



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

NOV 17 2003

Mr. Paul L. DeVerter II  
Director, Chief Mechanical Officer  
American Association of Private Railroad Car Owners, Inc.  
1301 McKinney - Ste. 5100  
Houston, Texas 77010-3095

Dear Mr. DeVerter:

This letter is in reference to waiver petition FRA-2003-15340, in which the American Association of Private Railroad Car Owners, Inc. (AAPRCO) submitted seeking a permanent waiver of compliance from certain provisions of the *Passenger Equipment Safety Standards*, 49 CFR Part 238. Specifically, §238.231(m)(2), which specifies that “up to two cars may be operated in direct release mode when the rest of the cars in the train are operated in graduated release mode, provided that the cars operated in direct release mode are hauled at the rear of the train consist.” AAPRCO’s petition requested that a waiver be granted to modify the requirements of §238.231(m)(2) to read as follows: “up to two cars may be operated in direct release mode when the rest of the cars in the train are operated in graduated release mode.” Thereby, eliminating the placement restrictions of the direct release cars to the rear of the train.

The Federal Railroad Administration (FRA) reviewed the petition and approved the request for passenger train operations that are subject to 49 CFR Part 238 with the following conditions:

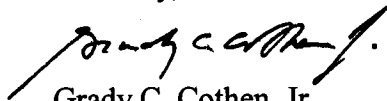
1. The maximum number of cars that may be operated in direct release mode, when the rest of the cars in the train are operated in graduated release mode, is two;
2. The hauling railroad is responsible for the safe placement of these cars in the trains to include the right of refusal;
3. The locomotive engineer shall be notified, in writing, of the location of these cars in the train along with any operating restrictions;
4. The hauling railroad is responsible for providing the locomotive engineer with adequate training on operating trains in “graduated-release” mode that include cars operating in the “direct-release” mode;
5. This waiver is effective for a five-year period from the date of this letter. At the conclusion of the five-year period, FRA reserves the right to extend the waiver if

conditions warrant and AAPRCO makes a written request for an extension to FRA's Office of Safety Assurance and Compliance, within six months of the expiration date; and

6. FRA reserves the right to modify or rescind this waiver at any time upon receipt of information pertaining to the safety of rail operations or in the event of non-compliance with any of the conditions of this waiver.

In any future correspondence regarding this waiver, please refer to FRA-2003-15340.

Sincerely,



Grady C. Cothen, Jr.  
Deputy Associate Administrator  
for Safety Standards and Program Development