



U.S. Department
of Transportation

**Federal Railroad
Administration**

SEP 30 2008

1200 New Jersey Avenue, SE
Washington, DC 20590

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 is in reference to the American Association of Private Railroad Car Owners, Inc. (AAPRCO) request to extend the existing waiver Docket Number FRA-2003-15340 that was granted by the Federal Railroad Administration (FRA) on November 17, 2003, which waives compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 238, *Passenger Equipment Safety Standards*.

The original waiver request was for § 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.” Additionally, AAPRCO requests that the waiver extension 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.

FRA reviewed the request to extend the original waiver and grants the extension, along with modifying the placement restrictions. The conditions are as follows:

- 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 limited to 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 5-year period 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 AAPRCO makes a written request for an extension to FRA's Office of Safety Assurance and Compliance, within 6 months of the expiration date;

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 Docket Number FRA-2003-15340.

Sincerely,



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