



Interoffice Communication

To D. D. Eoff
From T. J. Gross
Date June 20, 1975
Subject Investigation - Department of Transportation

A U.S. Department of Transportation Safety Inspector, Mr. Collier H. Laws, visited the plant today with a list of safety and DOT violations and irregularities pertaining to our vinyl chloride tank cars. Mr. Laws inspected the VCM cars at the Southern Pacific rail yard Wednesday, June 18. All cars noted were loaded the night of June 17. Three of the cars were loaded for the Aberdeen, Mississippi PVC Plant while the other three were loaded for Air Products in Pace, Florida.

Below are the violations and irregularities noted by Mr. Law:

- 155 AC
10-10-75
- 58 AC
- UTLX 37302 - Containing Vinyl Chloride
- Liquid valve plug not in place.
 - Liquid valve and vapor valve plug loose.
 - Thermometer well cap loose.
 - Side safety railing loose, A-R.
- UTLX 37352 - Containing Vinyl Chloride
- One liquid valve and vapor valve plugs loose.
 - Thermometer well cap loose.
 - Test tube (sample) valve plug missing.
- UTLX 37316 - Containing Vinyl Chloride
- Both liquid valves and vapor valve plugs loose.
 - Thermometer well cap loose.
 - Side safety railing loose, B-R.
- UTLX 37301 - Containing Vinyl Chloride
- One liquid valve plug loose.
 - Thermometer well cap loose.
- UTLX 37299 - Containing Vinyl Chloride
- Both liquid valves and vapor valve plugs loose.
 - Thermometer well cap loose.
- UTLX 37318 - Containing Vinyl Chloride
- Both liquid valves and vapor valve plugs loose.
 - Thermometer well cap loose.
- 10-10-75

CWH 000005432

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Mr. Laws pointed out the Hazardous Material Regulation (Regulation 173.3 attached) that was violated. Mr. Laws also indicated that he would be inspecting VCM cars again in the near future to insure complete compliance with the regulations. Doyle Smith was contacted as a result of the DOT inspector's visit to the plant.

In addition, a program is underway to develop and implement a preload checkout list and a post-load checkout list on each car. The checkout lists should help prevent similar occurrence of these types of deficiencies.



T. J. Gross

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CWH 000005433

under construction on the effective dates thereof, are authorized for service as prescribed in the following table and notes, provided tanks and safety relief devices are retested as prescribed in paragraphs (c) and (d) of this section and equipped with approved valves, valve protection devices and safety relief devices.

Specifications prescribed in current regulations	Other specifications permitted (subject to the notes)	Notes
103	ATA-III, ARA-IV	2, 3, 4
103A	ARA-III	1, 2
103B or 103B-W	ARA-III Rubber Lined	2
101	ARA-IV	2, 4
105A200-W	105A100-W	5
105A200A1-W	105A100A1-W	5
105A300-W	ARA-V, DOT-105, 105A300	
105A400-W	105A400	
105A500-W	105A500	
105A600-W	105A600	
106A500-X	DOT-27 BE-27, 106A500	
106A800-X	106A800	
107A****		6

NOTE 1: ARA tanks must have been originally designed or subsequently reconstructed for the transportation of acids.

NOTE 2: Tank cars equipped with safety vents must have the vent closure so chained or otherwise fastened as to prevent misplacement.

NOTE 3: These cars must not be used for shipments of smokeless powder in water unless equipped with positive closure type bottom outlet valves.

NOTE 4: Until January 1, 1965, on cars built prior to January 1, 1959, 25 psi. safety relief valves may be replaced with 35 psi. safety relief valves not having an official rated capacity.

NOTE 5: Tanks built as Spec. DOT-105A100W or 105A100AL-W may be altered and reclassified as Spec. 105A200-W or 105A200AL-W, respectively, by installing safety relief valves, retesting and stenciling in accordance with the applicable specification.

NOTE 6: The test pressures of tanks built in the United States prior to January 1, 1956, may be increased to comply with current spec. DOT-107A except that tanks built prior to 1941 are not so authorized. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.

(3) Unless otherwise specifically provided in Part 173, when class DOT-105AW, 105A-ALW, 106A, 109A-ALW, 110AW, 111A, 112AW, or 114AW tank car tanks are prescribed, the same class tanks having higher marked test pressures than those prescribed may also be used. When class DOT-111AW1 tank car tanks are prescribed, class 111AW3 tank car tanks may also be used.

