



Memorandum

U.S. Department
of Transportation

Federal Railroad
Administration

Date: December 23, 1996

Reply to Attn of: S-96-08

Subject: Application of 49 CFR Sections 234.105, 234.106 and 234.107

(Original signed by E. R. English)

From: E.R. English
Director, Office of Safety Assurance and Compliance

To: All Regional Administrators, Deputy Regional Administrators, S&TC Specialists and
S&TC Inspectors

The S&TC Technical Resolution Committee meeting in Portland, Oregon the week of July 22, 1996, acted on a request for clarification of the application of 49 CFR Sections 234.105, 234.106 and 234.107. The question before the committee was to determine how long a railroad should be permitted to provide an alternative means of warning highway users in lieu of correcting a condition which required the alternative means of warning.

The committee concluded that the alternative means of warning options provided in Sections 234.105, 106 and 107 are intended to be interim measures to provide warning to highway users until the subject warning system is promptly repaired or a railroad has initiated a formal process to close the crossing.

The following language will be added to Sections 234.105, 234.106 and 234.107 in Part 234 Grade Crossing Signal System Safety Manual:

“At crossings where it has been determined that the warning system is not functioning as intended, Section 234.207's requirement for adjustment, repair or replacement without undue delay applies.”

Note that Section 234.207's requirement for adjustment, repair or replacement without undue delay applies in all situations where it has been determined that the warning system is not functioning as intended.

#