

HAZARDOUS MATERIALS GUIDANCE

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Revision: 0	49 CFR Sections Affected: §§ 173.241, 173.242, 173.243
Key Words: FRA policy regarding mandatory phase-out of DOT-111 tank cars from Class 3 flammable liquid service	
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Purpose:

This Hazardous Materials Guidance clarifies the Federal Railroad Administration's (FRA) enforcement policy regarding the mandatory phase-out of DOT-111 tank cars in Class 3 flammable liquid service.

Background:

Section 7304 of the "Fixing America's Surface Transportation Act of 2015," or the "FAST Act" (Public Law 114-94) mandates a commodity-specific phase-out of all DOT-111 tank cars used to transport Class 3 flammable liquids beginning January 1, 2018. PHMSA incorporated this mandatory phase-out schedule into the federal hazardous materials regulations (HMR). *See* 49 CFR §§ 173.241-173.243. PHMSA published a final rule incorporating this statutory requirement into the HMR on August 15, 2016. *See* 81 FR 53935 (Docket No. PHMSA-2016-0011 (HM-251C)).

Discussion:

As a practical matter, FRA inspectors should exercise enforcement discretion and allow a DOT 111 tank car containing a residue of a flammable liquid found in transportation beyond the applicable phase-out deadline to move in a "residue" status for cleaning and retrofitting and/or repurposing without taking defects and/or violations. Inspectors should similarly exercise enforcement discretion if a DOT 111 tank car is found in transportation in flammable liquids service in a "loaded" status if the car was **loaded and offered** into transportation prior to its mandated phase-out date. Additionally, FRA should not require DOT 111 tank cars containing a residue of a flammable liquid and moving in "residue" status beyond the applicable phase-out deadline to obtain a One-Time Movement Approval under 49 CFR § 174.50 if the car otherwise complies with all applicable regulations.

Phase-out schedule mandated by FAST Act and 49 CFR §§ 173.242, 173.243:

<u>Tank car type/service</u>	<u>FAST Act phase-out deadline¹</u>
Non-jacketed DOT-111s	Crude oil - January 1, 2018 Ethanol - May 1, 2023 Flammable PG I–May 1, 2025 Flammable PG II/III–May 1, 2029
Jacketed DOT-111s	Crude oil–March 1, 2018 Ethanol–May 1, 2023 Flammable PG I–May 1, 2025 Flammable PG II/III–May 1, 2029
Non-jacketed CPC-1232s	Crude oil–April 1, 2020 Ethanol–July 1, 2023 Flammable PG I–May 1, 2025 Flammable PG II/III–May 1, 2029
Jacketed CPC-1232s	Crude oil–May 1, 2025 Ethanol–May 1, 2025 Flammable PG I–May 1, 2025 Flammable PG II/III–May 1, 2029

¹ References to “Flammable PG I” in this column refer to hazardous materials other than crude oil that are classified Class 3, flammable liquid, PG I materials and references to “Flammable PG II/III” in this column refer to hazardous materials other than crude oil or ethanol that are classified Class 3, flammable liquid, PGII or III materials.