(4) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads' Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Classes DOT-105A-W, 109A-W, 111A100-W-4, 112A-W, 114A-W tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars and may be stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

NOTE 1: For additional requirements for tank cars for compressed gases, see § 173.314.

(b) Loading and shipping.

(1) Examination before shipping. When tanks are loaded and prior to shipping, the shipper must determine to the extent practicable that the tank, safety appurtenances and fittings are in proper condition for the safe transportation of the lading. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during the entire time tanks are being loaded. After loading, tanks with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, or the outlet cap plugs open, must not be offered for transportation until proper repairs have been made. Tanks which show any dropping or leaking of liquid contents at seams or rivets, must not be offered for transportation until proper repairs have been made.

(2) Loading requirements for tanks with interior heater coils. Tank cars equipped with interior heater coils, except when coils are rendered inoperative by blocking off the inlet and outlet, must be loaded with heater coil inlet and outlet caps off during entire time tanks are being loaded and show no leakage with caps off.

(3) Securing closures. All closures of openings in tank cars and of their protective housings must be properly secured in place by the use of a bar, wrench, or other suitable tool. A wrench having a handle at least 36 inches long must be used to apply the outlet valve cap. Manway covers and outlet valve caps must be made tight against leakage of vapor and liquid, by use of gaskets of suitable materials, before cars are tendered to carrier for transportation. Luting materials must not be used in outlet cap or on threads of bottom outlet.

(4) Inspection of safety relief devices on class DOT-106A and 110A tanks. Safety relief devices of the frangible disc or fusible plug type used on tanks of classes DOT-106A or 110A must be inspected before each loaded trip of tank by removing at least one vent for visual inspection; if it shows signs of deterioration, all devices must be removed and inspected and those which do not meet the requirements must be renewed.

(c) Periodic retest and reinspection of single-unit tank car tanks

(1) Tanks, interior heater systems, and safety relief valves must

be retested periodically as specified in Retest Table 1 of this paragraph. Retests may be made at any time during the calendar year the retest falls due except as provided in the notes. Periodic retest of exterior heater systems is not a specification requirement.

(2) Each tank must be retested by completely filling the tank and manway nozzle or expansion dome with water or other liquid of similar viscosity except as otherwise provided for in Note (d) to Retest Table 1 and applying the specified pressure for 10 minutes if the tank is not insulated, or 20 minutes if the tank is insulated. There shall be no leakage or evidence of distress. The tank insulation and jacket need not be removed unless leakage is indicated by a drop in pressure. The liquid temperature must not exceed 100° F. during the test. Calking of welded joints to stop leaks developed during retests is prohibited.

(3) Unless longer retest interval is authorized, tanks in service 10 years or over must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit.

(4) Anchor rivet housings, if used, must not be removed during retest. They shall be retested by applying an air pressure of 100 psi. through openings in the tank shell and must show no leakage.

(5) Interior heater systems must be retested hydrostatically at 200 psi. and must show no leakage.

(6) Safety relief valves must be retested with air or gas and must start to discharge at the pressure prescribed within plus or minus 3 percent except that if the start-to-discharge pressure is under 100 psi., the valve must start to discharge at the pressure prescribed within plus or minus 3 psi. Valves must be vapor tight at the prescribed pressure.

(7) A DOT tank car built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test pressure stenciled accordingly on the tank or jacket. An existing pressure tank car tank which is permanently converted to a lower pressure specification must have the new specification and conversion date permanently stamped in letters and figures at least 3/8-inch high on the outside of the manway nozzle or the edge of the manway nozzle flange on the left side of the car. Each car must be tested as designated in Retests Table 1 for the new specification. On a Class DOT-111A tank car, the last numeral of the specification number may be omitted from the stamping.

(8) Retests of tanks and safety relief devices must be reported by party making tests to car owner. Reports must show initials and number of cars, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

(9) After repairs requiring welding, riveting, caulking of rivets, or hot or cold forming to restore tank contour, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service. Glass, lead, or rubber-lined tanks must be retested before lining is renewed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.

