



Memorandum

U.S. Department
of Transportation

Federal Railroad
Administration

Date:

Reply to Att. of: MP&E 01-01

Subject: Effective Date of New Power Brake Regulation 49 CFR 232

From: Edward W. Pritchard
Acting Director, Office of Safety Assurance and Compliance

To: Regional Administrators, Deputy Regional Administrators,
Motive Power & Equipment Specialists and Inspectors

The Office of Safety Assurance and Compliance has received several inquiries concerning the effective date of 49 CFR Part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices*.

The effective date of this new regulation is May 31, 2001. However, various provisions of the final rule become applicable on different dates. The following provisions of the rule become applicable on May 31, 2001:

- The General Applicability Provisions -
Sections 232.1 through 232.13 and 232.17 through 232.21
- Subpart E - End-of-Train Devices
- The amended sections of Part 229
Sections 229.5(p); 229.25(a); 229.27(b) and 229.53
- The amended sections of Part 231
Sections 231.0(b)(3); 231.31
- Modifies FRA's "off-air" interpretation by increasing the time previously inspected cars can be off a source of compressed air, without requiring a retest of the cars, from 2 to 4 hours;
- Modifies FRA's interpretation of the statutory "use or haul" language.
In the past FRA interpreted the "use or haul" language to mean after train movement occurred. With the implementation of this new regulation, FRA now interprets the language to mean that a piece of equipment is "in use"

after it has received the required inspections and is deemed ready for service by the railroad.

In response to the final rule, FRA received several petitions for reconsideration requesting that FRA either amend or clarify various provisions of the rule. Of all the issues raised in the petitions for reconsideration, only one issue concerns a provision for which the compliance date is May 31, 2001. One petitioner questioned whether the name of the individual performing the two-way end-of-train device test needed to be part of the notification requirement to the locomotive engineer. To allow FRA an opportunity to respond to this issue without imposing a burden on the industry that might soon be withdrawn if the petition is granted, compliance with this particular requirement is delayed until further notice. Therefore, railroads are expected to be in compliance with the notification and retention requirements of §232.409(c), with the **exception** of the requirement to provide the name of the person conducting the test.

Technical bulletins will be periodically issued to provide the status of future compliance dates and any changes that may be made to this regulation. Currently, the next compliance date is August 1, 2001, when Subpart D - Periodic Maintenance and Testing Requirements becomes applicable. The compliance date for the majority of the regulation is April 1, 2004.

If there are any questions or concerns please contact James Wilson at 202-393-6259 or Tom Herrmann at 202-493-6036.

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