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## Title 49 —Transportation

### Subtitle B —Other Regulations Relating to Transportation

#### Chapter II —Federal Railroad Administration, Department of Transportation

#### Part 238 —Passenger Equipment Safety Standards

#### Subpart D —Inspection, Testing, and Maintenance Requirements for Tier I Passenger Equipment

**Authority:** 49 U.S.C. 20103, 20107, 20133, 20141, 20302-20303, 20306, 20701-20702, 21301-21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

**Source:** 64 FR 25660, May 12, 1999, unless otherwise noted.

#### § 238.315 Class IA brake test.

- (a) Except as provided in paragraph (b) of this section, either a Class I or a Class IA brake test shall be performed:
  - (1) Prior to the first morning departure of each commuter or short-distance intercity passenger train, unless all of the following conditions are satisfied:
    - (i) A Class I brake test was performed within the previous twelve (12) hours;
    - (ii) The train has not been used in passenger service since the performance of the Class I brake test; and
    - (iii) The train has not been disconnected from a source of compressed air for more than four hours since the performance of the Class I brake test; and
  - (2) Prior to placing a train in service that has been off a source of compressed air for more than four hours.
- (b) A commuter or short-distance intercity passenger train that provides continuing late night service that began prior to midnight may complete its daily operating cycle after midnight without performing another Class I or Class IA brake test. A Class I or Class IA brake test shall be performed on such a train before it starts a new daily operating cycle.
- (c) A Class IA brake test may be performed at a shop or yard site and is not required to be repeated at the first passenger terminal if the train remains on a source of compressed air and:
  - (1) The train remains in the custody of the train crew; or
  - (2) The train crew receives notice that the Class IA brake test has been performed.
- (d) The Class IA brake test shall be performed by either a qualified person or a qualified maintenance person.
- (e) Except as provided in § 238.15(b), a railroad shall not use or haul a passenger train in passenger service from a location where a Class IA brake test has been performed, or was required by this part to have been performed, with less than 100 percent operative brakes.
- (f) A Class IA brake test shall be performed at the air pressure at which the train's air brakes will be operated and shall determine and ensure that:

- (1) Brake pipe leakage does not exceed 5 pounds per square inch per minute if brake pipe leakage will affect service performance;
  - (2) Each brake sets and releases by inspecting in the manner described in paragraph (g) of this section;
  - (3) For MU locomotives that utilize an electric signal to communicate a service brake application and only a pneumatic signal to propagate an emergency brake application, the emergency brake application functions as intended.
  - (4) Each angle cock and cutout cock is properly set;
  - (5) The communication of brake pipe pressure changes at the rear of the train is verified, which may be accomplished by observation of an application and release of the brakes on the last car in the train; and
  - (6) The communicating signal system is tested and known to be operating as intended; a tested and operating two-way radio system meets this requirement.
- (g) In determining whether each brake sets and releases—
- (1) The inspection of the set and release of the brakes shall be completed by walking the train to directly observe the set and release of each brake, if the railroad determines that such a procedure is safe.
  - (2) If the railroad determines that operating conditions pose a safety hazard to an inspector walking the brakes, brake indicators may be used to verify the set and release on cars so equipped. However, the observation of the brake indicators shall not be made from the cab of the locomotive. The inspector shall walk the train in order to position himself or herself to accurately observe each indicator.

*[64 FR 25660, May 12, 1999, as amended at 65 FR 41310, July 3, 2000; 67 FR 19991, Apr. 23, 2002]*