

LAW ENFORCEMENT MANAGEMENT INSTITUTE

**HAZARDOUS MATERIAL TRANSPORTATION
ENFORCEMENT UNIT**

**A LEARNING CONTRACT
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
MODULE II**

**BY
RUBEN /LOPEZ**

AUSTIN POLICE DEPARTMENT

AUSTIN, TEXAS

JUNE, 1990

#131

TABLE OF CONTENTS

PART 1

INTRODUCTION	1
--------------------	---

PART 2

CERTIFICATION	4
---------------------	---

PART 3

TRAINING	6
----------------	---

PART 4

TRAINING MODELS	8
-----------------------	---

Day 1 - Hazardous Material Enforcement

Day 2 - Motor Carrier Safety

Day 3 - Motor Carrier Safety

Day 4 - Motor Carrier Safety

PART 5

IMPLEMENTATION	12
----------------------	----

PART 6

EVALUATION CRITERIA	13
---------------------------	----

PART 7

CONCLUSION	14
------------------	----

PART 8

REFERENCE MATTER	15
------------------------	----

INTRODUCTION

The transportation of hazardous material over the nation's highways provides a daily potential for a major disaster resulting in substantial loss of life. The enactment of extensive federal, state and local legislation is an effort to prevent or at least minimize the damage that occurs at the site of an accident involving one or more vehicles used in transporting some type of hazardous material. The extent of the problem can be seen if one considers all the different types of chemicals being transported, varying from gasoline and household products, to radioactive matter and explosives.

The City of Austin is a community of nearly 500,000 inhabitants, with all the problems of a modern metropolitan area, including the transportation of hazardous materials. The city continues to attract industry. At present, it primarily consists of micro processor manufacturing that produces or uses hazardous material in large quantity. Many industrial plants are located in close proximity to residential areas, and others near major transportation arteries.

There are several major highways in the area, including IH-35, which runs through the midst of the city; U.S. Highway 183, which parallels Bergstrom Air Force Base,

runs along the eastern side of Austin, and through industrial and residential developments. MoPac Expressway runs with the Missouri Pacific Railroad, then joins U.S. Highway 183 in north Austin. The Capital of Texas Highway carries traffic through far west Austin, connecting with U.S. Highway 183 north and U.S. Highway 290/State Highway 71 on the south.

In 1989, there were 510 collisions with vehicles transporting hazardous material reported to the Texas Department of Public Safety (DPS) from throughout the State of Texas.¹ The Weights and Measures Division of DPS is the main enforcement unit of both hazardous material and motor carrier safety violations statewide. There are 13 troopers assigned to Region 6, which includes the City of Austin. They average 150 to 200 citations a year for violations dealing specifically with hazardous material. The Austin Police Department relies completely on DPS for enforcement within the city limits, because the Austin Police Department officers have not been trained or certified to handle these types of violations. According to the Austin Fire Department, 1,380 permits have been issued to businesses which store sufficient chemicals to require them to obtain these permits.²

It appears evident that the Department of Public Safety alone cannot efficiently enforce or deter these types

of violations. Both the volume of traffic involved, combined with the current DPS staffing provides an insufficient level of enforcement. The need for the Austin Police Department to form its own hazardous material enforcement unit is becoming more of a necessity. A provision for that has been made in Vernon's Annotated Civil Statutes, Article 6701-D (Uniform Act Regulating Traffic on Highways) Section 139 (F).³

CERTIFICATION

On October 1, 1989, the Texas Public Safety Commission adopted commercial motor vehicle safety regulations that are consistent with the federal safety regulations pursuant to the provision of House Bill 908, 70th Texas Legislature and Senate Bill 1224, 71st Texas Legislature.

Within the provisions of HB 908 there is a section dealing with certification of peace officers in the state. Vernon's Annotated Civil Statutes, Article 6701-D, Section 193 (F) states:

"Any peace officer of any city having a population of 300,000 or more certified for this purpose by the director, may detain any motor vehicle on any street or highway within any such city subject to this section or to any regulation adopted in accordance with this section. Such certification procedures including the proper training of said officers shall be determined by the department."

