepared for the  
*Transportation Branch*  
Office of Civilian Radioactive Waste Management  
United States Department of Energy



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**MASTER**

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# Transportation Legislative Data Base State Radioactive Materials Transportation Statute Compilation, 1989-1993

## Introduction

The Transportation Legislative Data Base (TLDB) is a computer-based information service containing summaries of federal, state and certain local government statutes and regulations relating to the transportation of radioactive materials in the United States. The TLDB has been operated by the National Conference of State Legislatures (NCSL) under cooperative agreement with the U.S. Department of Energy's (DOE) Office of Civilian Radioactive Waste Management since 1992. The data base system serves the legislative and regulatory information needs of federal, state, tribal and local governments, the affected private sector and interested members of the general public. Users must be approved by DOE and NCSL.

On-line access to the data base is expected to be available in August 1994, pending successful implementation of new data base software at NCSL. Hard copy reports tracking state legislative developments and federal regulatory activity are produced on a quarterly basis and are available upon request.

This report is a state statute compilation that updates the 1989 compilation produced by Battelle Memorial Institute, the previous manager of the data base. This compilation includes statutes not included in the prior compilation, as well as newly enacted laws. Statutes not included in the prior compilation show an enactment date prior to 1989. Statutes that deal with low-level radioactive waste transportation are included in the data base as are statutes from the states of Alaska and Hawaii. Over 155 new entries to the data base are summarized in this compilation.

NCSL has formally tracked state legislative activity in radioactive materials transportation, including general hazardous materials transportation and emergency response legislation, since 1991. (This information has been published in seven prior reports entitled *Legislative Developments in Radioactive Materials Transportation*.) As a general trend, such legislative activity has steadily declined. In 1991, 76 bills were introduced in 27 states with 39 enacted; in 1992, 58 were introduced in 31 states with 22 enacted; and in 1993, 15 were introduced in 10 states with 3 enacted. Thus, 1991 was a peak year as state legislators introduced state-specific solutions in the aftermath of the four-year national

debate leading to passage of the Hazardous Materials Transportation Uniform Safety Act of 1990.

Preliminary data for 1994 indicates an increase in activity over 1993, with 20 bills introduced in 11 states. The focus of new bills for 1994 seems to be on tightening state requirements found lacking following spills like the benzene discharge into a river on the Minnesota-Wisconsin border near Duluth and the oleum railcar accident in Richmond, California. Regulations for radioactive materials, as a subset of hazardous materials, often are affected by new generalized hazardous materials requirements. A number of the 1994 bills also deal with nuclear emergency preparedness.

## 1989-1993 Compilation

Several significant new state legislative enactments are included in the compilation. These include:

- California's Railroad Safety and Emergency Planning and Response Act (1991).
- Colorado's revision of its nuclear materials transportation permit system (1993).
- New regulations for hazardous materials transportation in Washington, D.C. (1989).
- New hazardous materials transportation requirements in Hawaii (1989).
- Legislation in Nevada to test uniform registration and permitting of hazardous materials motor carriers (1993).
- Oklahoma's revision of its Radiation Management Act (1993).
- Enactment of the Hazardous Material Emergency Planning and Response Act in Pennsylvania (1990).
- New radioactive material and waste shipment fees in Tennessee (1991).
- Enactment of the Texas Low-Level Radioactive Waste Disposal Compact (1993).
- New hazardous materials transportation fees in Wisconsin (1991).

- Wyoming's enactment of an emergency response fee for radioactive waste (1989).

The compilation consists of state-by-state summaries of new or previously omitted laws found in state statutes. As noted, Alaska and Hawaii are incorporated, totaling seven new entries to the data base. Low-level waste transportation requirements are now included in the data base, since low-level waste is a "radioactive material." Statutes relating to low-level waste are included from 50 states. Statutes dealing with emergency management and emergency response from 17 states are now listed that were not previously compiled. Driver's license requirements for hazardous materials drivers from seven states are embodied. Also added are new permit requirements from 12 states. Rail related laws from seven states also are included.

New or expanded provisions from general radioactive materials transportation statutes are included from 15 states. Other topics addressed in the compilation are liability, waste shipment restrictions, fees, overweight vehicles, clarification of jurisdiction between agencies and notification. The chart on the following page indicates the states included under these categories.

Information in the TLDB is compiled by the staff of NCSL's Energy, Science and Natural Resources division through research of existing legislative data bases, statute searches and direct verification with legislative and administrative sources. Because of the diverse manner in which state statutes are codified, a particular statute may have been overlooked. If such a situation occurs, please contact the authors of this report.

This compilation will be combined with the larger data base by August 1994, and a complete update of the data base will occur by the end of calendar year 1994. A copy of the 625-page, 1989 compilation by Battelle is available from NCSL for the cost of duplication and postage (\$36). Copies of past quarterly reports are available at no charge.

The 1989-1993 compilation was prepared by Jackie Cummins, Sia Davis, David Furneaux, Jim Reed and Leann Stelzer of the NCSL staff. For further information about the data base call Jim Reed at 303/830-2200.

### **TLDB Issue Categories**

The radioactive materials transportation statutes, regulations and other legislative items in the TLDB are organized around the following principal transportation topics or issues.

### **Routing**

This issue concerns requirements regarding the selection of radioactive materials transportation routes. The following subissues also may be included:

- Motor Vehicle
- Rail
- Barge
- Regulations
- Designation criteria
- Interagency cooperation
- Interjurisdictional cooperation

### **Shipment Notification**

This issue concerns requirements regarding radioactive materials transportation notification to federal or state authorities. (Shipment notification is related to the physical protection issue.) The following subissues also may be included:

- Regulations-requirements
- Prenotification
- Shipment tracking

### **Emergency Response**

This issue concerns requirements regarding radioactive materials transportation emergency planning or response. The following subissues also may be included:

- Responsibilities and capabilities
- Methods
- Planning and training
- Financial support

### **Physical Protection**

This issue concerns requirements regarding the physical protection of radioactive materials during transportation, including, but not limited to, advance notification and escort provisions. The following subissues also may be included:

- Regulations-requirements
- Responsibilities and capabilities
- Escorts

### **Driver-Operator Training**

This issue concerns requirements regarding the qualification and training of radioactive materials transportation carriers and drivers. The following subissues also may be included:

- Regulations-requirements
- Qualifications
- Training
- Financial support

### **Inspection and Enforcement**

This issue concerns requirements regarding authorized regulatory compliance inspections and prescribed penalties for noncompliance. The following subissues also may be included:

- Regulations-requirements

# New Radioactive Materials Transportation Statutes, 1989-1993

| STATE                | HazMat                        |                              | General                 |                     |                                |           | Agency                      |      |                     |                            |              |
|----------------------|-------------------------------|------------------------------|-------------------------|---------------------|--------------------------------|-----------|-----------------------------|------|---------------------|----------------------------|--------------|
|                      | Emergency Response/Management | Driver's License Requirement | New Permit Requirements | Rail Transport Laws | Radioactive Transport Statutes | Liability | Waste Shipment Restrictions | Fees | Overweight Vehicles | Jurisdiction Clarification | Notification |
| Alabama              | X                             |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Alaska               |                               |                              | X                       |                     | X                              |           |                             |      |                     |                            |              |
| Arizona              | X                             | X                            |                         |                     |                                |           |                             |      |                     |                            |              |
| Arkansas             | X                             | X                            |                         |                     |                                |           |                             |      |                     |                            |              |
| California           | X                             | X                            |                         | X                   |                                | X         |                             |      |                     | X                          |              |
| Colorado             | X                             |                              | X                       |                     |                                |           |                             |      |                     |                            |              |
| Connecticut          |                               |                              |                         |                     | X                              |           |                             |      |                     |                            |              |
| Delaware             |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Florida              |                               |                              | X                       | X                   |                                |           |                             |      | X                   |                            |              |
| Georgia              | X                             |                              | X                       | X                   |                                |           |                             |      |                     |                            |              |
| Hawaii               |                               |                              |                         |                     | X                              |           |                             | X    |                     |                            |              |
| Idaho                |                               |                              |                         | X                   |                                |           |                             |      |                     |                            |              |
| Illinois             |                               |                              |                         |                     | X                              |           |                             |      |                     |                            |              |
| Indiana              |                               |                              |                         |                     |                                |           |                             |      |                     |                            | X            |
| Iowa                 |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Kansas               |                               |                              |                         |                     | X                              |           |                             |      | X                   |                            |              |
| Kentucky             |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Louisiana            | X                             |                              |                         |                     |                                | X         |                             |      | X                   |                            |              |
| Maine                |                               |                              | X                       | X                   |                                |           |                             |      |                     |                            |              |
| Maryland             | X                             |                              |                         |                     | X                              |           |                             |      |                     |                            |              |
| Massachusetts        |                               | X                            |                         | X                   | X                              |           |                             | X    |                     | X                          |              |
| Michigan             |                               |                              |                         |                     |                                | X         |                             |      |                     |                            |              |
| Minnesota            |                               |                              |                         |                     |                                |           | X                           |      |                     |                            |              |
| Mississippi          | X                             |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Missouri             | X                             |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Montana              | X                             | X                            |                         |                     |                                |           |                             |      |                     |                            |              |
| Nebraska             |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Nevada               |                               |                              | X                       |                     |                                |           |                             |      |                     |                            |              |
| New Hampshire        |                               |                              | X                       |                     |                                |           |                             |      |                     | X                          |              |
| New Jersey           | X                             |                              |                         |                     |                                |           | X                           |      |                     |                            |              |
| New Mexico           |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| New York             |                               |                              | X                       |                     |                                | X         |                             |      |                     |                            |              |
| North Carolina       |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| North Dakota         |                               | X                            |                         |                     |                                |           |                             |      |                     | X                          |              |
| Ohio                 |                               |                              |                         | X                   |                                |           |                             |      | X                   |                            |              |
| Oklahoma             | X                             | X                            |                         |                     | X                              |           |                             |      |                     |                            |              |
| Oregon               |                               |                              |                         |                     | X                              |           |                             |      |                     |                            |              |
| Pennsylvania         | X                             |                              |                         |                     | X                              | X         |                             |      |                     |                            |              |
| Rhode Island         | X                             |                              | X                       |                     |                                |           |                             |      |                     |                            |              |
| South Carolina       | X                             |                              |                         |                     |                                |           |                             |      |                     | X                          |              |
| South Dakota         |                               |                              |                         |                     |                                |           |                             |      |                     | X                          |              |
| Tennessee            | X                             |                              | X                       |                     |                                |           |                             |      | X                   |                            |              |
| Texas                |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Utah                 |                               |                              |                         |                     |                                | X         |                             |      |                     |                            |              |
| Vermont              |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| Virginia             |                               |                              |                         |                     |                                | X         |                             |      |                     |                            |              |
| Washington           |                               |                              |                         |                     |                                | X         |                             |      |                     | X                          |              |
| West Virginia        | X                             |                              |                         |                     |                                | X         |                             |      |                     |                            |              |
| Wisconsin            |                               |                              |                         |                     |                                |           |                             |      |                     | X                          |              |
| Wyoming              |                               |                              |                         |                     |                                |           |                             |      |                     |                            |              |
| District of Columbia |                               |                              |                         |                     | X                              |           |                             |      |                     | X                          |              |

- Responsibilities and capabilities
- Financial support

#### **Insurance-Liability**

This issue concerns requirements regarding radioactive materials transportation carrier financial responsibility, including, but not limited to, insurance coverage and monetary liability for radioactive materials incidents. The following subissues also may be included:

- Insurance requirements and limitations
- Insurance alternatives
- Liability requirements and limitations
- Liability alternatives

#### **Cask Design and Testing**

This issue concerns requirements regarding radioactive materials shipping cask design, testing and licensing. The following subissues also may be included:

- Design requirements and alternatives
- Testing requirements and alternatives
- Licensing

#### **Overweight Trucks**

This issue concerns requirements regarding motor vehicle weight restrictions and state permits authorizing such usage. The following subissues also may be included:

- Regulations-requirements
- Permits

#### **Transportation of Defense Waste**

This issue concerns requirements exclusive to defense nuclear waste transportation. The following subissues also may be included:

- Regulations-requirements
- Options and methods
- Emergency response
- Financial liability

#### **Incident Notification**

This issue concerns requirements regarding notification of radioactive materials transportation accidents to federal, state or local authorities. The following subissues also may be included:

- Regulations-requirements
- Methods
- Timing
- Responsibility

#### **Shipment Restrictions**

This issue concerns requirements authorizing or imposing restrictions, including bans and time of day limitations on radioactive materials transportation. The following also may be included:

- General (e.g., absolute bans)
- Specific (e.g., time of day)
- Other

#### **Infrastructure Improvements**

This issue concerns requirements regarding physical improvements to the radioactive materials transportation infrastructure, including highway, rail or barge conditions. The following subissues also may be included:

- Highway conditions
- Rail conditions
- Barge conditions

#### **Permits**

This issue concerns requirements regarding state radioactive materials transportation permits or licenses. The following subissues also may be included:

- Transport permit
- Carrier permit
- Registration requirements

#### **Transportation Operations**

This issue concerns requirements regarding the preparation for and conduct of radioactive materials transportation, including radioactive materials packaging, marking, labeling, placarding and shipping paper provisions. The following subissues also may be included:

- Materials preparation
- Materials handling
- Shipping records

#### **Regulations**

This issue concerns the statutory authorization to promulgate state radioactive materials transportation regulations, including the adoption of federal radioactive materials transportation regulations. The following subissues also may be included:

- Adoption of federal regulation
- Consistency with federal regulation

#### **Fees**

This issue concerns the imposition of fees on radioactive materials shippers, carriers or recipients in connection with any transportation-related matter, such as transportation permits, radioactive materials licensing and emergency planning. The following subissues also may be included:

- Transport permit fees
- Carrier permit fees
- Materials licensing fees

#### **Materials Licensing**

This issue concerns requirements regarding state licensing and registration of sources of ionizing radiation. The following subissues also may be included:

- NRC-state regulatory agreement
- State radiation protection program feature

## State-by-State Statute Description

**Item Number: 1**

**Action Type: Statute**

**Source: State**

**State: Alabama**

**Citation: Ala. Code 22-32-1 et seq. (1993)**

**Title: Southeast Interstate Low-Level Radioactive Waste Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Compact Members**

**Issues: Emergency Response**

### Summary

Enacts the Southeast Interstate Low-Level Radioactive Waste Compact. Each state legally joins in responsibility for providing for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within its borders. Requires each party state to establish the capability to enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation or waste generated within or passing through its borders.

### Comments

Enacted in 1982.



**Item Number: 2**

**Action Type: Statute**

**Source: State**

**State: Alabama**

**Citation: Ala. Code 31-9-1 et seq. (1989)**

**Title: Alabama Emergency Management Act**

**Transport Mode: All**

**Regulatory Authority: Governor**

**Issues: Emergency Response**

### Summary

This statute creates a state emergency management agency and authorizes the creation of local organizations for emergency management in the political subdivision of the state. Section 31-9-4 creates within the executive branch of the state government a department of emergency management called the "Emergency Management Agency." The director shall be appointed by the governor and shall coordinate the activities of all organizations dealing with emergency management within the state. Radiological-related disasters are among the numerous emergencies for which the agency is to prepare. Provisions for the rendering of material aid are included.

### Comments

Enacted in 1955.



**Item Number: 3**

**Action Type: Statute**

**Source: State**

**State: Alaska**

**Citation: Alaska Stat. 18.70.310 (1992)**

**Title: General Provision**

**Transport Mode: All**

**Regulatory Authority: Department of Public Safety**

**Issues: Transportation operations**

**Summary**

Any business or government agency that handles hazardous materials, hazardous chemicals or hazardous waste shall post placards in accordance with regulations adopted under this section, 18.70.310. A business or agency located within a municipality shall use placards specified by that municipality. Any other business or agency shall use placards provided by the Department of Public Safety's (DPS) Division of Fire Prevention. The DPS shall adopt the National Fire Protection Association 704M system of warning placards; however, a municipality may, with the approval by the DPS, adopt and use an alternative design for warning placards. Placards must give adequate warning to the public and emergency response personnel. The DPS is responsible for adopting regulations for the posting of placards that will give adequate warning to the public and emergency responders.

**Comments**

Enacted in 1986.



**Item Number: 4**

**Action Type: Statute**

**Source: State**

**State: Alaska**

**Citation: Alaska Ann. Stat. 18.45.20, 27, 60 (1992)**

**Title: Atomic Energy Compact**

**Transport Mode: All**

**Regulatory Authority: Nuclear Regulatory Commission**

**Issues: Permits, materials licensing, shipment restrictions**

**Summary**

Alaska's atomic energy statute 18.45.20 requires a license or permit prior to the manufacturing, constructing, producing, transferring, acquiring or possessing of a special nuclear material, by-product material or production facility. The license must be obtained from the Nuclear Regulatory Commission (NRC) if a permit or license is required. Furthermore, Alaska's statute 18.45.27 prohibits the transportation of high-level nuclear waste materials except for purposes of disposal outside of the state. High-level nuclear material is defined as nuclear reactor fuel, waste produced during the reprocessing of used nuclear reactor fuel and elements having a greater atomic number than 92 that contain 10 or more nanocuries per gram. It does not include radioactive materials used in medicine, education or scientific research.

According to section 18.45.60, when, in the opinion of the government, a person is violating or about to violate sections 18.45.20 and 27, the government shall direct the attorney general to pursue a court order to enjoin the person from engaging in the activity.

**Comments**

Enacted in 1959. Most recently amended in 1986.



**Item Number: 5**

**Action Type: Statute**

**Source: State**

**State: Alaska**

**Citation: Alaska Stat. 46.45.010 et seq. (1992)**

**Title: Northwest Interstate Compact on Low-level Radioactive Waste Management**

**Transport Mode: Unspecified**

**Regulatory Authority: Member states, compact committee**

**Issues: Transportation operations**

**Summary**

The compact entered into by the party states recognizes that low-level radioactive wastes are generated by essential activities and services that benefit the citizens of the states. It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide the most economical management of low-level radioactive waste on a continuing basis. Each party state agrees to adopt practices that will require low-level radioactive waste shipments originating within its borders and destined for a facility within another party state to conform with the applicable packaging and transportation requirements and regulations of the host state (See section 46.45.010 et seq.).

**Comments**

Enacted in 1983.



**Item Number: 6**

**Action Type: Statute**

**Source: State**

**State: Arizona**

**Citation: Ariz. Rev. Stat. Ann. 30-721 (1992)**

**Title: Southwestern Low-Level Radioactive Waste Disposal Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Party states, compact commission**

**Issues: Emergency response, regulations**

**Summary**

Arizona is a party to the Southwestern Low-Level Radioactive Waste Disposal Compact, pursuant to section 30-721, which in relevant part obligates the party states, according to Section (4) (F)(a) and (F)(b) to develop and enforce procedures consistent with federal law to conform to packaging and transportation requirements and regulations. These procedures include periodic inspection shipping practices; periodic inspections of low-level radioactive waste containers while in the custody of transporters; and, to the extent authorized by federal law, each party state shall, after receiving notification from a host state that a person has violated packaging, shipping or transportation requirements or regulations, take appropriate actions to ensure that these violations do not continue. Appropriate actions may include, but are not limited to, requiring that a bond be posted by the violator to pay the cost of repackaging at the regional disposal facility and prohibiting future shipments by the violating party to the regional facility.

