



FROM THE PRESIDENT

IMPORTANT INFORMATION ISSUED BY THE HERITAGE RAIL ALLIANCE REGULATORY COMMITTEE IN CONJUNCTION WITH THE RAILROAD PASSENGER CAR ALLIANCE

Advisory Bulletin

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use"

Background

49CFR219 Control of Drug and Alcohol Use applies to all railroads connected to the General System of Railroads. Heritage railroads that are part of the General System currently have Drug and Alcohol Testing (DAT) programs in place for Train and Engine (T&E) Service personnel as well as Roadway workers (as applicable). Through a revision to this part, effective March 2, 2022, 49CFR219 now requires Mechanical employees who perform regulated activities on a General System railroad be included in the railroad's drug and alcohol testing program.

This document provides Heritage Railroads with the additional information to modify their DAT programs. Questions not answered by this document or questions regarding General System status should be directed to the Federal Railroad Administration.

No. 1 June 28, 2022 Revision

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use"
Definitions

As per §219.5:

Employee means any individual, (including a volunteer or a probationary employee) performing activities for a railroad, a contractor to a railroad, or a subcontractor to a railroad.

Mechanical employee or MECH employee means –

(1) Any employee who, on behalf of a railroad, performs mechanical tests or inspections required by part 215, 221, 229, 230, 232, 238, or 299 of this chapter on railroad rolling equipment, or its components, except for:

(i) An employee who is a member of a train crew assigned to test or inspect railroad rolling equipment that is part of a train or yard movement the employee has been called to operate; or

(ii) An employee who only performs one or more of the following duties:

(A) Cleaning and/or supplying cabooses, locomotives, or passenger cars with ice, food concession items, drinking water, tools, sanitary supplies, or flagging equipment;

(B) Servicing activities on locomotives such as fueling, replenishing engine oils and engine water, sanding, and toilet discharge and recharge;

(C) Checking lading for pilferage or vandalism; or

(D) Loading, unloading or shifting carloads.

(2) An employee who only performs work related to the original manufacturing, testing, or inspection of railroad rolling equipment, or its components, on the manufacturer's behalf, is not a mechanical employee or MECH employee.

Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation means a tourist, scenic, historic, or excursion operation conducted only on track used exclusively for that purpose (i.e., there is no freight, intercity passenger, or commuter passenger railroad operation on the track).

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use" Application

As with the original rule, only those operations who are part of the General System are impacted by the change. §219.3, Application, states –

(a) General. This part applies to all railroads and contractors, except as provided in paragraphs (b), (c), and (d) of this section, and except for:

(1) Railroads that operate only on track inside an installation that is not part of the general railroad system of transportation (i.e., plant railroads, as defined in § 219.5);

(2) Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation, as defined in § 219.5; or

(3) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

Referring back to §219.3, Definitions, tourist, scenic, historic, and excursion operations are -

Thus, only if your operation is part of the General System, are you impacted by this change. If you currently don't have a Drug and Alcohol Use Control Plan, you are not required to create one unless your railroad is now part of the General System.

Scope of Regulated Activity

For those to whom this change applies, the Alliance is providing additional guidance to help clarify who falls under the expanded scope of this rule. This guidance is developed from information provided from the FRA during a meeting with the FRA on March 16, 2022. Per the definition, a MECH employee is defined as one who performs "mechanical tests or inspections required by part 215, 221, 229, 230, 232, 238, or 299."

A review of the applicable standards identified the following tests or inspections:

Note: Several of the below inspection could be covered under Transportation Employees (engineer, conductor, fireman, etc.) that are already covered

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use" under 219.

These are indicated by "T&E Service Personnel" in parenthesis after the title of the paragraph.

Otherwise, non-Transportation Employees such as mechanical forces, including contractors, that perform the below test(s) would be subject to 219 testing under the new program.

49 CFR Part 215 - Railroad Freight Car Safety Standards

For Tourist and Historic Railroads operating converted freight cars, portions of this Part will apply.

§ 215.9(a) Movement of defective cars for repair § 215.13 Pre-departure inspection

§ 215.15(a) Periodic inspection

49 CFR Part 221 - Rear End Marking Device - Passenger, Commuter And Freight Trains

The scope of this Part does include markers (such as lamps) used to indicate the rear of a train including those that are permanently attached.

