

delivered to the destination indicated on a shipping document, package marking, or other medium, or, in the case of a private motor carrier, between the time that a motor vehicle driver takes physical possession of the hazardous material for the purpose of transporting it until the driver relinquishes possession of the hazardous material at its intended destination and is no longer responsible for performing functions subject to the HMR with respect to that particular package. *Storage incidental to movement* includes rail cars containing hazardous materials, even if they have been delivered to the destination indicated on the shipping document, except those stored on private track.

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Transloading means the transfer of a hazardous material at an intermodal transfer facility from one bulk packaging to another for purposes of continuing the movement of the hazardous material in commerce.

Transportation or transport means the movement of property and loading, unloading, or storage incidental to that movement.

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Unloading incidental to movement means removing a packaged or containerized hazardous material from a transport vehicle, aircraft, or vessel or, for a bulk packaging, emptying a hazardous material from the bulk packaging after the hazardous material has been delivered to the consignee and prior to the delivering carrier's departure from the consignee's facility or premises or, in the case of a private motor carrier, while the driver of the motor vehicle from which the hazardous material is being unloaded immediately after movement is completed is present during the unloading operation. (Emptying a hazardous material from a bulk packaging while the packaging is on board a vessel is subject to separate regulation as delegated at § 1.46(t) of this title.) *Unloading incidental to movement* includes transloading.

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PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 5. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.45 and 1.53

§ 173.1 [Amended]

■ 6. In § 173.1, paragraph (c) is removed and paragraph (d) is redesignated as new paragraph (c).

■ 7. Section 173.30 is revised to read as follows:

§ 173.30 Loading and unloading of transport vehicles.

A person who is subject to the loading and unloading regulations in this subchapter must load or unload hazardous materials into or from a transport vehicle or vessel in conformance with the applicable loading and unloading requirements of parts 174, 175, 176, and 177 of this subchapter.

■ 8. Section 173.31 is amended by adding new paragraph (g) to read as follows:

§ 173.31 Use of tank cars.

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(g) *Tank car loading and unloading.* When placed for loading or unloading and before unsecuring any closure, a tank car must be protected against movement or coupling as follows:

(1) The unloader must secure access to the track to prevent entry by other rail equipment, including motorized service vehicles. Derails, lined and blocked switches, portable bumper blocks, or other equipment that provides an equivalent level of security may be used to satisfy this requirement.

(2) Caution signs must be placed between the rails to give necessary warning to persons approaching the car(s) from the open end of a siding and must be left up until after all closures are secured and the cars are in proper condition for transportation. The signs must be of a durable material, blue in color, rectangular in shape, at least 30.48 cm (12 inches) high by 38.10 cm (15 inches) wide, and bear the word "STOP." The word "STOP" must appear in white letters at least 10.16 cm (4 inches) high. Additional words, such as "Tank Car Connected" or "Crew at Work," may also appear in white letters under the word "STOP."

(3) At least one wheel on the tank car must be blocked against movement in both directions, and the hand brakes must be set. If multiple tank cars are coupled together, sufficient hand brakes must be set and wheels blocked to prevent movement in both directions.

§§ 173.3, 173.6, 173.24a, 173.62, 173.166, 173.171, 173.181, 173.185, 173.189, 173.219, 173.308, 173.335, and 173.416 [Amended]

■ 9. In addition, in Part 173, the word "movement" is revised to read "shifting" in each of the following places:

- a. Section 173.3(c)(2);
- b. Section 173.6(b)(1) and (b)(3);
- c. Section 173.24a(a)(3);
- d. Section 173.166(e)(4)(iii);
- f. Section 173.171 (d);

- g. Section 173.181(a)(2);
- h. Section 173.189(b) and (d)(4)(i);
- i. Section 173.335(c); and
- j. Section 173.416(f).

■ 10. In addition, in Part 173, the term "freedom of movement" is revised to read "free moving" in the table in § 173.62(c) under Packing Instruction 131, each time it appears.

§§ 173.185, 173.219, and 173.308 [Amended]

■ 11. In addition, in Part 173, the word "movement" is revised to read "moving" in each of the following places:

- a. Section 173.185(e)(4), (g)(1), and (g)(2);
- b. Section 173.219(b)(3); and
- c. Section 173.308(a)(4).

PART 174—CARRIAGE BY RAIL

■ 12. The authority citation for Part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR Part 1.53

■ 13. In § 174.67, paragraphs (a)(1) through (a)(3) are revised, paragraph (a)(4) is redesignated as paragraph (a)(6), new paragraphs (a)(4) and (a)(5) are added, paragraphs (i) and (j) are revised, paragraph (k) is redesignated paragraph (l), and a new paragraph (k) is added, to read as follows:

§ 174.67 Tank car unloading.

(a) For transloading operations, the following rules must be observed:

(1) Unloading operations must be performed by reliable persons properly instructed in unloading hazardous materials and made responsible for careful compliance with this part.

(2) The unloader must apply the handbrake and block at least one wheel to prevent movement in any direction. If multiple tank cars are coupled together, sufficient hand brakes must be set and wheels blocked to prevent movement in both directions.

(3) The unloader must secure access to the track to prevent entry by other rail equipment, including motorized service vehicles. Derails, lined and blocked switches, portable bumper blocks, or other equipment that provides an equivalent level of security may be used to satisfy this requirement.

(4) The unloader must place caution signs on the track or on the tank cars to warn persons approaching the cars from the open end of the track that a tank car is connected to unloading equipment. The caution signs must be of metal or other durable material, rectangular, at least 30 cm. (12 inches) high by 38 cm. (15 inches) wide, and bear the word, "STOP". The word "STOP" must