**Comments**

Enacted in 1988.



**Item Number:** 7

**Action Type:** Statute

**Source:** State

**State:** Arizona

**Citation:** Ariz. Rev. Stat. Ann. 28-416.01 (1992)

**Title:** Endorsements to Driver's Licenses

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Motor Vehicles

**Issues:** Driver-operator training

**Summary**

According to state statute 28-416.01, Subsection 2, a person shall obtain a hazardous materials endorsement on a class A, B or C license to make the license valid for operation of any vehicle being used to transport hazardous materials, wastes or substances in such quantity and under such circumstances as to require the placarding or marking of the transport vehicle as required by the Department of Public Safety's rules prescribed pursuant to Chapter 19, Article 1 of this title.

**Comments**

Enacted in 1987; effective January 1, 1990.



**Item Number:** 8

**Action Type:** Statute

**Source:** State

**State:** Arkansas

**Citation:** Ark. Stat. Ann. 8-8-201 et seq. (1992)

**Title:** Central Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact commission

**Issues:** Transportation operations, regulations

**Summary**

Enacts the Central Interstate Low-Level Radioactive Waste Compact, establishes a compact commission and authorizes the entrance of Arkansas into the compact. The compact provides a framework for a cooperative effort to manage low-level waste for the protection of public health and safety and the environment. Each party state is responsible for enforcing applicable federal and state laws and regulations pertaining to the packaging and transportation of wastes that originate within or pass through its borders.

**Comments**

Enacted in 1983.



**Item Number: 9**

**Action Type: Statute**

**Source: State**

**State: Arkansas**

**Citation: Ark. Stat. Ann. 12-76-102 (1991)**

**Title: Interstate Civil Defense and Disaster Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Director of Civil Defense**

**Issues: Emergency response, regulations**

**Summary**

The purpose of this compact, state statute 12-76-102, is to provide mutual aid among member states in meeting any emergency or disaster. It shall be the duty of each party state to formulate civil defense plans and programs. There shall be frequent consultation between representatives of each state. In carrying out such civil defense plans and programs, the party states shall so far as possible provide and follow uniform standards, practices, rules and regulations.

**Comments**

Enacted in 1947; last amended in 1989.



**Item Number: 10**

**Action Type: Statute**

**Source: State**

**State: Arkansas**

**Citation: Ark. Stat. Ann. 27-23-101 (1992)**

**Title: Arkansas Uniform Commercial Drivers License Act**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: Department of Motor Vehicles**

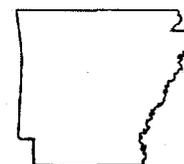
**Issues: Driver-operator training**

**Summary**

State statute 27-23-101 outlines the standards upon which a driver's license is granted. Section 27-23-112 specifies that anyone who violates the law by driving a commercial motor vehicle while intoxicated (blood level is .04 percent or more), leaves the scene of a motor vehicle accident in which he was involved, uses a motor vehicle in the commission of a felony or refuses to submit to a test to determine his blood alcohol level and if any one of the above violations occur while transporting hazardous materials that are required to be placarded, he shall be disqualified from driving a motor vehicle for no less than three years.

**Comments**

Enacted in 1989.



**Item Number: 11**

**Action Type: Statute**

**Source: State**

**State: California**



**Citation: Cal. Health and Safety Code 25572 et seq. (1993)**

**Title: Radiation Protection Act of 1993**

**Transport Mode: All**

**Regulatory Authority: Office of Emergency Services, State Department of Health Services, Department of Transportation**

**Issues: Emergency response**

**Summary**

Empowers the Office of Emergency Services to integrate and coordinate all emergency planning programs and response plans for nuclear power plant emergencies. Outlines the duties of state agencies, including the Department of Transportation's responsibility to ensure adequate emergency evacuation routes in funding, construction and repair projects.

**Comments**

Enacted in 1993.

**Item Number: 12**

**Action Type: Statute**

**Source: State**

**State: California**



**Citation: Cal. Health and Safety Code 25400 (1993)**

**Title: Liability for Abatement of Hazards**

**Transport Mode: Unspecified**

**Regulatory Authority: California Environmental Protection Agency**

**Issues: Insurance-liability**

**Summary**

Provides qualified immunity from liability for public entities and their employees when abating discharge or spills of hazardous substances (including radioactive materials) on public or private property. Such personnel, which include radiation emergency screening teams, must be acting within the scope of employment to abate or attempt to abate hazards reasonably believed to be an imminent peril to public health and safety.

**Comments**

Enacted in 1983; last amended in 1991.

**Item Number: 13**

**Action Type: Statute**

**Source: Statute**

**State: California**



**Citation: Cal. Health and Safety Code 25878.1 through 25878.3 (1993)**

**Title: On-Highway Routing, Transportation Routing and Transportation Regulations**

**Transport Mode: Motor Vehicle, Rail**

**Regulatory Authority: California Highway Patrol, Public Utilities Commission, Department of Health Services**

**Issues: Routing, inspection and enforcement, regulations**

**Summary**

Section 25878.1 specifies that the authority for on-highway routing and enforcement related to low-level radioactive waste (LLW) shall remain with the California Highway Patrol. Section 25878.2 states that authority for rail transportation routing and enforcement relating to LLW remains with the Public Utilities Commission. Section 25878.3 provides that the Department of Health Services shall adopt regulations that specify the modes of transportation that are most protective of public health and the environment that shall be used by generators to transport LLW within the state.

**Comments**

Enacted in 1987.

**Item Number: 14**

**Action Type: Statute**

**Source: State**

**State: California**



**Citation: California Health and Safety Code 25887 et seq.**

**Title: Southwestern Low-Level Radioactive Waste Disposal Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Compact states**

**Issues: Transportation operations, regulations, enforcement and inspection**

**Summary**

Establishes the Southwestern Low-Level Radioactive Waste Disposal Compact and sets up the compact commission for the cooperative management of low-level radioactive waste. Party states are required to develop and enforce procedures to require shipments bound for the regional disposal facility to conform to packaging and transportation requirements, including inspection of packaging and shipping practices, inspection of containers while in the custody of transportation and enforcement actions.

**Comments**

Enacted in 1987.

**Item Number:** 15

**Action Type:** Statute

**Source:** State

**State:** California

**Citation:** Cal. Public Utility Code 7671 et seq. (1993)

**Title:** Rail Carrier Provisions

**Transport Mode:** Rail

**Regulatory Authority:** California Public Utilities Commission, Office of Emergency Services

**Issues:** Incident notification, emergency response

**Summary**

Section 7671 declares that it is the objective of the state legislature to protect the health and safety of the public and to improve the safety of transporting hazardous materials by rail. Pursuant to section 7672.5, any railroad corporation that is involved in an incident resulting in a release or threatened release of a hazardous material shall immediately report the type and extent of the release or threatened release in a manner specified in section 25507 of the Health and Safety Code. Consistent with section 7673, each railroad corporation transporting hazardous materials in the state shall a) provide a system map of the state to the Office of Emergency Services and to the Public Utilities Commission showing practical groupings of mile posts on the system, terminals, junction posts, road crossings and the location of natural gas and liquid pipelines in railroad rights of way; b) annually submit emergency handling guidelines for the surface transportation of hazardous materials, except if the railroad corporation is classified as a class I carrier by the Interstate Commerce Commission pursuant to the Code of Federal Regulations, and these regulations shall annually be made available to the PUC and local administering agencies; c) if there is a train incident resulting in the release or threatened release of hazardous material, the emergency response agency must be provided with a list of each car in the train, the order of the cars, the contents of each car and emergency handling procedures for each hazardous material transported and each rail car involved.

**Comments**

Enacted in 1990.



**Item Number:** 16

**Action Type:** Statute

**Source:** State

**State:** California

**Citation:** Cal. Public Utility Code 7710 et seq. (1993)

**Title:** Railroad Safety and Emergency Planning and Response

**Transport Mode:** Rail

**Regulatory Authority:** Public Utilities Commission (PUC), Office of Emergency Services, Environmental Protection Agency

**Issues:** Transportation operations, emergency response, fees

**Summary**

Requires an annual report to the Legislature from the PUC assessing sites on railroad lines it finds to be hazardous based on track conditions, derailments, quantity and type of commodities transported, proximity to human activities or sensitive environmental areas and the value of special railroad equipment in assuring safety. Requires the PUC to issue regulations mandating railroad operators maintain on trains accessible emergency response information and emergency phone numbers, proper placarding, special railroad equipment standards and operating procedures to prevent local safety hazards, special personnel training and inspection and reporting standards for trains operated on railroad sites identified as posing a local safety hazard. A fund is established to support a variety of spill prevention activities. Fees are to be paid by each surface transporter of hazardous materials in California.

A railroad Accident Prevention and Immediate Deployment Force is created within the California Environmental Protection Agency to respond to large-scale toxic material releases resulting from surface transportation accidents.

**Comments**

Enacted in 1991.



**Item Number: 17**

**Action Type: Statute**

**Source: State**

**State: California**

**Citation: Cal. Public Utility Code 8303 (1993)**

**Title: Shipments of Hazardous and Radioactive Materials**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: California Highway Patrol**

**Issues: Notification**

**Summary**

The California Highway Patrol is required to report to the Legislature by July 1996 regarding the establishment of procedures for notifying local officials of the shipment of hazardous and radioactive materials containing commercially produced and spent nuclear fuel.

**Comment**

Enacted in 1985.



**Item Number: 18**

**Action Type: Statute**

**Source: State**

**State: California**

**Citation: Cal. Vehicle Code 2505 (1993)**

**Title: Hazardous Materials Transportation; License Renewal**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: Commissioner, Department of Motor Vehicles**

**Issues: Driver-operator training**

**Summary**

Under Section 2505 of the Vehicle Code of California's Annotated Statutes, the commissioner may, during any 12-month period, issue commercial driver's licenses that expire 6 to 18 months from the date of issue. Subsequent renewal of these licenses shall be for a period of 12 months. Fees with respect to these licenses for more or less than one year shall be prorated accordingly. This section applies solely to licenses for the transportation of hazardous materials established on or after January 1, 1982.

**Comments**

Enacted in 1984.



**Item Number:** 19

**Action Type:** Statute

**Source:** State

**State:** California

**Citation:** Cal. Vehicle Code 12515 (1993)

**Title:** Driving for Hire - Age Limit

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Transportation

**Issues:** Driver-operator training

**Summary**

Section 12515 of the Vehicle Code of California's Annotated Statutes states that no person under the age of 21 years shall be employed for compensation by another to drive and no person under the age of 21 years may drive a motor vehicle specified in Section 34500 that is engaged in the interstate or intrastate transportation of hazardous materials, as defined in the regulations of the United States Department of Transportation found in section 171.8 of title 49 of the Code of Federal Regulations and as defined in section 353 of the Vehicle Code.

**Comments**

Enacted in 1959; amended in 1984.



**Item Number:** 20

**Action Type:** Statute

**Source:** State

**State:** California

**Citation:** Cal. Vehicle Code 12524, 14611 (1993)

**Title:** Vehicles Hauling Fissile Class III Shipments

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Motor Vehicles (DMV)

**Issues:** Operator-driver training

**Summary**

Section 12524 requires drivers hauling fissile class III shipments or large quantities of radioactive materials to have a valid license and a radioactive material driver's certificate, issued by the DMV. Applicants for the certificate must successfully complete the state radioactive materials hauler driver training course. Certificates shall be issued only to applicants qualified by examinations prescribed by the DMV. Operating a vehicle carrying such materials without the radioactive materials driver's certificate is punishable by a fine of between \$5,000 and \$10,000 (Sec. 14611).

**Comments**

Enacted in 1983; amended in 1993.



**Item Number:** 21

**Action Type:** Statute

**Source:** State

**State:** California

**Citation:** Cal. Vehicle Code 13369 (1993)

**Title:** Passenger Transport Vehicle; Hazardous Materials

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Motor Vehicles

**Issues:** Driver-operator training

**Summary**

Section 13369 states that the Department of Motor Vehicles shall refuse to issue or renew, or shall revoke for certain causes, the certificate of endorsement of any person who operates a passenger transport vehicle, hazardous materials vehicle, school bus, school pupil activity bus, youth bus, general public paratransit vehicle or farm labor vehicle. Causes include: within the proceeding three years has committed any violations which result in a conviction assigned a violation point count of two or more; within the proceeding three years has had his or her driving privileges suspended, provoked or on probation for any reason involving the unsafe operation of a motor vehicle. (See section 13369 (b) 1-8 for further explanation.)

**Comments**

Enacted in 1990.



**Item Number:** 22

**Action Type:** Statute

**Source:** State

**State:** Colorado

**Citation:** Colo. Rev. Stat. 24-33.5-1301 et seq. (1993)

**Title:** Colorado Safety Institute

**Transport Mode:** Unspecified

**Regulatory Authority:** Colorado Safety Institute

**Issues:** Emergency response

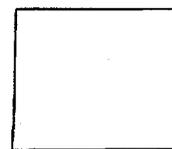
**Summary**

The purpose of the Colorado Safety Institute is to provide safety and instruction to all persons who may be involved in the transportation of hazardous materials and the cleanup of any accident sites that involve spillage or release of said hazardous materials. (See 24-33.5-1302.)

Section 24-33.5-1303 states that the CSI has the power to train and instruct personnel on the appropriate state and federal regulations that govern the transportation of hazardous materials for the prevention of incidents or accidents.

**Comments**

Enacted in 1987.



Item Number: 23

Action Type: Statute

Source: State

State: Colorado

Citation: Colo. Rev. Stat. 24-60-2201 et seq. (1993)

Title: Rocky Mountain Low-Level Radioactive Waste Compact

Transport Mode: All

Regulatory Authority: Compact states, compact board

Issues: Transportation operations, regulations, emergency response

**Summary**

Ratifies the Rocky Mountain Low-Level Radioactive Waste Compact and approves Colorado's entry into same, for the cooperative management of low-level radioactive waste. The compact board is required to make suggestions to appropriate officials of the party states to ensure that adequate emergency response programs are available to deal with any exigency that might arise with respect to low-level waste transportation or management. Also requires party states to adopt and enforce procedures for shipments to conform to packaging and transportation requirements. Authorizes the Department of Health to administer compact responsibilities.

**Comments**

Enacted in 1982.

Item Number: 24

Action Type: Statute

Source: State

State: Colorado

Citation: Colo. Rev. Stat. 43-6-113 (1992)

Title: Hazardous materials spill

Transport Mode: Motor Vehicle

Regulatory Authority: Nearest law enforcement agency

Issues: Notification

**Summary**

The driver of a motor vehicle transporting hazardous materials as cargo, which is involved in a hazardous materials spill, whether intentional or unintentional, shall give immediate notice of the location of such spill and other necessary information to the nearest law enforcement agency.

**Comments**

Enacted in 1992.

**Item Number:** 25

**Action Type:** Statute

**Source:** State

**State:** Colorado

**Citation:** Colo. Rev. Stat. 43-6-401-et seq. (1993)

**Title:** Nuclear Materials Transportation and Permits

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Public Utilities Commission and the Colorado State Patrol

**Issues:** Permits, notification, insurance-liability

**Summary**

1993 legislation makes the following changes:

- Transfers the authority for nuclear material transportation, except the permit system, from the Public Utilities Commission to the Colorado State Patrol.
- Conforms the nuclear materials transportation permit system to federal law.
- Eliminates the requirements that a permit application include a certification of completion of a driver training program, proof of liability insurance and a nuclear incident cleanup plan.
- Provides that a permit is valid for one year.
- Eliminates the requirement that anyone transporting nuclear materials who is involved in an accident provide access to shipping papers and notify the first officials arriving that the vehicle is carrying nuclear materials.

The law also repeals the prenotification requirement for the shipment of nuclear materials through the state and repeals the authorization for the nuclear materials advisory committee.

**Comments**

Changes were made by Colorado General Assembly in 1993 to conform law to decision in *Colorado Public Utilities Commission v. Harmon and U.S. Department of Energy* (1991 WL 264865 (10th Cir. [Colo.]) Above provisions were relocated from 40-2.2-101 et seq.

**Item Number:** 26

**Action Type:** Statute

**Source:** State

**State:** Colorado

**Citation:** Colo. Rev. Stat. 43-6-508 (1992)

**Title:** Permit System

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Colorado State Patrol

**Issues:** Routing

**Summary**

Section 43-6-508 states that the chief of the Colorado State Patrol (rather than the Department of Transportation) shall have the authority to adopt rules to designate which state highways shall be used and which shall not be used by motor vehicles transporting hazardous materials. The carrier shall not deviate from the routes designated pursuant to Subsection 1 of this section except in order to make local pick-ups and deliveries and in cases of emergency conditions that would make the planned route unsafe.

**Comments**

Amended in 1991. Provision relocated in 1993.

**Item Number:** 27

**Action Type:** Statute

**Source:** State

**State:** Connecticut

**Citation:** Conn. Gen. Stat. Ann. 14-250 (1993)

**Title:** Certain motor vehicles to stop at railroad crossing

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Motor Vehicles; Commissioner

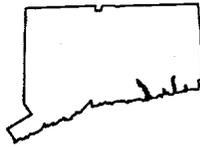
**Issues:** Regulations

**Summary**

The operator of each motor vehicle, whether loaded or empty, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than 10 feet and no more than 50 feet from the nearest rail of such tracks and, while so stopped, shall listen and look in each direction for approaching locomotives or trains before crossing such tracks; and such operator shall not cross such tracks when warned by automatic signal, crossing gates, flagman or otherwise of the approach of a railroad locomotive or train. Any person who violates any provision of this section shall be fined between \$150 and \$250.

**Comments**

Amended in 1990 to apply to all hazardous materials.



**Item Number:** 28

**Action Type:** Statute

**Source:** State

**State:** Connecticut

**Citation:** Conn. Gen. Stat. Ann. 16 (a)-107 (1993)

**Title:** Authority of Transportation Commissioner Regarding Municipal Ordinances

**Transport Mode:** Unspecified

**Regulatory Authority:** Commissioner of Transportation

**Issues:** Regulations (local preemption)

**Summary**

Section 16 (a)-107 limits the authority of municipalities in adopting ordinances that in any way restrict the authority of the commissioner of transportation to designate dates, routes or time for the transporting of radioactive materials or waste. The commissioner's authority shall supersede the provisions of any municipal ordinance to the contrary.

**Comments**

Enacted in 1958; amended in 1979.



