

Kansas Administrative Regulations

Kansas Corporation Commission

Article 5.—Railroad Safety

82-5-11. Regulation relating to transportation of hazardous materials by railroads.

(a) When the track condition on any railroad makes the transportation of explosives and other dangerous articles hazardous, restriction of the movement over the track may be imposed by the state corporation commission until track conditions are corrected or a satisfactory alternate route is available.

(b) The following parts of the federal hazardous materials rules and regulations promulgated by the U.S. department of transportation are incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas: Title 49 CFR, Parts 171, 172, 173, 174, 177, 178, and 393.77, except sections 49 CFR 174.45, 174.104(c) and (d), 174.700, 177.825, 177.842, 177.843 and 177.861, as in effect on September 26, 1986.

(c) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (b), that reference shall not be applicable to this regulation.

(d) Any reference to the following publications listed in 49 CFR 171.7. (d)(1); (d)(3)(ii), (iii) and (iv); (d)(5)(i), (ii), (vi), (vii), (ix), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), (xxviii), (xxix), (xxx), (xxxi), (xxxii) and (xxxiii); (d)(6); (d)(7)(i), (ii), (iii) and (iv); (d)(13); (d)(14); (d)(15)(i) and (ii); (d)(16)(i); (d)(17); (d)(18); (d)(19); (d)(20); (d)(21); (d)(22); (d)(25); (d) 26; (d) 27; (d) 28; "Manual on Roof Coverings," NFPA 203M-1970; and "Specifications, Properties, and Recommendations for Packaging, Transportation, Storage, and Use of Ammonium Nitrate" are excepted from these regulations. Any regulation subsections in which these exceptions appear are not incorporated by reference in this regulation.

(Authorized by K.S.A. 66-1,222, 66-141; implementing K.S.A. 66-1,223, 66-156; effective, E-71-15, March 5, 1971; amended, E-71-22, May 28, 1971; effective Jan. 1, 1972; amended May 1, 1985; amended May 1, 1987.)

***** Authenticated Kansas Administrative Regulation *****