

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: May 27, 1980

Forwarded to:

Honorable John M. Sullivan
Administrator
Federal Railroad Administration
Washington, D.C. 20590

SAFETY RECOMMENDATION(S)

R-80-21

When the Safety Board reviewed the NPRM of January 5, 1979, RSFC-6, Notice No. 1, revised Railroad Freight Car Safety Standards, the proposal called for maintenance-of-way cars (except those used exclusively in work train service) to be brought under the standards. At that time the Safety Board did not comment because it concurred in the proposal. However, the final rule, 49 CFR Part 215.3(c)(3), exempted maintenance-of-way cars from compliance with the standards even when placed in a revenue train.

The standards set forth the minimum Federal safety requirements for the operation of railroad freight cars. They prohibit a railroad from placing in service or continuing in service a freight car that has defective or restricted components or components that have been identified as having unusually high failure rates. Also, certain railroad freight cars are restricted from service by the standards.

However, the revised standards, effective on March 1, 1980, exempt maintenance-of-way cars from compliance with the standards provided the cars are not used in revenue service. 1/ The exemption permits the operation of maintenance-of-way cars with restricted or defective components in any train at any speed, including trains carrying hazardous materials.

1/ Revenue service is defined by the Supplemental Information Section as a car used to perform for-hire transportation services.

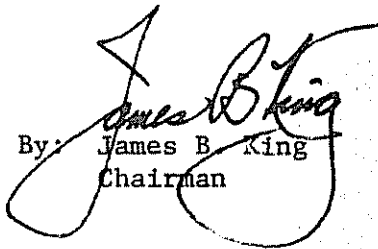
An example of the hazards posed by such an exemption occurred on June 6, 1976, at Maud, Ohio, when a Conrail engineer was killed. A track panel section shifted over the side of a nonregulated maintenance-of-way car in a train passing on the adjacent track and struck his locomotive. Ironically, the car was being moved to a repair track after it had caused an accident. A Farlow draft attachment, a restricted component, had failed while the car was traveling in a revenue train.

The Safety Board considers the practice of allowing the use of any cars which do not meet the minimum Federal safety standards to be inherently unsafe. Permitting the use of these cars without restrictions exposes the public as well as railroad employees to risk regardless of type of service. The Safety Board believes that no train should be allowed to operate without restriction unless all cars comply with minimum safety requirements.

Therefore, the National Transportation Safety Board recommends that the Federal Railroad Administration:

Amend the 49 CFR Part 215 to prohibit any car which does not comply with the Railroad Freight Car Safety Standards from being operated in a revenue train unless adequate restrictions are provided for its safe operation. (Class I, Urgent Action)
(R-80-21)

KING, Chairman, DRIVER, Vice Chairman, McADAMS, GOLDMAN, and BURSLEY, Members, concurred in this recommendation.


By: James B. King
Chairman