**Item Number:** 29

**Action Type:** Statute

**Source:** State

**State:** Connecticut

**Citation:** Conn. Gen. Stat. Ann. 22a-161 (1993)

**Title:** Northeast Interstate Low-Level Radioactive Waste Management Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Member states, compact commission

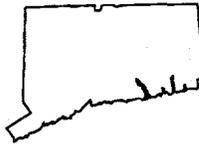
**Issues:** Transportation operations, regulations, insurance-liability

**Summary**

Enacts the Northeast Interstate Low-Level Radioactive Waste Management Compact for the cooperative regional management of low-level radioactive waste and establishes a compact commission. Requires party states, to the extent not prohibited by federal law, to institute procedures to require shipments of low-level waste generated within or passing through its borders to be consistent with federal and applicable host state packaging and transportation regulations for the management of low-level waste. Upon notification by a host state that a generator, shipper or carrier with the party state is in violation of applicable regulations, the party state must take appropriate action to ensure that such violations do not recur. Also provides that no party state that is not a host state shall be liable for any injury to persons or property resulting from the operation of a regional facility or the transportation of waste to a regional facility.

**Comments**

Enacted in 1983.



**Item Number:** 30

**Action Type:** Statute

**Source:** State

**State:** Connecticut

**Citation:** Conn. Gen. Stat. Ann. 22a - 165d (1993)

**Title:** Low-Level Waste Management Fund: Reports of Shipments, etc.

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Environmental Protection (DEP)

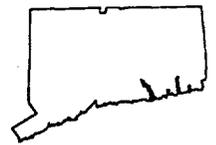
**Issues:** Shipment notification, transportation operations

**Summary**

Generators of radioactive wastes are required to report to the DEP each low-level radioactive waste shipment and submit a copy of the shipping manifest. Penalties are prescribed for failure to comply. Annual reports also are required.

**Comments**

Enacted in 1989.



**Item Number:** 31

**Action Type:** Statute

**Source:** State

**State:** Delaware

**Citation:** Del. Code Ann. 7-8001 et seq. (1993)

**Title:** Appalachian States Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact commission

**Issues:** Transportation operations, inspection and enforcement

**Summary**

Enacts the Appalachian States Low-Level Radioactive Waste Compact and sets up the compact commission. Requires, among other provisions, party states to ensure that low-level waste shipments originating within their borders conform to packaging and transportation requirements, including inspection and enforcement procedures.

**Comments**

Enacted in 1986.



**Item Number:** 32

**Action Type:** Statute

**Source:** State

**State:** District of Columbia

**Citation:** D.C. Code Ann. 6-3301 (1993)

**Title:** Hazardous Materials Transportation

**Transport Mode:** All

**Regulatory Authority:** Mayor

**Issues:** Routing, permits, fees, registration, regulations, transportation operations

**Summary**

The mayor is required to establish a hazardous materials transportation program to identify the types and quantities of hazardous materials transported in the district, to identify carriers and shippers of hazardous materials, to designate primary and alternative routes for the transportation of hazardous materials and to implement a permit system with a fee for hazardous materials transported in the district. The permit application shall include a description of the hazardous materials to be transported; a certification from the shipper that materials are properly classified, packaged, etc.; name, address and telephone number of the carrier; and an identification and registration number for an description of the motor vehicle in which the materials are to be transported. In addition, a system governing transportation, packaging, labelling and placarding shall be implemented that is consistent with federal law. Motor carrier safety regulations and inspections also are mandated. Penalties for violations are prescribed.

**Comments**

Enacted in 1989. Included in data base as proposed legislation.



**Item Number:** 33

**Action Type:** Statute

**Source:** State

**State:** Florida

**Citation:** Fla. Stat. Ann. 404.20, 404.30 (1993)

**Title:** Transportation of Radioactive Materials, Southeast Interstate Low-Level Radioactive Waste Management Compact

**Transport Mode:** All

**Regulatory Authority:** Department of Health and Rehabilitative Services

**Issues:** Permits, routing

**Summary**

Anyone who desires to transport radioactive materials into or through the borders of the state, destined to a treatment, storage or disposal facility as defined by the Southeast Interstate Low-Level Radioactive Waste Compact shall obtain a permit from the Department of Health and Rehabilitative Services to bring such waste into the state. The permit application shall contain the time at which the radioactive material will enter state, descriptions of radioactive waste to be shipped, the proposed route on which such radioactive material will be transported into the state, and the time when the radioactive materials will leave the state. Other requirements include notification, inspection of radioactive cargos and vehicles, and special shipping papers for consolidated shipments. Radiation monitoring stations are to be established at each weigh station in cooperation with the Department of Transportation.

Section 404.30 authorizes Florida's membership in the Southeast Interstate Low-Level Radioactive Waste Management Compact to cooperatively manage low-level waste disposal. Among the provisions is a requirement for each state to enforce applicable federal or state laws for packaging and transportation of waste generated within or passing through its borders.

**Comments**

Transportation law revised in 1991. Compact law enacted in 1982; revised in 1988.



**Item Number:** 34

**Action Type:** Regulation

**Source:** State

**State:** Florida

**Citation:** Florida Administrative Code, 10D-91.2001 to 2014.

**Title:** Control of Radiation Hazard Regulations

**Transport Mode:** All

**Regulatory Authority:** Department of Health and Rehabilitative Services

**Issues:** Permits, routing

**Summary**

The Florida Department of Health and Rehabilitative Services has issued regulations for the control of radiation hazards. As is the case in most NRC agreement states, a general or specific license is required for persons who receive, possess, use, transfer, transport, own or acquire any source of radiation. Relative to transport, this license requires the licensee to comply with applicable regulations of U.S. Department of Transportation, and to establish procedures for safely opening and closing radioactive materials packages. Advance notification of state authorities is required of certain quantity shipments. The department also has authority to establish routes.

Inspections and permits are specified for low-level waste shipments. Shipments bound for a low-level waste treatment, storage or disposal facility must notify the department 48 hours prior to the departure of the shipment and arrange for an inspection. Such inspection shall include a survey of the external radiation levels of the vehicle; checking of package integrity, bracing and blocking; verification of required package marking and labeling, if accessible; verification of required vehicle placarding; and checking shipping papers for compliance with DOT regulations. During the course of the inspection, NRC licensees must also provide time of departure of shipment, proposed route, estimated time of arrival, carrier's name, a complete and legible copy of the bill of lading and the radioactive shipment manifest. A fee of \$1.95 per cubic foot of waste shipped (\$50 minimum) is assessed for each inspection.

Permits are required for carriers (highway, rail, civil aircraft and water) who transport low-level waste into the state of Florida. Information on the



permit includes name, address and telephone number of carrier and a certification that the carrier complies with applicable DOT and department regulations. Prior to shipment into or through the state, permitted carriers must give 48-hour notice of the arrival of the shipment at the state border and provide the following information: expected date and time the shipment will arrive at the borders of the state, estimated time the shipment will remain in the state, an estimate of the radioisotopes contained within the shipment, an estimate of the total volume in cubic feet of the shipment and the proposed route. Changes in information must be immediately provided to the department.

Any permit may be suspended if the department has reasonable cause to suspect that continued shipment of low-level waste presents a hazard to public health. Grounds for suspension include failure to include requested information, falsification of information on the permit and violations of Florida's law or department regulations.

#### **Comments**

Low-level waste produced by Florida's three nuclear reactors is transported to Barnwell, S.C. The regulations were promulgated in 1985 and updated in 1991.

**Item Number:** 35

**Action Type:** Statute

**Source:** State

**State:** Florida

**Citation:** Fla. Stat. Ann. 501.111 (1993)

**Title:** Hazardous Substance Law—Record of Shipment

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Health and Rehabilitative Services

**Issues:** Regulations

#### **Summary**

Carriers engaged in commerce and people who receive hazardous substances in commerce, upon the request of an officer or employee of the department, must permit such officer or employee to have access to and to copy all records showing the movement in commerce of any such hazardous substance and the quantity, shipper and cosigner thereof. The definition of hazardous substances includes any radioactive substance which the department determines to be sufficiently hazardous to require labeling to protect public health, but does not include any source material, special nuclear material or by-product material as defined by the Atomic Energy Act of 1954, as amended, (Section 501.065).

#### **Comments**

Enacted in 1970.



**Item Number:** 36

**Action Type:** Statute

**Source:** State

**State:** Georgia

**Citation:** Ga. Code Ann. 12-8-120 et seq. (1991)

**Title:** Southeast Interstate Low-Level Radioactive Waste Management Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact states, compact commission

**Issues:** Transportation operations

**Summary**

Creates the Southeast Interstate Low-Level Radioactive Waste Management Compact for the cooperative regional management of low-level waste and creates the compact commission. The commission must consider the minimization of waste transportation in the development of criteria for the identification of a host state. Each party state must enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders.

**Comments**

Enacted in 1981.



**Item Number:** 37

**Action Type:** Statute

**Source:** State

**State:** Georgia

**Citation:** Ga. Code Ann. 38-3-1 et seq. (1993)

**Title:** Emergency Management Act of Georgia

**Transport Mode:** Unspecified

**Regulatory Authority:** Emergency Management Agency

**Issues:** Emergency response, insurance-liability

**Summary**

Section 38-3-2 et seq. states that the purpose of this act is to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, whether natural or manmade, to protect the public peace, health and safety and to preserve the lives and property of the people of this state.

Emergency management means the preparation for the carrying out of all emergency functions other than functions for which military forces are responsible. These functions include nuclear incidents. Numerous provisions list duties of agencies of state government. The state and political subdivisions are not liable for personal injury or property damage by persons engaged in emergency management activity (Section 38-3-35).

**Comments**

Enacted in 1951; amended in 1992.



**Item Number: 38**

**Action Type: Statute**

**Source: State**

**State: Georgia**

**Citation: Ga. Code Ann. 38-3-70 and 38-3-71 (1993)**

**Title: Interstate Civil Defense and Disaster Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Member States**

**Issues: Emergency response**

**Summary**

This compact provides mutual aid among the compact states to meet any emergency or disaster from enemy attack or any other cause, including radiological. It shall be the duty of each party state to formulate civil defense plans and programs for application within each state. There shall be frequent consultation between the representatives of the states and the U.S. government and the free exchange of information and plans, including any materials and equipment available for civil defense.

**Comments**

Enacted in 1955.



**Item Number: 39**

**Action Type: Statute**

**Source: State**

**State: Georgia**

**Citation: Ga. Cod Ann. 40-6-142 (1991)**

**Title: Certain vehicles to stop at all railroad crossings**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: Department of Transportation**

**Issues: Regulations (rail crossing)**

**Summary**

The driver of any motor vehicle carrying, among other substances, "hazardous constituents" as a cargo or as part of a cargo, before crossing at the grade of any tracks or track of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad. Once stopped, the driver shall cross only in such gear of the vehicle that there will be no need to change gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

**Comments**

Enacted in 1953; amended in 1991 to include "hazardous constituents," which is not defined in statute.



**Item Number: 40**

**Action Type: Statute**

**Source: State**

**State: Georgia**

**Citation: Ga. Code Ann. 40-5-140 (1993)**

**Title: Commercial Drivers' License**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: U.S. Department of Transportation**

**Issues: Regulations**

**Summary**

If the vehicle is transporting hazardous materials, it is required to be placarded in accordance with the motor carrier safety rules prescribed by the Department of Transportation, Title 49 Code of Federal Regulations, Part 172 Subpart F (See section 40-5-142).

**Comments**

Enacted in 1989.



**Item Number: 41**

**Action Type: Statute**

**Source: State**

**State: Hawaii**

**Citation: Haw. Rev. Stat. 286-221 (1993)**

**Title: Motor Carrier Safety Laws**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: Department of Transportation**

**Issues: Regulations, enforcement and inspection, routing, fees, permits**

**Summary**

The Department of Transportation may regulate the transportation of hazardous materials by motor carriers engaged in commerce. The department shall annually adopt the hazardous material regulations established by the U.S. Department of Transportation and published in Title 49 of the Code of Federal Regulations, parts 107, 171 to 173 inclusive, and parts 177 and 178. All other rules adopted by the state and political subdivisions thereof shall be consistent therewith. Any hazardous material must be handled and transported according to the appropriate regulations (See Section 286-222).

Section 286-223 (d) and (e) specify that no person shall transport hazardous material without compliance with the applicable requirements of the hazardous material rules adopted by the department, including those related to packaging, marking and labeling, preparation and carriage of shipping papers or manifests, handling, loading and unloading packages, placarding of the transportation vehicle, inspection of the motor vehicle and motor carrier accident and motor vehicle reporting. Section 286-224 authorizes inspections by the department.

Section 286-225 states that any employee of the motor carrier involved with hazardous materials is responsible for reporting incidents involving spills or leaks while involved in transportation. Wherever possible, the incident report should include the name and telephone number of the person calling in the report, the name of the carrier, the type of vehicle involved, the hazardous materials involved, injuries connected with the incident and all information contained on all relevant documents.



Section 286-225 further states that intrastate shipment of explosives requires prior notice to the police and fire department of the county 48 hours in advance of transportation. This advance notice shall be in writing, indicating the quantity and type of explosive and the date and time of the shipment and the designated route traveled. Anyone who violates this part or any rule adopted pursuant to this part shall be subject to a civil penalty of not more than \$10,000 for each penalty.

**Comments**

Enacted in 1989.

**Item Number:** 42

**Action Type:** Statute

**Source:** State

**State:** Hawaii

**Citation:** Haw. Rev. Stat. 339K-1 (1993)

**Title:** Northwest Interstate Compact on Low-Level Radioactive Waste Management

**Transport Mode:** Unspecified

**Regulatory Authority:** Member States

**Issues:** Emergency response, fees

**Summary**

It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide for the most economical management of low-level radioactive wastes on a continuing basis. Each party state agrees to adopt practices that will require low-level waste shipments originating within its borders and destined for a facility within another party state to conform to applicable packaging, regulations and transportation requirements. (See article 339K-1). Each party state may impose fees upon shippers to recover the costs of the inspections and other practices under the article.

**Comments**

Enacted in 1982.



**Item Number:** 43

**Action Type:** Statute

**Source:** State

**State:** Idaho

**Citation:** Idaho Code 39-3025 et seq. (1993)

**Title:** Northeast Interstate Compact on Low-Level Radioactive Waste Management

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact states, compact committee

**Issues:** Transportation operations, regulations, enforcement and inspection

**Summary**

Enacts the Northeast Interstate Compact on Low-Level Radioactive Waste Management and authorizes Idaho's participation. This statute outlines provisions for the safe management of low-level waste, including practices that will require shipments originating within the borders of party states to conform to applicable packaging and transportation requirements of the host state. These practices shall include authorization of containers, proper inspections of carriers and appropriate enforcement, and actions to assume that packaging or transportation violations do not occur. A compact committee is created to oversee the administration of the compact.

**Comments**

Enacted in 1981.



**Item Number:** 44

**Action Type:** Statute

**Source:** State

**State:** Illinois

**Citation:** Ill. Rev. Stat. Ch. 45 para. 140/0.01 et seq. (1993)

**Title:** Central Midwest Radioactive Waste Compact Act

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact commission

**Issues:** Regulations, insurance-liability

**Summary**

Creates the Central Midwest Radioactive Waste Compact and the compact commission to manage low-level waste generated within the region.

With regard to transportation, the act states that nothing in the compact affects the powers of any party state to regulate the transportation of waste within its borders or limits or alters the liability of transporters of waste.

**Comments**

Enacted in 1983.



**Item Number: 45**

**Action Type: Statute**

**Source: State**

**State: Illinois**

**Citation: Ill. Rev. Stat. Ch. 420, para. 20/9 (1993)**

**Title: Requirements for Waste Transporters**

**Transport Mode: All**

**Regulatory Authority: Department of Nuclear Safety (DNS)**

**Issues: Permits, operator training, routing, inspection and enforcement**

**Summary**

A permit from the DNS is required to transport waste to low-level waste facilities in Illinois. A manifest document must accompany each shipment. Permit applications shall contain any information as may be required by DNS, including estimated quantities and types of wastes to be transported, the procedures and methods used to monitor and inspect shipments to ensure that leakage or spills do not occur, the specific routes and timetables for shipping wastes, the qualifications and training of personnel handling low-level waste and the use of interim storage and transportation facilities. In addition, applicants must meet the requirements of the Illinois Hazardous Materials Transportation Act and other applicable laws. The DNS shall inspect each shipment of low-level waste received at the regional disposal facility for compliance with packaging, placarding and other requirements.

**Comments**

Enacted in 1983; amended in 1992.



**Item Number: 46**

**Action Type: Statute**

**Source: State**

**State: Illinois**

**Citation: Ill. Rev. Stat. Ch. 720, para. 5/12 - 704.1 (1993)**

**Title: Vehicles Transporting Radioactive Materials**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: Department of Nuclear Safety**

**Issues: Transportation operations**

**Summary**

Highway vehicles used for transporting packages bearing the radioactive Yellow III label as defined by the Code of Federal Regulations, Title 49, Section 173.339 (a), must be placarded by the carrier of the shipper and used solely for the vehicle containing full loads of low specific activity materials. Placards must be printed with "RADIOACTIVE" in black letters 5/8" wide on a yellow background. These placards must be applied to the front, back and both sides of the vehicle.

**Comments**

Enacted in 1978.



**Item Number:** 47

**Action Type:** Statute

**Source:** State

**State:** Indiana

**Citation:** Ind. Code. Ann 13-1-2-23 (1993)

**Title:** Transportation of nuclear waste-notification to sheriff

**Transport Mode:** Unspecified

**Regulatory Authority:** Governor

**Issues:** Regulate routing, notification

**Summary**

Upon receiving advanced notification under 10 CFR 71.5a and 71.5b of the transport of any nuclear waste to, through or across the borders of Indiana, the governor's designee for the transport of nuclear waste shall provide to the sheriff of each county through which the nuclear waste is to be transported the notification required under subsection (b). Notification must include name, address and telephone number of shipper, carrier and receiver of nuclear waste shipment; a description of the waste; the point of origin, transit and destination; and information regarding necessary safety steps. The notification must be given in writing.

**Comments**

Enacted in 1984.



**Item Number:** 48

**Action Type:** Statute

**Source:** State

**State:** Indiana

**Citation:** Ind. Code Ann. 13-5-9-1 (1993)

**Title:** Midwest Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact states, compact commission

**Issues:** Regulations

**Summary**

Creates the Midwest Interstate Low-Level Radioactive Waste Compact as a tool to manage low-level waste. A compact commission is created to administer the functions of the compact. The compact specifically states that nothing in the compact agreement shall affect the rights and powers of any party state to regulate the transportation of waste within its borders. In addition, no requirements or restrictions pertinent to transportation of low-level waste are imposed. The regional waste management plan is to consider minimization of waste transportation in identifying a host state.

**Comments**

Enacted in 1983.



