

## § 174.304

or flatcar or in a stock car. However, they may not be transported in a hopper bottom car.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-31, 43 FR 31143, July 20, 1978; Amdt. 174-68, 55 FR 52683, Dec. 21, 1990]

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

A tank car containing a Class 3 (flammable liquid) material, other than liquid road asphalt or tar, may not be transported by rail unless it is originally consigned or subsequently reconsigned to a party having a private track on which it is to be delivered and unloaded (see §171.8 of this subchapter) or to a party using railroad siding facilities which are equipped for piping the liquid from the tank car to permanent storage tanks of sufficient capacity to receive the entire contents of the car.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-32, 43 FR 48644, Oct. 19, 1978; Amdt. 174-68, 55 FR 52683, Dec. 21, 1990]

### § 174.310 Requirements for the operation of high-hazard flammable trains.

(a) *Applicability.* Each rail carrier operating a high-hazard flammable train (as defined in §171.8 of this subchapter) must comply with each of the following additional safety requirements with respect to each high-hazard flammable train that it operates:

(1) *Routing.* The additional planning requirements for transportation by rail in accordance with part 172, subpart I of this subchapter;

(2) *Speed restrictions.* All trains are limited to a maximum speed of 50 mph. The train is further limited to a maximum speed of 40 mph while that train travels within the limits of high-threat urban areas (HTUAs) as defined in §1580.3 of this title, unless all tank cars containing a Class 3 flammable liquid meet or exceed the DOT Specification 117 standards, the DOT Specification 117P performance standards, or the DOT Specification 117R retrofit standards provided in part 179, subpart D of this subchapter.

(3) *Braking.* (i) Each rail carrier operating a high-hazard flammable train

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(as defined in §171.8 of this subchapter) operating at a speed in excess of 30 mph must ensure the train is equipped and operated with either a two-way end-of-train (EOT) device, as defined in 49 CFR 232.5, or a distributed power (DP) system, as defined in 49 CFR 229.5.

(ii) By January 1, 2021, each rail carrier operating a high-hazard flammable unit train (HHFUT) comprised of at least one tank car loaded with a Packing Group I material, at a speed exceeding 30 mph must ensure the train is equipped with ECP brakes that meet the requirements of 49 CFR part 232, subpart G, except for buffer cars, and must be operated in ECP brake mode as established in 49 CFR part 232, subpart G.

(iii) By May 1, 2023, each rail carrier operating a high-hazard flammable unit train (HHFUT) not described in paragraph (a)(3)(ii) of this section, at a speed exceeding 30 mph must ensure the train is equipped with ECP brakes that meet the requirements of 49 CFR part 232, subpart G, except for buffer cars, and must be operated in ECP brake mode as established in 49 CFR part 232, subpart G.

(iv) Each buffer car in an high-hazard flammable unit train that is not equipped with ECP brakes will be counted in determining the percentage of cars with effective and operative brakes during the operation of the train, as required under 49 CFR 232.609.

(v) Alternate brake systems may be submitted for approval through the processes and procedures outlined in 49 CFR part 232, subpart F.

(4) *New tank cars.* After October 1, 2015, tank cars manufactured for use in a HHFT must meet:

(i) DOT Specification 117, or 117P performance standard in part 179, subpart D of this subchapter; or

(ii) An authorized tank specification as specified in part 173, subpart F of this subchapter.

(5) *Retrofit reporting* Owners of non-jacketed DOT-111 tank cars in PG I service in an HHFT, who are unable to meet the January 1, 2017, retrofit deadline specified in §173.243 (a)(1) are required to submit a report by March 1, 2017, to Department of Transportation.

A group representing owners may submit a consolidated report to the Department of Transportation in lieu of individual reports from each tank car owner. The report must include the following information regarding the retrofitting progress:

(i) The total number of tank cars retrofitted to meet the DOT-117R specification;

(ii) The total number of tank cars built or retrofitted to meet the DOT-117P specification;

(iii) The total number of DOT-111 tank cars (including those built to CPC-1232 industry standard) that have not been modified;

(iv) The total number of tank cars built to meet the DOT-117 specification; and

(v) The total number of tank cars built or retrofitted to a DOT-117, 117R or 117P specification that are ECP brake ready or ECP brake equipped.

(vi) Entities required to submit a report under this paragraph shall submit subsequent follow-up reports containing the information identified in this paragraph within 60 days of being notified by PHMSA and FRA.

(b) [Reserved]

[80 FR 26748, May 8, 2015]

### 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.

A tank car containing a material extremely poisonous by inhalation which is a Division 2.3 material in Hazard Zone A or a Division 6.1 material in Hazard Zone A, as defined in §173.133(a)(2) of this subchapter, may not be transported by rail unless it is originally consigned or subsequently reconsigned to a party having a private track on which it is to be delivered and unloaded (see §171.8 of this subchapter) or to a party using railroad siding facilities which are equipped for piping the liquid or gas from the tank car to permanent storage tanks or sufficient capacity to receive the entire contents

of the car. See the requirements in §174.290 for materials extremely poisonous by inhalation which are shipped by, for, or to the Department of Defense.

[Amdt. 174-68, 55 FR 52684, Dec. 21, 1990]

### § 174.615 Cleaning cars.

(a) [Reserved]

(b) After Division 6.1 (poisonous) materials are unloaded from a rail car, that car must be thoroughly cleaned unless the car is used exclusively in the carriage of Division 6.1 (poisonous) materials.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-68, 55 FR 52684, Dec. 21, 1990; Amdt. 174-82, 61 FR 18933, Apr. 29, 1996]

### § 174.680 Division 6.1 (poisonous) materials with foodstuffs.

(a) Except as provided in paragraph (b) of this section, a carrier may not transport any package bearing a POISON or POISON INHALATION HAZARD label in the same car with any material marked as, or known to be, a foodstuff, feed or any other edible material intended for consumption by humans or animals.

(b) A carrier must separate any package bearing a POISON label displaying the text "PG III," or bearing a "PG III" mark adjacent to the POISON label, from materials marked as or known to be foodstuffs, feed or any other edible materials intended for consumption by humans or animals, as required in §174.81(e)(3) for classes identified with the letter "O" in the Segregation Table for Hazardous Materials.

[64 FR 10781, Mar. 5, 1999]

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

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

(a) Each rail shipment of low specific activity materials or surface contaminated objects as defined in §173.403 of this subchapter must be loaded so as to avoid spillage and scattering of loose material. Loading restrictions are prescribed in §173.427 of this subchapter.