

## **NTSB Regulatory Interpretation Request Operating Practices Response**

**On April 1, 2021, the NTSB posed the following two similar questions:**

*“NTSB is trying to determine if the positioning and location of the rear DP locomotives constituted a violation of 49 CFR Section 218.101 or any other regulation relating to “out to foul”.*

*At this point, was the rear portion of the train in violation of Federal regulations found in Part 218 Subpart F, or any of the associated guidance in the FRA Compliance Manual?”*

**Since both questions are similar, one response to both is provided.**

**The (DPU) rear end of the train, located on the lead track, was in the foul of track 6802. However, it was not in violation of 218.101 due to the position of the track 6802 switch. The 6802-track switch was lined for the lead in compliance with the following 218.101(b)(3) rule:**

§218.101 Leaving rolling and on-track maintenance-of-way equipment in the clear.

*(b) Rolling and on-track maintenance-of-way equipment shall not be left where it will foul a connecting track unless:*

*(3) The equipment is standing on a yard switching lead track, and the yard track switch that the equipment is fouling is lined for the yard switching lead track on which the equipment is standing*

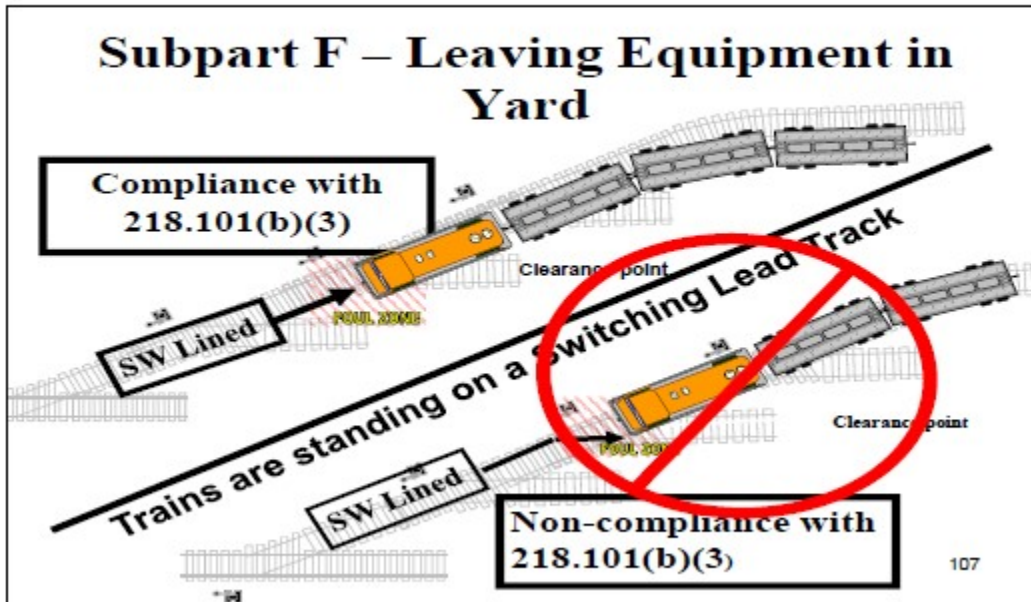
**Therefore, since the track 6802 switch was lined for the lead, there is no fouling violation and is in compliance with the 218.101(b)(3) exception.**

**The BNSF adopted operating rule states in part:**

*Equipment may be left on a:*

- *Yard switching lead, fouling a yard track switch, when the switch is lined for the yard switching lead.*

**The following Operating Practices Compliance Manual diagram depicts 218.101(b)(3):**



The above diagram closely reflects the La Mirada accident scenario.