§ 221.15 Marking device inspection

T&E Service Personnel

49 CFR Part 229 - Railroad Locomotive Safety Standards

§ 229.9(a) Movement of non-complying locomotives

§ 229.21 Daily inspection

T&E Service Personnel

§ 229.23(e) Periodic inspection: general

§ 229.25 Tests: Every periodic inspection

Signature provided in 229.23 but anyone involved in the inspection is regulated, parts replacement is not inspection but a service

§ 229.27(b) Annual tests

§ 229.29(g) Air brake system calibration, maintenance, and testing

This does not apply to 3rd party air brake shops who service components

§ 229.31 Main reservoir tests

Completion of Form FRA F 6180-49A

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use"
49 CFR Part 230 - Steam Locomotive Inspection and Maintenance Standards § 230.12(b) Movement of non-complying steam locomotives

§ 230.13(a) Daily inspection T&E Service Personnel

§ 230.14(a) Thirty-one (31) service day inspection § 230.15(a) Ninety-two (92) service day inspection

§ 230.16(a) Annual inspection

§ 230.17(b) One thousand four hundred seventy-two (1472) service day inspection

Completion of FRA Form 3

§ 230.54 Testing and maintenance (T&E Service Personnel)

The individuals who perform inspections under the following paragraphs are only required to be in regulated service if their signatures are applied to § 230 Appendix C Forms following the performance of the inspections:

§ 230.32 Time and method of inspection

§ 230.36 Hydrostatic testing of boilers

§ 230.37 Steam test following repairs or alterations § 230.40(a) Time and method of staybolt testing

§ 230.45 Method of testing

§ 230.50 Time of testing

§ 230.71(a) Orifice testing of compressors

§ 230.72(a) Testing main reservoirs

§ 230.73(b)(c) Air gauges

49 CFR Part 232 - Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices

§ 232.15(a) Movement of defective equipment

§ 232.105(c) General requirements for locomotives

§ 232.305(a) Single Car Test

§ 232.710 General rules; locomotives (T&E Service Personnel)

§ 232.712 Initial terminal road train airbrake tests (T&E Service Personnel)

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use"

§ 232.713 Road train and intermediate terminal train air brake tests (T&E Service Personnel)

§ 232.714 Inbound brake equipment inspection (T&E Service Personnel)

§ 232.716 Running tests (T&E Service Personnel)

49 CFR Part 238 - Passenger Equipment Safety Standards

Most heritage passenger equipment is exempt from Part 238. These rules apply to Amtrak capable equipment or Amtrak equipment used on Tourist and Historic Railroads

§ 238.15 Movement of passenger equipment with power brake defects

§ 238.17 Movement of passenger equipment with other than power brake defects

§ 238.303 Exterior calendar day mechanical inspection of passenger equipment

§ 238.305 Interior calendar day mechanical inspection of passenger cars

§ 238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains

§ 238.311 Single car test

§ 238.313 Class I brake test § 238.315 Class IA brake test § 238.317 Class II brake test § 238.319

Running brake test

Organizations impacted by this change are encouraged to review the FRA Model for Railroads for the required updates for your program.

Individuals Not Associated with a Railroad

Heritage Tourist Railroads that are connected to the General System are also served by individuals who perform their services on a contractual basis. The Heritage Tourist railroads who hire these individuals to perform regulated

Changes to Title 49, Code of Federal Regulations, Part 219 "Control of Drug and Alcohol Use" activities on a contractual basis are now required to add those individuals to their DAT programs. It is the responsibility of the railroads Designated Employee Representative (DER) to determine if the

contracted individual requires a pre-employment drug screen and if the individual's term of service requires the individual's placement into the pool for random testing.

Also impacted by this rule change are organizations that own equipment that operates on a General System Railroad. For example, if your organization owns a steam locomotive that routinely operates over a Class 1 or a Heritage Railroad connected to the General System, then your organization must comply with 219 through one of these two options:

1) Submit and maintain their own DAT program which includes provisions for the inclusion of contractors who perform services for the railroad or organization. The DER must be an employee (can be non-paid) of the railroad or organization.

2) Utilize a 3rd party services provider, such as Integrity Training, to develop and administer a DAT.

As with Option 1, the DER must be an employee (can be non-paid) of the railroad or organization.

