



Office of Railroad Safety
Motive Power & Equipment Division



Regulatory Review

for the

Railroad Passenger Car Alliance

Virtual

April 17, 2021



Steve Zuiderveen
Railroad Safety Specialist



Office of Railroad Safety Motive Power & Equipment



Rulemaking Initiatives



Steve Zuiderveen
Railroad Safety Specialist



Railroad Safety Advisory Committee



- In 2014 RSAC approved Working Group recommendations to modify and amend regulations relating to Tourist and Historic Railroads, and Private Passenger Cars





Tourist and Historic Railroads and Private Passenger Car Working Group



- The rulemakings propose to modify regulations to incorporate waivers and interpretations applicable to tourist, historic, and scenic railroad operated equipment. These actions would eliminate both the cost of submitting waiver requests and uncertainty whether the waiver requests will be approved, while maintaining appropriate safety.
- The rulemakings would also clarify steam locomotive reporting requirements and require appropriate safety measures better tailored to small operations that operate at speeds limited to 30 mph and do not interchange certain equipment.





Completed Rulemaking



- “Brakes 1” Final Rule published December 11, 2020
 - *Miscellaneous Amendments to Brake System Safety Standards and Codification of Waivers* ([FRA-2018-0093](#))
- *Litigation pending – Petition for Review of Final Rule*
 - U.S Court of Appeals – DC District
 - File No. 21-1049
- **Currently, Final Rule continues in force.**





Completed Rulemaking



Brakes 1 includes:

- EOT waivers
- Single Car Test code updates
- **232 Appendix B updated to Subpart H**
- 24-Hour Off-Air for air tests
- 90 CFM Air Flow/DP Trains
- Automated Single Car Tests
 - 24- and 48- month periods
- Extended Haul notification





Subpart H – History



- Safety Appliance Act of 1893
 - Presently codified at [49 U.S.C. § 20302 \(a\)\(5\)](#)
 - A train must be equipped with power brakes
- Power Brake Law of 1958
 - AAR “Code of Rules” for brake tests codified
 - Only for general system railroads
- *§ 20302 applies to all railroads, including non-insular, non general system*





Subpart H – History



- Part 232 Major Update – January 17, 2001
 - [§ 232.1\(c\)](#) requires tourist and historical railroads on the general system to be governed by part 232 prior to May 31, 2001 (memorialized in § 232 appendix B)
- Present rulemaking codifies appendix B as Subpart H – [§§ 232.700s](#)





232 Subpart H – Updates



- Change AAR Standard S-045 to [S-4045-13](#)
- Specifies that freight brakes to be maintained to [AAR Rules 3 and 4](#) of 2020 AAR Field Manual
 - Not 1992 Field Manual as previously policy
- Guidance for discontinued brake systems not in current AAR Code of Rules/Code of Tests*
 - *Presently Field Manual and Manual of Standards
- Update addresses to obtain standards





232 Subpart H – Updates



- [§ 232.717\(c\) *Discontinued brake systems*](#). For a brake system once, but no longer, included in AAR's current Code of Rules or Code of Tests (presently known as the Field Manual of the AAR Interchange Rules or the Manual of Standards and Recommended Practices), the brake system must be maintained in a safe and suitable condition for service according to a railroad's written maintenance plan. The maintenance plan, including its COT&S component and a periodic attention schedule, must be based upon a standard appropriate to the equipment. The railroad must comply with and make its written maintenance plan available to FRA upon request.





NPRM 2 – Brakes 2



“Brakes 2” is in development

- Brakes 2 will include:
 - Codifying waivers for ten-year periodic inspection of electronic locomotive brakes
 - Freight and passenger (i.e. CCB II, Fastbrake, etc)
 - Update and clarification of steam locomotive reporting rules





Brakes 2



- **Part 230 Steam Locomotives**
 - Forms and alteration & repair reports formerly filed with Regional Administrator to be filed with the [Director, Motive Power & Equipment](#) in Washington DC.
 - § 230.20(a) Clarification that Form 19's are not required on new Form 4s when information is contained in the new Form 4.
 - § 230.100 Pitting, rust or etching when cannot be made to run cool.





Brakes 2



- Additional Steam Locomotive Discussion
 - FRA notification required for new construction or overhaul of a retired locomotive intended for FRA jurisdiction.
 - § 230.16 and .17 notification and reporting to FRA deadlines clarified. Submit FRA Form 4 before the locomotive enters service.





