



Federal Motor Carrier Safety Administration

ROUTING OF CLASS 7 RADIOACTIVE MATERIALS

49 CFR Part 397 Subpart D

DEFINITIONS

49 CFR 397.201

- State Routing Agency
- Political Subdivision

49 CFR 173.403

- Highway Route Controlled Quantity



Federal Motor Carrier Safety Administration

State Routing Agency

The State Highway agency or other State agency designated by the Governor of that state, or an agency designated by an Indian Tribe, to supervise, coordinate, and approve the routing designations for that State or Indian tribe.

Political Subdivision

A municipality, public agency or other instrumentality of one or more States, or a public corporation, board, or commission established under the laws of one or more States.

Highway Route Controlled Quantity (HRCQ)

A quantity within a single package which exceeds:

1. 3000 times the A1 value of the radionuclides for special form Class 7 materials
2. 3000 times the A2 value for the radionuclides for normal form Class 7 materials
3. 1000 TBq (27,000 Ci), whichever is least

Routing for non-HRCQ Class 7

49 CFR 397.101(a)

- Class 7 requiring placarding
- Routes that minimize radiological risk
- Consider info on accident rates, transit time, population density, time of day, etc.
- Not required if only one practical route

Requirements for State Routing Designations

49 CFR 397.103

- Route must minimize radiological risk
- Use “Guidelines for Selecting Preferred Highway Routes for HRCQ Shipments of RAM or equivalent
- Preferred and alternates, in addition to Interstate
- Effective when written notice given to FMCSA

Routing of HRCQ of Class 7

49 CFR 397.101(b)

- Applies to carrier or any person operating a motor vehicle containing HRCQ of Class 7
- Only on preferred routes
 - Interstate System highway, if no alternative route designated by State Routing Agency
 - State designated route selected by the State Routing Agency

Routing of HRCQ of Class 7

49 CFR 397.101(b)

- Non-preferred route allowed if necessary for pick up or delivery, rest, fuel, repairs, or emergency conditions
- If using non-preferred route, must be shortest distance unless longer route:
 - Would minimize radiological risk
 - Does not exceed 25 miles more or 5X the shortest route
 - Emergency conditions can deviate if time does not permit determination

Motor Carrier Responsibilities with HRCQ of Class 7

- Written Route Plan to driver & shipper
 - Origin and Destination points
 - Route selected
 - All planned stops
 - ETD and ETA
 - Telephone numbers for emergency assistance in each state to be entered.

Motor Carrier Responsibilities with HRCQ of Class 7

- Driver trained in past 2 years
- Driver possesses training certificate
- Driver possesses and follows route plan
- Obtain Level 6 inspection

Class 7 Routing Preemption Procedures

49 CFR 397.201

- Any person, State, political subdivision thereof, or Indian Tribe directly affected by a routing designation may apply for a preemption determination.
- Any person, State, political subdivision thereof, or Indian Tribe may apply for a waiver of pre-emption regarding any highway routing in the state.

Standards for Determining Class 7 Routing Preemption

49 CFR 397.203

- If compliance with HMR is impossible
- If it creates an obstacle to HMR
- Routing designation is preempted as a non-radioactive material route

Class 7 Routing Determination Preemption Application

49 CFR 397.205

- Submitted to the Administrator FMCSA
- Provisions or regulations supporting preemption
- Detailed description of route designation
- Why the routing designation should be preempted
- How applicant is affected by routing designation

Disputes

49 CFR 397.223

- Petition
- Filing to Administrator of FMCSA
- Notice in Federal Register
- Court Actions

HM Fees

HM Transportation Act allows States to set fees for HM transportation (49 USC 5125F)

Fees must be:

- Fair
- Used only for HM Transportation
 - Planning and Development
 - Emergency Response

Preemption Determinations in Part 397 are for
Routing Designations – not for fees.

FMCSA has no requirements or jurisdiction
over HM fees established by states.

Preemption of fees is the responsibility of
PHMSA and can only be done if the state is
not using the fee for appropriate purposes.