A police department that wants its officers certified is required to submit a schedule of the course, including topics and instructors, to the Director of the Department of Public Safety. The Department will review the material and if acceptable would so inform the requesting

agency so they could proceed with the training and certification process. The Houston Police Department is the only local agency that has been certified as of May 15, 1990.

TRAINING

The Department of Public Safety is responsible to ensure the training is adequate, however, it is not under obligation to conduct the training themselves. The responsibility of actually doing the training belongs to the requesting agency. Captain Virgil Walsmith, DPS Hazardous Material Coordinator, stated that the Department does not have written criteria as to the specific content of the training.⁴ Each application will be reviewed and if it is acceptable the agency can proceed. In cases where the training appears insufficient the applying agency will be notified so that corrections can be made and the application resubmitted.

According to Captain Virgil Walsmith, Department of Public Safety and Mr. Jerry Smith⁵, Department of Transportation, instructors to the Austin Program would be provided by each respective agency at no cost. The training site would be the Austin Police Academy at 4800 Shaw Lane, Austin, Travis County, Texas. The outline on the four day session would train officers to enforce both Hazardous Material and Motor Carrier Safety violations.

The Houston Police Department is currently the only municipal police department that has been certified in both hazardous material and motor carrier safety enforcement.⁶

The Austin program could be modeled after the Houston training program.

**TRAINING MODEL
for the
AUSTIN PROGRAM**

Hazardous Material Enforcement

Day 1	8:00a - 8:50a	Introduction Orientation
	9:00a - 9:50a	Regulations Definitions Hazardous Materials Tables
	10:00a - 10:50a	Shipping Papers
	11:00a - 11:50a	Placarding - Packaging Labeling - Marking
	12:00	LUNCH
	1:00p - 1:50p	Part 177 - Highway Emergency Response
	2:00p - 2:50p	Out of Service Regulations
	3:00p - 3:50p	Arrest Titles Penalties
	4:00p - 5:00p	TEST

**TRAINING MODEL
for the
AUSTIN PROGRAM**

Motor Carrier Safety

Day 2	8:00a - 8:50a	Introduction
		Orientation
	9:00a - 9:50a	Regulations of <u>Senate Bill 1204</u> <u>Vernon's Annotated Civil Statutes</u> Article 6701-D (Uniform Act), Sec. 139
	10:00a - 10:50a	<u>49 Code of Federal Regulations</u> Part 390 "General Rules and Applications"
	11:00a - 11:50a	<u>49 Code of Federal Regulations</u> Part 391 "Driver Qualifications"
	12:00	LUNCH
	1:00p - 1:50p	<u>49 Code of Federal Regulations</u> Part 391 "Driver Qualifications"
	2:00p - 2:50p	<u>49 Code of Federal Regulations</u> Part 391 "Driver Qualifications"
	3:00p - 3:50p	<u>49 Code of Federal Regulations</u> Part 391 "Driver Qualifications"
	4:00p - 4:50p	<u>49 Code of Federal Regulations</u> Part 392 - "Regulations on Driving of Motor Vehicles"

**TRAINING MODEL
for the
AUSTIN PROGRAM**

Motor Carrier Safety

Day 3	8:00a - 11:50a	49 <u>Code of Federal Regulations</u> Part 395 "Hours of Service of Drivers"
	12:00	LUNCH
	1:00p - 1:50p	49 <u>Code of Federal Regulations</u> Part 393 "Parts and Accessories"
	2:00p - 2:50p	49 <u>Code of Federal Regulations</u> Part 393 "Parts and Accessories"
	3:00p - 3:50p	49 <u>Code of Federal Regulations</u> Part 397 "Transportation of Hazardous Materials"
	4:00p - 4:50p	49 <u>Code of Federal Regulations</u> Part 397 "Transportation of Hazardous Materials"

**TRAINING MODEL
for the
AUSTIN PROGRAM**

Motor Carrier Safety

Day 4	8:00a - 8:50a	<u>49 Code of Federal Regulations</u> Part 396 "Inspection, Repair and Maintenance"
	9:00a - 9:50a	<u>49 Code of Federal Regulations</u> Part 396 "Inspection, Repair and Maintenance"
	10:00a - 10:50a	Inspection Procedures
	11:00a - 11:50a	Truck Inspections
	12:00	LUNCH
	1:00p - 1:50p	Truck Inspections
	2:00p - 2:50p	Out of Service Criteria
	3:00p - 3:50p	Out of Service Criteria
	4:00p - 4:50p	REVIEW and TEST