Similarly, individuals or organizations who own passenger equipment that operates on a General System Railroad must comply with 49CFR219 if they perform regulated activities on the equipment. If the owners hire individuals to perform regulated activities on a contractual basis, then those individuals must be under a DAT plan. To achieve this, the owner of the passenger equipment must work with a third party provider, such as Integrity Testing, to create a DAT plan which covers individuals who perform regulated services on the privately owned passenger equipment. The DER must be the equipment owner; or an employee of the owner or organization who has contracted the third party provider of the DAT services.

An additional option available for sole proprietors is to join a consortium pool maintained by Integrity Testing. For more information regarding this pool, go to <https://www.integritytesting.net/index.html> or contact the program administrator, Mary Brown-Ybos. Her contact information is –

Email: Mbrown-ybos@integritytesting.net Office Phone: 586-991-0000

Cell Phone: 248-703-0801

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Note: If you are an employee of a covered operation for 219, you must have a stand-alone plan if you work as a contractor at other operations.

Additional tools

The following is available in the HeritageRail Alliance Library:

- FRA PowerPoint Presentation “Highlights of Control of Alcohol and Drug Use: Coverage of Mechanical Employees and Miscellaneous Amendments Published February 2, 2022”
- FRA Model Railroad Plan Submissions for Use on or After March 4, 2022
- FRA Model Railroad Contractor Plan Effective March 4, 2022
- FRA Model Small Railroad Plan Effective March 4, 2022

Disclaimer

This Advisory Bulletin is provided by the HeritageRail and Railroad Passenger Car Alliances for the purpose of assisting users of the bulletin in meeting the requirements of Title 49, Part 219, of the Code of Federal Regulations. Usage of the content of this bulletin is not a guarantee of Federal Railroad Administration acceptance of a Drug and Alcohol Testing program.

[click here for a printable copy](#)

W. Roger Fuehring

President, RPCA

MEMBERSHIP NEWS



2022 CONFERENCE AND BEYOND

With the 2022 Conference just about 6 months away, planning is in high gear. The North Carolina Transportation Museum folks have a great gathering in the works for us in January 2023, but that is where the rails end. Normally at this time of year, I should be working with the hosts of the 2024 and 2025 Conferences as they prepare their events. This year is an exception. Imagine a bleak and empty January. That's what we have to look forward to since no

one has stepped forward to host any future Conferences. RPCA relies on a local RPCA member organization to host the Conference. It's not too late but your help is needed to find hosts for Conferences in the coming years. Call Charles Barthold, RPCA Conference Coordinator at 612-529-3428 with suggestions or to volunteer.

DUES

if you have not mailed in your dues, they are delinquent. The dues are only 45 dollars. Make check payable to RPCA or renew online at JoinRPCA@rpca.com. You can mail it to :
RPCA Membership
P.O. Box 67
Cordele, GA 31010
Do not enclose payment to RPCNB. That will be billed separately.
Please check your data to make sure it is correct.
If you have any questions about your renewal, please email Chris Lockwood at membershipRPCA@gmail.com.

MAIL REMINDER

Just a reminder that we no longer have our PO Box in Centreville, MD.
For membership renewals please use the address on the renewal form:
RPCA Membership
PO Box 67
Cordele, GA 31010

For all other correspondence, please use:
RPCA
PO Box 719
Quinton, VA 23141

Thanks in advance for updating your records.

AMTRAK CONFERENCE CALL JUNE 24,2022

For Amtrak
Adi Moratti
Mike DeAngelo
Teresa Smith
Steve Robusto

For RPCA:
Mike Stickel
Burt Hermev

Topics

1. Private Car Business Update

Amtrak reports there have been 104 PV moves Fiscal Year to date compared to 46 moves during the same period last year.

2. Location updates

The Miami Amtrak is looking to move to a new intermodal station. No answer as to how this will affect PV's

The Burlington Ethan Allen will extend from Rutland to Burlington, VT, on 7/18. There is a question about what facilities will exist for PVs wishing to stay and who will do the switching. A locomotive will be placed on the rear at Albany, and the train changes ends, so at that point, a PV will have to operate in train.

Trains KCY-STL have been annulled but will be coming back at the end of next month.

Currently, no trains operate SEA-VAC. There is pressure to resume the route along with Amtrak's other border-crossing trains. Amtrak has concerns about the ability to run passenger speeds with PVs. Those concerns came about in running the Rocky Mountaineer service to SEA, where they ran at freight speeds due to "cant deficiency" on certain curves. However, Rocky Mountaineer was also running their trains with the 18' high "ultradomes," which are top-heavy. Unless BNSF has reduced the cant on curves on that line, there should be no problem that needs serious research. Amtrak would routinely run superliners as substitutes when the Talgo trains were out of service for maintenance or repairs, on the same schedule the Talgos ran. They also ran amfleets on occasion. BNSF had special speed limits for Talgo trains in that territory, about 11% higher on certain curves than regular passenger trains. However, the timetable for SEA-VAC trains hadn't changed from when the consists were of conventional equipment.