**Item Number: 49**

**Action Type: Statute**

**Source: State**

**State: Iowa**

**Citation: Iowa Code. Ann. 321.450**

**Title: Hazardous Material Transportation Regulations**

**Transport Mode: Motor Vehicle**

**Regulatory Authority: Department of Transportation**

**Issues: Transportation operators**

**Summary**

A 1991 amendment to this section allows motor vehicles registered for a maximum gross weight of five tons or less to be exempt from placarding and shipping paper requirements if the hazardous materials transported are clearly labeled.

**Comments**



**Item Number: 50**

**Action Type: Statute**

**Source: State**

**State: Iowa**

**Citation: Iowa Code Ann. 457B.1 (1993)**

**Title: Midwest Interstate Low-Level Radioactive Waste Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Compact states, compact commission**

**Issues: Regulations**

**Summary**

Creates the Midwest Interstate Low-Level Radioactive Waste Compact as a tool to manage low-level waste. A compact commission is created to administer the functions of the compact. The compact specifically states that nothing in the compact agreement shall affect the rights and powers of any party state to regulate the transportation of waste within its borders. In addition, no requirements or restrictions pertinent to transportation of low-level waste are imposed. The regional waste management plan is to consider minimization of waste transportation in identifying a host state.

**Comments**

Enacted in 1983. Transferred from Chapter 8C in 1991.



**Item Number:** 51

**Action Type:** Statute

**Source:** State

**State:** Kansas

**Citation:** Kansas Stat. Ann. 48-1601 et seq. (1991)

**Title:** Nuclear Energy Development and Radiation Control Act

**Transport Mode:** All

**Regulatory Authority:** Department of Health and Environment (DHE)

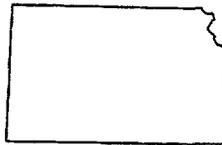
**Issues:** Regulations

**Summary**

The secretary of DHE is required to develop programs for the licensing or registration of sources of radiation (Sec. 48-1607). The department of transportation and State Corporation Commission are directed to continually review the need for changes in laws that would arise from the presence of radioactive materials in the state, particularly related to transportation of radioactive materials (Sec. 48-1604). The conduct of administrative procedures for licensing is prescribed (Sec. 48-1608). The DHE also is responsible under 48-1608(c) for responding to emergencies that involve certain radioactive materials.

**Comments**

Enacted in 1954.



**Item Number:** 52

**Action Type:** Regulation

**Source:** State

**State:** Kansas

**Citation:** Kansas Administrative Rules Section 28-35-196

**Title:** Transportation of Radioactive Materials

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Kansas Department of Health and Environment

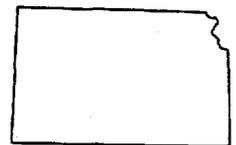
**Issues:** Regulations

**Summary**

The department of health and environment is responsible for licensees who transport radioactive materials. Transporters must comply with all parts of the U.S. Department of Transportation regulations that are relevant to hazardous material transportation. General licensing is required for all intrastate commercial, contract or private carriers that transport radioactive materials. Certain federal contractors are exempt.

**Comments**

Implements KSA 48-1601 et seq.



**Item Number: 53**

**Action Type: Statute**

**Source: State**

**State: Kansas**

**Citation: Kansas Stat. Ann. 65-34a01 (1993)**

**Title: Central Interstate Low-Level Radioactive Waste Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Compact members, compact commission**

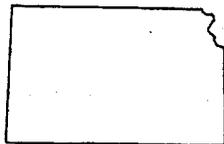
**Issues: Transportation operations, regulations**

**Summary**

Enacts the Central Interstate Low-Level Radioactive Waste Compact, establishes a compact commission and authorizes the entrance of Arkansas into the compact. The compact provides a framework for a cooperative effort to manage low-level waste for the protection of public health and safety and the environment. Each party state is responsible for enforcing applicable federal and state laws and regulations that pertain to the packaging and transportation of wastes that originate within or pass through its borders.

**Comments**

Enacted in 1982.



**Item Number: 54**

**Action Type: Statute**

**Source: State**

**State: Kansas**

**Citation: Kansas Stat. Ann. 66-1129 (1991)**

**Title: Transportation by Motor Carriers**

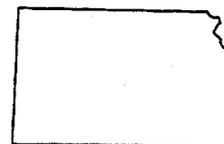
**Transport Mode: Motor Vehicles**

**Regulatory Authority: State Corporation Commission**

**Issues: Regulations**

**Summary**

Pursuant to section 66-1129, the commission shall adopt safety rules and regulations, including motor carrier transportation requirements, that are consistent with continuation of the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous materials.



**Item Number: 55**

**Action Type: Statute**

**Source: State**

**State: Kentucky**

**Citation: Ky. Rev. Stat. 211.859 (1993)**

**Title: Central Midwest Interstate Low-Level Radioactive Waste Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Compact members, compact commission**

**Issues: Regulations, insurance-liability**

**Summary**

Creates the Central Midwest Radioactive Waste Compact and the compact commission to manage low-level waste generated within the region.

With regard to transportation, the act states that nothing in the compact affects the powers of any party state to regulate the transportation of waste within its borders or limits or alters the liability of transporters of waste.

**Comments**

Enacted in 1986.



**Item Number: 56**

**Action Type: Statute**

**Source: State**

**State: Louisiana**

**Citation: La. Civil Code Art. 2315.3 (1993)**

**Title: Additional damages, storage and handling and transportation of hazardous substances**

**Transport Mode: Unspecified**

**Regulatory Authority: Department of Environmental Quality**

**Issues: Insurance-liability**

**Summary**

Art. 2315.3 states that, in addition to general and special damages, exemplary damages may be awarded if it is proved that the plaintiff's injuries were caused by the defendant's reckless disregard for public safety in the transportation of hazardous or toxic substances.

**Comments**

Enacted in 1984; amended in 1990.



Item Number: 57

Action Type: Statute

Source: State

State: Louisiana

Citation: La. Rev. Stat. Ann. 30:2131 (1993)

Title: Central Interstate Low-level Radioactive Waste Compact

Transport Mode: Unspecified

Regulatory Authority: Central Interstate Low-Level Radioactive Waste Compact Commission, compact states

Issues: Emergency response, regulations

#### Summary

Section 30:2131 provides the framework for a cooperative effort to promote the health, safety and welfare of the citizens and the environment of the region and to provide for the economical management of low-level radioactive waste. To the extent authorized by federal law, each party state is responsible for enforcing the applicable state and federal laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders and shall adopt practices to ensure that waste shipments originating within its borders and destined for a regional facility are consistent with the applicable packaging transportation laws and regulations.

#### Comments

Enacted in 1982; amended in 1991.



Item Number: 58

Action Type: Statute

Source: State

State: Louisiana

Citation: La. Rev. Stat. Ann. 30:2271 et seq. (1993)

Title: Liability for Hazardous Substance Remedial Action

Transport Mode: Unspecified

Regulatory Authority: Department of Environmental Quality

Issues: Emergency response, insurance-liability

#### Summary

This provision encourages prompt notification to the department of any hazardous substance discharge or disposal, identifies locations at which a discharge or disposal of a hazardous substance may have occurred at any time in the past, provides a mechanism to the department to ensure that the costs of remedial actions are borne by those who contributed to the discharge or disposal and allows the department to respond as quickly as possible to hazardous substance discharges while retaining the right to institute legal actions against those responsible for remedial costs. Hazardous substances may include radioactive materials.

Section 30: 2275 states that once a discharge or disposal of a hazardous substance is classified by the secretary of the department of environmental quality as an imminent and substantial danger to health and the environment, he/she shall attempt to notify each person known to have disposed of, transported or allowed the discharge or disposal at a pollution source or facility. They are to provide the secretary with all relevant information about the specific material in question. Any person who willfully fails to provide requested information shall be liable for a penalty of up to \$25,000 for each day the required information is not received.

Pursuant to section 30:2275, the secretary shall make written demand on every owner, generator, transporter, disposer and operator to undertake remedial actions at the site in accordance with a plan approved by the secretary or they shall pay the secretary the cost of the remedial action undertaken by the secretary. According to section 30:2276, the court shall find the defendant liable to the state for the costs of remedial action if the court finds that



the defendant performed, among other things, the transportation of the hazardous substances that were disposed of or discharged at the pollution source facility.

**Comments**

Enacted in 1984; amended in 1988.

**Item Number:** 59

**Action Type:** Statute

**Source:** State

**State:** Louisiana



**Citation:** La. Rev. Stat. Ann. 30:2370 (1993)

**Title:** Hazardous Material Information Development, Preparedness and Response Act

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Public Safety and Corrections, Emergency Response Commission

**Issues:** Emergency response

**Summary**

This act creates a comprehensive information system containing specific data regarding the presence and location of hazardous materials in Louisiana. A 1992 amendment added certain substances included in U.S. Department of Transportation regulations as found in 49 CFR 172.101 (Sec 30.2363). The Emergency Response Commission is created to oversee emergency planning in Louisiana through coordination with local emergency planning committees, supervision of reporting procedures and other duties concerning community "right to know" legislation (Sec. 30:2364). The Department of Public Safety and Corrections is charged with developing the hazardous material reporting system (Sec. 30.2365). Certain hazardous materials owners or operators may use alternative reporting procedures. Among these categories are transportation related industries (Sec. 30.2370). Hazardous materials required to be reported to the Nuclear Regulatory Commission by utilization facilities licensed under 10 CFR 50 are not included in this reporting requirement.

**Comments**

Enacted in 1985.

**Item Number:** 60

**Action Type:** Statute

**Source:** State

**State:** Louisiana



**Citation:** La. Rev. Stat. Ann. 32:1503, 32:1521 (1993)

**Title:** Hazardous Material Transportation and Motor Carrier Safety Act

**Transport Mode:** Motor Vehicle, Rail

**Regulatory Authority:** Department of Public Safety

**Issues:** Regulations, shipment restrictions

**Summary**

A 1992 amendment exempts rail carriers from financial responsibility for hazardous materials under Section 32.1503. The amendment also broadens laws governing hazardous materials transportation to cover offerers, acceptors, loaders and unloaders of hazardous materials.

A 1991 amendment added Section 32:1521, which states that no carrier shall transport hazardous material on Louisiana Highway 73 between Interstate 10 and Louisiana Highway 74 and within 300 yards or less of any building used as a public or private elementary or secondary school, except for drivers making local deliveries on this portion of Highway 73. Penalties for violation are prescribed.

**Comments**

These are additions to an existing entry in the data base.

**Item Number:** 61

**Action Type:** Statute

**Source:** State

**State:** Maine



**Citation:** Me. Rev. Stat. Ann. tit. 29, 998 (1993)

**Title:** Grade crossing

**Transport Mode:** Motor Vehicle, Rail

**Regulatory Authority:** Department of Transportation

**Issues:** Regulations (rail crossing)

**Summary**

The operator of any motor vehicle specified in Subsection 2 shall not cross a railroad track or tracks unless he stops the vehicle within 50 feet of and not closer than 15 feet to the tracks, listens and looks in each direction along the tracks for an approaching train and ascertains that no train is approaching. Subsection 2 pertains to every motor vehicle which, in accordance with the U.S. Code of Federal Regulations, title 49, part 172, subpart F of the U.S. Department of Transportation, is required to be placarded or marked. This includes vehicles placarded or marked "radioactive."

**Comments**

Enacted in 1985.

**Item Number:** 62

**Action Type:** Statute

**Source:** State

**State:** Maine

**Citation:** Me. Rev. Stat. Ann. tit. 29, 246 D (1993)

**Title:** Hazardous Materials Transport License

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Secretary of State,  
Department of Public Safety

**Issues:** Permits, fees, inspections and enforcement

**Summary**

Placarded (49 CFR 177.823) motor vehicles must be licensed for hazardous materials transport. Certain exceptions apply. The secretary of state prescribes the application form and collects a \$25 fee for each vehicle. Trip permits may be issued in lieu of a license. Enforcement shall be conducted by every state police officer.

**Comments**

Enacted in 1989. In *American Trucking Associations v. Secretary of State* (1991) (Me. 595 A.2d 1014), the court found that the \$25 per truck fee was discriminatory in that it favored in-state carriers over interstate carriers and violated the Commerce Clause of the U.S. Constitution. The state is not allowed to retain administrative portion of fee, absent legislative intent to create a program. Legislation that failed in 1993 would have re-established the funding mechanism to support hazardous materials incident response through a per-mile tax on trucks that carry hazardous materials.

**Item Number:** 63

**Action Type:** Statute

**Source:** State

**State:** Maine

**Citation:** Me. Rev. Stat. Ann. tit. 38,1517 et seq. (1993)

**Title:** Low-Level Radioactive Waste Disposal Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Maine Low-Level Radioactive Waste Authority

**Issues:** Regulations, routing

**Summary**

Allows Maine to join the Texas Low-Level Radioactive Waste Disposal Compact. Incorporates the Texas compact language into Maine law, which in relevant part compels the host state to identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

**Comments**

Enacted in 1993; approved by Maine voters in November 1993.

**Item Number:** 64

**Action Type:** Statute

**Source:** State

**State:** Maryland

**Citation:** Md. Ann. Code Art. 41, 18-204 (1990)

**Title:** Emergency Preparedness Plan

**Transport Mode:** All

**Regulatory Authority:** Department of Public Safety and Correctional Services

**Issues:** Emergency response

**Summary**

The City of Baltimore and each county in Maryland is required to prepare an emergency preparedness plan for responding to an emergency that involves hazardous materials or controlled hazardous substances and to submit the plan to the Department of Public Safety and Correctional Services.

**Comments**

Enacted in 1986.



**Item Number:** 65

**Action Type:** Statute

**Source:** State

**State:** Maryland

**Citation:** Md. (Environment) Code Ann. 7-101 et seq. (1993)

**Title:** Hazardous Materials and Hazardous Substances

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of the Environment

**Issues:** Regulations, driver-operator training, permits, liability-insurance

**Summary**

Section 7-201 includes low-level nuclear waste in the definition of controlled hazardous substances. Section 7-229 provides for immunity from civil liability for people who assist in an emergency that involves a discharge of a hazardous substance or material.

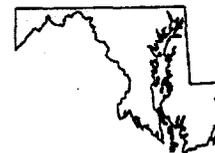
No one may transport any controlled hazardous substance from any source in this state or to any controlled hazardous substances facility in this state unless he or she holds a hauler certificate, a vehicle certificate has been issued for the transporting vehicle and a driver's certificate has been issued for the vehicle driver (Sec. 7-253). Additional requirements must be met to receive a low-level nuclear waste hauler certificate (Sec. 7-250). The scope of a hauler certificate and driver certificate is provided (Sec. 7-252)

If anyone generates a controlled hazardous substance and desires to have it transported, the department shall be furnished with the source, name of the controlled substance hauler, destination intended by the controlled substance hauler at the time of shipment and the volume and nature of the shipment (Sec. 7-253).

Section 7-302 establishes the Appalachian States Low-Level Radioactive Waste Commission. Among its duties are to see that party states enforce transportation procedures relative to low-level waste within their borders (Sec. 7-303).

**Comments**

Enacted in 1986.



**Item Number:** 66

**Action Type:** Statute

**Source:** State

**State:** Maryland

**Citation:** Md. (Transportation) Code Ann. 22-409 (1993)

**Title:** Transportation of Hazardous Materials

**Transport Mode:** All

**Regulatory Authority:** Department of Transportation (DOT), Department of the Environment

**Issues:** Regulations

**Summary**

The state DOT administrator and the secretary of the Department of the Environment shall jointly adopt regulations for the safe transport of hazardous materials. The regulations adopted under the subsection shall duplicate or be consistent with the hazardous material transportation regulations contained in Title 49 of the Code of Federal Regulations, parts 107 to 180 and all amendments to those regulations. Anyone involved in the shipping and transporting of hazardous materials, both intrastate and interstate, shall comply with the regulations adopted in this section. Manufacturers of packaging shall comply.

**Comments**

Enacted in 1977. Secretary of Environment added in 1992 amendment.



**Item Number:** 67

**Action Type:** Statute

**Source:** State

**State:** Massachusetts

**Citation:** Mass. Gen. Laws Ann. Ch. 111H, 1 et seq. (1993)

**Title:** Massachusetts Low-Level Radioactive Waste Management Act

**Transport Mode:** Unspecified

**Regulatory Authority:** Low-Level Radioactive Waste Management Board, Department of Public Health

**Issues:** Transportation operations

**Summary**

Sets up the Low-Level Radioactive Waste Management Board to plan and effect the management of low-level waste in Massachusetts. This very detailed provision covers the steps required of the board in siting a low-level waste facility. A low-level waste management fund also is established. Among other provisions, those who manage low-level waste are required to provide information to the Department of Public Health about packaging and transportation practices.

**Comments**

Enacted in 1987.



**Item Number:** 68

**Action Type:** Statute

**Source:** State

**State:** Massachusetts

**Citation:** Mass. Gen. Laws Ann. Ch. 21E-1 et seq. (1993)

**Title:** Massachusetts Oil and Hazardous Material Release Response and Prevention Act

**Transport Mode:** Vessel

**Regulatory Authority:** Department of Environmental Protection

**Issues:** Permits, emergency response, fees

**Summary**

The Department of Environmental Protection may, by regulation, establish permit application fees payable by all who apply for a permit pursuant to this act in order to carry out response actions. The definition of hazardous materials includes materials with radioactive characteristics (21E-2). For applications filed on or before December 31, 1994, the fee shall not exceed \$6,000 per application. Fees shall be based on the department's cost for inspection, auditing and enforcement activities necessary to ensure compliance by those who carry out such response actions. This provision specifically applies to vessels that transport oil or hazardous materials. A "vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

**Comments**

Enacted in 1983; amended in 1992.



**Item Number:** 69

**Action Type:** Statute

**Source:** State

**State:** Massachusetts

**Citation:** Mass. Gen. Laws Ann. Ch., 25-5C (1993)

**Title:** Hazardous Material; Rail Transportation Regulations

**Transport Mode:** Motor Vehicle, Rail

**Regulatory Authority:** Department of Transportation

**Issues:** Regulations (rail)

**Summary**

The department shall promulgate, in accordance with chapter 30A, rules and regulations for the transportation by rail of hazardous materials in the Commonwealth. Said regulations shall be consistent with any federal regulations in effect.

**Comments**

Enacted in 1985.



**Item Number:** 70

**Action Type:** Statute

**Source:** State

**State:** Massachusetts

**Citation:** Mass. Gen. Laws Ann. Ch. 90F-9 (1991)

**Title:** Disqualification from Operating a Commercial Motor Vehicle

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Transportation

**Issues:** Regulations, driver-operator training

**Summary**

Anyone who operates a motor vehicle that transports hazardous material is required to obtain a commercial driver's license with a hazardous materials endorsement.

