



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

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**Title 49—TRANSPORTATION**

**Chapter I—Hazardous Materials Regulations Board, Department of Transportation**

[Docket No. HM-45; Amdt. No. 174-8]

**PART 174—CARRIERS BY RAIL  
FREIGHT**

**Cargo Tanks in Trailer-on-Flat-Car Service**

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to make transportation of cargo tanks containing hazardous materials in trailer-on-flat-car service (TOFC) subject to conditions approved by the Federal Railroad Administrator. Such approval authority is presently exercised by the Bureau of Explosives (AAR).

On April 15, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-45; Notice No. 70-6 (35 F.R. 6151), proposing the amendment described above. In addition, the notice expressed certain of the Board's views regarding the hazards involved in transportation of cargo tanks in trailer-on-flat-car service.

Interested persons were invited to give their views on the proposal and on the opinions expressed by the Board. Comments generally favored the proposed vesting of approval authority in the Federal Railroad Administrator. Many helpful comments and data were received relating to the hazards involved in TOFC service. These will be given full consideration by the Federal Railroad Administrator in the development of criteria for conditions under which TOFC service for transportation of hazardous materials may be approved.

It should be emphasized that the proposed amendment does no more at this time than change the approving authority from that of a non-governmental agency to a designated official of the cognizant Federal agency. In evaluating conditions submitted for approval, the Federal Railroad Administrator will avail himself of the information and advice of the Bureau of Explosives (AAR), and will take into consideration the Bureau of Explosives' criteria in granting approvals heretofore.

The Board concludes that it is in the public interest to adopt the amendment as proposed. In order to facilitate compliance with the amendment, it is suggested that during the 90-day period preceding the effective date, shippers and railroad carriers presently conducting this type of operation under existing Bureau of Explosives' approval apply to the Federal Railroad Administrator for his approval of their continued operations.

In consideration of the foregoing, 49 CFR Part 174 is amended as follows:

In § 174.533 paragraph (c) is amended as follows:

**§ 174.533 Truck bodies or trailers on flat cars.**

\* \* \* \* \*

(c) Cargo tanks containing hazardous materials may not be transported in trailer-on-flat-car service except under conditions approved by the Federal Railroad Administrator.

(Secs. 831-835, 18 U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

This amendment is effective January 20, 1971.

Issued in Washington, D.C., on November 17, 1970.

CARL V. LYON,  
*Acting Administrator,*  
*Federal Railroad Administration.*

[F.R. Doc. 70-15697; Filed, Nov. 20, 1970; 8:46 a.m.]