

**§ 126.15 Conditions for designation as designated waterfront facility.**

The conditions referred to in § 126.13 for designation of a waterfront facility for the purpose of handling, storing, stowing, loading, discharging, or transporting of dangerous cargo shall be as follows:

(a) *Guards.* That guards are provided by the owner or operator of the waterfront facility for the protection thereof in such numbers and of such qualifications as to assure adequate surveillance, prevent unlawful entrance, detect fire hazards, and check the readiness of protective equipment.

(b) *Smoking.* That smoking is prohibited on the waterfront facility except at such portions thereof as may be designated by the owner or operator thereof: *Provided,* That smoking in such areas shall only be permitted in accordance with local ordinances and regulations and that signs are conspicuously posted marking such authorized smoking areas and that "No Smoking" signs are conspicuously posted elsewhere on the waterfront facility.

(c) *Welding or hot work.* Oxyacetylene or similar welding or burning or other hot work including electric welding or the operation of equipment is prohibited on waterfront facilities or on vessels moored thereto, during the handling, storing, stowing, loading, discharging, or transporting of explosives. Such work may not be conducted on waterfront facilities or vessels moored thereto while either the facility or vessel is handling, storing, stowing, loading, discharging, or transporting dangerous cargo without the specific approval of the Captain of the Port.

(d) *Trucks and other motor vehicles.* That trucks and other motor vehicles are not permitted to remain or park upon the waterfront facility except under the following conditions:

(1) When actually awaiting opportunity to load or discharge cargo, ship supplies, or passengers and is attended by a driver.

(2) When loading or discharging tools, equipment or materials incident to maintenance, repair, or alterations and is attended by a driver.

(3) When the vehicle is headed toward an unimpeded exit and is attended by a driver.

(4) When a vehicle is handled and stored as an item of cargo.

(5) When parking areas are designated and permitted in accordance with local ordinances and regulations and provided no fire lanes are blocked nor exits impeded by their presence, passenger vehicles may be parked in such portions of the waterfront facility as may be designated and marked off by the owner or operator.

(e) *Pier automotive equipment.* That tractors, stackers, lift trucks, hoisters and other equipment driven by internal combustion engines used on the waterfront facility are of such construction and condition and free from excess grease, oil, or lint as not to constitute a fire hazard; that each unit of such equipment is provided with an approved type fire extinguisher attached, except where waterfront facilities are provided with fire extinguishers approved by the Captain of the Port, as being adequate in numbers, type and location for additional protection of pier automotive equipment; that, when not in use, such equipment is stored in a safe manner and location; that gasoline or other fuel used for such equipment is stored and handled in accordance with accepted safe practices and is not stored on the waterfront facility, except in conformity with paragraph (g) of this section; and that refueling of such equipment or any vehicle is prohibited on any pier or wharf within the waterfront facility.

(f) *Rubbish and waste materials.* That the waterfront facility is free from rubbish, debris, and waste materials. Burning rubbish in an open fire on a waterfront facility is prohibited.

(g) *Maintenance stores and supplies.* That supplies classified as dangerous by the provisions of the Hazardous Materials Regulations (49 CFR 170-179) except those materials preceded by an "A" in the Hazardous Materials Table, 49 CFR 172.101, to be used in connection with operation or maintenance of the property or facility, are not stored on any pier or wharf within the waterfront facility and are not stored elsewhere on the waterfront facility except in amounts necessary for normal current

operating conditions; that these supplies are stored in a compartment remote from combustible material, constructed so as to be readily accessible and provide safe storage; that storage compartments are kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris; that covered metal containers are provided for disposal of used wiping cloths and are emptied at the end of each working day; and that clothing lockers are maintained clean and orderly and properly ventilated.