If the driver transporting the hazardous material is under the influence of drugs or alcohol as provided by Section 24 of Chapter 90, or is driving a motor vehicle while the alcohol concentration in the blood or breath is .04 or more, or leaves the scene of an accident involving a commercial motor vehicle driven by the defendant or uses a commercial motor vehicle in the commission of a felony, that driver shall be disqualified from operating a motor vehicle for a period of not less than three years.

**Comments**

Enacted in 1990.



**Item Number:** 71

**Action Type:** Statute

**Source:** State

**State:** Massachusetts

**Citation:** Mass. Gen. Laws. Ann. Ch., 111-5M to 5P (1993)

**Title:** State Radiation Control Agency

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Public Health

**Issues:** Inspection and enforcement, regulations, materials licensing

**Summary**

The department is hereby designated as the state radiation control agency. The department shall develop and from time to time, after a public hearing, prescribe and establish rules and regulations that are compatible or consistent (whichever is appropriate) with federal rules and programs that are necessary to implement a program for the evaluation and control of the radioactive hazards, including hazards associated with transportation.

Section 111-5P states that it shall be unlawful to transfer any source of radiation unless licensed, registered or exempted from licensing or registration requirements by the department. Anyone who violates this provision shall be fined no less than \$100 and no more than \$4,000, or be imprisoned for a period of not more than two years. Anyone who continues to violate this provision after due notice by the department shall be fined no less than \$1,000 and no more than \$20,000 or be imprisoned for less no more than 20 years, or both.

**Comments**

This section was substantially rewritten in 1987, and further amended in 1988 and 1992. The former statute (111-5B) was repealed in 1987.



**Item Number:** 72

**Action Type:** Statute

**Source:** State

**State:** Michigan

**Citation:** Mich. Comp. Laws Ann. 3.751 et seq. (1993)

**Title:** Midwest Interstate Low-level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states

**Issues:** Transportation operations

**Summary**

Michigan is a party to the Midwest Interstate Low-level Radioactive Waste Compact which, in relevant part, obligates the party states in the management of such specified wastes. This includes the minimization of waste transportation and encourages party states to enforce applicable laws pertaining to packaging and transportation.

**Comments**

Compact members voted Michigan out of the compact in 1990 because the state failed to meet compact host state obligations.



**Item Number:** 73

**Action Type:** Statute

**Source:** State

**State:** Michigan

**Citation:** Mich. Comp. Laws Ann. 29.5A to B (1993)

**Title:** Fire Prevention Code; Hazardous Materials

**Transport Mode:** Motor Vehicle, Rail

**Regulatory Authority:** Fire Marshall

**Issues:** Inspection and enforcement, permits, routing

**Summary**

Each vehicle (tank vehicle or bulk transportation vehicle, Sec. 29.1) designed for or used for the transportation of hazardous materials in this state shall not be operated without first being certified by the state fire marshall. The state fire marshall shall annually conduct random inspections of vehicles transporting hazardous materials to assure compliance with this act. The owner of a vehicle transporting hazardous materials shall arrange for the semi-annual inspection of that vehicle by the state fire marshall (Sec. 29.5b[1]). A \$95 fee is assessed for each vehicle (Sec. 29.5d [3]).

Each certified vehicle, whether empty or not, shall bear identification as assigned by the state fire marshall. The identification assigned shall reflect the certified vehicle's identification number, the classification of the material being transported and the firm's location at which the vehicle is maintained. Each firm must furnish to the state fire marshall, upon request, the name of the hazardous material transported, the anticipated route of transportation and the telephone number in case of emergency (Sec. 29.5b [2]).

**Comments**

This provision was substantially updated in 1987 to change the language on inspections from "may inspect" to a mandatory inspection certification process.



**Item Number:** 74

**Action Type:** Statute

**Source:** State

**State:** Michigan

**Citation:** Mich. Comp. Laws Ann. 333.13721 (a)  
et seq. (1993)

**Title:** Low-Level Radioactive Waste

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Michigan Low-Level  
Radioactive Waste Disposal Authority  
(MLLRWDA), Department of Environmental  
Management (DEM)

**Issues:** Registration, inspection and enforcement,  
permits, routing, emergency response

**Summary**

The authority is required to register shipments for disposal and issue a shipment certificate good for no more than three days. The certificate shall specify date of the shipment, name of the carrier, type of the shipment, transportation route, and the amount, type, class and curie count of waste in the shipment. Section 333.13722 requires a manifest to accompany each shipment accepted for disposal. An inspection of each shipment of waste is required by the authority when the shipment arrives at the disposal site (See Section 333.13722). Actions to be taken in the case of noncompliance are specified.

Section 333.13727 requires that anyone who transports waste must hold a carrier's permit issued by the DEM or issued by the state that has been granted equivalent privileges under Section 13724. Permits are good for three years. An application for a carrier's permit shall contain the estimated quantities and types of wastes to be transported, the procedures and methods to be used to respond to a release of waste and the location and use of storage and transfer facilities. A fee of \$500 shall be paid by applicants.

A condition of the permit is that each vehicle used to transport waste shall be registered and inspected by the state police, for which a \$200 fee may be collected. The DEM, along with the state police and the transportation department, shall specify the routes available.

Section 333.13728 requires that a carrier not transport waste unless each shipment of waste is accompanied by a manifest. Certain information is



required on the manifest and each manifest must be retained to the carrier for three years. Under Section 333.13732, a processor may not accept waste unless accompanied by a manifest. Other requirements for processors relative to the waste package are enumerated.

**Comments**

Enacted in 1978; substantially revised in 1987.

**Item Number:** 75

**Action Type:** Statute

**Source:** State

**State:** Minnesota

**Citation:** Minn. Stat. Ann. 116C.73, 116C.831 (1993)

**Title:** Transportation of Radioactive Material within the State, Midwest Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Minnesota Legislature, party states, compact commission

**Issues:** Shipment restrictions, transportation operations

**Summary**

Section 116C.73 states that no one shall transport radioactive waste into Minnesota for disposal or permanent storage unless expressly authorized by the Minnesota Legislature. Waste may be brought in for temporary storage in accordance with applicable federal and state laws for up to 12 months pending transportation out of the state.

Minnesota is a party to the Midwest Interstate Low-Level Radioactive Waste Compact, which was created to manage low-level radioactive waste to protect the health and safety of the citizens in the region. The compact provides for minimization of waste transportation and encourages party states to enforce applicable laws pertaining to packaging and transportation (See 116C.831).

**Comments**

Enacted in 1983.



**Item Number:** 76

**Action Type:** Statute

**Source:** State

**State:** Minnesota

**Citation:** Minn. Stat. Ann. 221-141 (1993)

**Title:** Insurance or bonds of motor vehicles

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Commissioner of Transportation

**Issues:** Insurance-liability

**Summary**

A motor carrier that transports hazardous materials must obtain insurance or a bond in the amount prescribed in federal regulation, Title 49 Section 387.9. No motor carrier or interstate carrier shall operate a vehicle until the minimum amount of financial responsibility required by this section is obtained. Penalties for violations are prescribed in 221.291.

**Comments**

Enacted in 1983.



**Item Number: 77**

**Action Type: Statute**

**Source: State**

**State: Mississippi**

**Citation: Miss. Code Ann. 33-15-1 et seq. (1991)**

**Title: Mississippi Civil Defense Law**

**Transport Mode: Unspecified**

**Regulatory Authority: Civil Defense Council,  
Governor**

**Issues: Emergency response**

**Summary**

The Mississippi Civil Defense Law creates a state civil defense council to provide mutual aid between the municipalities and counties of the state and with other states and with the federal government with respect to carrying out civil defense functions (See Section 33-15-1). Radiological functions are included among emergency response activities.

**Comments**

Enacted in 1942.



**Item Number: 78**

**Action Type: Statute**

**Source: State**

**State: Mississippi**

**Citation: Miss. Code Ann. 57-47-1 et seq. (1993)**

**Title: Southeast Interstate Low-Level Radioactive  
Waste Management Compact**

**Transport Mode: Unspecified**

**Regulatory Authority: Compact members,  
compact commission**

**Issues: Regulations**

**Summary**

Creates the Southeast Interstate Low-Level Radioactive Waste Management Compact for the cooperative regional management of low-level waste and creates the compact commission. The commission must consider the minimization of waste transportation when developing criteria for the identification of a host state. Each party state must enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders.

**Comments**

Enacted in 1982.



**Item Number:** 79

**Action Type:** Statute

**Source:** State

**State:** Missouri

**Citation:** Mo. Ann. Stat. 44.010 et seq. (1993)

**Title:** Civil Defense

**Transport Mode:** Unspecified

**Regulatory Authority:** Civil Defense Agency

**Issues:** Emergency response

**Summary**

The Civil Defense Agency was created to include an emergency planning staff to coordinate national, state and local government management of resources and economic controls during emergency situations. The agency requires and directs the cooperation and assistance of agencies and officials of the state economic and geographic areas and local political subdivisions to assist in performance of civil defense and civil defense emergency functions. Mutual aid agreements are authorized.

**Comments**

Enacted in 1951.



**Item Number:** 80

**Action Type:** Statute

**Source:** State

**State:** Missouri

**Citation:** Mo. Ann. Stat. 260.700 (1993)

**Title:** Midwest Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact commission

**Issues:** Regulations

**Summary**

Creates the Midwest Interstate Low-Level Radioactive Waste Compact to manage low-level waste. A compact commission is created to administer the functions of the compact. The compact specifically states that nothing in the compact agreement shall affect the rights and powers of any party state to regulate the transportation of waste within its borders. In addition, no requirements or restrictions pertinent to transportation of low-level waste are imposed. The regional waste management plan is to consider minimization of waste transportation in identifying a host state.

**Comments**

Enacted in 1983.



**Item Number:** 81

**Action Type:** Statute

**Source:** State

**State:** Montana

**Citation:** Mont. Laws 61-8-805 et seq. (1992)

**Title:** Commercial Motor Vehicle Regulations

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Motor Vehicles

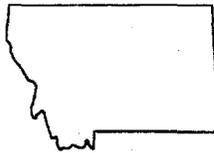
**Issues:** Driver-operator training

**Summary**

A driver who has an alcohol concentration of .04 or more while driving or in physical control of a motor vehicle, and is transporting hazardous materials, shall have his or her driver's commercial vehicle endorsement suspended for a period of three years.

**Comments**

Enacted in 1989.



**Item Number:** 82

**Action Type:** Statute

**Source:** State

**State:** Montana

**Citation:** Mont. Laws 75-3-501 (1993)

**Title:** Northwest Interstate Compact on Low-Level Radioactive Waste Management

**Transport Mode:** Unspecified

**Regulatory Authority:** Member states, compact committee

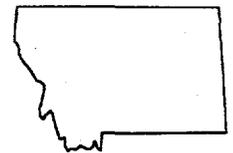
**Issues:** Regulations, inspection and enforcement

**Summary**

Enacts the Northeast Interstate Compact on Low-Level Radioactive Waste Management and authorizes Montana's participation. This statute outlines provisions for the safe management of low-level waste, including practices that will require shipments originating within the borders of party states to conform to applicable packaging and transportation requirements of the host state. These practices shall include authorization of containers, proper inspections of carriers and appropriate enforcement and actions to assure that packaging or transportation violations do not occur. A compact committee is created to oversee the administration of the compact.

**Comments**

Enacted in 1983.



**Item Number:** 83

**Action Type:** Statute

**Source:** State

**State:** Nebraska

**Citation:** Neb. Rev. Stat. 81-15, 104 et seq. (1993)

**Title:** Central Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, compact commission

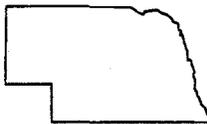
**Issues:** Transportation operations, inspection and enforcement

**Summary**

Enacts the Central Interstate Low-Level Radioactive Waste Compact, establishes a compact commission and authorizes the entrance of Nebraska into the compact. The compact provides a framework for a cooperative effort to manage low-level waste for the protection of public health and safety and the environment. Each party state is responsible for enforcing applicable federal and state laws and regulations pertaining to the packaging and transportation of wastes that originate within or pass through its borders.

**Comments**

Enacted in 1986.



**Item Number:** 84

**Action Type:** Enacted Legislation

**Source:** State

**State:** Nevada

**Citation:** AB 748 (1993)

**Title:** Committee on Transportation

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of Motor Vehicles and Public Safety

**Issues:** Permits, fees

**Summary**

This legislation makes an appropriation to the Nevada Highway Patrol of the Department of Motor Vehicles and Public Safety for the pilot program of the Alliance of Uniform HAZMAT Transportation Procedures and provides for other related matters. The pilot program will test uniform registration and permitting of hazardous materials motor carriers.

**Comments**

Other pilot program states that are considering legislation in 1994 are Minnesota, Ohio and West Virginia.



**Item Number:** 85

**Action Type:** Statute

**Source:** State

**State:** Nevada

**Citation:** Nev. Rev. Stat. Ann. 459-007 (1993)

**Title:** Rocky Mountain Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, Rocky Mountain Low-Level Radioactive Waste Board

**Issues:**

**Summary**

Ratifies the Rocky Mountain Low-Level Radioactive Waste Compact and approves Colorado's entry into same, for the cooperative management of low-level radioactive waste. The compact board is required to make suggestions to appropriate officials in the party states to ensure that adequate emergency response programs are available to deal with any exigency that might arise with respect to low-level waste transportation or management. Also requires party states to adopt and enforce procedures for shipments to conform to packaging and transportation requirements. Authorizes the Department of Health to administer compact responsibilities.

**Comments**

Enacted in 1983.



**Item Number:** 86

**Action Type:** Statute

**Source:** State

**State:** Nevada

**Citation:** Nev. Rev. Stat. Ann. 459-0085 (1993)

**Title:** Committee on High-Level Radioactive Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Legislative Committee on High-Level Radioactive Waste

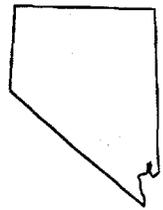
**Issues:** Regulations

**Summary**

Creates the Legislative Committee on High-Level Radioactive Waste to study and evaluate information and policies regarding the location in Nevada of a facility for the disposal of high-level radioactive waste, including any potentially adverse effects from the construction and operation of such a facility. Any other policies related to the disposal of high-level waste also may be studied. The committee shall report the results of its studies to the legislative transportation commission and the interim finance committee.

**Comments**

Enacted in 1985.



**Item Number:** 87

**Source:** State

**Action Type:** Statute

**State:** Nevada

**Citation:** Nev. Rev. Stat. Ann. 459.221 (1993)

**Title:** License to use area for disposal required

**Transport Mode:** Unspecified

**Regulatory Authority:** Health Division

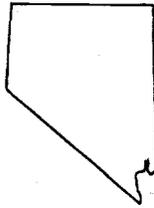
**Issues:** Permits

**Summary**

A shipper, producer or broker of radioactive waste must obtain a license from the Health Division in order to dispose of the waste. Unlicensed shippers will have the waste returned to them. The license is issued when the shipper or broker demonstrates that waste will be labeled and packaged in accordance with the regulations of the state Board of Health. Penalties are prescribed for violations.

**Comments**

Enacted in 1981.



**Item Number:** 88

**Action Type:** Statute

**Source:** State

**State:** Nevada

**Citation:** Nev. Rev. Stat. 459.707 to 708 (1993)

**Title:** Requirements for Transporting Radioactive Waste

**Transport Mode:** Motor vehicles

**Regulatory Authority:** Motor Vehicle Division, Public Service Commission (PSC)

**Issues:** Permits

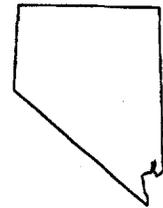
**Summary**

The approval of the Public Service Commission is required for the division to issue a permit to carriers that seek to transport radioactive waste. The PSC also must determine that carriers will comply with all applicable laws and regulations of the state and the federal government. Grounds for revocation of a permit are specified.

Section 459.708 states that motor carriers shall reject packages for transport if they are leaking, do not bear the required shipping label or are not accompanied by the prescribed shipping document. Carriers are liable for packages in their custody that are deficient as noted above.

**Comments**

New requirements as of 1993.



**Item Number:** 89

**Action Type:** Statute

**Source:** State

**State:** New Hampshire

**Citation:** N.H. Rev. Stat. Ann. 125-E:1 et seq. (1989)

**Title:** Northern New England Low-Level Radioactive Waste Management Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, compact commission

**Issues:** Transportation operations

**Summary**

Sets up a low-level waste radioactive compact with Maine and Vermont. Provides that the compact provisions become null and void if a non-party state enters into an agreement with all party states to accept all party states' waste as the host state.

**Comments**

Enacted in 1986. The enactment of the Texas Low-Level Radioactive Waste Compact in Maine and the pending enactment in Vermont would appear to void the Northern New England Compact.



**Item Number:** 90

**Action Type:** Statute

**Source:** State

**State:** New Hampshire

**Citation:** N.H. Rev. Stat. Ann. 21P: 17 (1992)

**Title:** Transport of Hazardous Materials and Waste

**Transport Mode:** All

**Regulatory Authority:** Commissioner of the Department of Safety

**Issues:** Inspection and enforcement, permits, fees

**Summary**

The commissioner of the Department of Safety shall regulate and promote the safe transportation of hazardous materials and waste by all modes of transportation within the state by adopting Title 49 of the Code of Federal Regulations. The provisions and rules adopted shall be enforced anywhere in the state by any state trooper, highway enforcement officer, authorized agent of the commissioner of safety or by any law enforcement officer in his or her respective jurisdiction. The officer may inspect any container or shipment believed to contain hazardous materials to ensure compliance of all rules adopted under this subdivision. The commissioner is empowered to adopt rules for packaging, incident reporting and low-level radioactive waste shipments.

All vehicles that transport hazardous materials shall be placarded under Title 49 of the Code of Federal Regulations. Anyone transporting placarded hazardous material loads first must procure from the safety department an annual license or single trip license for each vehicle (21-P:20). An annual license shall cost \$25 and a single trip license is \$15. Penalties for violations are enumerated.

**Comments**

Revised and moved from 106-A:20 in 1987. Fee requirements withstood a 1984 challenge citing violation of the Commerce Clause. In 1990, the single trip fee was reduced to \$5.



**Item Number:** 91

**Action Type:** Statute

**Source:** State

**State:** New Hampshire

**Citation:** N.H. Rev. Stat. Ann. 149H:1 et seq. (1992)

**Title:** Hazardous Material Transportation

**Transport Mode:** Unspecified

**Regulatory Authority:** Hazardous Material Transportation Board

**Issues:** Emergency response, regulations

**Summary**

Pursuant to Section 149H: 3, the Hazardous Material Transportation Board, created by section 149H: 1 is authorized and directed to review federal and state legislation on a continuing basis, determine the need for more stringent controls and promote cooperative effort between federal, state and municipal agencies to ensure better compliance with regulations and safety measures concerning hazardous materials transportation, as well as to deal with emergency response issues.

**Comments**

Enacted in 1979. Board enlarged by 1990 amendment.



