



**U.S. Department
of Transportation**

Federal Railroad
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 4 2013

Mr. James R. Grady
Assistant Vice President, Technical Services
Association of American Railroads
425 Third Street, SW, Ste. 1000
Washington, DC 20024

Re: Docket Number FRA-2013-0063

Dear Mr. Grady:

This reply is in response to the Association of American Railroads' (AAR) June 6, 2013, letter to the Federal Railroad Administration (FRA) requesting relief from certain requirements of Title 49 Code of Federal Regulations (CFR) Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. Specifically, AAR requested a 5-year waiver so that AAR Standard S-4045 may be used in lieu of the obsolete AAR Standard S-045 for the frequency requirements referenced in 49 CFR Part 232, Appendix B, *Part 232 Prior to May 31, 2001 as Clarified Effective April 10, 2002*. S-045, published by AAR in its Manual of Standards and Recommended Practices, is incorporated into the CFR by reference.

AAR updated S-045, which has been out of print since 1984, with the version titled S-4045—Passenger Equipment Maintenance Requirements. The revised version, among other items, aligns the requirements for air brake periodic attention to match those in 49 CFR Part 238, Passenger Equipment Safety Standards, which will reduce confusion for air brake dates on equipment that may be subject to both Part 238 and non-Part 238 services. The revision also clarifies the use of Rule 3 of the AAR's Field Manual of the AAR Interchange Rules as the proper reference for the maintenance of freight valves used on passenger equipment. The petition was assigned Docket Number FRA-2013-0063.

After careful review of the petition and the results of the field investigation, FRA's Railroad Safety Board (Board) determined that granting conditional relief is in the public interest and consistent with railroad safety. The Board grants AAR's petition for an alternate standard concerning air brake periodic maintenance, subject to the following conditions:

1. This waiver applies to all passenger equipment subject to the requirements of 49 CFR Part 232, Appendix B, *Part 232 Prior to May 31, 2001 as Clarified Effective April 10, 2002*.

2. The provisions of Standard S-4045—Passenger Equipment Maintenance Requirements in the Manual of Standards and Recommended Practices of the AAR may be used in lieu of the specified AAR Standard S-045 as incorporated by reference in 49 CFR § 232.17(b)(2) of Appendix B.

FRA reserves the right to amend or revoke this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of noncompliance with any condition of this waiver.

This waiver shall expire 5 years from the date of this letter. At the conclusion of the 5-year period, FRA reserves the right to extend the waiver if conditions warrant and AAR has made a written request for an extension to FRA's Office of Safety Assurance and Compliance at least 6 months prior to the expiration date. All requests shall be filed in accordance with 49 CFR §§ 211.7—*Filing requirements* and 211.9—*Content of rulemaking and waiver petitions*.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2013-0063. If you have any questions, please contact Mr. Steven Zuiderveen, Motive Power and Equipment Safety Specialist. Mr. Zuiderveen can be reached at (202) 493-6337 or Steven.Zuiderveen@dot.gov.

Sincerely,



Robert C. Lauby
Associate Administrator for Railroad Safety
Chief Safety Officer