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transport a hazardous material by rail unless that person receives a shipping paper prepared in accordance with part 172 of this subchapter, unless the material is excepted from shipping paper requirements under this subchapter. Only an initial carrier within the United States must receive and retain a copy of the shipper's certification as required by §172.204 of this subchapter. This section does not apply to a material that is excepted from shipping paper requirements by this subchapter.

(b) Each person receiving a shipping paper required by this section must retain a copy or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, each shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, each shipping paper copy must be retained for one year after the material is accepted by the initial carrier. Each shipping paper copy must include the date of acceptance by the initial carrier. The date on the shipping paper may be the date a shipper notifies the rail carrier that a shipment is ready for transportation, as indicated on the waybill or bill of lading, as an alternative to the date the shipment is picked up, or accepted, by the carrier.

[67 FR 46128, July 12, 2002, as amended at 67 FR 66574, Nov. 1, 2002; 70 FR 73165, Dec. 9, 2005]

§174.26 Notice to train crews.

(a) The train crew must have a document that reflects the current position in the train of each rail car containing a hazardous material. The train crew must update the document to indicate changes in the placement of a rail car within the train. For example, the train crew may update the document by handwriting on it or by appending or attaching another document to it.

(b) A member of the crew of a train transporting a hazardous material must have a copy of a document for the hazardous material being transported showing the information required by part 172 of this subchapter, including the requirements in §172.604(b) applicable to emergency response information.

[Amdt. 174–84, 62 FR 1236, Jan. 8, 1997, as amended at 74 FR 53423, Oct. 19, 2009]

§174.50 Nonconforming or leaking packages.

A leaking non-bulk package may not be forwarded until repaired, reconditioned, or overpacked in accordance with §173.3 of this subchapter. Except as otherwise provided in this section, a bulk packaging that no longer conforms to this subchapter may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration. Notification and approval must be in writing, or through telephonic or electronic means, with subsequent written confirmation provided within two weeks. For the applicable address and telephone number, see §107.117(d)(4) of this chapter. A leaking bulk package containing a hazardous material may be moved without repair or approval only so far as necessary to reduce or to eliminate an immediate threat or harm to human health or to the environment when it is determined its movement would provide greater safety than allowing the package to remain in place. In the case of a liquid leak, measures must be taken to prevent the spread of liquid.

[65 FR 50462, Aug. 18, 2000]

Subpart C—General Handling and Loading Requirements

§174.55 General requirements.

(a) Each package containing a hazardous material being transported by rail in a freight container or transport vehicle must be loaded so that it cannot fall or slide and must be safeguarded in such a manner that other freight cannot fall onto or slide into it under conditions normally incident to transportation. When this protection cannot be provided by using other freight, it must be provided by blocking and bracing. For examples of blocking and bracing in freight containers and transport vehicles, see Bureau of Explosives Pamphlet No. 6 and the

Intermodal Loading Guide for Products in Closed Trailers and Containers (IBR, see §171.7 of this subchapter).

(b) Each package containing a hazardous material bearing package orientation markings prescribed in §172.312 of this subchapter must be loaded within a transport vehicle or freight container to remain in the correct position indicated by those markings during transportation.

(c) The doors of a freight container or transport vehicle may not be used to secure a load that includes a package containing a hazardous material unless the doors meet the design strength requirements of Specification M–930 (for freight containers) and M–931 (for trailers) in the AAR's specification for ''Specially Equipped Freight Car and Intermodal Equipment'' (IBR, see §171.7 of this subchapter) and the load is also within the limits of the design strength requirements for the doors.

[Amdt. 174–83, 61 FR 28677, June 5, 1996, as amended at 68 FR 75747, Dec. 31, 2003; 76 FR 43530, July 20, 2011]

§174.57 Cleaning cars.

All hazardous material which has leaked from a package in any rail car or on other railroad property must be carefully removed.

§174.59 Marking and placarding of rail cars.

No person may transport a rail car carrying hazardous materials unless it is marked and placarded as required by this subchapter. Placards and car certificates lost in transit must be replaced at the next inspection point, and those not required must be removed at the next terminal where the train is classified. For Canadian shipments, required placards lost in transit, must be replaced either by those required by part 172 of this subchapter or by those authorized under §171.12.

[74 FR 53189, Oct. 16, 2009]

§174.61 Transport vehicles and freight containers on flat cars.

(a) A transport vehicle, freight container, or package containing a hazardous material must be designed and loaded so that it will not become damaged to an extent that would affect its integrity under conditions normally incident to transportation. Each unit must be secured on a flatcar so that it cannot permanently change position during transit. Packages of hazardous materials contained therein must be loaded and braced as provided by §§174.101, 174.112, 174.115 and 174.55. Placards must be applied when prescribed by part 172 of this subchapter and part 174.

(b) Except as specified in §173.21, a truck body, trailer, or freight container equipped with heating or refrigerating equipment which has fuel or any article classed as a hazardous material may be loaded and transported on a flat car as part of a joint rail highway movement. The heating or refrigerating equipment is considered to be a part of the truck body or trailer and is not subject to any other requirements of this subchapter. The truck body, trailer, or freight container must be secured on the flatcar so that it cannot change position during transit.

[Amdt. 174–26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174–26A, 41 FR 40685, Sept. 20, 1976; Amdt. 174–38, 45 FR 32698, May 19, 1980; Amdt. 174–39, 45 FR 81572, Dec. 11, 1980; Amdt. 174–59, 51 FR 5974, Feb. 18, 1986; Amdt. 174–68, 57 FR 45464, Oct. 1, 1992; Amdt. 174–79, 59 FR 64744, Dec. 15, 1994]

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

(a) A carrier may not transport a bulk packaging (*e.g.*, portable tank, IM portable tank, IBC, Large Packaging, cargo tank, or multi-unit tank car tank) containing a hazardous material in container-on-flatcar (COFC) or trailer-on-flatcar (TOFC) service except as authorized by this section or unless approved for transportation by the Associate Administrator for Safety, FRA.

(b) A bulk packaging containing a hazardous material (including IM 101 and IM 102 when appropriate according to dimensions and weight distribution) may be transported inside a fully closed transport vehicle or fully closed freight container provided it is properly secured with a restraint system that will prevent it from changing position, sliding into other packages, or