**Item Number:** 92

**Action Type:** Statute

**Source:** State

**State:** New Hampshire

**Citation:** N.H. Rev. Stat. Ann. 362 - C:7-a (1993)

**Title:** Transportation of Low-Level and High-Level Radioactive Waste for Disposal Prohibited

**Transport Mode:** All

**Regulatory Authority:** Public Utilities Commission

**Issues:** Shipment restrictions

**Summary**

Notwithstanding any law or rule to the contrary, no utility shall transport into the state of New Hampshire any low-level or high-level radioactive waste, as defined in Article II of N.H. Rev. Stat. Ann. 125 of the Northern New England Low-Level Radioactive Waste Management Compact, for disposal in New Hampshire.

**Comments**

Enacted in 1989.



**Item Number:** 93

**Action Type:** Statute

**Source:** State

**State:** New Hampshire

**Citation:** N.H. Rev. Stat. Ann. 265:117 (1993)

**Title:** Transporting Hazardous Materials or Wastes

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Commissioner of Transportation

**Issues:** Regulations

**Summary**

Anyone who drives any vehicle transporting any hazardous materials or wastes upon a roadway shall at all times comply with rules adopted by the commissioner of transportation pursuant to N.H. Rev. Stat. Ann. 21-P:17.

**Comments**

Enacted in 1979.



**Item Number:** 94

**Action Type:** Statute

**Source:** State

**State:** New Mexico

**Citation:** N.M. Stat. Ann. 11-9A-1 et seq. (1993)

**Title:** Low-Level Radioactive Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact board

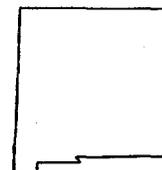
**Issues:** Transportation operations, regulations

**Summary**

Ratifies the Rocky Mountain Low-Level Radioactive Waste Compact and approves Colorado's entry into same, for the cooperative management of low-level radioactive waste. The compact board is required to make suggestions to appropriate officials in the party states to ensure that adequate emergency response programs are available for dealing with any exigency that might arise with respect to low-level waste transportation or management. Also requires party states to adopt and enforce procedures for shipments to conform to packaging and transportation requirements. Authorizes the Department of Health to administer compact responsibilities.

**Comments**

Enacted in 1983.



**Item Number:** 95

**Action Type:** Statute

**Source:** State

**State:** New Jersey

**Citation:** N.J. Stat. Ann. 13:1k-33 et seq. (1993)

**Title:** Hazardous Material Discharge Initial  
Emergency Response Program

**Transport Mode:** All

**Regulatory Authority:** State Police, Department  
of Environmental Protection and Energy (DEPE)

**Issues:** Emergency response

**Summary**

A hazardous material discharge initial emergency response training program for municipal and county officers involved in investigating suspected hazardous material discharges is established, under the management of the state police and DEPE. Program requirements are established, including identification of the hazardous material, notification procedures and public safety precautions. An annual appropriation is made to support the program.

**Comments**

Enacted in 1987.



**Item Number:** 96

**Action Type:** Statute

**Source:** State

**State:** New Jersey

**Citation:** N.J. Stat. Ann. 32:31-1, et seq. (1993)

**Title:** Northwest Interstate Low-Level Radioactive  
Waste Management Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact states, compact  
commission

**Issues:** Transportation options

**Summary**

Enacts the Northeast Interstate Low-Level Radioactive Waste Management Compact for the cooperative regional management of low-level radioactive waste and establishes a compact commission. Requires party states, to the extent not prohibited by federal law, to institute procedures to require shipments of low-level waste generated within or passing through their borders to be consistent with federal and applicable host state packaging and transportation regulations for the management of low-level waste. Upon notification by a host state that a generator, shipper or carrier with the party state is in violation of applicable regulators, the party state must take appropriate action to ensure that such violations do not recur. Also provides that no party state that is not a host state shall be liable for any injury to persons or property resulting from the operation of a regional facility or the transportation of waste to a regional facility.

**Comments**

Enacted in 1983.



**Item Number:** 97

**Action Type:** Statute

**Source:** State

**State:** New Jersey

**Citation:** N.J. Stat. Ann. 32:1 - 154.8 (1993)

**Title:** Transportation of Explosives, Radioactive Materials

**Transport Mode:** Unspecified

**Regulatory Authority:** Port Authority of New York and New Jersey

**Issues:** Shipment restrictions

**Summary**

N.J. Stat. Ann. 32:1 - 154.8 forbids the transport of radioactive materials, articles or substances at such a time, in such a place or in such a manner or condition as to endanger unreasonably, or as to be likely to endanger unreasonably, persons or property. Penalties for violations are prescribed.

**Comments**

Enacted in 1950.



**Item Number:** 98

**Action Type:** Statute

**Source:** State

**State:** New York

**Citation:** N.Y. Vehicle and Traffic Law, 378 (1993)

**Title:** Safety Requirements—Hazardous Material Transportation

**Transport Mode:** Motor vehicles

**Regulatory Authority:** Interstate Commerce Commission (ICC) or the Commissioner of Transportation

**Issues:** Regulations

**Summary**

A permittee of the ICC or the commissioner of transportation for the transportation of hazardous materials by motor vehicle must comply with the appropriate provisions of the transportation law, Section 140 and Section 14(f). Whenever a motor vehicle is in violation of a provision of both the vehicle and traffic laws and Section 14 or Section 140 of the transportation law or safety rules and regulations, the alleged violator shall be charged only with the appropriate offense of the transportation law.

Section 14(f) of the transportation law identifies the commissioner of transportation as the authority to promulgate safety in the transportation of hazardous materials by all modes of transportation. Such rules and regulations shall be no less protective of public safety than the rules and regulations set forth by the federal government with respect to the transportation of hazardous materials. The regulations shall establish the criteria to identify and list hazardous materials, and shall include specifications for marking and placarding of vehicles that transport hazardous materials.

**Comments**

Enacted in 1990.



**Item Number:** 99

**Action Type:** Statute

**Source:** State

**State:** New York

**Citation:** N.Y. Environmental Conservation Law, 27-0303 and 27-0305 (1994)

**Title:** Waste Transporter Permits

**Transport Mode:** All

**Regulatory Authority:** State Department of Environmental Conservation

**Issues:** Permits, fees

**Summary**

No person shall engage in the transport of regulated waste originating or terminating at a location in this state without an annual permit. Regulated waste includes low-level radioactive waste. Exemptions apply to certain situations. As a condition of permitting, the department shall require placarding as required under federal law. Rules governing the manifest system shall be adopted by the department consistent with the rules of the U.S. Nuclear Regulatory Commission. An annual report to the department by transporters indicating disposal information is required.

**Comments**

Enacted in 1986; amended in 1992.



**Item Number:** 100

**Action Type:** Regulation

**Source:** State

**State:** New York

**Citation:** New York Environmental Conservation Code, Chapter IV, Part 381.1 et seq.

**Title:** Transporters of Low-Level Radioactive Waste

**Transport Mode:** All

**Regulatory Authority:** Department of Environmental Conservation (DEC)

**Issues:** Permit, fees

**Summary**

New York state's permit program is created to ensure that low-level waste is transported by reliable, competent and safe means into, within and through the state of New York and that waste is deposited in an authorized facility. A permit from the New York DEC is required of all transporters of low-level waste, including brokers and collectors, into, within or through New York state, with certain exemptions for federal agencies and their contractors. Facility operators that generate low-level waste must use only permitted transporters. Permit applications must include the type of low-level waste involved, vehicles the applicant will use, any transfer or storage facilities the applicant will use and the place(s) where and the manner in which the applicant will finally treat, store or dispose of the collected waste. Applications also may contain analyses, plans, reports, insurance certificates and other data that the DEC requires. Inspections of transport vehicles may be required. Emergency permits may be issued by the department in situations that pose an immediate threat to the environment or public health and safety.

The department's decision to issue or deny a permit is based on the compliance status of any receiving facility and the compliance history and reliability of the applicant. A form of surety or financial responsibility from a permittee may be required. Permittees may deliver low-level waste only to authorized facilities, must carry a copy of the permit in the transport vehicle, must display the transport permit number in three places on the outside of the vehicle, must ensure proper packaging, must comply with all applicable state



and federal requirements and must submit an annual report to the department.

A manifest is required to accompany shipments of low-level waste into, within or through New York state. Rules are prescribed that govern the manner in which the manifest is to be used. In cases of incidents or accidents, the transporter is required to take appropriate immediate action to protect human health and the environment.

Fees must be submitted annually by all those who are required to obtain a permit. Fees for low-level waste transport are \$500 for the first vehicle permitted and \$200 for each additional vehicle permitted.

**Comments**

Implements New York Environmental Conservation Law 27-0303.

**Item Number:** 101

**Action Type:** Statute

**Source:** State

**State:** North Carolina

**Citation:** N.C. Gen. Stat. 20-17:9 (1992)

**Title:** Uniform Driver's License Act

**Transport Mode:** Motor vehicle

**Regulatory Authority:** Division of Motor Vehicles

**Issues:** Driver-operator training

**Summary**

Anyone is disqualified from driving a commercial motor vehicle for a period of no less than three years if convicted of certain offenses while transporting a hazardous material that is required to be placarded in accordance with federal standards.

**Comments**

Enacted in 1989.



**Item Number:** 102

**Action Type:** Statute

**Source:** State

**State:** North Carolina

**Citation:** N.C. Gen. State. 104F-1 et seq. (1993)

**Title:** Southeast Interstate Low-Level Radioactive Waste Management Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, waste management commission

**Issues:** Transportation operations, regulations

**Summary**

The Southeast Interstate Low-Level Radioactive Waste Management Compact was created to ensure sufficient facilities for the proper management of low-level radioactive waste generated in the region. Each party state maintains enforcement control over state and federal packaging and transportation requirements. The statute outlines the duties and powers of the waste management commission. The commission is required to consider minimization of waste transportation in developing criteria under the agreement.

**Comments**

Enacted in 1983. A 1993 amendment prohibits the North Carolina representatives on the commission from voting to import wastes into the North Carolina regional facility from outside the compact area without prior approval by the North Carolina General Assembly.



**Item Number:** 103

**Action Type:** Statute

**Source:** State

**State:** North Dakota

**Citation:** N.D. Cent. Code 18-01-34 (1993)

**Title:** Disclosure of Information Concerning Toxic or Hazardous Substances

**Transport Mode:** Unspecified

**Regulatory Authority:** State Fire Marshall Department

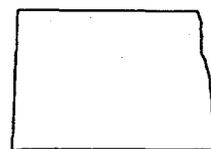
**Issues:** Regulations, inspection and enforcement

**Summary**

Pursuant to section 18-01-34, everyone who deals with hazardous substances shall submit to the state fire marshal and the fire department in his or her fire district a list of hazardous substances that are consistently generated by, used by, stored at or transported from or to the facility in that district. The state fire marshal shall by rule except from the requirements of this section those who do not generate, use, store or transport sufficient amounts of hazardous substances to create a significant threat to public safety. Those with copies of emergency response plans that meet the requirements of the Federal Resource Conservation and Recovery Act of 1976 on file with the state fire marshal and the local fire district must be understood as in compliance with the requirements of this section.

**Comments**

Enacted in 1985.



**Item Number:** 104

**Action Type:** Statute

**Source:** State

**State:** North Dakota

**Citation:** N.D. Cent. Code 23-20.5.01 (1993)

**Title:** Low-Level Radioactive Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact commission, Department of Health

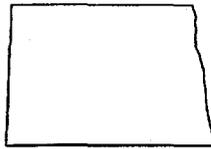
**Issues:** Enforcement and inspection, emergency response

**Summary**

This provision authorizes North Dakota's entry into the Southwestern Low-Level Radioactive Waste Disposal Compact. The compact seeks to minimize handling and transportation of low-level waste, among other goals. Authorizes inspections by the Department of Health of waste samples from vehicles transporting waste. The department also may take emergency action to protect public health and safety and the environment in case transportation presents an imminent and substantial endangerment.

**Comments**

Enacted in 1981; revised in 1989.



**Item Number:** 105

**Action Type:** Statute

**Source:** State

**State:** Ohio

**Citation:** Ohio Rev. Code Ann. 3701.91.2 (1993)

**Title:** Application for Registration

**Transport Mode:** Unspecified

**Regulatory Authority:** Director of Health

**Issues:** Registration, fees

**Summary**

Every facility that transfers radioactive materials for which registration by its handlers is required shall apply to the director of health on forms prescribed and provided by the director. The application should be accompanied by the appropriate fee of \$40 for the biennial registration for handlers of radioactive materials. The director shall grant registration to any applicant who has paid the required fee and is in compliance with Sections 3701.90 to 3701.98 of the revised code and rules adopted thereunder.

**Comments**

Enacted in 1985.



**Item Number:** 106

**Action Type:** Statute

**Source:** State

**State:** Ohio

**Citation:** Ohio Rev. Code Ann. Chapter 3741.01 et seq. (1993)

**Title:** Midwest Interstate Compact and Commission on Low-Level Radioactive Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, commission

**Issues:** Transportation operations, regulations

**Summary**

The Midwest Interstate Compact and Commission on Low-Level Radioactive Waste was created, in part, to distribute costs, benefits and obligations of low-level waste management and transportation among the party states. Duties and responsibilities of the interstate commission are outlined in the statute. The commission is committed to minimization of waste to be transported and must develop a regional waste management plan accordingly. Each party state may enforce federal and state requirements on packaging and transportation. The compact does not affect the rights of any state to regulate or license the transportation of waste.

**Comments**

Enacted in 1984.



**Item Number:** 107

**Action Type:** Statute

**Source:** State

**State:** Ohio

**Citation:** Ohio Rev. Code Ann. 4907.64 (1992)

**Title:** Rules for transporting hazardous materials

**Transport Mode:** Rail

**Regulatory Authority:** Public Utilities Commission

**Issues:** Regulations

**Summary**

The Public Utilities Commission is authorized to adopt safety rules governing the transportation and offering for transportation of hazardous materials by railroad. Rules adopted shall be consistent with and equivalent in scope, coverage and content to the federal Hazardous Materials Transportation Act.

**Comments**

Enacted in 1988.



**Item Number:** 108

**Action Type:** Statute

**Source:** State

**State:** Ohio

**Citation:** Ohio Rev. Code Ann. 4923.03 (1992)

**Title:** Power Vested with Public Utilities Commission

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Public Utilities Commission

**Issues:** Regulations

**Summary**

Pursuant to 4923.03, the Public Utilities Commission may supervise and regulate each private motor carrier in Ohio and prescribe safety rules applicable to the transportation and offering for transportation of hazardous materials within intrastate commerce for private carriers or contract carriers. Rules shall be consistent with federal regulations and laws.

**Comments**

Enacted in 1988.



**Item Number:** 109

**Action Type:** Regulation

**Source:** State

**State:** Ohio

**Citation:** Ohio Administration Code, Section 4901:3

**Title:** Division of Railroads

**Transport Mode:** Rail

**Regulatory Authority:** Public Utilities Commission

**Issues:** Regulations

**Summary**

To enforce federal rules for railroads and shippers by railroad, the commission hereby adopts the portions of the Hazardous Materials Transportation regulations contained in Title 49, parts 171 through 179 of the Code of Federal Regulations. These federal rules shall be applicable to all railroads operating within or through this state, their agents and employees, as well as to any person offering hazardous materials for transportation within or through this state by railroad. Enforcement shall impose no operating requirements on railroads that have not been made under federal rules.

**Comments**

Adopted in December 1988.



**Item Number:** 110

**Action Type:** Statute

**Source:** State

**State:** Oklahoma

**Citation:** Okla. Stat. Ann. tit. 27A, 4-2-102 et seq. (1994)

**Title:** Oklahoma Emergency Response and Notification Act

**Transport Mode:** All

**Regulatory Authority:** Oklahoma Hazardous Materials Emergency Response Commission, Department of Pollution Control, Department of Civil Defense, Department of Health

**Issues:** Emergency response, incident notification

**Summary**

On behalf of the Oklahoma Hazardous Material Emergency Response Commission, the Department of Pollution Control shall review the activities of local emergency planning committees and administer a notification program pursuant to federal requirements for accidental release of extremely hazardous substances and hazardous substances. Such notification shall include immediate notice of the release and written follow-up notice of the response action taken. The commission is required to appoint local planning committees that must prepare an emergency plan. Other state agency duties are enumerated.

**Comments**

Enacted in 1989. Renumbered from 63-689 in 1993.

**Item Number:** 111

**Action Type:** Statute

**Source:** State

**State:** Oklahoma

**Citation:** Okla. Stat. Ann. tit. 27A 2-8-101 et seq. (1993)

**Title:** Central Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** All

**Regulatory Authority:** Party states, compact commission

**Issues:** Regulations, transportation operations enforcement

**Summary**

The Central Interstate Low-Level Radioactive Waste Compact was created to reduce necessary transport of low-level waste between the party states. As of 1986, it is unlawful to transport waste that is generated within the region to a point outside the region unless authorized by the commission. Each party state maintains full enforcement rights over state and federal laws governing transportation of low-level radioactive wastes. The statute outlines fines and penalties for waste transported in violation of the compact.

**Comments**

Enacted in 1983. Renumbered from 63, 1-2101 and amended in 1993 to change the Oklahoma representative on the commission from the commissioner of health to the executive director of the Department of Environmental Quality.

**Item Number:** 112

**Action Type:** Statute

**Source:** State

**State:** Oklahoma

**Citation:** Okla. Stat. Ann. tit. 27A, 2-9-101 et seq. (1993)

**Title:** Radiation Management Act

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Environmental Quality

**Issues:** Regulations

**Summary**

Designates the Department of Environmental Quality as the radiation control agency. As such, it has the authority to establish standards for safe levels of protection against radiation; the control of radiation hazards and the handling, storage and registration of radiation sources; inspections; and issuance of permits and licenses for the use of radiation sources. The act authorizes Oklahoma to become an agreement state with the U.S. Nuclear Regulatory Commission.

**Comments**

Enacted in 1993. Previously found in tit. 63, 1-1501 et seq.

**Item Number:** 113

**Action Type:** Statute

**Source:** State

**State:** Oklahoma

**Citation:** Okla. Stat. Ann tit. 47, 6-110.1 (1993)

**Title:** Endorsements

**Transport Mode:** Motor vehicle

**Regulatory Authority:** Department of Public Safety

**Issues:** Driver-operator training

**Summary**

Certain endorsements are required to be placed on an Oklahoma driver's license for anyone who qualifies, as determined by the Department of Public Safety, to operate a vehicle used to transport hazardous materials in placardable amounts pursuant to 49 CFR part 172, subpart F. The department also may provide for additional endorsements as needed or as otherwise provided for by law. All endorsements as provided for in this section must be obtained prior to the operation of such vehicles.

**Comments**

Enacted in 1990.