(h) *Electric wiring.* That new installations of electric wiring and equipment are made in accordance with accepted safe practices (conformity with the requirements of the National Electric Code (current edition) and the requirements of applicable local regulations shall be deemed evidence of compliance with such accepted safe practices); that materials, fittings, and devices are of type and character approved for the intended use by Underwriters Laboratories, Inc., Associated Factory Mutual Laboratories, or United States National Bureau of Standards; that existing electric wiring is maintained in a safe condition, free of defects or modifications which may cause fire or personal injury; that defective or dangerous wiring, equipment, and devices are permanently disconnected from sources of energy.

(i) *Heating equipment and open fires.* That heating equipment is safely installed and maintained in good operating condition; that adequate clearances to prevent undue heating of nearby combustible materials are maintained between heating appliances, chimneys, stove pipes, gas vents, or other heat producing elements, and any combustible materials of the floor, walls, partitions or roofs; that in general, clearances are such that continuous operation of the heat producing device at full capacity will not increase the temperature of nearby woodwork more than 90° above the ambient temperature; that, where necessary to prevent contact with movable combustible materials, heating appliances are enclosed or screened; that spark arresters are provided on chimneys or appliances burning solid fuel used in locations

where sparks constitute a hazard to nearby combustible materials. Open fires or fires in barrels, drums, or similar apparatus are prohibited. (As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code (current edition) are recommended.)

(j) *Fire extinguishing equipment.* That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers," issued by the National Fire Protection Association, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency fire-fighting equipment will be placed immediately adjacent to such hazards.

(k) *Marking of fire appliance locations.* That the locations of all fire appliances, including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes, are conspicuously marked; and that ready accessibility to such appliances is maintained.

(l) *Lighting.* That subject to applicable dimout and blackout regulations, such waterfront facility is adequately illuminated during the handling, storing, stowing, loading, discharging or transporting of dangerous cargo thereon; and that kerosene and gasoline lamps and lanterns are not used on such waterfront facility.

(m) *Arrangement of cargo, freight, merchandise or material.* That cargo, freight, merchandise or material is arranged on the waterfront facility according to the individual structure of such facility, in a manner to permit complete access for the purpose of fire extinguishment; that, except on facilities used primarily for the transfer of railroad or highway vehicles to or from

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cargo vessels and carfloats; cargo, freight, merchandise or other material is placed on the waterfront facility in accordance with the following:

(1) At least two feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material piles and both sides of the walls of the waterfront facility, fire walls or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are part of the structure. In an unenclosed facility, 2 feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise or other materials and the sides of the pier.

(2) Inflammable or combustible cargo, freight, merchandise or material, not including bulk cargo, shall not be tiered higher than 12 feet. All cargo, freight, merchandise or other materials including inflammable or combustible cargo, freight, merchandise or materials shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.

(3) There shall be maintained at least four feet of clear and open operating space around any fire alarm box, stand-pipe, fire hose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(4) When first-aid fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three feet in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(5) A main aisle of at least twenty feet in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to eight feet in width if such access by fire trucks is not required.

(6) Cross aisles, at least five (5) feet wide and straight shall be maintained at intervals not exceeding seventy-five (75) feet, and extending to the side of the waterfront facility.

(n) *Adequacy of guarding, fire extinguishing equipment, and lighting.* That the word "adequate", as used in paragraphs (a), (j), and (l) of this section with respect to guarding, fire extinguishing equipment, and lighting, respectively, means that determination which a reasonable person would make under the circumstances of the particular case. Unless there is gross non-compliance, the judgment and determination of the operator of the facility will be acceptable as fulfilling the requirements unless and until the Captain of the Port inspects the facility and notifies the operator thereof in writing in what respect the guarding, fire extinguishing equipment, or lighting, is deemed inadequate and affords such operator an opportunity to correct the deficiency.

[CGFR 51-37, 16 FR 8677, Aug. 28, 1951]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §126.15, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 126.16 Conditions for designating a "facility of particular hazard."**

(a) *Basic requirements.* The facility shall comply with all the conditions in §126.15 except where specifically waived by §126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67-93, 32 FR 20774, Dec. 23, 1967]