

§ 174.105

49 CFR Ch. I (10-1-04 Edition)

the forwarding station in a separate file and the other two must be attached to the car, one to each outer side on a fixed placard board or as otherwise provided.

_____ Railroad
CAR CERTIFICATE

No. 1 _____ Station _____
19__.

I hereby certify that I have this day personally examined Car Number _____ and that the car is in condition for service and complies with the FRA Freight Car Safety Standards (49 CFR part 215) and with the requirements for freight cars used to transport explosives prescribed by the DOT Hazardous Materials Regulation (49 CFR part 174).

Qualified Person Designated Under
49 CFR 215.11

No. 2 _____ Station _____
19__.

I have this day personally examined the above car and hereby certify that the explosives in or on this car, or in or on vehicles or in containers have been loaded and braced; that placards have been applied, according to the regulations prescribed by the Department of Transportation; and that the doors of cars so equipped fit or have been stripped so that sparks cannot enter.

Shipper or his authorized agent

Qualified Person Designated Under
49 CFR 215.11

No. 3 _____ Station _____
19__.

I hereby certify that I have this day personally supervised the loading of the vehicles or containers on and their securement to the above car.

Shipper or railway employee inspecting
loading and securement

NOTE 1: A shipper must decline to use a car not in proper condition.

NOTE 2: All certificates, where applicable, must be signed.

NOTE 3: Car certificates remaining on hand as of the effective date of these regulations may be used until stocks are exhausted but not after July 1, 1977.

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 174.104, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 174.105 Routing shipments, Division 1.1 or 1.2 (explosive) materials.

Before a shipment of Division 1.1 or 1.2 (explosive) materials destined to a point beyond the lines of the initial carrier is accepted from the shipper, the initial carrier shall ascertain that the shipment can go forward by the route designated. To avoid delays en route, the initial carrier must be in possession of full rate information before forwarding the shipment.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-68, 55 FR 52682, Dec. 21, 1990; 66 FR 45383, Aug. 28, 2001]

§ 174.106 "Order-Notify" or "C.O.D." shipments, Division 1.1 or 1.2 (explosive) materials.

(a) A carrier may not accept for transportation Division 1.1 or 1.2 (explosive) materials, detonators, or detonating primers in any quantity when consigned to "order-notify" or "C.O.D.", except on a through bill of lading to a place outside the United States.

(b) A carrier may not accept for transportation Division 1.1 or 1.2 (explosive) materials, detonators, or detonating primers which the shipper consigns to himself unless the shipper has a resident representative to receive them at the delivery point.

(c) A carrier may not accept Division 1.1 or 1.2 (explosive) materials for transportation subject to "stop-off privileges en route for partial loading or unloading."

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-36, 44 FR 70732, Dec. 10, 1979; Amdt. 174-68, 55 FR 52682, Dec. 21, 1990; 66 FR 45383, Aug. 28, 2001]

§ 174.110 Car magazine.

When specially authorized by the carrier, Division 1.1 or 1.2 (explosive) materials in quantity not exceeding 68 kg (150 pounds) may be carried in construction or repair cars if the packages of Class 1 (explosive) materials are placed in a "magazine" box made of sound lumber not less than 2.5 cm (0.98 inch) thick, covered on the exterior with metal, and provided with strong handles. The box must be plainly stenciled on the top, sides, and ends, in letters not less than 5 cm (2 inches) high, "EXPLOSIVES—DANGEROUS—HANDLE CAREFULLY". The box must be

provided with strong hinges and with a lock for keeping it securely closed. Vacant space in the box must be filled with a cushioning material such as sawdust or excelsior, and the box must be properly stayed to prevent movement within the car. The car must be placarded with EXPLOSIVES 1.1 or 1.2 (EXPLOSIVES A) placards when the magazine contains Division 1.1 or 1.2 (explosive) materials.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-26A, 41 FR 40685, Sept. 20, 1976; Amdt. 174-68, 55 FR 52682, Dec. 21, 1990; 66 FR 45383, Aug. 28, 2001]

EFFECTIVE DATE NOTE: At 68 FR 61942, Oct. 30, 2003, § 174.110 was amended by revising the word "movement" to read "shifting", effective Oct. 1, 2004. At 69 FR 30588, May 28, 2004, the effective date was delayed until Jan. 1, 2005.

§ 174.112 Loading Division 1.3 materials and Division 1.2 (explosive) materials (Also see § 174.101).

(a) Division 1.3 materials and Division 1.2 (explosive) materials may not be loaded, transported or stored in a rail car equipped with any type of lighted heater or open-flame device, or in a rail car equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(b) Except as provided in § 174.101(b), (n), or (o) Division 1.3 materials and Division 1.2 (explosive) materials must be transported in a closed car or container car which is in good condition, and into which sparks cannot enter. The car does not require the car certificates prescribed in § 174.104(c) through (f). If the doors are not tight, they must be stripped to prevent the entrance of sparks. Wood floored cars must be equipped with spark shields (see § 174.104). Packages of Division 1.3 materials and Division 1.2 (explosive) materials must be blocked and braced to prevent their movement and possible damage due to movement of other freight during transportation. For recommended methods of blocking and bracing see Bureau of Explosives Pamphlet No. 6.

(c) Division 1.3 materials and Division 1.2 (explosive) materials may not be transported in a truck body, trailer, or container on a flatcar unless:

(1) The truck body, trailer, or container is closed and tight;

(2) All automatic heating or refrigerating machinery with which the truck body, trailer, or container is equipped is inoperative; and

(3) Packages of Division 1.3 materials and Division 1.2 (explosive) materials are blocked and braced within the truck body, trailer, or container to prevent their movement and possible damage due to movement of other freight during transportation (ends, sidewalls, or doors of the truck body, trailer, or container may not be relied on to prevent the shifting of heavy loads). For recommended methods of blocking and bracing see Bureau of Explosives Pamphlet No. 6C. See § 174.101(o).

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-26B, 41 FR 57072, Dec. 30, 1976; Amdt. 174-68, 55 FR 52682, Dec. 21, 1990; Amdt. 174-83, 61 FR 51339, Oct. 1, 1996; 66 FR 45383, Aug. 28, 2001]

EFFECTIVE DATE NOTE: At 68 FR 61942, Oct. 30, 2003, § 174.112 was amended in paragraphs (b) and (c)(3) by revising the word "movement" to read "shifting", effective Oct. 1, 2004. At 69 FR 30588, May 28, 2004, the effective date was delayed until Jan. 1, 2005.

§ 174.114 Record to be made of change of seals on "Cars loaded with Division 1.1 or 1.2 (explosive) materials".

When a car seal is changed on a car requiring "EXPLOSIVES 1.1 or EXPLOSIVES 1.2 (EXPLOSIVES A) placards" while en route or before delivery to a consignee, a record of the change showing the following information must be made on or attached to the waybill or other form of memorandum which must accompany the car to its destination:

Railroad	Place	Date
Car Initials Car Number Number or description of seal broken		
Number or description of seal used to reseal car _____		
Reasons for opening car _____		
Condition of load _____		