

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA E.O. No. 5]

EMERGENCY ORDER RESTRICTING HANDLING OF LOADED
TANK CARS OF FLAMMABLE COMPRESSED GAS

On August 14, 1974, a Notice of Proposed Rule Making (NPRM) Docket No. HM-120; Notice No. 74-11 was published in the Federal Register requesting comments on a proposal to restrict the handling of all cars placarded dangerous (39 F.R. 29197). The proposed restrictions would prohibit the uncoupling or cutting off of these cars while they are in motion, the striking of these cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling. At the request of commenters the date for comment was extended from September 20, 1974, to October 22, 1974.

On September 21, 1974, an accident occurred involving the handling of DOT 112A tank cars transporting Butadiene, a flammable compressed gas. This accident resulted in one fatality, 66 injuries and over ten million dollars in damages. On October 11, 1974, the National Transportation Safety Board (NTSB) issued Safety Recommendations R-74-29 & 30 recommending that FRA issue an emergency order to prohibit switching of all

tank cars containing flammable compressed gas unless the tank cars are under control of a locomotive and prohibit such tank cars from being coupled by other free-rolling equipment. In addition, the NTSB recommended procedures to assure compliance with the order.

More than forty comments were received in response to the NPRM in HM-120. An analysis of the comments indicated that a large number of commenters wanted further study to be made with some interim precautionary measures be taken with the cars that have caused the problems. Several commenters suggested FRA take action on the tank cars that have been involved in most of the accidents - the 112A and 114A uninsulated tank cars transporting flammable compressed gas. In addition, commenters suggested that tests be conducted to determine safe coupling speeds and the efficiency of hump yard retarders.

FRA believes that the commenters have raised some good points which should be studied further before permanent changes are made in the regulations. Another NPRM will be published soon requesting additional comments to assist in determining the best practical changes in the regulations necessary to improve safety. However, FRA believes that in the interim, special precautions must be taken in handling 112A and 114A tank cars.

FRA has determined that emergency action must be taken to prevent more catastrophic accidents from occurring. Therefore,

pursuant to the authority of Section 203 of the Federal Railroad Safety Act (45 USC §432) I am issuing the following Order:

ORDER

In addition to the requirements of Part 170-189 of Title 49 of the Code of Federal Regulations governing the transportation of hazardous materials, effective 12:01 a.m., October 27, 1974, a railroad may transport flammable compressed gas in DOT 112A and DOT 114A uninsulated tank cars that are not equipped with head shields prescribed by the Hazardous Materials Regulations Board in Docket HM-109, Amendment No. 5, 173-83, 179-15 published in the July 31, 1974, issue of the Federal Register (39 F.R. 27572), 49 CFR 179.100-23, only under the following conditions:

(a) DOT specification tank cars 112A and 114A that are not equipped with head shields required by 49 CFR 179.100-23, transporting flammable compressed gas requiring dangerous placards, shall not be cut off in motion. No car moving under its own momentum shall be allowed to strike any DOT 112A or 114A tank car containing flammable compressed gas placarded dangerous, that is not equipped with head shields required by 49 CFR 179.100-23, nor shall any such car be coupled into with more force than is necessary to complete the coupling.

(b) The shipping papers required by 49 CFR 174.510 for loaded tank cars containing flammable compressed gas placarded dangerous must carry the notations: "DOT 112A" or "DOT 114A" and "must be handled in accordance with FRA E.O. No. 5."

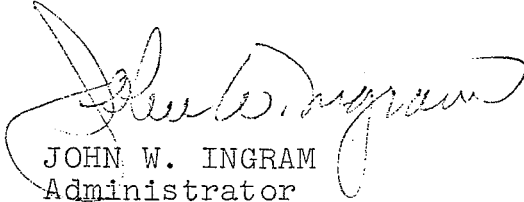
(c) Railroad employees must be informed of the presence of these cars and instructed to handle them in accordance with the requirements of this order.

A civil penalty of not less than \$250 nor more than \$2500 will be assessed for each violation of this order.

An opportunity for review of this order is provided in accordance with Section 554 of Title 5 of the United States Code.

(Sec. 203, 84 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 October 25, 1974.


JOHN W. INGRAM
Administrator