

Title 154 - STATE FIRE MARSHAL

Chapter 6 - TRANSPORTATION OF EXPLOSIVES

001. Transportation: General.

001.01. In addition to all other applicable requirements set forth in these Rules and Regulations, the transportation of explosives over all highways shall be in accordance with the United States Department of Transportation regulations.
*C.F.R. 49, Sections 170 through 179.

001.02. Explosives shall not be transported through any prohibited vehicular tunnel, or subway, or over any prohibited bridge, roadway, or elevated highway.

001.03. No person shall smoke, carry matches or any other flame-producing device, or carry firearms or loaded cartridge while in or near a motor vehicle transporting explosives. Nothing in this sub-section shall be so construed as to prevent the presence of a duly authorized and legally constituted armed guard on such vehicles where security considerations dictate their necessity.

001.04. Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

001.05. Explosives may be loaded into and transported in the following: truck, truck with semi-trailer, truck with full trailer, truck tractor with semi-trailer, truck tractor with semi-trailer and full trailer. Publicly owned electric distribution, public utilities and privately owned electric distribution public utilities and communications systems which shall have first obtained the express approval of the Office of the State Fire Marshal in respect to their particular methods of handling explosives in trailer-hauling trucks shall be exempt from the provisions of this paragraph.

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001.06. Explosives shall not be transferred from one vehicle to another within the corporate limits of any city or town without informing the local fire and police departments thereof. In the event of breakdown or collision, the local fire and local and state police departments and sheriff shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided.

001.07. Blasting caps or electric blasting caps may be transported in the same motor vehicle with explosives if they are packed in authorized United States Department of Transportation specification outside shipping containers, or in prescribed inside United States Department of Transportation packages in an outside box made of not less than 12 gauge NON-SPARKING METAL LINED WITH PLYWOOD or other suitable material not less than 3/8 inch thick so that no metal is exposed to the interior of the box. This paragraph shall not apply to the transportation of 6 pounds or less of explosives and/or 12 or less electric blasting caps in special carrying cases whose design and construction have been expressly approved by the office of the State Fire Marshal as meeting appropriate standards of safety.

002. Transportation; Vehicles; Safety Requirements.

002.01. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors, and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

002.02. Every vehicle used for transporting explosives shall be marked or placarded on both sides, front and rear with the word "EXPLOSIVES" in letters not less than 3 inches in height in contrasting colors, or in lieu thereof, shall conspicuously display upon an erect pole, in such a manner that it will be readily visible from all directions, a red flap of not less than 540 square inches in height. This paragraph shall not apply to vehicles carrying 6 pounds or less of explosives and/or 12 or less electric blasting caps.

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002.03. Every motor vehicle transporting explosives shall be equipped with a minimum of two fire extinguishers, each having a rating of at least 5-BC, completely filled and in working condition. This paragraph shall not apply to vehicles carrying 100 pounds or less of smokeless propellant, 6 pounds or less of explosives and/or 12 or less electric blasting caps.

002.03A. Only extinguishers listed or approved by Underwriters' Laboratories, Inc., Factory Mutual Laboratories, or by some other nationally recognized fire equipment testing laboratory, shall be deemed suitable for use on explosive-carrying vehicles.

002.03B. Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguisher shall be examined every 12 months as to condition by a competent person and after being used.

002.04. Motor vehicles used for transporting explosives shall be given the following inspection before each trip to determine that they are in the proper condition for safe transportation of explosives:

002.04A. Fire extinguishers shall be filled and in working order.

002.04B. All electrical wiring shall be completely protected and securely fastened to prevent short circuiting.

002.04C. Chassis, motor, pan and underside of body shall be reasonably clean and free of excess oil and grease.

002.04D. Fuel tank and feed line shall be secure and have no leaks.

002.04E. Brakes, lights, horns, windshield wipers and steering apparatus shall function properly.

002.04F. Tires shall be checked for proper inflation and defects.

002.04G. The vehicle shall be in proper condition in every other respect and acceptable for hauling explosives.

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003. Transportation: Operation of Vehicles.

003.01. Vehicles transporting explosives shall only be driven by and be in charge of a driver who is physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, and not less than 18 years of age. He or she shall be familiar with the traffic regulations, state laws, and the provisions of these Rules and Regulations. The driver shall always have his or her vehicle under complete control. Violation of this paragraph shall be based upon official report of any public official.

003.02. Unauthorized persons or passengers shall not ride on a motor vehicle transporting explosives.

003.03. Motor vehicles transporting more than 6 pounds of explosives must come to a full stop before crossing any railroad track or main highway, and must not proceed until it is known that the way is clear.

003.04. While transporting explosives, motor vehicles shall not be driven at a speed in excess of 50 miles per hour.

003.05. The fuel tank of a motor vehicle transporting explosives shall not be filled except in an emergency or when necessary to complete a trip, and then only when the motor is stopped and brakes set.

003.06. The operator of a motor vehicle transporting explosives shall not leave such vehicle unattended except while actually making deliveries.

003.07. Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building or place where people work, congregate or assemble.

