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DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

[FRA E.O. No. 2, Amdt. 1]

UTLX TANK CARS

Movement for Repair

EMERGENCY ORDER
No. 2

On December 20, 1972, the Federal Railroad Administration (FRA) issued an emergency order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further use by any railroad of certain tank cars numbered as follows: UTLX 83095-83134; UTLX 83267-83339; and UTLX 83341-83449 (37 F.R. 28311). Based on FRA investigations, these cars were found to have a structural inadequacy which results in cracks in the tank shell and the possible leakage of a dangerous material. The unsafe condition constituted an emergency situation involving a hazard of death or injury to persons which warranted the issuance of the emergency order.

The owner of these defective tank cars now wishes to begin a program of repair. Since many of the cars are in locations not suited to this purpose, they must be moved by railroad to a proper repair location. In doing so, it will be necessary for a railroad who is subject to the emergency

order which proscribes further use of the named cars to accept the cars for transit.

The FRA believes that it is in the public interest to provide the tank car owner an opportunity to effect repairs which may lead to the cars' eventually being returned to transportation service. This opportunity must be guarded, however, so as not to jeopardize the public or railroad employees. Therefore, effective immediately, the emergency order concerning certain UTLX numbered tank cars issued on December 20, 1972, is amended by adding the following exception: A railroad may use any car listed in the order which is --

(1) Being moved in an empty condition to a location designated as a repair location by the person who submits the car for transit; or

(2) Being moved to test the results of a repair, and the car is empty or loaded with a material other than one covered by the Hazardous Materials Regulations of the Department of Transportation, 49 C.F.R. Parts 100-199.

Except as provided herein, the emergency order remains in effect in all other respects. The penalty provisions included as part of the original order apply with equal force to the provisions of the amendment provided by this notice. This notice may not be construed as permitting the return to transportation service of any UTLX car listed in the order.

This notice is issued under the authority of section 203, 34 Stat. 972, 45 U.S.C. 432; and §1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(n).

Issued in Washington, D.C. on February 9, 1973.

John W. Ingram
JOHN W. INGRAM
Administrator