

(a) When the test flame is in the “off” position, the test portion ignites and sustains combustion;

(b) The test portion ignites while the test flame is in the test position for 15 s, and sustains combustion for more than 15 s after the test flame has been returned to the “off” position.

NOTE TO PARAGRAPH 6 OF THIS APPENDIX: Intermittent flashing may not be interpreted as sustained combustion. Normally, at the end of 15 s, the combustion has either clearly ceased or continues. In cases of doubt, the material must be deemed to sustain combustion.

[Amdt. 173–241, 59 FR 67517, Dec. 29, 1994, as amended by Amdt. 173–255, 61 FR 50627, Sept. 26, 1996; 66 FR 45381, Aug. 28, 2001; 68 FR 75747, Dec. 31, 2003; 69 FR 76179, Dec. 20, 2004; 71 FR 78634, Dec. 29, 2006]

PART 174—CARRIAGE BY RAIL

Subpart A—General Requirements

Sec.

174.1 Purpose and scope.

174.2 Limitation on actions by states, local governments, and Indian tribes.

174.3 Unacceptable hazardous materials shipments.

174.5 Carrier’s materials and supplies.

174.9 Safety and security inspection and acceptance.

174.14 Movements to be expedited.

174.16 Removal and disposition of hazardous materials at destination.

174.20 Local or carrier restrictions.

Subpart B—General Operating Requirements

174.24 Shipping papers.

174.26 Notice to train crews.

174.50 Nonconforming or leaking packages.

Subpart C—General Handling and Loading Requirements

174.55 General requirements.

174.57 Cleaning cars.

174.59 Marking and placarding of rail cars.

174.61 Transport vehicles and freight containers on flat cars.

174.63 Portable tanks, IM portable tanks, IBCs, Large Packagings, cargo tanks, and multi-unit tank car tanks.

174.67 Tank car unloading.

174.81 Segregation of hazardous materials.

Subpart D—Handling of Placarded Rail Cars, Transport Vehicles and Freight Containers

174.82 General requirements for the handling of placarded rail cars, transport ve-

hicles, freight containers, and bulk packages.

174.83 Switching placarded rail cars, transport vehicles, freight containers, and bulk packagings.

174.84 Position in train of loaded placarded rail cars, transport vehicles, freight containers or bulk packagings when accompanied by guards or technical escorts.

174.85 Position in train of placarded cars, transport vehicles, freight containers, and bulk packagings.

174.86 Maximum allowable operating speed.

Subpart E—Class I (Explosive) Materials

174.101 Loading Class 1 (explosive) materials.

174.102 Forbidden mixed loading and storage.

174.103 Disposition of damaged or astray shipments.

174.104 Division 1.1 or 1.2 (explosive) materials; car selection, preparation, inspection, and certification.

174.105 Routing shipments, Division 1.1 or 1.2 (explosive) materials.

174.106 “Order-Notify” or “C.O.D.” shipments, Division 1.1 or 1.2 (explosive) materials.

174.110 Car magazine.

174.112 Loading Division 1.3 and Division 1.2 (explosive) materials (Also see §174.101).

174.114 Record to be made of change of seals on “Cars loaded with Division 1.1 or 1.2 (explosive) materials”.

174.115 Loading Division 1.4 (explosive) materials.

Subpart F—Detailed Requirements for Class 2 (Gases) Materials

174.200 Special handling requirements.

174.201 Class 2 (gases) material cylinders.

174.204 Tank car delivery of gases, including cryogenic liquids.

174.290 Materials extremely poisonous by inhalation shipped by, for, or to the Department of Defense.

Subpart G—Detailed Requirements for Class 3 (Flammable Liquid) Materials

174.300 Special handling requirements.

174.304 Class 3 (flammable liquid) materials in tank cars.

Subparts H–I [Reserved]

Subpart J—Detailed Requirements for Division 6.1 (Poisonous) Materials

174.600 Special handling requirements for materials extremely poisonous by inhalation.

174.615 Cleaning cars.

174.680 Division 6.1 (poisonous) materials with foodstuffs.

§ 174.1

Subpart K—Detailed Requirements for Class 7 (Radioactive) Materials

174.700 Special handling requirements for Class 7 (radioactive) materials.

174.715 Cleanliness of transport vehicles after use.

174.750 Incidents involving leakage.

AUTHORITY: 49 U.S.C. 5101–5128; 49 CFR 1.53.

Subpart A—General Requirements

§ 174.1 Purpose and scope.

This part prescribes requirements in addition to those contained in parts 171, 172, 173, and 179 of this subchapter, to be observed with respect to the transportation of hazardous materials in or on rail cars.

[Amdt. 174–26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174–26A, 41 FR 40685, Sept. 20, 1976; Amdt. 174–74, 58 FR 51533, Oct. 1, 1993]

§ 174.2 Limitation on actions by states, local governments, and Indian tribes.

Sections 5125 and 20106 of Title 49, United States Code, limit the authority of states, political subdivisions of states, and Indian tribes to impose requirements on the transportation of hazardous materials in commerce. A state, local, or Indian tribe requirement on the transportation of hazardous materials by rail may be preempted under either 49 U.S.C. 5125 or 20106, or both.

(a) Section 171.1(f) of this subchapter describes the circumstances under which 49 U.S.C. 5125 preempts a requirement of a state, political subdivision of a state, or Indian tribe.

(b) Under the Federal Railroad Safety Act (49 U.S.C. 20106), administered by the Federal Railroad Administration (*see* 49 CFR parts 200 through 244), laws, regulations and orders related to railroad safety, including security, shall be nationally uniform to the extent practicable. A state may adopt, or continue in force, a law, regulation, or order covering the same subject matter as a DOT regulation or order applicable to railroad safety and security (including the requirements in this subpart) only when an additional or more stringent state law, regulation, or order is necessary to eliminate or reduce an es-

49 CFR Ch. I (10–1–11 Edition)

entially local safety or security hazard; is not incompatible with a law, regulation, or order of the United States Government; and does not unreasonably burden interstate commerce.

[74 FR 1801, Jan. 13, 2009]

§ 174.3 Unacceptable hazardous materials shipments.

No person may accept for transportation or transport by rail any shipment of hazardous material that is not in conformance with the requirements of this subchapter.

[Amdt. 174–83, 61 FR 28677, June 5, 1996]

§ 174.5 Carrier's materials and supplies.

This subchapter applies to the transportation of a carrier's materials and supplies moving by rail, except that the shipper's certification is not required when these materials and supplies are being transported by the carrier who owns them. The requirements of this subchapter do not apply to railway torpedoes or fuses when carried in engines or rail cars. Railway torpedoes must be in closed metal boxes when not in use.

[Amdt. 174–26B, 41 FR 57071, Dec. 30, 1976]

§ 174.9 Safety and security inspection and acceptance.

(a) At each location where a hazardous material is accepted for transportation or placed in a train, the carrier must inspect each rail car containing the hazardous material, at ground level, for required markings, labels, placards, securement of closures, and leakage. These inspections may be performed in conjunction with inspections required under parts 215 and 232 of this title.

(b) For each rail car containing an amount of hazardous material requiring placarding in accordance with § 172.504 of this subchapter, the carrier must visually inspect the rail car at ground level for signs of tampering, including closures and seals, for suspicious items or items that do not belong, and for other signs that the security of the car may have been compromised, including the presence of an improvised explosive device. As used in