

§ 229.203

§ 229.203 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, this subpart applies to all locomotives manufactured or remanufactured on or after January 1, 2009.

(b) *Cab cars and power cars.* The requirements of this subpart do not apply to cab control cars, MU locomotives, DMU locomotives, and semi-permanently coupled power cars that are subject to the design requirements for such locomotives set forth in part 238 of this chapter.

(c) *Locomotives used in designated service.* Locomotives used in designated service are exempt from the requirements of this subpart, with the exception of § 229.233 (minimum requirements for fuel tank design), which remains applicable to such locomotives.

[71 FR 36912, June 28, 2006]

§ 229.205 General requirements.

(a) Each wide-nose locomotive used in occupied service must meet the minimum crashworthiness performance requirements set forth in Appendix E of this part. Compliance with those performance criteria must be established by:

(1) Meeting an FRA-approved crashworthiness design standard (including AAR S-580, Locomotive Crashworthiness Requirements). The Director of the Federal Register approves incorporation by reference of the AAR S-580 (revised July 2005), "Locomotive Crashworthiness Requirements," in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of the incorporated standard from the Association of American Railroads, 50 F Street NW, Washington, DC 20001. You may inspect a copy of the incorporated standard at the Federal Railroad Administration, Docket Clerk, 1200 New Jersey Avenue, SE., Washington, DC 20590 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html;

(2) Meeting new design standards and changes to existing design standards

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approved by FRA pursuant to § 229.207; or

(3) Meeting an alternative crashworthiness design approved by FRA pursuant to § 229.209.

(b) A monocoque or semi-monocoque design locomotive must be designed in accordance with the provisions of AAR S-580, applicable to those types of locomotives, in accordance with §§ 238.405(a), 238.409 and 238.411 of this chapter, or in accordance with a standard or design approved by FRA as providing at least equivalent safety.

(c) A narrow-nose locomotive must be designed in accordance with the provisions of AAR S-580, applicable to that type of locomotive (notwithstanding any limitation of scope contained in that standard) or in accordance with a standard or design approved by FRA as providing at least equivalent safety.

[71 FR 36912, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

§ 229.206 Design requirements.

Each locomotive used in occupied service must meet the minimum anti-climber, emergency egress, emergency interior lighting, and interior configuration design requirements set forth in AAR S-580 (incorporated by reference, see § 229.205).

[71 FR 36912, June 28, 2006]

§ 229.207 New locomotive crashworthiness design standards and changes to existing FRA-approved locomotive crashworthiness design standards.

(a) *General.* The following procedures govern consideration and action upon requests for FRA approval of new locomotive crashworthiness design standards and changes to existing FRA-approved locomotive crashworthiness design standards, including AAR S-580 (incorporated by reference, see § 229.205). Only a standards body which has adopted an FRA-approved locomotive crashworthiness design standard may initiate these procedures for FRA approval of changes to the standard.

(b) *Petitions for FRA approval of new locomotive crashworthiness design standards.* Each petition for FRA approval of a locomotive crashworthiness design

standard must be titled “Petition for FRA Approval of a New Locomotive Crashworthiness Design Standard,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed locomotive design standard, in detail;

(3) The intended type of service for locomotives designed under the proposed standard; and

(4) Appropriate data and analysis showing how the proposed design standard either satisfies the requirements of § 229.205 for the type of locomotive design or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

(c) *Petitions for FRA approval of substantive changes to an FRA-approved locomotive crashworthiness design standard.* Each petition for approval of a substantive change to an FRA-approved locomotive crashworthiness design standard must be titled “Petition for FRA Approval of Changes to a Locomotive Crashworthiness Design Standard,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed change, in detail;

(3) The intended type of service for locomotives built with the proposed change; and

(4) Appropriate data and analysis showing how the resulting standard either satisfies the requirements for the type of locomotive set forth in § 229.205 or provides at least an equivalent level of safety. Types of data and analysis to be considered are described in § 229.211(c)(1).

(d) *Petitions for FRA approval of non-substantive changes to the existing FRA-*

approved crashworthiness design standards. (1) Each petition for approval of a non-substantive change to an FRA-approved locomotive crashworthiness design standard must be titled “Petition for FRA Approval of Non-substantive Changes to a Locomotive Crashworthiness Design Standard,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(i) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(ii) The proposed change, in detail; and

(iii) Detailed explanation of how the proposed change results in a non-substantive change to the existing FRA-approved crashworthiness design standard.

(2) If FRA determines that the proposed change is substantive, FRA will process the petition in accordance with paragraph (c) of this section.

[71 FR 36912, June 28, 2006, as amended at 74 FR 25173, May 27, 2009]

§ 229.209 Alternative locomotive crashworthiness designs.

(a) *General.* The following procedures govern consideration and action upon requests for FRA approval of locomotive crashworthiness designs which are not consistent with any FRA-approved locomotive crashworthiness design standard.

(b) *Petitions for FRA approval of alternative locomotive crashworthiness designs.* Each petition for FRA approval of an alternative locomotive crashworthiness design must be titled “Petition for FRA Approval of Alternative Locomotive Crashworthiness Design,” must be submitted to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590, and must contain the following:

(1) The name, title, address, telephone number and e-mail address of the primary person to be contacted with regard to review of the petition;

(2) The proposed locomotive crashworthiness design, in detail;