

Title 27. Transportation

Chapter V. Arkansas Department of Transportation, State Highway Commission

Subchapter C. Motor Vehicles

Part 112. Rules Governing the Transportation of Hazardous Materials In and Through the State of Arkansas

Subpart 1. Generally

27 CAR § 112-101. Definitions.

(a) As used in this part:

(1) "Carrier" means any person engaged, directly or by agent or employee, in the transportation of property by land, air, or water as a common, contract, or private carrier;

(2)(A) "Hazardous material" means any substance or mixture of substances which:

- (i) Is toxic;
- (ii) Is corrosive;
- (iii) Is an irritant;
- (iv) Is a strong sensitizer;
- (v) Is flammable or combustible;
- (vi) Generates pressure through:
 - (a) Decomposition;
 - (b) Heat; or
 - (c) Other means; or

(vii) Has been defined as such by the laws of the United States or an agency of the United States by regulation.

(B) "Hazardous material" shall further include any and all substances or mixtures of substances which pose a significant risk of substantial personal injury or substantial illness or substantial pollution to the land, water, or air of Arkansas as a

result of the unforeseen escape of such a substance or mixtures of substances during transportation;

(3) "Nurse tanks" means tanks with a capacity of three thousand (3,000) gallons or less, used to transport liquids for agricultural purposes; and

(4) "Transport" means shipping or transportation of property by carrier where such shipping or transportation is in furtherance, incidentally or necessarily, of the business of the carrier.

(b) **Other terms.**

(1) All terms not otherwise defined herein shall have the same meanings as set forth in Acts 1977, No. 421, § 2, as amended, and 49 C.F.R. §§ 100 – 199, as amended, unless clearly inconsistent with the purposes of this part.

(2) Terms which are neither defined herein nor defined in the above-mentioned act and compilation shall have their ordinary practical meaning.

Authority. Arkansas Code § 27-2-106.

27 CAR § 112-102. Adoption of United States Department of Transportation regulations.

Every carrier of hazardous materials shall comply with the regulations of the United States Department of Transportation, Materials Transportation Bureau, as compiled in 49 C.F.R. §§ 100 – 199, as amended, which regulations, for the purposes of this part, shall apply to intrastate transportation as well as interstate transportation and in each instance in such federal regulations where the word "interstate" is used, such word also shall, for the purposes of this part, be construed as including intrastate transportation.

Authority. Arkansas Code § 27-2-106.

27 CAR § 112-103. Notification requirements.

(a) Each notice required by 49 C.F.R. § 171.15(b), as amended, shall be given to the Division of Arkansas State Police, who shall immediately notify the Division of Emergency Management, who shall, at the earliest practicable moment, notify the:

- (1) Arkansas Highway Police Division of the Arkansas Department of Transportation;
- (2) Department of Health; and
- (3) Division of Environmental Quality.

(b) Exemptions.

(1)(A) Vehicles with less than ten thousand pounds (10,000 lbs.) gross vehicle weight shall be exempt from this part, with the exception of the notification requirements set out in subsection (a) of this section, where such vehicles are used in the distribution or application of hazardous materials in immediate intrastate farming operations.

(B) This shall be construed to exempt nurse tanks from this part, with the exception of the notification requirements set out in subsection (a) of this section, provided, the operation on the public highway is restricted to speeds of twenty-five miles per hour (25 m.p.h.) or less and the origin and destination of the transport trip is wholly within the State of Arkansas.

(2) Tank trucks constructed for transportation of liquefied petroleum gas, built and purchased before December 31, 1978, shall be exempt from 49 C.F.R. § 178.337, as amended, so long as said trucks shall continue to meet the required standards (ASME requirements) in effect prior to the effective date of Acts 1977, No. 421 (March 15, 1977), and the origin and destination of the transport trip is wholly within the State of Arkansas, but shall not be exempt from any of the other above rules.

Authority. Arkansas Code § 27-2-106.

Codification Notes. "ASME" means The American Society of Mechanical Engineers.

27 CAR § 112-104. Minimum insurance requirements.

In addition to the minimum insurance requirements set out in 27 CAR § 110-1301 of the General Rules of Practice and Procedure, 27 CAR pt. 110, of the State Highway Commission, each motor vehicle used to transport hazardous materials must at all times comply with the following minimum insurance requirements:

(1) For-hire and private carriage in interstate, foreign, or intrastate commerce, in vehicles with a gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more, transporting hazardous substances, as defined in 49 C.F.R. § 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of three thousand five hundred (3,500) water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquefied compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 C.F.R. § 173.403, five million dollars (\$5,000,000);

(2) For-hire and private carriage in interstate or foreign commerce in any quantity or in intrastate commerce in bulk only, in vehicles with a gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more, transporting oil listed in 49 C.F.R. § 172.101; hazardous waste, hazardous materials, and hazardous substances defined in 49 C.F.R. § 171.8 and listed in 49 C.F.R. § 172.101, but not mentioned in subdivision (1) or (3) of this section, one million dollars (\$1,000,000); and

(3) For-hire and private carriage in interstate and intrastate commerce, in vehicles with a gross vehicle weight rating of less than ten thousand pounds (10,000 lbs.), transporting any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route-controlled quantity radioactive materials as defined in 49 C.F.R. § 173.403, five million dollars (\$5,000,000).

Authority. Arkansas Code § 27-2-106.

27 CAR § 112-105. Modifications.

This part shall be subject to future amendments, exemptions, and other modifications as the State Highway Commission recognizes that such modifications are necessary for safe transportation of hazardous materials.

Authority. Arkansas Code § 27-2-106.