**§392.10 Railroad grade crossings; stopping required.**

## Guidance Q&A

***Question 1:*** Is §392.10(a)(4) applicable to drivers operating cargo tank vehicles that were used to transport hazardous materials for which placarding or marking was required, but are no longer required because the cargo tank has been emptied, or the quantity of the material has been reduced, or the temperature or characteristics of the material have changed?

***Guidance:***No, provided the cargo tank vehicle no longer displays placards or markings indicating that the vehicle is transporting hazardous materials for which placarding or marking is required, and either: (1) the vehicle has been sufficiently cleaned of residue and purged of vapors; or (2) the vehicle is refilled with a material which is not a hazardous material; or (3) the original material no longer is an elevated temperature material or otherwise is no longer considered hazardous according to the regulations.

Although §392.10(a)(4) does not distinguish between loaded and empty cargo tank vehicles, or cargo tank vehicles transporting materials or substances that are not, at the time the vehicle is being driven across the railroad grade crossing, required to be placarded or marked, the Federal Motor Carrier Safety Administration intends that the scope of the regulation be limited to those cases in which the vehicle is placarded or marked.