

COUNCIL OF THE DISTRICT OF COLUMBIA

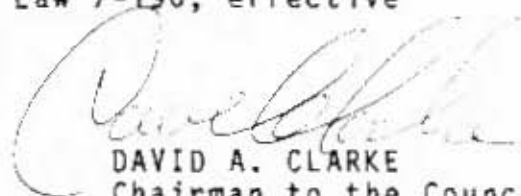
NOTICE

D.C. LAW 7-190

"D.C. Hazardous Materials Transportation and Motor Carrier Safety Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-20 on first and second readings October 25, 1988, and November 15, 1988, respectively. Following the signature of the Mayor on December 1, 1988, this legislation was assigned Act No. 7-252 published in the December 16, 1988, edition of the D.C. Register, (Vol. 35 page 8663) and transmitted to Congress on January 23, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-190, effective March 16, 1989.


DAVID A. CLARKE
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24,25,26,27,30,31
February 1,2,3,6,7,8,9,21,22,23,24,27,28
March 1,2,3,6,7,8,9,10,13,14,15

EFFECTIVE DATE MAR 16 1989

Codification,
New Chapter 33
of title 6
District of Columbia
Code
(1989 Supp.)

AN ACT

D.C. ACT 7 - 252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC - 1 1988

To require the Mayor to establish a Hazardous Materials Transportation Program to regulate the transportation of hazardous materials in the District of Columbia and the safety of motor carriers consistent with certain regulations of the United States Department of Transportation and to repeal the Hazardous Materials Study Commission Act of 1986.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Hazardous Materials Transportation and Motor Carrier Safety Act of 1988".

Sec. 2. Findings and purposes.

The Council of the District of Columbia makes the following findings and supports the following purposes:

New, Section
6-3303

(1) Many shipments of hazardous materials are made in the District of Columbia ("District").

(2) The District is 1 of the few states that has not adopted the federal regulations governing the transportation of hazardous materials and motor carrier safety;

(3) According to statistics compiled by the federal Environmental Protection Agency, there have been 30 incidents involving the unintentional release of hazardous materials in transport in the District since 1985, none of which have been required by law to be reported to the District government;

(4) There have been a growing number of incidents involving the transportation of hazardous materials on highways surrounding the District in recent months;

(5) According to the United States Department of Transportation, there is an insufficient number of federal inspectors available to inspect vehicles transporting hazardous materials, causing many vehicles go uninspected

unless the states have regulations enabling them to carry out inspections;

(6) The District does not have a procedure for inspecting the safety of commercial motor vehicles that transport hazardous materials in the city, nor for monitoring the condition of the operators of those vehicles;

(7) Until the District adopts a system consistent with the federal motor carrier safety regulations that govern commercial motor vehicles, including those transporting hazardous materials, the District is ineligible to receive at least \$225,000 per year in federal grant assistance for implementing the regulations;

(8) Other costs to the District associated with enforcing this act should be the responsibility of those who transport hazardous materials in the District;

(9) The Hazardous Materials Study Commission will no longer be necessary since the Commission's mandate will be executed through the implementation of this act; and

(10) Residents of and visitors to the District should be protected from the serious risks associated with improper transportation of hazardous materials, overworked operators, and unsuitable maintenance of commercial motor vehicles, including vehicles transporting hazardous materials.

Sec. 3. Definition.

For the purposes of this act, the term "hazardous materials" means substances or materials in a quantity and form that may pose an unreasonable risk to health, safety, or property when transported in commerce and includes explosives, radioactive materials, etiological agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, or compressed gases.

New, Section
6-3302

Sec. 4. Hazardous Materials Transportation Program.

The Mayor shall establish a Hazardous Materials Transportation Program that shall include at a minimum:

(1) A description of the criteria for determining what materials constitute hazardous materials that is consistent with the federal hazardous materials transportation regulations of the United States Department of Transportation;

(2) The identification of the types and quantities of hazardous materials transported in the District;

(3) The identification of the carriers and shippers of the hazardous materials;

(4) A designation of primary and alternate routes for the transportation of hazardous materials in the

New, Section
6-3303

District consistent with the federal hazardous materials transportation regulations and the federal motor carrier safety regulations of the United States Department of Transportation and taking into consideration factors that will ensure the highest degree of safety to individuals and property, including the following:

(A) Population density along the primary and alternate routes;

(B) Traffic and street conditions, including dimensions of streets and alleys;

(C) The ability to evacuate individuals in the vicinity of the primary and alternate routes should evacuation become necessary;

(D) The type and quantity of hazardous materials being transported;