(10) The year of the test of any tank, tank safety relief valve, and heater system, and the pressure to which it was tested must be stenciled on the tank or on the jacket if insulated, except that if a retest is required specifically by the regulations during the calendar month the retest falls due, the month and year must be so stenciled. Any safety relief valve from a stock which has been tested within six months of installation may be considered as having been tested or retested in the month in which installed, providing the valve has been protected from deterioration during this period.

(11) Any glass, rubber, or lead-lined tank need not be periodically retested, but the interior heater systems and safety valves must be retested at the prescribed interval. See also subparagraph (9) of this paragraph.

(12) Any tank lined with an elastomeric polyvinyl chloride at least 3/32 inch thick or an elastomeric polyurethane at least 1/16-inch thick need not be periodically retested, but the heater system and safety relief valves must be retested at the prescribed intervals. The tank must be retested before lining is renewed.

(d) Periodic retest and reinspection of tanks other than single-unit tank car tanks.

(1) Tanks designed to be removed from cars for filling and emptying and tanks to spec. DOT-107A**** and their safety relief devices must be retested periodically as specified in Retest Table 2 of this paragraph. Retest may be made at any time during the calendar year the retest falls due.

(2) Each tank, except as provided in subparagraph (d) (9) of this section must be subjected to the specified hydrostatic pressure and its permanent expansion determined. Pressure must be maintained for 30 seconds and as much longer as may be necessary to secure complete expansion of the tank. Pressure gauge must permit reading to an accuracy of one percent. Expansion gauge must permit reading of total expansion to an accuracy of one percent. Expansion must be recorded in cubic centimeters. Permanent volumetric expansion must not exceed 10 percent of total volumetric

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no special operating authority under 352A, following which it, within 30 days, the measure normally required of an FM broadcast station. The Commission will view such a retransmission WDKD-FM as a retransmission of Channel 261A and any rights it may possess with respect to that channel.

of the foregoing: It is ordered, effective December 1, 1975, or later, as indicated below, pursuant to the provisions contained in sections 4(i), (b) of the Communications Act, as amended, the FM Table of Frequencies, § 73.202(b) of the rules is amended insofar as the communities concerned, to read as follows:

Channel
No.

1252A
S.C. 1251A

at 11:55 a.m. local time, December 1, 1975, with the expiration of the license for Station WDKD-FM 91A at Kingstree, South Carolina, at an earlier date as Station WDKD-FM 91A, at its request, cease operation on December 1, 1975, at Kingstree.

Further ordered, That the program Channel 280A to Fayetteville, North Carolina, advanced by Stuart, herein as a counterproposal is denied.

Further ordered, That the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested, to San-

tington Co., Inc., licensee of WDKD-FM, Kingstree, South Carolina, and also a copy thereof by registered mail to its attorneys, Cohn and Cohn, Washington, D.C.

Further ordered, That this Order be terminated.

307, 48 Stat., as amended, 1066, U.S.C. 104, 303, 307.)

July 17, 1974.

July 26, 1974.

FEDERAL COMMUNICATIONS

COMMISSION,

VINCENT J. MULLINS,

Secretary.

17334 Filed 7-29-74; 8:45 am]

[FCC 74-802]

ABLE TELEVISION SERVICES
Television Broadcast Signals

the matter of amendment of part D, of the Commission's minimum carriage of television signals in the cable television

76.51 of the Commission's minimum carriage of television signals in the cable television. In § 76.51(g), we have designated the following markets to be:

or
41. Washburn and Robinson

The specified zone of a commercial television station licensed to a community listed in § 76.51, or a combination of such specified zones where more than one community is listed.

One of the combined or hyphenated major markets is Kalamazoo-Grand Rapids-Muskegon-Battle Creek, Michigan (#37).

2. It has come to our attention that no commercial television station is now serving or authorized to serve Muskegon, Michigan. On October 2, 1967, a construction permit was granted to Muskegon Telecasting Company, Inc., for Channel 54, Muskegon, Michigan; however, the construction permit was cancelled on October 15, 1971, at the request of the permittee, and this allocation has remained available ever since. Consequently, the area surrounding the City of Muskegon no longer fits our definition of a television market. We will therefore amend Section 76.51 of the Rules to delete Muskegon from the 37th major television market.

