

**CODE OF MASSACHUSETTS REGULATIONS
TITLE 730: MASSACHUSETTS TURNPIKE AUTHORITY
CHAPTER 7.00: USE OF THE MASSACHUSETTS TURNPIKE AND
THE METROPOLITAN HIGHWAY SYSTEM**

7.10: Hazardous Materials

(1) In the Tunnels. Passenger or commercial vehicles carrying any amount of hazardous material, excluding those materials required for the actual operation of the vehicle, may not enter or use the Tunnels. Hazardous material is defined and listed in 49 CFR Chapter 1, Subchapter C. Official emergency vehicles, as defined in 730 CMR 7.02 are exempt.

(2) On Ways Other Than the Tunnels. The Authority adopts the regulations set forth in 49 CFR Parts 171, 172, 173, 177, 178, and 179 and 10 CFR Part 71, subject to the exclusions set forth in 730 CMR 7.10(3), for the purpose of governing the transportation of hazardous materials upon a way other than the Tunnels. The Authority adopts these regulations as fully applicable to the transportation of hazardous materials upon a way other than the tunnels and without their limitation to transportation in commerce. No person may offer, accept, or transport a hazardous material upon a way other than the Tunnels unless the material is properly classed, described, packaged, marked, labeled, handled, placarded, and in proper condition for shipment in accordance with 49 CFR and 10 CFR on the date of the hazardous material's entry upon a way other than the Tunnels.

(3) Inapplicable Federal Regulations. The Authority does not adopt under 730 CMR 7.10(2) the following regulations set forth in 49 CFR Parts 171, 172, 173, 177, 178, or 179:

- (a) Those regulations that apply to the transportation of hazardous materials by air, water, rail, or pipeline; and,
- (b) Those regulations that require the reporting of hazardous material incidents, including, but not limited to, 49 CRR Parts 171.15 and 171.16.

(4) Exemptions. The persons and vehicles identified in paragraphs 730 CMR 7.10(4)(a) and (b) are exempt from the requirements of 730 CMR § 7.10(2):

- (a) A person properly operating under a valid exemption under 49 CFR Part 107, subpart B is in compliance with those portions of these regulations to which the exemption applies.
- (b) The operator of a cargo tank vehicle engaged in the retail delivery of fuel oil is exempt from the shipping paper requirements set forth in 49 CFR Part 172, subpart C. The operator of a cargo tank vehicle engaged in the retail delivery of fuel oil shall comply with the placarding requirements set forth in 49 CFR Part 172.

(5) Construction and Priority of Application. 730 CMR 7.10(2) established the minimum standards with which an operator and vehicle transporting hazardous materials must comply. In the event of a conflict between 730 CMR 7.10(2) and another provision of 730 CMR 7.00, the more stringent standard applies.

(6) Application in an Unusual Situation. The Authority may determine not to apply a provision of 730 CMR 7.10 to an individual set of circumstances if, after consideration of the facts involved, the Authority determines that its application of the provision would not be in the public interest.