(E) Whether the hazardous materials are route-controlled quantities of radioactive materials consistent with the federal hazardous materials transportation regulations; and

(F) Consistency, to the extent practicable, with the laws and regulations of adjacent states and local jurisdictions likely to be affected by the route selections;

(4) A system governing the transportation, packaging, labelling, and placarding of hazardous materials transported in the District consistent with the federal hazardous materials transportation regulations;

(5) A system to ensure motor carrier safety consistent with the federal motor carrier safety regulations that will qualify the District for federal grant assistance to implement this act;

(6) The inspection of commercial motor vehicles, including vehicles that transport hazardous materials in the District consistent with the federal hazardous materials transportation regulations and federal motor safety carrier regulations;

(7) A permit system pursuant to which it shall be unlawful to transport in commerce in the District hazardous materials without a non-transferrable Hazardous Material Transportation Permit ("Permit") to be obtained upon submission of an application fee sufficient to cover the cost of enforcing the act, but which shall be not less than \$25.00 for an annual permit or \$15 for a per shipment permit and the submission of an application which shall include:

(A) A description of the hazardous materials to be transported;

(B) A written statement from the shipper certifying that the materials described are properly classified, described, packaged, labelled, and in proper condition for transportation according to the applicable federal regulations;

(C) The name, address, and telephone number of the carrier and the shipper; and

(D) An identification and registration number for and description of the motor vehicle in which the hazardous materials are to be transported.

Sec. 5. Penalties.

(a) Any person who violates any provision of this act shall be subject to a fine of not less than \$100 and not more than \$10,000, imprisonment not to exceed 1 year for each violation, or both. Each day shall constitute a separate violation and the penalties prescribed shall be applicable to each violation.

(b) Each time that a person is charged with a violation of this act the person shall be informed, in writing, that any permit issued to the person pursuant to section 4(7) may be suspended by the Mayor, if the holder of the permit has been convicted of a violation of this act more than 3 times in a 12 month period. The Mayor may suspend any permit for a period of time not to exceed 3 months. The Mayor shall provide to the permit holder written notice of the suspension, which shall advise the permit holder of the right to appeal the suspension within 10 days of receipt of the notice. If no appeal is filed within 10 days after receipt, the suspension shall become final.

New, Section
6-3304

Sec. 6. Rules.

Within 6 months of the effective date of this act, the Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

New, Section
6-3305

Sec. 7. Repeal.

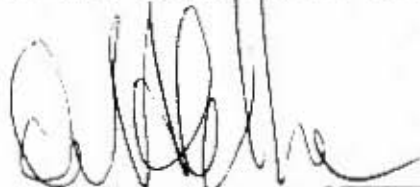
The Hazardous Materials Study Commission Act of 1986, effective June 25, 1986 (D.C. Law 6-123; D.C. Code, sec. 6-3001 et seq.), is repealed.

Repealed,
Chapter 30
of title 6

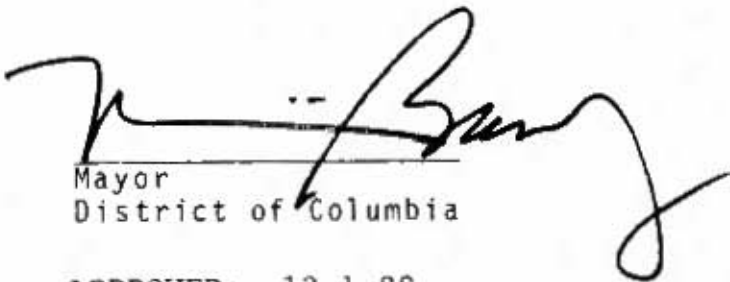
Sec. 8. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in

section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: 12-1-88



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO. B7-20

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 10-25-88

VOICE VOTE: Approved

Recorded vote on request

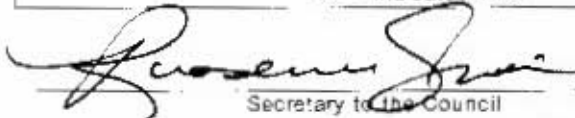
Absent: Crawford

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD


Secretary to the Council

11-16-88
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-15-88

VOICE VOTE: Approved

Recorded vote on request

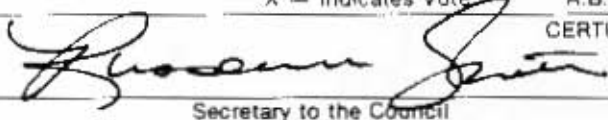
Absent: Thomas and Smith

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD


Secretary to the Council

11-16-88
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date