July month-end Mules begin again. No service at the moment.

Burt Hermey

SAFETY

Missed on Sparks



Sometimes I wonder why this organization has asked me to write the Safety reminder for this great newsletter. I have had time to reflect on that article and realized I probably missed the most important point. Last month's Safety Corner focused on ways to prevent fires on our equipment when maintenance or refurbishment is taking place. My point was that it takes only a spark to incinerate or at least inflict damage to a car. The light went on, and I realized the hell with the car; how about our own personal safety when and if that spark ignites a much bigger problem.

Our shower/general toilet area is located near the A end or blind end of the car. The end door is just an arm's length from the general toilet door. Perfect, our closest escape route, or so it would seem. Since we keep this end door covered and locked from the exterior to prevent entry and vandalism, the exit route has encountered a major problem. Our car is actually coupled to another car with a platform. Again, this should not be a problem, except the gates to the platform are chained shut, so our escape route encounters another hurdle.

Truthfully, I would not have given this much thought except for the fact that I was wondering how we were going to get equipment and supplies inside the car to work in that area. My focus was on equipment access and fire prevention. I never looked beyond that and asked how a full-blown fire or smoke-filled room would be dealt with. Tunnel vision, I suppose. Maybe we all need to take a moment to step back and assess the overall scope of the work to be done and add a side note under "personal safety."

As the 4th of July sparks are beginning to be seen, please look at the big picture of any project you are undertaking and make plans for personal safety from start to finish. Communicate those plans to fellow workers. Please have a successful and safe 4th. Gary

Gary Carter

PARTS PLACE

John Radovich has some parts available

- Decelostat adapters - driveshafts
- Disc brake on indicator plates
- Slack adjuster bump stops
- Tread brake shoes
- Floor/baseboard heat
- Door weatherstripping PS & ? cars
- Used Huck machine/car jacks
- D17000/GE 44 parts

Contact: John's Trains, Inc. dba Dallas Terminal Railway
john@dalt.us 214-426-4100

UMLER



RPCNB renewal status:

As of 20 June mid-day, when this was written and submitted, we have:
152 renewals! Thank you all who have renewed on time! We are glad to see you staying with the RPCA.

One owner, two cars, notified us of not renewing. We are sorry to see you go, but we totally understand why. If your situation improves in the future, we welcome you back.

Seventeen cars and locos have not renewed, and we have not been notified of that intent. Unless we received your renewal by close of business on 30 June or contacted you about your issue in getting renewed, your rolling stock has been deleted from Umler to avoid paying the Railinc service charge per car for any rolling stock in the system on July 1.

2022 subscription year, a high number of registrations was 173! It seems hard to believe that about 20 years ago, we had more than that, but that was just before the excursion segment of the rail industry crashed. The number has been slowly climbing back from the historical low we had. This was significantly helped by a couple of "fleets", the largest of 32 cars and locos, with a few in the teens. We appreciate the owners keeping the faith and keeping the entire fleet registered under RPCNB.

All subscribers, please remember that even if you renewed your RPCNB subscription, you risk having your car or loco deleted if you did not renew your RPCA membership!

Umler:

New data spec manual after the major system upgrade on June 16. Little effect on passenger cars, some effect on locos with changes in the definition of some data fields, for the freight carriers a major improvement for freight cars. We are still researching what the exact effects are for locos.

One of the changes that did occur and did positively affect cars was that Umler now recognizes the taller clearance diagrams! It came in handy because we had a new subscriber with a real odd-ball to try to shoehorn into the old max height field and clearance plates field. At least now we can legitimately input max heights up to 20 feet! Fortunately didn't have to in this case, but we were about to do some sneaky inputs to get the computer to accept the car when the update was implemented, and we could input the real numbers.

This car was a perfect example of two data fields that are not mandatory for the computer, but a car owner should want them input with real numbers to protect the car. When the car is 18 feet 8 inches max height, it is advantageous to have those numbers in Umler, so the car isn't routed through a tunnel or low overhead of a lower plate code of maybe 15 feet 9 inches. That would result in a very not nice crunching situation.

