

9/72

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

[FRA E.O. No. 1]

Emergency Order and Notice Pertaining to Flexi-Van Cars.

The Penn Central Transportation Company has approximately 1443 Flexi-Van Cars. About 400 of these cars are currently in use for high-speed mail service. These cars have been designed for moving containers and consist essentially of a main load carrying longitudinal center member with end platforms mounted on standard trucks. Other railroads also operate these Flexi-Van Cars. There are five categories of Flexi-Van Cars Designated as Mark I, II, III, IV and V.

ORDER

On August 30, 1972, safety inspectors of the Federal Railroad Administration's Office of Safety conducted an inspection and investigation of 58 Flexi-Van Cars on the line of the Penn Central Transportation Company. These cars were carefully examined by the FRA inspectors. This detailed inspection disclosed that 32 of the 58 cars in the Mark III and IV designation so examined and inspected had cracked center-sill members. Sixteen of these 32 cars were in trains operated by the Penn Central at the time of the inspection and investigation. Many of these cars had center-sill fractures drilled at terminus but fractures had progressed beyond the point of stress relief.

A number of these cars had not been repaired in any manner, although this matter had previously been called to the attention of the Penn Central Transportation Company by the Federal Railroad Administration.

In addition to the August 30, 1972, inspection and investigation, inspectors of the Federal Railroad Administration's Office of Safety also conducted an inspection and investigation of Penn Central's Flexi-Van Cars on May 3, August 17, and September 7, 1972. These Cars were also in the Mark III and Mark IV designation. The detailed inspection on September 7th disclosed that 17 of the 27 Cars examined had cracked center-sill members. At that time the FRA advised the Penn Central of the dangerous nature of the center-sill problem. However, the Penn Central has thus far failed to take effective remedial action.

In addition to the matters set forth immediately above, the FRA inspections and investigations have disclosed that Flexi-Van Cars are operating in high-speed service on the lines of the Penn Central Transportation Company. Due to the high percentage of these cars which have defective center-sills and due to the potential for an extremely dangerous accident if the center member fails completely, a very hazardous condition now exists.

I have thoroughly reviewed and carefully considered this matter. I, therefore, conclude our inspections and investigations show that Flexi-Van Cars in the Mark III and IV designation, which are more specifically set forth below, are in unsafe condition and thereby create an emergency situation involving a hazard of death or injury to persons affected by the use of such equipment. Therefore, pursuant to authority contained in Section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. §432) delegated to me under Section 1.49(n) of the Regulations of the Secretary of Transportation (49 C.F.R. 1.49(n)), I hereby issue this Order prohibiting the further use by any railroad of the Mark III and Mark IV Flexi-Van Cars listed in Table I, effective 12:01 a.m. on September 27, 1972, subject to the following conditions:

- (1) All Flexi-Van Cars, Mark III and IV designation, that are inspected and found not to contain cracked center-sill members may be placed in service after 12:01 a.m., September 27, 1972. Each railroad shall promptly notify the FRA Office of Safety in writing of each Car that is placed in service, including in the notice the number of each Car and the date of inspection.
- (2) Each Flexi-Van Car, Mark III or IV designation, that is placed in service in a train under clause (1) shall be inspected for a cracked center-sill at each terminal where the Car is loaded or unloaded, but not less frequently than

once every 48 hours. A Car found to contain a cracked center-sill shall promptly be removed from service.

It is further ordered that none of the Mark III and IV Flexi-Van Cars which have center-sill cracks may be returned to service until the railroad concerned submits evidence that the car has been repaired in a manner approved by the FRA Office of Safety.

An opportunity for review of this Order shall be provided in accordance with Section 554 of Title 5 of the United States Code.

A civil penalty of not less than \$250 nor more than \$2500 will be assessed for each violation of this Order, and each day of such violation will constitute a separate offense (45 U.S.C. §438).

NOTICE

In addition to those Flexi-Van Cars with the Mark III and IV designation, there remain other cars bearing the designations Mark I, II, and V. These latter designated cars are not required to be taken out of service by the above Order. However, the condition of cars designated I, II, and V must be considered, since they may also be a source of potential danger.

The FRA has not yet determined whether Cars marked I, II, and V have the same center-sill problem as Cars with the III and IV designation. Therefore, each railroad which owns or leases Cars designated I, II, and V is requested to inspect its Cars and to report the condition of each Car's center-sill member to the FRA

Office of Safety, 400 7th Street, S.W., Washington, D.C. 20590, before October 4, 1972. A report should specify the Car number, type of service, and its location, and describe the center-sill fracture, if any. If repairs have been attempted, the report should briefly state whether or not the repair has proven effective

In addition to this request for information, the FRA Office of Safety will commence an investigation and inspection of Flexi-Van Cars with the Mark I, II and V designations. The investigation will be conducted pursuant to Section 208 of the Federal Railroad Safety Act of 1970 which includes the power of subpoena. The FRA will conduct this investigation to decide whether or not to issue an emergency order with respect to Cars designated I, II, and V, similar to the one included above concerning the Mark III and IV Cars.

TABLE I

Flexi-Van Cars Subject to this Order and Notice

Owner	Designation	Car Number		TOTALS
		Old Series	New Series	
PC	Mark II	NYC-503100- 503225	-	120
		NYC-503750- 503999	PC-775226 775396	139
		NYC-9850- 9899	PC-775269- 775399	34
		MFVX-9800- 9923	-	67
	Mark III	NYC-504000- 504999	PC-776000- 776460	416
	Mark IV	NYC-9700- 9799	PC-777700- 777799	97
		NYC-504430- 504525	PC-777419- 777525	88
		MFVX-6800- 6999	-	191
		MFVX-9500- 9699	-	194
	Mark V	MFVX-6700- 6799	-	97
ATSF	Mark V	ATSF-219000- 291029		25
MILW	Mark I	58000- 58038		39
MILW (Lessee)	Mark II	NIFX-7000- 7024		25
	Mark III	NIFX-7025- 7049		25

Total Flexi-Van Fleet

1557

Issued in Washington, D. C. on September 20, 1972.

JOHN W. INGRAM
Administrator

FRA Emergency Order No. 1

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