

§ 174.20

If not so removed, the carrier shall immediately dispose of the shipments as follows:

(1) *Division 1.1 or 1.2 (explosive) materials*: If safe storage is available, by storage at the owner's expense; if safe storage is not available, by return to the shipper, sale, or destruction under supervision of a competent person; or if safety requires, by destruction under supervision of a competent person.

(2) *Hazardous materials, except Division 1.1 or 1.2 (explosive) materials, in carload shipments*: By storage on the carrier's property; by storage on other than the carrier's property, if safe storage on the carrier's property is not available; or by sale at expiration of 15 calendar days after notice of arrival has been sent or given to the consignee, provided the consignor has been notified of the non-delivery at the expiration of a 48-hour period and orders for disposition have not been received.

(3) *Hazardous materials, except Division 1.1 or 1.2 (Class A explosive) materials, in less-than-carload shipments*: By return to the shipper if notice of non-delivery was requested and given the consignor as prescribed by the carrier's tariff, and orders for return to shipper have been received; by storage on the carrier's property; by storage on other than the carrier's property, if safe storage on carrier's property is not available; or by sale at expiration of 15 calendar days after notice of arrival has been sent or given to the consignee, provided the consignor has been notified of non-delivery at expiration of a 48-hour period and orders for disposition have not been received.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-68, 55 FR 52677, Dec. 21, 1990; 66 FR 45383, Aug. 28, 2001]

§ 174.20 Local or carrier restrictions.

(a) When local conditions make the acceptance, transportation, or delivery of hazardous materials unusually hazardous, local restrictions may be imposed by the carrier.

(b) Each carrier must report to the Bureau of Explosives for publication the full information as to any restrictions which it imposes against the acceptance, delivery, or transportation of

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hazardous materials, over any portion of its lines under this section.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976]

Subpart B—General Operating Requirements

§ 174.24 Shipping papers.

A person may not accept or transport a hazardous material by rail unless that person receives a shipping paper that properly conveys the information required by part 172 of this subchapter. Only an initial carrier within the United States must receive and retain a copy of the shipper's certification as required by § 172.204 of this subchapter. This section does not apply to a material that is excepted from shipping paper requirements as specified in § 172.200 of this subchapter.

[Amdt. 174-83, 61 FR 28677, June 5, 1996, as amended by Amdt. 174-83, 61 FR 50255, Sept. 25, 1996]

§ 174.26 Notice to train crews.

(a) The train crew must have a document that reflects the current position in the train of each rail car containing a hazardous material. The train crew must update the document to indicate changes in the placement of a rail car within the train. For example, the train crew may update the document by handwriting on it or by appending or attaching another document to it.

(b) A member of the crew of a train transporting a hazardous material must have a copy of a document for the hazardous material being transported showing the information required by part 172 of this subchapter.

[Amdt. 174-84, 62 FR 1236, Jan. 8, 1997]

§ 174.50 Nonconforming or leaking packages.

A leaking non-bulk package may not be forwarded until repaired, reconditioned, or overpacked in accordance with § 173.3 of this subchapter. Except as otherwise provided in this section, a bulk packaging that no longer conforms to this subchapter may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration. Notification and approval must be in writing, or