003.08. No spark-producing metal, spark-producing metal tools, oils, matches, carbides, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, provided, however, that this paragraph shall not apply to the transportation of 6 pounds or less of explosives, and/or 12 or less electric blasting caps in special carrying cases whose design and construction have been expressly approved by the office of the State Fire Marshal as meeting

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appropriate standards of safety. Nothing in this sub-section shall be so construed as to prevent the presence of a duly authorized and legally constituted armed guard on such vehicles where security considerations dictate their necessity.

003.09. Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities, such routes shall be followed.

003.10. Delivery of explosives shall be made only to authorized persons and into authorized magazines or approved temporary storage or handling areas.

004. Transportation: Explosives At Piers, Railway Stations, Etc.

004.01. Except in an emergency and with the permission of the local authority having jurisdiction, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the United States Department of Transportation Regulations for the transportation of explosives. *C.F.R. 49, Sections 170 through 179.

004.02. No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the United States Department of Transportation Regulations for the transportation of explosives. *C.F.R. 49, Sections 170 through 179.

004.03. Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words, "EXPLOSIVES - HANDLE CAREFULLY - KEEP FIRE AWAY" in red letters at least one and one-half inches high on a white background.

004.04. Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, within the jurisdiction of these Rules and Regulations, whether for delivery to a consignee, or forwarded to some other destination, shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

004.05. Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal within the jurisdiction of these Rules and Regulations between the hours of sunset and sunrise, except by special permission from the office of the State Fire Marshal. Shipboard seismographic operations and industries handling explosives directly related to national defense are excepted from the provisions of this section.

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004.06. When explosives are brought into the locality under the jurisdiction of these Rules and Regulations, by any means of transportation, for delivery to an intermediate receiver, consignee's agent or consignee, or to be forwarded to some other destination, the carrier performing the shipment shall immediately notify the consignee, local fire chief, local port authorities, and such other authorities as may be designated, of the arrival of the explosives, and if said consignee does not receive and remove the said explosives from the possession of the carrier within 48 hours, Sundays and holidays excluded, after such notification, then the railway, trucking firm, vessel agent or airline shall remove the said explosives from the jurisdiction or to a properly permitted magazine or make a report to the State Fire Marshal who shall see that the said explosives are moved to a place of safety.

004.07. Any person having been notified, as consignee, of a shipment of explosives being in the hands of any carrier, and within the jurisdiction, shall remove the said explosives within 48 hours, Sundays and holidays excluded, after receiving such notification, to some place meeting the requirements of these Rules and Regulations.

004.08. The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of, explosives which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

005. Transportation: Smokeless Propellants, Small Arms Ammunition Primers (Except As Applied To Bona Fide Sportsman).

005.01. Quantities of smokeless propellants in shipping containers approved by the United States Department of Transportation not in excess of 25 pounds may be transported in a passenger vehicle.

005.02. Quantities of smokeless propellants in excess of 25 pounds but not exceeding 100 pounds in a passenger vehicle shall be transported in a portable box having wooden walls of at least one inch nominal thickness.

005.03. Transportation of smokeless propellants in quantities in excess of 100 pounds is prohibited in passenger vehicles.

005.04. Transportation of quantities of smokeless propellants in excess of 50 pounds in other than passenger vehicles shall be in accordance with U.S. Department of Transportation Regulations except that when more than 250 pounds are being transported, the vehicle shall be marked in accordance with Section 002.02.

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005.05. Small Arms Ammunition Primers.

005.05A. Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the U.S. Department of Transportation. *C.F.R. 49, Sections 170 through 179.

005.05B. Truck or rail transportation of small arms ammunition primers shall be in accordance with the regulations of the U.S. Department of Transportation. *C.F.R. 49, Sections 170 through 179.

005.05C. Not more than 25,000 small arms ammunition primers shall be transported in a passenger vehicle.

006. Transportation: Blasting Agents.

006.01. When blasting agents are transported in the same vehicle with other explosives, all of the requirements of Sections - TRANSPORTATION: General.; TRANSPORTATION: VEHICLES, SAFETY REQUIREMENTS; TRANSPORTATION: EXPLOSIVES AT PIERS, RAILWAY STATIONS, ETC. and TRANSPORTATION: OPERATION OF VEHICLES, shall be complied with.

006.02. Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the State vehicle and traffic laws.

006.03. No sparking metal, sparking metal tools, oils, matches, firearms, acids or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

006.04. No person shall be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics.

006.05. It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

006.06. Vehicles transporting blasting agents shall be in safe operating condition at all times.

006.07. When offering blasting agents for transportation on public highways the packaging, marking and labeling of containers of blasting agents shall comply with the requirements of the U.S. Department of Transportation Regulations. *C.F.R. 49, Sections 170 through 179.

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006.08. Vehicles used for transporting blasting agents on public highways shall be marked and placarded in accordance with Section 002.02.

*C.F.R. = Code of Federal Regulations

Statutory Authority: Neb. Rev. Stat. §§28-1213 to 28-1239; 81-502.

Legal Citation: Title 154, Ch. 6, Nebraska State Fire Marshal.