3. This amendment is designed to relieve unnecessary burdens and expedite Commission proceedings with respect to matters that our experience indicates are not the subject of dispute. Accordingly, we conclude that the effective date, prior notice of rulemaking and public proceedings thereon are unnecessary, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553. Similarly, delay in implementing this amendment would be contrary to the public interest.

4. Authority for the rule amendment adopted herein is contained in sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective July 31, 1974, Part 76 of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1084, 1095; (47 U.S.C. 152, 154, 303, 307, 308, 309))

Adopted: July 17, 1974.

Released: July 24, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

VINCENT J. MULLINS,

Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. In Part 76—Cable Television Service, § 76.51(a) (37) is amended as follows:

§ 76.51 Major television markets.

(a) • • •

(37) Kalamazoo-Grand Rapids-Battle Creek, Michigan.

• • • • •
[FR Doc. 74-17334 Filed 7-29-74; 8:45 am]

Commissioners Washburn and Robinson not participating.

Title 49—Transportation CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-109; Amndt. Nos. 173-83, 179-15]

PART 173—SHEPPERS

PART 179—SPECIFICATIONS FOR TANK CARS

Tank Car Tank Head Shields

This amendment establishes a requirement for a protective shield for certain uninsulated tank car heads. The amendment was proposed on May 29, 1973, in Docket No. HM-109, Notice No. 73-4 (38 FR 14112). In that notice the Board stated that it believed this requirement would materially reduce the number of head punctures on tank cars carrying liquefied flammable compressed gases and thereby increase safety to the public and railroad employees.

Interested persons were invited to participate in this rulemaking proceeding and all comments received have been given full consideration by the Board. There were nineteen commenters on the Notice including representatives of the railroad industry and shippers. The interest shown and the comments expressed are appreciated by the Board.

All of the respondents were of the opinion that a regulation calling for head shields is premature and that a modified coupler design with a more positive means of preventing vertical displacement of freight cars during impact would be preferable. The Board does not agree with this position for the following reasons:

1. Statistical evidence already exists through testing that a head shield would be both effective in reducing tank head punctures and would also be cost beneficial. There have been three studies on tank car head shields. Results of these studies are as follows:

(a) The first study, Railroad Tank Car Safety Research and Test Project, was conducted by the Railway Progress Institute (RPI) and the Association of American Railroads (AAR) under an FRA contract. This report was submitted in August 1971. Damage data in the report were based on tank head punctures for the period 1965-1970. Benefits were based on the head shield being 77 percent efficient. The cost of application used in the report was developed by the tank car manufacturers. The average costs of application used in this report were \$280 for a new car and \$335 for an existing car. The present value benefit of the head shield was computed in this study as the resultant off investing the annual per car damage savings for a thirty year period at an interest rate of 10 percent. The report stated that the net economic value of the head shield was \$105 on new cars and \$50 on existing cars.

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(b) The Association of American Railroads submitted a report in November 1972 on tank car head shields. The same data base and statistical approach as used in the RPI/AAR report was employed. The AAR assumed that the head shield would be only 50 percent effective and estimated the cost to be \$272 for new cars and \$474 for existing cars. On this basis, the net economic value was negative. On new cars the economic loss was stated as \$8 and on existing cars the economic loss was \$210.

(c) Examination of the two reports by the FRA and the Calspan Corporation revealed that the separation of tank car head punctures from other tank shell intrusions accompanying or resulting from a head puncture may have caused bias in the data base discussed in (a) and (b) above. FRA totaled all shell puncture damage and assigned the portion to head punctures based on the percentage of incidents originating from a head puncture. Application costs were based on the highest estimates from both head shield reports. On this basis, the net economic value of the head shield is \$395

on new cars and \$201 on existing cars. The following table shows a comparison of the three reports.

ECONOMIC EVALUATION OF TANK CAR SHIELD

(Per Class DOT 112A and 114A Car)

Economic Assumptions:

1. Cost Estimates:

(a) RPI/AAR—Average cost based on manufacturers' rail industry estimates.

(b) Calspan Report entitled "Cost/Benefit Analysis of Head Shields for 112/114 A Series Tank Cars", dated March 1, 1974. (Report No. ZL-5226-D-1).

2. Head Shield Efficiency:

(a) RPI/AAR and AAR—Based on respective estimates of the ability of the head shield to prevent head punctures.

