

of this subchapter. The truck body, trailer, or freight container must be secured on the flatcar so that it cannot change position during transit.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-26A, 41 FR 40685, Sept. 20, 1976; Amdt. 174-38, 45 FR 32698, May 19, 1980; Amdt. 174-39, 45 FR 81572, Dec. 11, 1980; Amdt. 174-59, 51 FR 5974, Feb. 18, 1986; Amdt. 174-68, 57 FR 45464, Oct. 1, 1992; Amdt. 174-79, 59 FR 64744, Dec. 15, 1994]

§ 174.63 Portable tanks, IM portable tanks, IBCs, Large Packagings, cargo tanks, and multi-unit tank car tanks.

(a) A carrier may not transport a bulk packaging (*e.g.*, portable tank, IM portable tank, IBC, Large Packaging, cargo tank, or multi-unit tank car tank) containing a hazardous material in container-on-flatcar (COFC) or trailer-on-flatcar (TOFC) service except as authorized by this section or unless approved for transportation by the Associate Administrator for Safety, FRA.

(b) A bulk packaging containing a hazardous material (including IM 101 and IM 102 when appropriate according to dimensions and weight distribution) may be transported inside a fully closed transport vehicle or fully closed freight container provided it is properly secured with a restraint system that will prevent it from changing position, sliding into other packages, or contacting the side or end walls (including doors) under conditions normally incident to transportation.

(c) When not transported in conformance with and subject to paragraph (b) of this section, a bulk packaging may be transported in COFC service or TOFC service subject to the following conditions as applicable:

(1) The bulk packaging contains a material packaged in accordance with §173.240, 173.241, 173.242, or 173.243 of this subchapter;

(2) The tank and flatcar conform to requirements in AAR 600 of the AAR Specifications for Tank Cars, “Specifications for Acceptability of Tank Containers” (IBR, see §171.7 of this subchapter);

(3) For TOFC service, the trailer chassis conforms to requirements in paragraphs 3, 4, 5, and 6 of AAR Specification M-943, “Container Chassis For TOFC Service” of the AAR specifica-

tion for “Specially Equipped Freight Car and Intermodal Equipment” (IBR, see §171.7 of this subchapter);

(4) For COFC service, the container support and securement systems conform to requirements in Specification M-952, “Intermodal Container Support and Securement Systems for Freight Cars”, of the AAR specification for “Specially Equipped Freight Car and Intermodal Equipment” (IBR, see §171.7 of this subchapter);

(5) If transported in a well car—

(i) The tank is not in a double-stacked configuration (*i.e.*, no freight container or portable tank is placed above or below the tank); and

(ii) The tank is transported in the well with its outlet valve facing outward towards the end of the well and away from any adjacent tank or container; and

(6) All securement fittings shall be fully engaged and in the locked position, provided; however, if the tank is transported in a well car, it must be loaded into a well appropriate for the length of the container and any void filling device present must be secured in its designed appropriate position.

(d) An approval in effect on February 28, 1991 for the transportation of portable tanks or IM portable tanks in TOFC or COFC service expires on the date stated in the approval letter or June 15, 1995, whichever is later.

(e) A carrier may not transport a cargo tank or multi-unit tank car tank containing a hazardous material in TOFC or COFC service unless approved for such service by the Associate Administrator for Safety, FRA. However, in the event of an accident or incident, no such approval is necessary for the transportation of a cargo tank containing a hazardous material in TOFC service under the following condition(s):

(1) There is an emergency need for the cargo tank in order to mitigate the consequences of an incident; and

(2) Movement of the cargo tank is limited to transportation necessary for emergency purposes.

[Amdt. 174-79, 59 FR 64744, Dec. 15, 1994, as amended by 66 FR 45383, Aug. 28, 2001; 68 FR 75747, Dec. 31, 2003; 75 FR 5395, Feb. 2, 2010]