

## Chapter 74

## HAZARDOUS MATERIALS, TRANSPORTATION OF

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 8-13-86 as Ord. No. 245, approved 8-13-86.<sup>1</sup> Amendments noted where applicable.]

§ 74-1. Title.

This chapter shall be known as the "Transportation of Hazardous Material Ordinance."

§ 74-2. Definitions.

The following words or phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates differently:

CFR — The Code of Federal Regulations. The numbers immediately preceding and immediately following the initials

<sup>1</sup> Editor's Note: This ordinance also provided for the repeal of former Ch. 74, Hazardous Materials, Transportation of, adopted 5-8-85 as Ord. No. 239, approved 5-8-85.

"CFR" shall refer to the volume, divisions and sections used to identify parts of the Code of Federal Regulations.

**COMPRESSED GAS** — Any substance regulated as a compressed gas by the United States Department of Transportation by regulations found in 49 CFR 173.300.

**EXPLOSIVE** — Any substance regulated as a Class A explosive or as a Class B explosive by the United States Department of Transportation by regulations found in 49 CFR 173.53 and 49 CFR 173.88.

**FLAMMABLE LIQUID** — Any substance regulated as a flammable liquid by the United States Department of Transportation by regulations found in 49 CFR 173.115.

**FLAMMABLE SOLID** — Any substance regulated as a flammable solid by the United States Department of Transportation by regulations found in 49 CFR 173.150.

**HAZARDOUS MATERIAL** — Any substance defined in this section as a compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poisonous or radioactive material and biological waste.

**OXIDIZER** — Any substance regulated as an oxidizer by the United States Department of Transportation by regulations found in 49 CFR 173.151.

**POISON** — Any liquid or gas that is life-threatening when mixed with air in small amounts, and shall also include all those substances regulated as Poison A by the United States Department of Transportation by regulations found in 49 CFR 173.326.

**RADIOACTIVE MATERIAL** — Any substance required by the United States Department of Transportation to have Type A packaging or Type B packaging under regulations found in 49 CFR 173.426.

**TRANSPORT CARRIER** — Any mode of conveyance moving on land upon wheels.

**§ 74-3. Exemption.**

The regulations set out in this chapter shall not apply to any transport carrier carrying no hazardous material except flammable liquid in a container or containers having a total capacity of not over one hundred ten (110) gallons or forty-one and six hundred thirty-five thousandths (41.635) dekaliters by volume.

**§ 74-4. Routes designated.**

No person, firm or corporation shall transport any hazardous material through the borough except over routes indicated as permitted routes identified below. Deliveries to destinations in the borough shall be made by following permitted routes to the point where the least amount of travel off a permitted route will be needed to reach the destination and by going to the destination and returning to the permitted route or routes by the method requiring the shortest travel distance off permitted routes.

A. Surface transport, highways. The following highways shall be designated as permitted routes:

- (1) Main Street, Legislative Route 39021, from the borough line to Franklin Street.
- (2) Penn Avenue, Legislative Route 39020, from the borough line to Main Street.
- (3) Franklin Street, Legislative Route 39021, from Main Street to the borough line.
- (4) Front Street, Legislative Route 39020, from Main Street to the borough line.

B. Surface transport, railroads. The following railroads shall be designated as permitted routes:

- (1) Conrail main line from borough line to borough line and adjacent sidings.
- (2) Conrail spur line from Main Street to the borough line and adjacent sidings.

**§ 74-5. Equipment.**

No hazardous materials will be carried on any permitted route for delivery in any transport carrier larger than a tractor with one (1) trailer upon streets and roads nor larger than a railroad tank car upon railroad lines.

**§ 74-6. Condition of transport carriers.**

Any transport carrier used to transport hazardous materials anywhere in the borough shall comply with all federal and commonwealth laws and regulations. All transport carriers shall be maintained in a safe condition.

**§ 74-7. Containment and cleanup of spills.**

In the event that breakdown of a transport carrier containing hazardous materials within the borough results in spill or escape of such material onto borough streets or private property, the person, firm or corporation transporting such materials as well as the owner and consignee of the material shall be jointly and severally responsible for its physical containment, recovery and removal and for any costs incurred by the borough or other responsible persons or agencies acting with the same purpose of containment, recovery and removal from the environment.

**§ 74-8. Signs and maps of permitted routes.**

Signs shall be posted to inform the public of the permitted routes for hazardous materials. The Alburdis Police Department shall keep on hand copies of maps showing permitted routes for hazardous materials, and these maps shall be distributed free upon request.

**§ 74-9. Violations and penalties.**

Any person, firm or corporation violating any provision of this chapter shall be fined not less than one thousand dollars (\$1,000.) nor more than ten thousand dollars (\$10,000.) for each offense, and a separate offense shall be deemed committed on each day or on which a violation occurs or continues.