(b) FRA—Used lowest efficiency estimate.

3. Present value benefit is based on investment of the annual economic savings at 10% over a 30 year period.

4. Economic Savings:

(a) RPI/AAR and AAR—Based on estimated damage due to head punctures during period 1965-1970.

(b) FRA—Based on pro-rated estimated damage due to all tank intrusions during period 1965-1970.

	DOT-FR-00085 RPI/AAR 1(a) 9/71		AAR Submittal 1(a) 11/72		FRA-Calspan Contract No. DOT-FR-20069 1(b) 12/73	
	New	Existing	New	Existing	New	Existing
Estimated cost of applied head shield.....	\$280	\$325	\$272	\$474	\$272	\$474
Estimated efficiency of head shield (percent).....	77	77	50	50	50	50
Present value of benefit.....	\$385	\$385	\$204	\$204	\$679	\$679
Net economic value.....	\$105	\$50	-\$8	-\$210	\$407	\$205

2. The modified coupler design which consists of a standard coupler with top and bottom shelf has had little testing and there is no basis for assuming that it is superior to the head shield as a puncture preventative. In the event that the modified coupler design also proves cost beneficial, the head shield can serve as back up system and increase the total effectiveness of both. Some commenters were concerned about the 500,000 pounds dynamic force strength requirement. The Board concurs with their recommendation that the shield be designed to pass the normal impact test required for all tank cars. The regulation has been revised to reflect this change. For the purposes of clarity a new paragraph Head Shields (179.100-23) has been introduced rather than amend the paragraph captioned Tank Heads (179.100-8).

In developing the final rule in this proceeding, the Board seriously considered reducing by one or two years the proposed period for retrofitting the more than 18,000 existing DOT specification 112A and 114A tank cars with head shields. However, upon further consideration, it was determined that this task is of such a magnitude that it cannot be completed before December 31, 1977. Reducing the retrofit period by one or two years would only result in removal of many of these cars from service thereby further intensifying the energy crisis

and severely restricting the rail movement of fuels, fertilizers, chemicals and liquefied compressed gases vital to the nation's economy. The Board believes that prompt action must be taken by tank car owners to ensure that all existing 112A and 114A tank cars are equipped with head shields by the end of 1977. Accordingly, the Board requests that each owner of these tank cars file with the Federal Railroad Administrator, Washington, D.C. 20590, by September 1, 1974, its head shield retrofit program or schedule, followed by annual progress reports to be filed by September 1 each year and a final report when the program is completed. The Board expects each owner to retrofit all of its tank cars with head shields as soon as possible and will not be receptive to petitions to extend the retrofit program completion date.

In consideration of the foregoing, 49 CFR Parts 173 and 179 are amended as follows:

I. In the table contained in paragraph (c) of § 173.314, Note 23 would be added and reference thereto made in Column 3 of the table in the following entries:

§ 173.314 Requirements for compressed gases in tank cars.

(c) . . .

Kind of gas	Maximum permitted filling density, note 1 (percent)	Required tank car, see § 173.31(a) (2) and (3)
Anhydrous ammonia.....	50.....	DOT-106A500-X, note 7.
	57.....	DOT-105A300-W.
	57.....	DOT-112A400-F, 112A340-W, 114A340-W, notes 15 and 23.
	58.8.....	DOT-112A400-F, 112A340-W, 114A340-W, notes 15 and 23.
Butadiene (pressure not exceeding 255 lb/in ² at 115° F), inhibited.	Notes 18 and 21.....	DOT-112A340-W, 114A340-W, notes 4, 20, and 23.
Butadiene (pressure not exceeding 300 lb/in ² at 115° F), inhibited.	Notes 18 and 21.....	DOT-112A400-W, 114A400-W, notes 4, 20, and 23.
Liquefied petroleum gas (pressure not exceeding 255 lb/in ² at 115° F).	Note 18.....	DOT-112A340-W, 114A340-W, notes 4, 20, and 23.
Liquefied petroleum gas (pressure not exceeding 300 lb/in ² at 115° F).	Note 18.....	DOT-112A400-W, 114A400-W, notes 4, 20, and 23.
Methylacetylene-propadiene, stabilized.....	Note 22.....	DOT-106A500-X, notes 4, 9, and 23.
Vinyl chloride, note 9.....	84.....	DOT-106A500-X, note 7.
	87.....	DOT-105A200W, notes 4 and 16.
	86.....	DOT-112A340W, 114A340W, notes 4 and 23.

