

(AAR Letterhead)

August 31, 2005

Mr. Edward W. Pritchard
Director, Office of Safety Assurance and Compliance
Federal Railroad Administration
Office of Safety Assurance and Compliance
1120 Vermont Avenue, NW
Washington, DC 20590

Subject: **Request for Rulemaking to Accept AAR Safety Appliance Standard S-2044**

File Number: CC-265.42

Dear Mr. Pritchard:

As you are aware, the AAR Equipment Engineering Committee established a Safety Appliance Task Force to develop an AAR safety appliance standard. Its intent is to reduce the differences of opinion that sometimes arise in interpreting the FRA safety appliance standards of Title 49 of the Code of Federal Regulations, Part 231. The AAR standard does so by restating the requirements of Part 231 in terms of contemporary freight car technology, but not changing them substantively.

AAR Standard S-2044, *Requirements for Freight Car Safety Appliances*, incorporates two main sections, a base standard which includes requirements and definitions common to all car types and a series of appendices which incorporate the requirements for specific car types, such as box cars, covered hopper cars, tank cars, auto rack cars, etc. At present, only the base standard and Appendices A, B, and C for box, covered hopper, and bulkhead flat cars, respectively, have been completed. Appendix C covers center beam cars in addition to cars with free-standing end bulkheads. It is the AAR's intent that appendices to S-2044 will be developed to cover all the car types presently covered by Part 231 plus other car types in common use today, but not covered by Part 231. Among the other car types included will be multi-unit intermodal flat cars, coil steel cars, auto rack cars and rail-compatible vehicles.

Unlike the older freight car technology on which Part 231 was based, it is sometimes difficult to define exactly what parts of contemporary freight cars constitute the side or end of a car. Since Part 231 defines the locations of many safety appliances relative to the side or end, any uncertainty regarding the location of the side or end can lead to uncertainty as to whether safety appliances are located correctly. In an effort to reduce that uncertainty, S-2044 has attempted wherever possible to define the locations of safety appliances relative to each other. In addition to reducing uncertainty, the AAR believes that defining the location of particular safety appliances relative to other appliances is also more meaningful in terms of how they are actually used and will enhance their effectiveness.

In the process of developing Standard S-2044 the Safety Appliance Task Force receives input from railroads, private car owners, car builders, labor unions, Transport Canada and the FRA Office of Safety. S-2044 was approved by the Equipment Engineering Committee and issued for public comment in AAR Circular Letter c-9864. The comments received from interested parties were reviewed by the Task Force and appropriate revisions incorporated. After the FRA completes its review, Standard S-2044 will be published in Section C of the AAR Manual of Standards and Recommended Practices and will be made mandatory in Interchange Rule 88 for box, covered hopper, and bulkhead flat cars built new on or after January 1, 2007. Future appendices for other car types will become effective for cars built new after appropriate dates to be established. The safety appliances of existing cars would still have to comply with FRA Part 231 and would not necessarily comply with all requirements of AAR Standard S-2044. One of the provisions of S-2044 is that revisions or additions to it must be submitted for review by the FRA and Transport Canada.

Standard S-2044 has been carefully compared with CFR Part 231. Although the Task Force's intent was for S-2044 not to change the requirements of CFR Part 231, there are a few sections where the new wording would permit configurations that deviate from the letter of the FRA regulations. These conditions are not likely to occur frequently. The AAR and the Safety Appliance Task Force consider S-2044, despite those conditions, to provide equivalent or enhanced safety compared to CFR Part 231. The specific conditions under which a car could comply with S-2044 but deviate from Part 231 are described in the enclosed document, *Potential Deviations from FRA Part 231 Permitted by AAR Standard S-2044*.

It is the AAR's belief that Standard S-2044 provides a degree of safety that is not merely equivalent to Part 231, but is superior in a number of situations. Those situations are described in the enclosed document, *Improvements in Safety Provided by AAR Standard S-2044 Compared to FRA Part 231 Safety Appliance Regulations*.

The Association of American Railroads hereby requests that the Federal Railroad Administration institute rulemaking proceedings that would permit freight cars built in accordance with AAR Standard S-2044 and its appendices to operate in interchange without restriction.

Sincerely,

Patrick T. Ameen
Executive Director - Mechanical