**Item Number:** 114

**Action Type:** Statute

**Source:** State

**State:** Oklahoma

**Citation:** Okla. Stat. Ann. tit. 63-663 et seq. (1994)

**Title:** Civil Defense and Disaster Relief

**Transport Mode:** All

**Regulatory Authority:** Department of Civil Emergency Management

**Issues:** Emergency response

**Summary**

Due to existing and increasing possibilities of the occurrence of disasters of unprecedented size and destructiveness, and in order to ensure that preparations will adequately deal with such emergencies, a state civil defense agency is created to formulate and execute a plan of emergency resource management. Mutual aid arrangements are authorized. Certain activities to protect against radiation hazards are authorized.

**Comments**

Enacted in 1967. Name of agency changed by 1991 amendment.



**Item Number:** 115

**Action Type:** Statute

**Source:** State

**State:** Oregon

**Citation:** Or. Rev. Stat. 453.835 (1993)

**Title:** Transportation of Hazardous Substances and Radioactive Materials

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Transportation

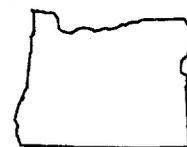
**Issues:** Regulations

**Summary**

The Department of Transportation is required to submit regular reports to the Oregon Legislature regarding the progress toward a single plan for the regulation of transportation of hazardous material and waste and of radioactive material and waste in Oregon.

**Comments**

Enacted in 1985.



**Item Number:** 116

**Action Type:** Statute

**Source:** State

**State:** Oregon

**Citation:** Or. Rev. Stat. 466.460 (1993)

**Title:** Confederated Tribes of the Umatilla Indian Reservation to be Consulted

**Transport Mode:** Unspecified

**Regulatory Authority:** Oregon, Confederated Tribes

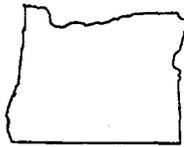
**Issues:** Emergency response, inspection and enforcement

**Summary**

Section 466.460 requires Oregon's representative to the Pacific States Radioactive Materials Transportation Committee to consult regularly with officials of the Confederated Tribes of the Umatilla Indian Reservation on transportation matters and to consider suggestions for the development of model standards and procedures.

**Comments**

Enacted in 1987.



**Item Number:** 117

**Action Type:** Statute

**Source:** State

**State:** Oregon

**Citation:** Or. Rev. Stat. 469.540, 469.603, 606, 609, 611, 617 (1993)

**Title:** Transportation of Radioactive Materials

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Energy

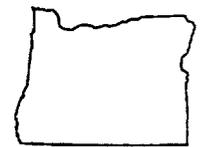
**Issues:** Routing, shipment restrictions, emergency response

**Summary**

Section 469.540 allows the director of the Department of Energy to order compliance or impose other safety conditions on the transport or disposal of radioactive materials if state law is being violated. Section 469.603 states that the legislative intent of the state shall be to regulate the transportation of radioactive materials to the full extent allowable under and consistent with federal laws and regulations.

Section 469.606 requires the department, upon receipt of a permit application for the transportation of radioactive materials, to confer with certain agencies in determining whether the proposed route is safe and complies with routing requirements. Section 469.609 requires the department to report on shipments of radioactive materials throughout the year to interested state and all local government agencies that receive radioactive material training. Section 469.611 requires the department to coordinate emergency preparedness and response with the appropriate agencies of local, state and federal government to ensure that response to accidents is swift and appropriate in order to minimize damage to any person, property or wildlife. Local plans are to be prepared that set forth responsibilities for on-scene response. Other agencies are directed to assist where appropriate.

Section 469.617 requires the department to prepare, and to submit to the governor for transmittal to the Legislature before each legislative session, a comprehensive report on the transportation of radioactive materials within the state, and to provide an evaluation of the adequacy of the state's emergency response agencies.



**Comments**

Enacted in 1981; amended in 1989 and 1991.  
Other parts of this section are included in data base.

**Item Number:** 118

**Action Type:** Statute

**Source:** State

**State:** Oregon

**Citation:** Or. Rev. Stat. 469.930 et seq. (1993)

**Title:** Northwest Interstate Compact on Low-Level Radioactive Waste Management

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, compact commission

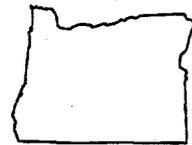
**Issues:** Transportation operations

**Summary**

The Northwest Interstate Compact is formed among party states to cooperatively provide disposal facilities for low-level waste. Among the goals of the compact are to minimize the amount of handling and transportation required to dispose of such wastes. Each party state agrees to conform to applicable packaging and transportation requirements of the host state. Inspections of carriers are mandated. Waste container must be certified by the U.S. Nuclear Regulatory Commission.

**Comments**

Enacted in 1981.



**Item Number:** 119

**Action Type:** Statute

**Source:** State

**State:** Pennsylvania

**Citation:** Pa. Cons. Stat. Ann. tit. 35PS;  
6022.101 et seq. (1993)

**Title:** Hazardous Material Emergency Planning  
and Response Act

**Transport Mode:** All

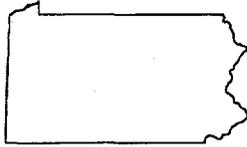
**Regulatory Authority:** Pennsylvania Emergency  
Management Agency (PEMA) and local emergency  
response committees

**Issues:** Emergency response, inspection and  
enforcement

**Summary**

This provision enacts the Hazardous Material Emergency Planning and Response Act to set up the state's emergency management functions pursuant to the Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III). A hazardous material safety program is established, along with response teams. Relative to transportation, Sec. 6022.206 defines emergency notification requirements. Notification of a county office and PEMA is required along with 10 particular information elements related to the release of a hazardous substance in a transportation accident. (Though radioactive materials appear to be excluded by definition, the applicability to radioactive materials is not clear based on the broad mandate of the act). A non-lapsing restricted account to be known as the Hazardous Material Response Fund is created. The fund consists of the fees, civil penalties and fines and funds appropriated by the General Assembly. Money is appropriated annually to PEMA and shall be used to carry out the purposes and goals of SARA Title III and the Commonwealth Hazardous Material Safety Program.

To determine compliance with this act and SARA Title III, local emergency response committee members may enter a vehicle during normal business hours to inspect the vehicle and request information or reports from the vehicle's owner or operator concerning the identity, amount or other relevant information for emergency response and planning purposes (See Section 6022.211).



Should a release or threatened release of hazardous materials occur or appear to be imminent at a vehicle site, which endangers or has the potential to endanger the citizens' health and safety, the committee may send qualified representatives to the vehicle site to inspect the vehicle and assess the danger posed, and to perform other emergency response activities deemed necessary by the representatives of the committee.

**Comments**

Enacted in 1990.

**Item Number:** 120

**Action Type:** Statute

**Source:** State

**State:** Pennsylvania

**Citation:** Pa. Cons. Stat. Ann. tit. 35, 7125.1  
(1993)

**Title:** Appalachian States Low-Level Radioactive  
Waste Compact

**Transport Mode:** All

**Regulatory Authority:** Appalachian States Low-  
Level Radioactive Waste Commission, party states

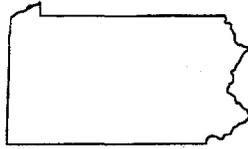
**Issues:** Enforcement and inspection

**Summary**

The compact is formed to provide for regional management and disposal of low-level waste. The compact binds party states to develop and enforce procedures for packaging and transportation requirements to include inspections of packaging, shipping practices and low-level waste containers, along with appropriate enforcement actions for violators.

**Comments**

Enacted in 1985.



**Item Number:** 121

**Action Type:** Statute

**Source:** State

**State:** Pennsylvania

**Citation:** Pa. Cons. Stat. Ann. tit. 35, 7130.303  
(1993)

**Title:** Generation, Transportation, Handling,  
Management and Disposal of Low-Level Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of  
Environmental Resources

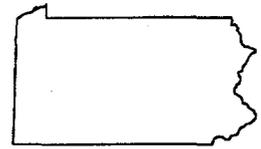
**Issues:** Transportation operations, incident  
notification, insurance-liability

**Summary**

As a part of the Low-Level Radioactive Waste Disposal Act, anyone who generates, transports, handles or disposes of low-level radioactive waste shall maintain certain waste disposal and shipment records, use a manifest system as specified by the department, make use of approved facilities, submit reports as required, maintain safe operations, notify designated agencies immediately in case of spills or discharges, take immediate steps to contain and clean up spills or discharges, train personnel, assure financial responsibility and separate all low-level waste in accordance with the waste classification system of the department.

**Comments**

Enacted in 1988.



**Item Number:** 122

**Action Type:** Statute

**Source:** State

**State:** Pennsylvania

**Citation:** Pa. Cons. Stat. Ann. tit. 42, 8336 (1993)

**Title:** Civil Immunity for Assistance

**Transport Mode:** Unspecified

**Regulatory Authority:** Judicial system

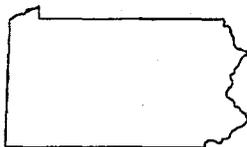
**Issues:** Liability-insurance

**Summary**

During transportation of hazardous substances, including the loading and unloading thereof, no one shall be liable for civil damages when his conduct consists solely of action or inaction taken or omitted in the course of rendering care, upon the request of any police agency, fire rescue or emergency squad or any other governmental agency or person responsible for preventing, mitigating, cleaning up the danger to persons, property or environment or the owner or manufacturer of the hazardous substance involved, with respect to an incident creating a danger to person, property or environment as a result of spillage, leakage, seepage, fire, explosion or other accidental or potentially accidental release of hazardous substance. ("Hazardous substance" as used in this section applies to substances that are defined as hazardous in the act of November 9, 1965, or any subsequent amendment thereto. This act was repealed and superseding language appears to include radioactive materials.)

**Comments**

Enacted in 1982.



**Item Number:** 123

**Action Type:** Statute

**Source:** State

**State:** Rhode Island

**Citation:** R.I. Gen. Laws, 23-12.5-1. seq. (1993)

**Title:** New England Compact on Radiological Health Protection

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact administrators, Department of Health

**Issues:** Emergency response

**Summary**

The compact was enacted among party states to promote radiological health protection, provide mutual aid and assistance in radiological health matters and encourage efficient use of personnel and equipment. Whenever any compact state requests aid from a compact administrator in another member state, the member state shall render all possible aid to the requesting state. The director of the Department of Health shall keep a current radiation incident plan for the state in accordance with the compact.

**Comments**

Enacted in 1967.



**Item Number:** 124

**Action Type:** Statute

**Source:** State

**State:** Rhode Island

**Citation:** R.I. Gen. Law 23-19.9-1 et seq. (1991)

**Title:** Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states

**Issues:** Transportation enforcement, regulations

**Summary**

This statute creates the Rhode Island-Massachusetts Interstate Low-Level Radioactive Waste Management Compact. The compact is created, in part, to promote safe transport of low-level waste generated in the region. Each party state may impose reasonable fees on carriers of low-level radioactive wastes. All applicable state and federal laws shall be followed by the party states and are enforced by each individual state. No carrier shall deliver low-level waste generated outside the region to a regional facility for management unless delivery is approved by the commission.

**Comments**

Enacted in 1986.



**Item Number:** 125

**Action Type:** Statute

**Source:** State

**State:** Rhode Island

**Citation:** R.I. Gen. Laws, 39-12-2 et seq. (1993)

**Title:** Motor Carriers of Property

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Public Utilities Commission (PUC)

**Issues:** Regulations, fees

**Summary**

All motor carriers involved in interstate or intrastate commerce shall apply to the administrator of the PUC for a registration and identification of such vehicles. The filing fee for the application shall be \$8 for each vehicle identification device purchased. In addition, common carrier operator shall file an application to transport with a fee of \$100 to the administrator of the PUC. Fees defray costs to regulate carriers and enforce motor carrier safety, hazardous materials and weight regulations and laws.

**Comments**

Enacted in 1935; last amended in 1992.



**Item Number:** 126

**Action Type:** Statute

**Source:** State

**State:** South Carolina

**Citation:** S.C. Code Ann. 25-1-10 (1993)

**Title:** Military, Civil Defense and Veterans Affairs

**Transport Mode:** Unspecified

**Regulatory Authority:** Emergency Preparedness Division (EDP) (Office of Adjutant General)

**Issues:** Emergency response

**Summary**

This provision outlines the emergency preparedness and management responsibilities within the state of South Carolina. The EDP is responsible for developing a state emergency plan and establishing a system to disseminate emergency information. The governor has certain powers during a state of emergency (defined as a public calamity) in addition to enemy attack, flood, earthquake, riot, etc.

**Comments**

Enacted in 1979.



**Item Number:** 127

**Action Type:** Statute

**Source:** State

**State:** South Carolina

**Citation:** S.C. Code Ann. 48-47-200 et seq. (1993)

**Title:** Environmental Protection

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, compact commission

**Issues:** Transportation operations, regulations

**Summary**

The Southeast Interstate Low-Level Radioactive Waste Management Compact was created to ensure sufficient facilities for the proper management of low-level radioactive waste generated in the region. Each party state maintains enforcement control over state and federal packaging and transportation requirements. The statute outlines the duties and powers of the waste management commission. The commission is required to consider minimization of waste transportation in developing criteria under the agreement. Provides for the cessation of service at the Barnwell disposal facility.

**Comments**

The Legislature is considering legislation to keep the Barnwell facility open beyond the June 30, 1994, planned closure date.



**Item Number:** 128

**Source:** State

**Action Type:** Statute

**State:** South Carolina

**Citation:** S.C. Code Ann. 48-48-100 (1993)

**Title:** Termination of Authorization of Shipper or Transporter of Radioactive Waste

**Transport Mode:** All

**Regulatory Authority:** Department of Health and Environmental Control

**Issues:** Regulations

**Summary**

The department shall have the authority to terminate the authorization of any transporter or shipper of radioactive waste where it determines a failure to comply with applicable standards of state and federal law. Any person accused under this section has the right to a hearing pursuant to Title I, Chapter 23 of the 1976 Code, prior to permanent revocation of authorization to ship or transport nuclear waste. Authorization to begin shipping or transportation after termination of authority to do so requires affirmative action by the department in accordance with applicable procedures.

**Comments**

Enacted in 1986.



**Item Number:** 129

**Action Type:** Statute

**Source:** State

**State:** South Carolina

**Citation:** S.C. Code Ann., 49-28A-1 et seq. (1993)

**Title:** Hazardous Materials Transportation Safety

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Highway Patrol, Department of Commerce and Regulation, Department of Military and Veteran's Affairs

**Issues:** Inspection and enforcement, emergency response

**Summary**

The director of the Highway Patrol is authorized to promulgate rules for the enforcement of motor carrier safety regulations and hazardous materials transportation safety. This statute also adopts Title 49 of the Code of Federal Regulations (CFR) subtitle B, chapter I, subchapter C parts 171-179 inclusive and chapter III, subchapter B, parts 390 through 397 inclusive relating to motor carrier safety. The director of the Highway Patrol shall review and update the CFR requirements annually. The Department of Commerce and Regulation has the authority to break cargo seals to inspect the stability of the load and its hazardous nature. Motor carriers are required to notify the Department of Military and Veterans Affairs in the event of a spill or leakage of hazardous material and the department shall coordinate response actions.

**Comments**

Enacted in 1984.



**Item Number:** 130

**Action Type:** Statute

**Source:** State

**State:** South Dakota

**Citation:** S.D. Codified Laws Ann. 34-21B-3 et seq. (1993)

**Title:** Southwestern Low-Level Nuclear Waste Disposal Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Southwestern Low-Level Nuclear Waste Commission

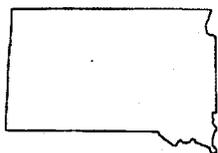
**Issues:** Enforcement and inspection, transportation operations

**Summary**

This act enables South Dakota to enter into the Southwestern Low-Level Nuclear Waste Disposal Compact to safely manage and dispose of low-level radioactive waste in the western states. The commission shall administer the compact, there shall be one voting member per party state and commission members shall be appointed by the governor. Waste shipments must conform to packaging and transportation requirements. Inspections to ensure compliance are authorized. Party states are required to take action against violators of packaging, shipping or transportation regulations [Art. 4, (F)(1)(3)].

**Comments**

Enacted in 1989.



**Item Number:** 131

**Action Type:** Statute

**Source:** State

**State:** Tennessee

**Citation:** Tenn. Code Ann. 58-2-101 et seq. (1992)

**Title:** Disasters, Emergencies and Civil Defense

**Transport Mode:** Unspecified

**Regulatory Authority:** Emergency Management Agency, Governor

**Issues:** Emergency response, notification

**Summary**

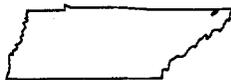
This provision establishes emergency management responsibilities within Tennessee state government. Among the provisions is an incident reporting requirement for transporters of hazardous materials, in case of a release (58-2-301).

**Comments**

Overall law enacted in 1951. Reporting requirement added in 1979.



**Item Number:** 132



**Action Type:** Statute

**Source:** State

**State:** Tennessee

**Citation:** Tenn. Code Ann. 68-202-101 et seq. (1992)

**Title:** Atomic Energy and Nuclear Materials Act

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Environment and Conservation, Public Service Commission

**Issues:** Emergency response, inspection and enforcement

**Summary**

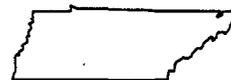
The statute requires the commissioner of the Department of Environment and Conservation to provide radioactive monitoring devices for inspection stations in four Tennessee counties. The Public Service Commission shall provide personnel to monitor radioactive trucks and the Emergency Management Agency shall provide a training program to monitor radioactive truck traffic.

In addition, the act creates a fund and outlines duties of the Radiological Health Service. Inspections of all radiation sources by the Department of Environmental Conservation are authorized. Anyone who transports a radiation machine must register with the Radiological Health Service unless the machine is being transported in conformity with regulations adopted by any federal agency having jurisdiction over safety during transportation.

**Comments**

Radiological Health Service Act provision moved from 68-23-201 et seq., to 68-202-201 et seq., in 1992. Monitoring provision not previously in data base, enacted in 1980.

**Item Number:** 133



**Action Type:** Statute

**Source:** State

**State:** Tennessee

**Citation:** Tenn. Code Ann. 68-202-206 (1993)

**Title:** Radiological Health Service Act

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Environment and Conservation

**Issues:** Fees

**Summary**

Fees are established for radioactive material licenses, pursuant to the Environmental Protection Fund legislation passed in 1991. The statute provides for the assessment and collection of fees for processing, issuance, maintenance or modification of licenses issued by the department.

**Item Number:** 134

**Action Type:** Regulation

**Source:** State

**State:** Tennessee

**Citation:** Tennessee Department of Environment and Conservation, State Regulations for Protection Against Radiation, 1200-2-10-132A

**Title:** Fees for Licenses

**Transport Mode:** All

**Regulatory Authority:** Department of Environment and Conservation

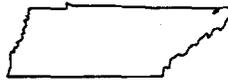
**Issues:** Permit, fees

**Summary**

Rules of the Department of Environment and Conservation implement the Tennessee radioactive material and waste shipment licensing program. A \$400 application fee is required. A licensing fee is assessed, based upon categories of radioactive materials, ranging from \$100 to \$250,000. Rule applies to shippers who transport or offer to transport any radioactive waste on public waterways, roadways, railways, or other transportation facilities of the state.