Staff:

We are still looking for a replacement(s)! We understand that RPCNB looks like a hand full, at times a full-time job, other times nothing. It is a business and needs to be operated as such. The documentation for things like fed and state reporting and taxes can look scary, but we have yet to run into anyone at the fed or state level that was obstreperous and wouldn't listen to the story of why RPCNB is different. Everyone has worked with us to figure out how to make reporting as easy as possible and the tax as low as possible, in most cases zero; we have one where the law requires a minimum of \$11. And there are definite benefits to this task; one is working with a lot of good RPCNB subscribers/RPCA members and the railroad industry in general.

Someone or ones need to take on the task to keep the organization going. Dan is now 75, and Pamm isn't far behind. We don't want something to happen to us that leaves all the subscribers and RPCA in general in a pickle. Time for some people to step up and start learning this always interesting and, at times, exciting activity.

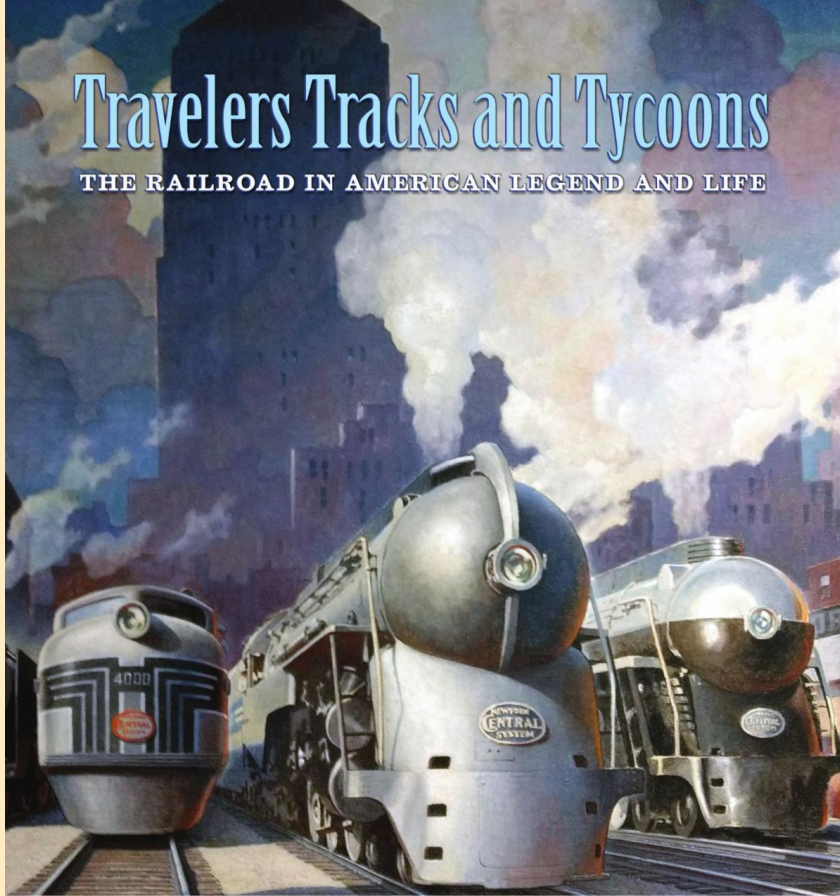
Take care, stay safe. Dan and Pamm

RAILROAD NEWS

This is a synopsis of Railroad related news culled from various sources including Trains Magazine, Progressive Railroading, Railway Age, and various web sites.

Please submit your railroad news.

Museum and Excursion Trains



“Travelers, Tracks and Tycoons: The Railroad in American Legend and Life” is now on view at the Grolier Club in New York City. The St. Louis Mercantile Library’s Barriger Railroad Collection is the source of the exhibition. The exhibit, which includes more than 150 items, celebrates the 200th anniversary of railroading’s first decade in America. It includes landmark books, technical publications, pamphlets and posters, artwork and sheet music, artifacts, maps, and other objects to chronicle the development of

the railroads in North America and the changes they brought. The exhibit is on display through July.

The Fort Wayne Railroad Historical Society has acquired two Pennsylvania Railroad passenger cars from the Washington, D.C., chapter of the National Railway Historical Society. The cars will be used to support the Indiana Rail Experience, a series of excursions with the society’s steam locomotive, Nickel Plate Road No. 765. The Collinsville Inn and Franklin Inn were built as sleeping cars in 1949 by the Budd Co. and converted into coaches by the PRR in 1963. They were donated to the DC chapter in 2008, restored to their PRR appearance, and certified for Amtrak use.

