

# Approval Requirements for Nonconforming Packages Transported by Rail



You have asked for an FRA approval to move a rail car containing a hazardous material that no longer complies with the Hazardous Materials Regulations. In order to process your application, you should answer the questions provided on the enclosed guideline. Although filling out the guide is not required under Federal law, it will guide you in answering the necessary questions we need to process your application, so please read the questions carefully. If you have any comments on the guide please provide them to the address below. If FRA requires additional information to process your application, we will contact you.

FRA has the enforcement authority and responsibility to ensure for the safe transportation of hazardous materials. This approval does not negate any initiation of a penalty action by the Federal Railroad Administration with respect to the shipment that you seek approval to move.

With respect to the movement of tank cars overdue for periodic inspection and test, §173.31(a)(3) authorizes the movement of such a car when it contains the residue of a hazardous material (tanks may not be filled and then offered into transportation if such tanks are overdue for test). The railroad or shipper may move the car to any facility, such as a repair or cleaning facility. Remember, this section forbids "*filling*" and then "*offering*" a tank car overdue for periodic inspection and test.

## Submit your request for approval to:

Federal Railroad Administration  
Office of Safety Assurance and Compliance  
Hazardous Materials Program  
1120 Vermont Ave, NW, Mail Stop 25  
Washington, D.C. 20590  
Facsimile: (202) 493-6478/6230

## FRA contact list:

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