NPRM 4



- NPRM 4 will include:
 - Tourist Railroad 50-year Car Rule
 - Reflectorization
 - Unit Condition Indicator
 - Short Line Glazing

Note: “Brakes 3” is an AAR initiative for electronic brake slips (eABS) for Class I air brake tests





Proposed Rulemakings



- NPRM 4 will include:
 - 50-year-old Freight Cars:
 - Tourist and Historic Freight Car (THC) defined
 - Not used to haul freight for hire or carried in train with Hazardous Materials
 - Limited to under 30 mph
 - Used only on railroad that owns or controls the car
 - Comply with specified THC record keeping requirements
 - Equipment that complies will not longer require special approval and stenciling under § 215.203
 - Stenciling replaced by record kept at railroad office and made available to FRA on request





Proposed Rulemakings



– Required Inspections

- Shop inspection every 2 years
- Center plates every 5 years with no record; every 15 years if you keep a service record and less than 1472 operating days
- Cast Iron Wheels may continue with a 50% derating based on bearing size
 - Restricted to 25 mph and subject to annual inspection
- Freight brakes must receive a legitimate Single Car Test every five years
 - See [§ 232.717\(c\)](#) for general system cars with obsolete air brakes

– Lease clause:

- Lessees (film companies, etc.) to be notified of these conditions when they use covered 50-year-old cars





Proposed Rulemakings



- Reflectorization:
 - THC equipment to be specifically excepted from reflectorization requirements of Part 224
 - Had been excepted by policy
- Unit Condition Indicator:
 - End-of-car cushioning unit (UCI) instead of “clearly formed droplets of oil”
- Part 223 Glazing
 - Shortline railroad glazing exempt from the requirements of
 - Type I and II if they operate below 30 mph, low vandalism, and low risk of impact
 - Will eliminate many current waivers





Technical Bulletin MP&E 21-01



- TB [MP&E 21-01](#) issued February 1, 2021
 - Due to reorganization of FRA Office of Safety, and delay in Brakes 2 rulemaking, FRA has issued interim guidance for [Part 230 – Steam Locomotives](#)
 - All required notices and forms previously sent to the Regional Administrator will now go to:

Gary G. Fairbanks, Staff Director, MP&E Division

Federal Railroad Administration

1200 New Jersey Avenue, SE, Mail Stop-25

Washington, DC 20590

Phone: (202) 493-6337 gary.fairbanks@dot.gov





Technical Bulletin MP&E 21-01



- HQ will notify and distribute copies of your information to the appropriate MP&E District Specialist
- The TB reaffirms that all 1472-day inspections shall include all annual, 5th annual, and added elements required by the owner/operator and FRA inspector
- In order to have FRA inspector input, at least one month before the inspection written notification is required a per § 230.16(b)





U.S. Department
of Transportation

**Federal Railroad
Administration**


1200 New Jersey Avenue, SE
Washington, DC 20590

Memorandum

Date: February 1, 2021

Reply to Attn of: MP&E 21-01

Subject: Technical Bulletin MP&E 21-01, Submission of Forms and Notifications for Steam Locomotives, Title 49 Code of Federal Regulations Part 230

From: Charles King, Director, Office of Railroad Infrastructure and Mechanical Equipment 

To: All Safety Management Teams, Motive Power and Equipment (MP&E) Specialists, Railroad Safety Oversight Managers, State Program Managers, and all Federal and State MP&E Inspectors

Background: The purpose of this Technical Bulletin (TB) is to provide Inspectors with guidance in the application of Title 49 Code of Federal Regulations (CFR) Part 230 Steam locomotive standards. On June 1, 2020, the Office of Railroad Safety implemented a major reorganization that eliminated all former Regional Offices. In doing so, the position of Regional Administrator was abolished. Throughout Part 230, the owner and/or operators of steam locomotives are instructed to send all required notifications and forms for the operation and maintenance of steam locomotives to the Regional Administrator where the locomotive is maintained/operated. Examples are, but not limited to Form No. 4 Boiler Specification Card, Form No. 5 Locomotive Service Day Record, Form No. 19 Report of Alteration or Welded or Riveted Repair, et. al.

Guidance: FRA recognizes that owner and/or operators of steam locomotives may continue to submit the required forms and inspection notifications to the Regional Administrator, as specified in the current CFR. Until the various sections of Part 230 are amended to reflect the reorganization, owners and/or operators are to make all notifications, and submit all forms to:

Staff Director, Motive Power and Equipment Division
Federal Railroad Administration
1200 New Jersey Avenue, SE, Mail Stop-25
Washington, DC 20590

Upon receiving such notifications/forms, the Motive Power & Equipment (MP&E) Division will notify and distribute copies of all information to the appropriate MP&E Specialist. Concurrently, the MP&E Division is developing an electronic database where all Specialists and Inspectors will have access to the steam locomotive's file for both current and legacy forms and information.