*Note 23: Specification 112A or 114A tank cars used for transportation of compressed gases must be equipped with protective head shields after Dec. 31, 1977. See sec. 179.100-23 for head shield specification.

II. In § 179.100, add a new subsection to read as follows:

§ 179.100-23 Head shields.

(a) After August 30, 1974, each end of a specification DOT-112A and 114A tank car must be equipped with a protective head shield. The shield must be:

(1) At least ½-inch thick, and made from steel produced in accordance with specification ASTM A242 or ASTM A572 GR. 50;

(2) In the shape of a trapezoid with the following dimensions:

(i) A minimum width at the top of center sill of 4 feet 6 inches;

(ii) A minimum width at the top of the shield of 9 feet 0 inches;

(iii) The top corners of the shield rounded to a minimum radius of 9 inches;

(iv) The bottom corners of the shield rounded to a minimum radius of 3 inches;

(v) All inside edges of the shield chamfered to a minimum radius of ¼ inch; and

(vi) A minimum height of 4 feet and 6 inches;

(3) Shaped to the contour of the tank shell head, utilizing a minimum of three vertical bend lines; and

(4) The head protection device must meet the impact test requirements of paragraph AAR. 24-5 in the "Specifications for Tank Cars" Standard, effective October 1, 1972. The impact test acceptance criterion is that the device and its supporting structure does not sustain visible permanent damage or deformation such as fractures, cracks, bends and dents. The object of this requirement is to assure that the head shield has adequate strength to remain attached and functionally unimpaired during normal operations.

The head protection device must meet all of the workmanship requirements of the "AAR Specifications for Design, Fabrication and Construction of Freight Cars," dated September 1, 1964."

This amendment is effective August 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835 of Title 18, United States Code, sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C. on July 23, 1974.

JOHN W. INGRAM,
Federal Railroad Administrator
Member, Hazardous Materials
Regulations Board.

[FR Doc. 74-17294 Filed 7-29-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected 3rd Rev. S.O. 1119]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1974.

It appearing, that an acute shortage of all types of railroad-owned freight cars exists throughout all sections of the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are ordered and held by shippers for loading which are later returned to the carrier without being used in transportation service; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1119 Service

(a) *Demurrage* on common carrier by the Interstate Commerce Commission, enforce, and rules, regulations, respect to its demurrage charges.

(b) *Description of order.* Except as otherwise provided in paragraph (c) hereof, apply to freight cars to demurrage rules and regulations of cars.

(c)¹ (1) This order applies to freight cars which are subject to the special Railway Equipment R.E.R. No. 391, issued or successive issues, one of the mechanical specifications shown on pages 1110 to 1113 of the headings: "Class Car Type," "Class Type," "Class H," "Class F"—Flat Cars, (2) and (3).

(2) *Exception.* This order shall not apply to cars with mechanical specifications FA, FL, RA, FRSB, RSM, or RSTC.

(3) *Exception.* This order shall not apply to cars subject to the provisions of the Interstate Commerce Commission's Tariffs 8-O, I.C.C. H-50; 552-P, I.C.C. H-53; nor to freight charges published in Jamison's National Freight Tariff No. 18, in effect thereto, or reissues thereof.

(d) *Cars subject to demurrage.* When empty cars are not used in transportation, demurrage will be charged including Saturdays, Sundays (see list in Item 4-I, I.C.C. H-36), and holidays. No free time allowance shall be given. (2) Charges for demurrage shall be as prescribed in paragraph (e) at the following rates:

\$10.00 per car per day for each of the first 24 hours;
\$20.00 per car per day for each of the next 24 hours;
\$30.00 per car per day for each of the next 24 hours;
\$50.00 per car per day for each of the next 24 hours.

(3) In the application of a demurrage day or fraction thereof, the period from the hour of placement of the car for service in advance of the order for loading, computed from 7:00 a.m. to 7:00 p.m., which so ordered.

(4) When a car is on a public track or interchange track in service from the party has been received with

¹ The word "Except" is