**Comments**

Implements Tenn. Code Ann. 68-202-206.



**Item Number:** 135

**Action Type:** Statute

**Source:** State

**State:** Tennessee

**Citation:** Tenn. Code Ann. 68-202-701 et seq. (1993)

**Title:** Southeast Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact members, compact commission

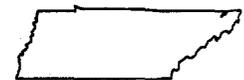
**Issues:** Regulations

**Summary**

Creates the Southeast Interstate Low-Level Radioactive Waste Management Compact for the cooperative regional management of low-level waste and creates the compact commission. The commission must consider the minimization of waste transportation in the development of criteria for the identification of a host state. Each party state must enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders.

**Comments**

Enacted in 1982. Transferred from former Chapter 23 in 1992. A 1993 amendment gives the commissioner of the Department of Environment and Conservation authority to promulgate rules and regulations regarding transportation of low-level waste. New penalties for violations and issuance of emergency orders are authorized.



**Item Number:** 136

**Action Type:** Statute

**Source:** State

**State:** Texas

**Citation:** Tex. Health and Safety Code Ann.  
402.222 (1993)

**Title:** Low-Level Radioactive Waste Disposal

**Transport Mode:** All

**Regulatory Authority:** Texas Board of Health

**Issues:** Transportation operations

**Summary**

Low-level radioactive waste disposal operators must determine that the waste complies with all laws, rules and standards related to processing and packaging before the waste is accepted for disposal. Written notice of shipments larger than 75 cubic feet is required.

**Comments**

Enacted in 1989.



**Item Number:** 137

**Action Type:** Statute

**Source:** State

**State:** Texas

**Citation:** Tex. Health and Safety Code Ann.  
403.001 et seq. (1993)

**Title:** Texas Low-Level Radioactive Waste  
Disposal Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, compact  
commission

**Issues:** Routing, regulations

**Summary**

This compact was enacted to promote efficient management and disposal of low-level radioactive waste. Each party state provides information on the proposed transportation methods and routes to the commission. Each state shall regulate the routes of transportation of low-level radioactive waste in accordance with state and federal laws.

**Comments**

Enacted in 1993. Certain states are eligible for party state status by majority vote of the commission and ratification by the legislature of the host state.



**Item Number:** 138

**Action Type:** Statute

**Source:** State

**State:** Utah

**Citation:** Utah Code Annotated Sec. 19-3-201 et seq. (1993)

**Title:** Interstate Compact on Low Level Radioactive Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Interstate board, party states

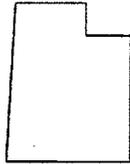
**Issues:** Fees, transportation operations

**Summary**

This statute allows Utah to join an interstate compact to ensure the most economical management of low-level radioactive waste through state cooperation in minimizing the amount of handling and transportation required to dispose of the waste. The statute addresses practices of party states, authorizes fees for inspections, notification requirements and identifies the states eligible to join the compact.

**Comments**

Enacted in 1982. Renumbered from 26-14c-1 by 1991 amendment.



**Item Number:** 139

**Action Type:** Statute

**Source:** State

**State:** Utah

**Citation:** Utah Code Ann. 78-11-22 (1993)

**Title:** Good Samaritan Act

**Transport Mode:** All

**Regulatory Authority:** Judicial System

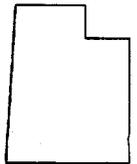
**Issues:** Insurance-liability

**Summary**

The Utah Judicial Code exempts persons from civil liability people who render emergency care at the scene of an emergency. An emergency includes an unexpected occurrence involving an actual or threatened discharge, removal or disposal of hazardous materials.

**Comment**

Enacted in 1983.



**Item Number:** 140

**Action Type:** Legislation

**Source:** State

**State:** Vermont

**Citation:** H. 511, Act No. 76 (1993)

**Title:** Low-Level Radioactive Waste

**Transport Mode:** Unspecified

**Regulatory Authority:** Unspecified

**Issues:** Transportation operations

**Summary**

Approves a contract to allow Vermont's generators of low-level radioactive waste to dispose of that waste at the Barnwell, S.C., facility until June 30, 1994. Also establishes a fund to meet costs incurred by or on behalf of the state arising from activities approved under this act.

**Comments**

The Vermont General Assembly is considering legislation in 1994 to join the Texas Low-Level Radioactive Waste Disposal compact.



**Item Number:** 141

**Action Type:** Statute

**Source:** State

**State:** Virginia

**Citation:** Va. Code Ann. 10.1-1500 (1993)

**Title:** Southeast Interstate Low-Level Radioactive Waste Management Compact

**Transport Mode:** Unspecified

**Regulatory Authority:** Party states, compact commission

**Issues:** Transportation operations, regulations, enforcement

**Summary**

The Southeast Interstate Low-Level Radioactive Waste Management Compact was created to ensure sufficient facilities for the proper management of low-level radioactive waste generated in the region. Each party state maintains enforcement control over state and federal packaging and transportation requirements. The statute outlines the duties and powers of the compact commission. The commission is required to consider the minimization of waste transportation in developing criteria under the agreement.

**Comments**

Enacted in 1983. A 1991 amendment gives the Virginia Waste Management Board authority to enforce compact provisions.



**Item Number:** 142

**Action Type:** Statute

**Source:** State

**State:** Washington

**Citation:** Wash. Rev. Code Ann. 4.24.450 et seq. (1993)

**Title:** Liability of Operators for Nuclear Incidents

**Transport Mode:** Unspecified

**Regulatory Agency:** Insurance-liability

**Summary**

Anyone who fails to exercise ordinary and reasonable care to protect citizens in the event of a nuclear incident is civilly liable for damages, operational expenses and emergency purchases incurred by state or local governments.

State employees and members of the state hazardous materials planning committee and local emergency planning committee will not be held liable for civil damages in responding to, or making decisions regarding, nuclear accidents.

**Comments**

Enacted in 1985; amended in 1988.



**Item Number:** 143

**Action Type:** Statute

**Source:** State

**State:** Washington

**Citation:** Wash. Rev. Code Ann. 43.145.010 et seq. (1993)

**Title:** Northeast Interstate Compact on Low-Level Radioactive Waste Management

**Transport Mode:** Unspecified

**Regulatory Authority:** Compact states, compact commission

**Issues:** Transportation operations

**Summary**

Enacts the Northeast Interstate Compact on Low-Level Radioactive Waste Management and authorizes Washington's participation. This statute outlines provisions for the safe management of low-level waste, including practices to require shipments originating within the borders of party states to conform to applicable packaging and transportation requirements of the host state. These practices shall include authorization of containers, proper inspections of carriers and appropriate enforcement, and actions to assume that packaging or transportation violations do not occur. A compact committee is created to oversee the administration of the compact.

**Comments**

Enacted in 1981.



**Item Number:** 144

**Action Type:** Statute

**Source:** State

**State:** Washington

**Citation:** Wash. Rev. Code Ann. 46.48.200 (1993)

**Title:** Radioactive Waste—Additional Ports of Entry

**Transport Mode:** Motor vehicle

**Regulatory Authority:** State Legislature

**Issues:** Routing

**Summary**

Additional ports of entry for highway transportation of radioactive materials must be authorized by the state Legislature. This section expires when the Legislature and at least one other eligible state enact an interstate agreement for radioactive materials transportation management.

**Comments**

Enacted in 1987. In 1993, the Federal Highway Administration preempted Washington's port of entry requirements because they constituted a routing restriction that did not minimize radiological risk.



**Item Number:** 145

**Action Type:** Statute

**Source:** State

**State:** Washington

**Citation:** Wash. Rev. Code Ann. 52.12.140 et seq. (1992)

**Title:** Hazardous Materials Response

**Transport Mode:** Unspecified

**Regulatory Authority:** Local fire protection districts

**Issues:** Emergency response

**Summary**

This statute authorizes emergency response networks and cooperation between fire protection districts in different counties, cities or towns. These networks provide hazardous materials response teams to the areas in the agreement.

**Comments**

Enacted in 1986.



**Item Number:** 146

**Action Type:** Statute

**Source:**

**State:** Washington

**Citation:** Wash. Rev. Code Ann. 70.99.010 -  
70.99.910 (1993)

**Title:** Radioactive Waste Storage and  
Transportation Act of 1980

**Transport Mode:** All

**Regulatory Authority:** Attorney General

**Issues:** Shipment restrictions

**Summary**

Section 70.99.030 prohibits the storage of waste in Washington if it was produced outside the state. (Not applicable to waste stored in the state prior to July 1, 1981.) Section 70.99.040 prohibits the transportation of radioactive waste, except medical waste, into the state. Penalties for violating these provisions are specified.

**Comments**

Enacted in 1981.



**Item Number:** 147

**Action Type:** Statute

**Source:** State

**State:** Washington

**Citation:** Wash. Rev. Code Ann. 70.105D.040  
(1993)

**Title:** Standard of Liability

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of Ecology

**Issues:** Insurance-liability

**Summary**

This statute holds those who accept hazardous substances for transport strictly liable for any remedial action costs in case of a spill or accident. The attorney general is authorized to bring charges against anyone who refuses to reimburse costs of cleanup. This section sets up state and local toxic control accounts to use in case of emergency.

**Comments**

Enacted in 1989.



**Item Number:** 148

**Action Type:** Statute

**Source:** State

**State:** West Virginia

**Citation:** Wash. Rev. Code Ann. 70.105D.040 (1992)

**Title:** Appalachian States Low-Level Radioactive Waste Compact

**Transport Mode:** All

**Regulatory Authority:** Party states, compact commission

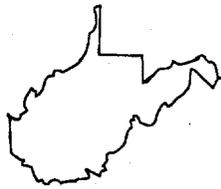
**Issues:** Regulations, transportation

**Summary**

The Appalachian States Low-Level Radioactive Waste Compact was created to ensure safe transport and management of low-level wastes through the region. The commission is responsible for ensuring that low-level waste packages transported to a regional facility conform to all federal and state standards. Any party state may adopt laws that are more stringent than federal law governing transport of low-level wastes, to the extent authorized by federal law. All party states will maintain a manifest system to track wastes. All carriers are fully liable for their acts, omissions and conduct.

**Comments**

Enacted in 1985.



**Item Number:** 149

**Action Type:** Statute

**Source:** State

**State:** West Virginia

**Citation:** W. Va. Code 55-7-17 (1992)

**Title:** Aid to Victim of Accident, Immunity from Civil Liability

**Transport mode:** Unspecified

**Regulatory Authority:** Unspecified

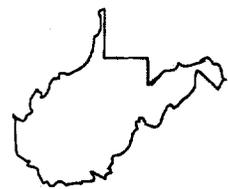
**Issues:** Insurance-liability

**Summary**

No one who has been trained in certified hazardous substance emergency response programs who renders assistance in good faith at a hazardous substance accident scene shall be held civilly liable.

**Comments**

Enacted in 1986. Provision defining "hazardous substance" repealed in 1989. Inclusion of radioactive material within the definition of hazardous substance is not clear.



**Item Number:** 150

**Action Type:** Statute

**Source:** State

**State:** West Virginia

**Citation:** W. Va. Code 29-3-5a (1992)

**Title:** Hazardous Substance Emergency Response Training Programs

**Transport Mode:** Unspecified

**Regulatory Authority:** State Fire Commission

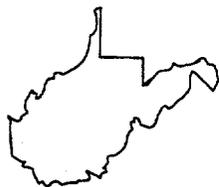
**Issues:** Emergency response

**Summary**

The West Virginia State Fire Commission will promulgate regulations establishing criteria for qualified training programs in hazardous substance emergency response activities. All training programs will be certified by the state fire marshal.

**Comments**

Enacted in 1986. Definition of "hazardous substance" not clear as to inclusion of radioactive materials.



**Item Number:** 151

**Action Type:** Statute

**Source:** State

**State:** Wisconsin

**Citation:** Wis. Stat. Ann. 16.11 et seq. (1992)

**Title:** Midwest Interstate Low-Level Radioactive Waste Compact

**Transport Mode:** All

**Regulatory Authority:** Party states, compact commission

**Issues:** Transportation operations, regulations

**Summary**

The Midwest Interstate Low-Level Radioactive Waste Compact was created, in part, to distribute costs, benefits and obligations of low-level waste management and transportation among the party states. Duties and responsibilities of the interstate commission are outlined in the statute. The commission is committed to minimization of waste to be transported and must develop a regional waste management plan accordingly. Each party state may enforce federal and state requirements on packaging and transportation. The compact does not affect the rights of any state to regulate or license the transportation of waste.

**Comments**

Enacted in 1983.



**Item Number:** 151

**Action Type:** Statute

**Source:** State

**State:** Wisconsin

**Citation:** Wis. Stat. Ann. 166.20 (1992)

**Title:** Hazardous Substances Information and  
Emergency Planning

**Transport Mode:** General

**Regulatory Authority:** State Emergency  
Response Board

**Issues:** Emergency response, fees

**Summary**

As provided in Part (7g), the state Emergency Response Board shall establish, by rule, fees to be paid annually to the Department of Transportation by those who are required to file hazardous material transportation registration statements with the federal Department of Transportation under 49 USC Appendix 1805(c).

The board shall base the amount required for registration on one of the following factors: the amount of gross revenue from the transportation of hazardous material, the percentage of gross revenue from the transportation of hazardous materials, the types of materials transported, the quantity transported, the number of shipments and frequency of shipments, the threat of the shipment to human and environmental safety and other factors that the board considers appropriate.

**Comments**

This section was added in 1991.



**Item Number:** 152

**Action Type:** Statute

**Source:** State

**State:** Wisconsin

**Citation:** Wis. Stat. Ann. 346.45 (1992)

**Title:** Motor Vehicle Code

**Transport Mode:** Motor Vehicle

**Regulatory Authority:** Department of  
Transportation

**Issues:** Regulations

**Summary**

This statute grants authority to the state Department of Transportation to adopt rules for marking and placarding vehicles used to transport hazardous materials. All rules shall be in accordance with the regulations of the U.S. Department of Transportation. All placarded motor vehicle operators must stop at railroad crossings, look in both directions and proceed with caution when the course is clear.

**Comments**

Enacted in 1957.



**Item Number:** 153

**Action Type:** Statute

**Source:** State

**State:** Wisconsin

**Citation:** Wis. Stat. Ann., Sec. 85.50 (1992)

**Title:** Hazardous Materials Transportation  
Registration Fees

**Transport Mode:** Unspecified

**Regulatory Authority:** Department of  
Transportation

**Issues:** Fees

**Summary**

This statute authorizes collection of fees established under Wis. Stat. Ann. 166.20 (7g) to be paid by carriers required to apply for the federal hazardous materials transportation registration through the Research and Special Programs Administration (RSPA) in the U.S. Department of Transportation.

**Comments**

Enacted in 1992.



**Item Number:** 154

**Action Type:** Regulation

**Source:** State

**State:** Wisconsin

**Citation:** Chapter SERB 4

**Title:** Hazardous Material Transportation  
Registration Fees

**Transport Mode:** All

**Regulatory Authority:** State Emergency  
Response Board

**Issues:** Fees, registration

**Summary**

The Wisconsin State Emergency Response Board adopted rules in May 1993 that set registration fees for those subject to the federal Department of Transportation registration requirements who operate within or through Wisconsin. Fees are assessed according to a schedule of hazardous material activities, including transport of highway route controlled quantities of radioactive material, certain amounts of explosives, more than a liter of toxic by inhalation material and two types of bulk packaging. A fee of \$400 per activity is assessed. The fee will sunset on June 30, 1995.

**Comments**

The fee is being challenged in court by the American Trucking Associations.



**Item Number:** 155

**Action Type:** Statute

**Source:** State

**State:** Wyoming

**Citation:** Wyo. Stat. 1-1-120 (1993)

**Title:** Exemption from Civil Liability for Anyone Rendering Emergency Assistance

**Transport Mode:** Unspecified

**Regulatory Authority:** Unspecified

**Issues:** Insurance-liability

**Summary**

Anyone who provides assistance to mitigate the effects of an actual or threatened discharge of hazardous materials, or in preventing, cleaning up or disposing of hazardous materials, is not liable for any civil damages for acts or omissions committed in good faith.

**Comments**

Enacted in 1961; last amended in 1987.

**Item Number:** 156

**Action Type:** Statute

**Source:** State

**State:** Wyoming

**Citation:** Wyo. Stat. 9-6-201 through 205 (1993)

**Title:** Northwest Interstate Compact on Low-Level Radioactive Waste Management

**Transport Mode:** All

**Regulatory Authority:** Party states, compact commission

**Issues:** Transportation operations, regulations, enforcement and inspections

**Summary**

The Northwest Interstate Compact on Low-Level Radioactive Waste Management is formed among the party states to cooperatively provide disposal facilities for low-level waste. Among the goals of the compact is minimization of the amount of handling and transportation required to dispose of such wastes. Each party state agrees to conform to applicable transportation and packaging requirements of the host state. Inspections of carriers are mandated. Waste containers must be certified by the U.S. Nuclear Regulatory Commission.

**Comments**

Enacted in 1992.

**Item Number:** 157

**Action Type:** Statute

**Source:** State

**State:** Wyoming

**Citation:** Wyo. Stat. 37-14-103 (1993)

**Title:** Radioactive Waste Transportation

**Transport Mode:** Motor Carrier

**Regulatory Authority:** Department of Transportation (DOT)

**Issues:** Permits, fees, emergency response

**Summary**

An emergency response fee of \$200 is required on each package of radioactive waste transported within or through Wyoming. The fee shall be based on a permit issued by the DOT (previously the Public Service Commission). Emergency response fees shall be placed in the general fund.

Radioactive waste is defined as "highway route controlled quantities" as found in 49 Code of Federal Regulations, 173.403 (1), as nuclear waste destined for the Waste Isolation Pilot Plant and any facility established pursuant to the Nuclear Waste Policy Act, as amended.

**Comments**

Enacted in 1989; amended in 1991.

**Item Number:** 158

**Action Type:** Regulations

**Source:** State

**State:** Wyoming

**Citation:** Information pending

**Title:** Radioactive Waste Transportation Management

**Transport Mode:** Motor carrier, rail

**Regulatory Authority:** Department of Transportation (DOT)

**Issues:** Permits, fees, emergency response

**Summary**

Motor carriers of radioactive waste in Wyoming must present upon request an approved permit issued by the DOT. Motor carriers and railroads transporting radioactive waste must obtain an Emergency Response Fee Report and pay a \$200 fee to the DOT. Such report identifies the number of packages included in each load of radioactive waste. Carrier permits may be revoked if fees are not paid. Temporary permits may be issued upon receipt of a proper and complete application.