In addition, District MP&E Specialists are requested to inform all steam locomotive owners and/or operators in their Districts of the changes to the notice and filing procedures. Also, reaffirm with them that for all 1472 service day inspections shall include all annual, and 5th annual, inspection requirements, as well as any items required by the steam locomotive owner and/or operator or the FRA inspector. This includes all notifications for planned inspections.

If there are any questions or concerns regarding the notification or submission of steam locomotive related forms, please contact the Staff Director of the MP&E Division in the Office of Railroad Infrastructure and Mechanical Equipment at (202) 493-6322.

#



Dockets

Regulations.gov
Your Voice in Federal Decision Making

- Copies of these documents are posted to the public docket at www.regulations.gov
- You may review the docket by entering the docket number (i.e., [FRA-2018-0093](#) for Brakes 1) into the search engine and downloading

Make a difference. Submit your comments and let your voice be heard.

Search for Rules, Proposed Rules, Notices or Supporting Documents

Search





Important Resources



- American Public Transportation Association
 - APTA Passenger Rail Equipment Safety Standards ([PRESS](#)) (Passenger Single Car Test [PR-M-S-005-98, Rev. 4](#))
 - Will soon have a link to [legacy codes](#), as cited in annex of this standard
- FRA Compliance Manuals
 - The Public has access to the guidance document we have prepared for our inspectors
 - <http://www.fra.dot.gov/eLib/Details/L01185>





Important Resources



- Electronic Code of Federal Regulations
 - www.ecfr.gov
- Subscribe to Federal Register Index Page
 - Each day, search term “rail” to find the latest postings of waivers, notices, and rulemakings
 - <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>
- My e-mail
 - steven.zuiderveen@dot.gov





Office of Railroad Safety



Reorganization Update



Mike Ramsey
Railroad Safety Specialist



Reorganization Update



- Effective June 1, 2020
- The regional structure no longer exists
- The local discipline inspectors and supervisory specialist now report directly to the appropriate discipline manager at FRA Headquarters
- Your local inspectors are still your main contact
- Two Safety Management Teams (SMT) are now the “general” contact for Intercity, Commuter and Tourist/Historic/Excursion operations
 - **SMT-1** – All operations east
 - **SMT-7** – All operations west





Reorganization Update



- **SMT-1** - Amtrak, commuter, and excursion railroads operating in the eastern section of the Nation
 - Steve Illich – SMT Administrator- steven.illich@dot.gov
 - 55 Broadway, Room 1077 - Cambridge, MA 02142
 - Phone: 617-494-2302
 - Hotline: 800-724-5991
- **SMT-7** - Commuter and excursion railroads operating in the western section of the Nation
 - James Jordan – SMT Administrator - james.jordan@dot.gov
 - 801 I Street, Suite 466 - Sacramento, CA 95814
 - Phone: 916-498-6540
 - Hotline: 800-724-5997





Office of Safety
Data Analysis and Program Support



COVID – 19 Mask Mandate



Mark Patterson
Staff Director



COVID -19 Mask Mandate



- Transportation Security Administration (TSA) Security Directive (SD) Link [1582/84-21-01](#), *Security Measures – Face Mask Requirements*

§ 1582.1 Scope. (a) Except as provided in paragraph (b) of this section, this part includes requirements for the following persons. Specific sections in this part provide detailed requirements.

- (1) Each passenger railroad carrier.
- (2) Each public transportation agency.
- (3) Each operator of a rail transit system that is not operating on track that is part of the general railroad system of transportation, including heavy rail transit, light rail transit, automated guideway, cable car, inclined plane, funicular, and monorail systems.
- (4) Each tourist, scenic, historic, and excursion rail owner/operator, whether operating on or off the general railroad system of transportation.

(b) This part does not apply to a ferry system required to conduct training pursuant to 46 U.S.C. 70103.





COVID -19 Mask Mandate

Helpful Links



- [Order of the Centers for Disease Control and Prevention](#)
- [CDC FAQ](#)
- [TSA FAQ](#)
- [FRA Coronavirus web page](#)
- [FRA Emergency Order](#)
- [DOT Frequently Asked Questions](#)
- Email address: RailroadsMaskUp@dot.gov



Questions?

