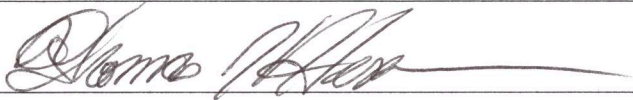


HAZARDOUS MATERIALS GUIDANCE

Issuance Date: December 2017	HM Guidance Number: HMG-120
Revision: 2	49 CFR Sections Affected: 174.14, 174.16
Key Words: 48-hour rule	
Approved: Thomas J. Herrmann Director, Office of Technical Oversight	

Summary:

The purpose of this Hazardous Materials Guidance is to clarify existing regulations at 49 CFR §§ 174.14 (Movements to be expedited) and 174.16 (Removal and disposition of hazardous materials at destination).

Discussion:

49 CFR § 174.14 – Paragraph (a) of § 174.14, commonly known as the “48-hour rule,” came into existence to ensure rail shipments of hazardous materials are expedited from origin to destination. The rule applies to all loaded hazardous material shipments in “transportation.” “Transportation” begins when a carrier takes physical possession of the hazardous materials and continues until the package containing the hazardous material is delivered to the destination indicated on a shipping document, or in the case of a rail car, until the car is delivered to a private track or siding. See §§ 171.1(c) (definition of “transportation”) and 171.8 (definition of “private track”). With certain exceptions, § 174.14 generally requires rail carriers to forward hazardous materials shipments within 48 hours of receipt at any location (excluding Saturdays, Sundays and holidays) so that hazardous material shipments continue promptly to their designated destination.

The 48-hour rule provides an exception for limited service. In other words, if only biweekly or weekly service is performed at any given location, hazardous material shipments at that location must be forwarded on the “first available train” that services the location. The “first available train,” is the next train originating or completing work at this location, or has the capacity and the capability to forward the hazardous materials car to the next yard or rail siding enroute to its final destination on the shipping document.

49 CFR § 174.14(b) – Paragraph (b) of § 174.14 specifies that tank cars loaded with Division 2.1 (flammable gas), Division 2.3 (poisonous gas), and Class 3 (flammable liquid) may not be held at any point, subject to “forwarding orders.” Shipments of these materials must be consigned to the destination indicated on the shipping document.

49 CFR § 174.16(b) – This section addresses the delivery and disposition of hazardous material shipments when the consignee is not able to take delivery (e.g., because there is not enough room in consignee’s facility for the shipment). For carloads of hazardous materials other than Division 1.1 or 1.2 (explosive) materials, the rail carrier is required to notify the consignee that the shipment has arrived and consignee is generally required to remove the shipment from the carrier’s property within 48 hours. When the consignee cannot do so, the carrier has the following options: (1) store the shipment, providing safe storage is maintained; or (2) if safe and secure storage on the rail carrier’s property is not available, the carrier may elect to store the shipment offsite; or (3) at the expiration of 15 calendar days, the carrier may sell the materials.