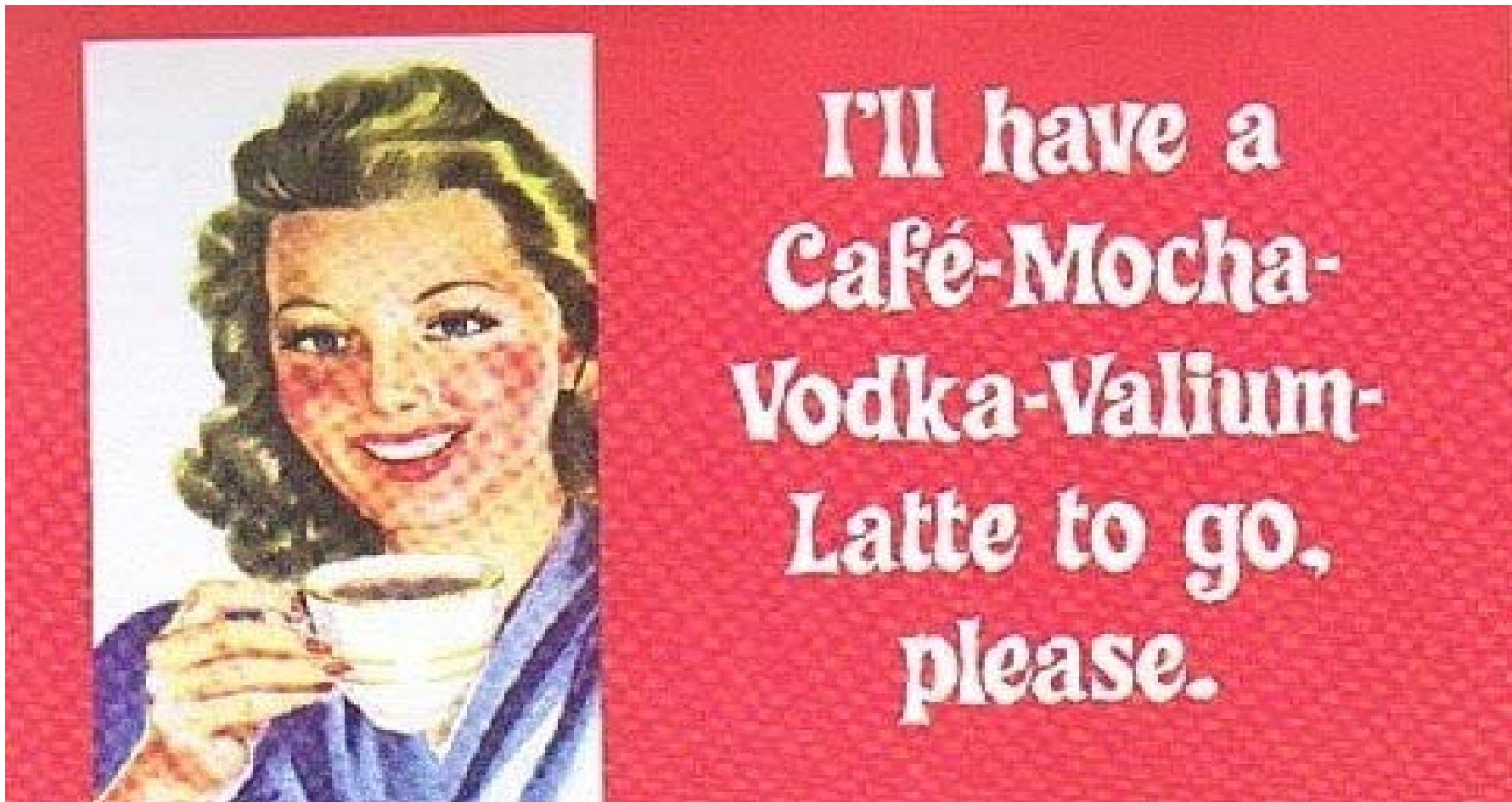


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