A three-truck 90-ton Shay locomotive that was once part of an extensive private collection of steam locomotives in southern Oregon has a new home on the Oregon Coast Scenic Railroad. Long Bell 1008, which also ran as Cascade Timber 108 and Pickering 8, made the trek from Merrill to Tillamook. The locomotive is one of 14 steam locomotives that was once owned by Fred M. Kepner and sold to the Oregon Coast Scenic in 2021.

The Canadian Pacific Holiday Train will expand its route this year, adding at least one stop in Maine. The addition reflects CP’s 2020 purchase of the Central Maine & Quebec Railway. The schedule won’t be released until October. The holiday train was sidelined because of the COVID-19 pandemic in 2020 and 2021.

Amtrak/Freight/Federal Agencies



The Federal Railroad Administration has announced more than \$368 million in Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program funds to 46 projects in 32 states and the District of Columbia. The grants were awarded to passenger and freight projects and several technology and safety development programs. CRISI-funded projects will enhance multimodal connections, address slow orders, and improve 100-year-old track, the FRA said. Two dozen of the CRISI grants went to members of the American Short Line and Regional Railroad Association. List https://railroads.dot.gov/sites/fra.dot.gov/files/2022-06/FY21-CRISI-Selections_PDFa.pdf

After a two-year hiatus, the National Park Service has relaunched its Trails and Rails program on Amtrak trains for summer 2022. Volunteers apply through the National Park and National Historic sites that sponsor the lecturers, who board trains and talk to travelers about the landscape and history along the routes. Many bring artifacts, maps, and colorful visual aids to help tell the story. Program participants generally set up in the train's lounge or cafe car and make an introductory announcement after boarding, but also may pass out printed information and hold informal discussions walking through coaches and sleeping cars.

The Surface Transportation Board (STB) on June 10 ordered Board-sponsored mediation in the Gulf Coast case between Amtrak on one side and CSX, Norfolk Southern (NS), and the Alabama State Port Authority and its Terminal Railway Alabama State Docks division on the other. The freight railroads and the Port last month renewed their request for mediation, saying they "continue to believe that an amicable resolution is possible—one that facilitates a prompt and orderly commencement of Gulf Coast passenger service while protecting the customers and shipping partners that rely on quality freight rail service." Amtrak opposed it. The dispute stems from Amtrak's March 2021 application seeking an STB order requiring host freight railroads CSX and NS to allow intercity passenger trains to operate over their lines from New Orleans, La., to Mobile, Ala.

Amtrak is making necessary infrastructure improvements between Washington D.C. and New York as part of a larger effort to improve the railroad, bring it to a state of good repair, and enhance the overall customer experience. Amtrak has committed approximately \$130 million for rail improvements, of which over \$55 million will be performed this summer. The railroad has hired 500 new employees to complete these projects and will continue hiring additional workers.

Amtrak has once again split the positions of chief executive officer and president, with CEO Stephen Gardner announcing the appointment of Roger Harris as president and the promotion of Gerhard (Gery) Williams to executive vice president, service delivery, and operations. The appointments are effective July 5. Harris has served as chief commercial officer since April 2019. As president, he will report to Gardner and lead coordination of operations, marketing, customer service, network planning, and other functions. Williams succeeds Scot Naparstek, who is retiring after ten years with Amtrak, including five in his current role, and oversaw safety improvements such as the company's implementation of positive train control. Since January, Williams has served as senior vice president, service delivery and operations.

President Joe Biden intends to renominate Democrat Robert E. Primus to a second term of five years on the Surface Transportation Board (STB). Primus was nominated by President Trump in July 2020 and Senate-confirmed in January 2021 to fill an unexpired term of Democrat Deb Miller. If Senate confirmed, Primus' second term would expire on Dec. 31, 2027.

Another 50 locomotives – made in the U.S. and cleaner, faster, and more fuel-efficient than predecessors – have been ordered by Amtrak from Siemens Mobility. Together with the initial order of 75 locomotives, the 125 diesel-electric units are part of Amtrak's sustainability initiative and reduce

emissions of nitrogen oxide by more than 89 percent and particulate matter by 95 percent while consuming less fuel than the locomotives being retired and reaching a greater top speed, 125 mph.