IMPLEMENTATION

The Austin Police Department has a current Traffic Enforcement Section that includes forty-eight (48) officers and eight (8) supervisors. The supervisors are two (2) lieutenants and six (6) senior sergeants. Each sergeant has eight (8) officers assigned to his/her unit. Traffic officers are on duty Monday through Saturday, from 9:30am to 7:30pm. On Sundays the hours are 7:00am to 5:00pm. The primary functions of this unit are both traffic enforcement and collision investigation.

For implementation purposes of this program, all the officers and supervisors in the Traffic Enforcement Unit would be given the required training. This unit would then have primary responsibility of enforcement for both Hazardous Materials and Motor Carrier Safety violations within the corporate city limits. These officers would be on the look out for violations during the course of their regular patrol or in accident investigations. They would also provide assistance to other patrol units that have a situation or traffic stop and have questions in this area of enforcement. Serious violations or accidents occurring during the time when a traffic officer is not on regular duty would be handled as a "call back" incident. This means that an officer would be on standby and could be called back to duty to handle that one assignment if needed.

EVALUATION CRITERIA

Individual officers will be required to submit an activity report at the end of each tour of duty. Information will include type of violations, number of citations issued, accidents investigated and any other pertinent information. This information will be necessary to ascertain the work load of the officers and to monitor the locations for deployment purposes.

The Traffic Administration Section of the Austin Police Department will also be able to provide statistical collision information. This information may identify areas where accidents are occurring involving vehicles transporting hazardous materials to provide assistance to supervisors in officer assignments.

A comparison study can be done to determine the impact of this type of program in the City of Austin. One area of comparison would be the number of accidents involving the target vehicles before implementation of the program to a specific time period after implementation. The objective of this program is to increase safety on the public highways through more stringent and better enforcement of the Motor Carrier Safety laws. A decrease in the accident rate may be a criteria for the success of the program.

CONCLUSION

Transportation of hazardous materials is a daily occurrence through the nation's highways and the need for more enforcement is apparent. The use of an existing unit within the Austin Police Department to assume this responsibility is most feasible, from both a financial and implementation standpoint. Cost would be minimal due to cooperation and assistance from the Texas Department of Public Safety and the Department of Transportation.

The overall law enforcement role of providing a safe environment on the public highways is a high priority goal of all police departments. More lives have been lost due to accidents than all this nation's wars combined. The Austin City government has always been very sensitive to public needs and environmental issues and there is every reason to believe they would be very supportive of the police department's efforts in this area.

The Hazardous Material Enforcement Unit could be implemented quickly due to the use of an existing unit, short training period, and minimal training costs. The unit could be very beneficial in providing safer highways.

ENDNOTES

1. Inspector Roger Leathers, Texas Department of Public Safety, interview by author, 2 May 1990.
2. Steve Compton, Austin Fire Department, Haz-Mat Unit, interview by author, 18 April 1990.
3. Vernon's Annotated Civil Statutes, Article 6701-D, Section 139 (F).
4. Capt. Virgil Walsmith, Texas Department of Public Safety, interview by author, 10 May 1990.
5. Mr. Jerry Smith, Texas Department of Transportation, interview by author, 2 May 1990.
6. Lt. Billy Bryant, Houston Police Department, interview by author, 27 April 1990.

SOURCES CONSULTED

Bryant, Billy, Houston Police Department, interview by author, 27 April 1990, Houston.

Compton, Steve, Austin Fire Department, interview by author, 18 April 1990, Austin.

Leathers, Roger, Texas Department of Public Safety, interview by author, 2 May 1990, Austin.

Smith, Jerry, Texas Department of Transportation, interview by author, 2 May 1990, Austin.

Walsmith, Virgil, Texas Department of Public Safety, interview by author, 10 May 1990, Austin.

Vernon's Annotated Civil Statutes, Article 6701-D, Sec. 139 (F).

49 Code of Federal Regulations, Parts 390, 391, 392, 393, 395, 396 and 397.