



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

16661

Office of Hazardous Materials Operations

[49 CFR Part 174]

[Docket No. HM-120; Notice No. 74-11]

SWITCHING OF FREIGHT CARS
PLACARDED "DANGEROUS"

Notice of Withdrawal of Proposal

On August 14, 1974, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-120; Notice No. 74-11 (39 FR 29197). This notice proposed changes in section 174.589 that would prohibit the uncoupling or cutting off of cars placarded "DANGEROUS" while they were in motion, the striking of such cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling, but in no case at the speed of more than four miles per hour.

At the request of commenters, the date for filing comments was extended from September 20, 1974 to October 30, 1974 (39 FR 33808, October 22, 1974).

Subsequent to the issuance of Notice No. 74-11, the Federal Railroad Administration published FRA Emergency Order No. 5 (39 FR 38230, October 30, 1974). This Emergency Order states:

ORDER

"In addition to the requirements of Parts 170-189 of Title 49 of the Code of Federal Regulations governing the transportation of hazardous materials, effective 12:01 a.m., October 27, 1974, a railroad may transport flammable compressed gas in DOT 112A and DOT 114A uninsulated tank cars that are not equipped with head shields prescribed by the Hazardous Materials Regulations Board in Docket HM-109, Amendment No. 5, 173-83, 179-15 published in the July 31, 1974, issue of the FEDERAL REGISTER (39 FR 27572), 49 CFR 179.100-23, only under the following conditions:

"(a) DOT specification tank cars 112A and 114A that are not equipped with head shields required by 49 CFR 179.100-23, transporting flammable compressed gas requiring dangerous placards shall not be cut off in motion. No car moving under its own momentum shall be allowed to strike any DOT 112A or 114A tank car containing flammable compressed gas placarded dangerous, that is not equipped with head shields required by 49 CFR 179.100-23, nor shall any such car be coupled into with more force than is necessary to complete the coupling.

"(b) The shipping papers required by 49 CFR 174.510 for loaded tank cars containing flammable compressed gas with placarded dangerous must carry the notations: "DOT 112A" or "DOT 114A" and "must be handled in accordance with

FRA E.O. No. 5."

"(c) Railroad employees must be informed of the presence of these cars and instructed to handle them in accordance with the requirements of this order.

"A civil penalty of not less than \$250 nor more than \$2500 will be assessed for each violation of this order.

"An opportunity for review of this order is provided in accordance with Section 554 of Title 5 of the United States Code.

"Issued in Washington, D.C. on October 25, 1974."

More than forty comments were received in response to HM-120; Notice No. 74-11. An analysis of the comments indicated that a large number of commenters wanted further study to be made with some interim precautionary measures being taken with the cars that have caused the problems. Several commenters suggested that the Federal Railroad Administration take action on the tank cars that have been involved in most of the serious accidents—the 112A and 114A uninsulated tank cars transporting flammable compressed gas. In addition, commenters suggested that tests be conducted to determine safe coupling speed(s) and the efficiency of hump yard retarders. The Federal Railroad Administration believes that the commenters have raised valid points which require further study and that Emergency Order No. 5 covers the specific problem of the DOT 112A and 114A uninsulated tank cars transporting flammable compressed gas.

It should be noted that the head shield retrofit program for the DOT 112A and 114A tank cars will, when completed, eliminate the need for Emergency Order No. 5.

In view of the foregoing, the Office of Hazardous Materials Operations (OHMO) has determined that action on the proposed amendments is not appropriate at this time, and that Docket No. HM-120; Notice No. 74-11 should be withdrawn. The withdrawal of this proposal, however, does not preclude the OHMO from issuing similar notices in the future or commit the OHMO to any course of action.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (39 FR 29197) on August 14, 1974, and circulated as Docket No. HM-120; Notice No. 74-11 is hereby withdrawn

(18 U.S.C. 834, 49 CFR 1.53(g))

Issued in Washington, D.C. on April 15, 1976.

WILLIAM K. BYRD,
Deputy Director, Office of
Hazardous Materials Operations.

[FR Doc. 76-11513 Filed 4-20-76; 8:45 am]