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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.

### § 238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains.

(a) *General.*

(1) Railroads shall conduct periodic mechanical inspections of all passenger cars and all unpowered vehicles used in a passenger train as required by this section or as warranted and justified by data developed pursuant to paragraph (a)(2) of this section. A periodic inspection conducted under part 229 of this chapter satisfies the requirement of this section with respect to the features inspected.

(2) A railroad may, upon written notification to FRA's Associate Administrator for Safety, adopt and comply with alternative periodic mechanical inspection intervals for specific components or equipment in lieu of the requirements of this section. Any alternative interval must be based upon a documented reliability assessment conducted under a system safety plan subject to periodic peer audit. (See Appendix E to this part for a discussion of the general principles of reliability-based maintenance programs.) The periodic inspection intervals provided in this section may be changed only when justified by accumulated, verifiable data that provides a high level of confidence that the component(s) will not fail in a manner resulting in harm to persons. FRA may monitor and review a railroad's implementation and compliance with any alternative interval adopted. FRA's Associate Administrator for Safety may prohibit or revoke a railroad's ability to utilize an alternative inspection interval if FRA determines that the adopted interval is not supported by credible data or does not provide adequate safety assurances. Such a determination will be made in writing and will state the basis for such action.

(b) Each periodic mechanical inspection required by this section shall be performed by a qualified maintenance person.

(c) The periodic mechanical inspection shall specifically include the following interior and exterior mechanical components, which shall be inspected not less frequently than every 184 days. At a minimum, this inspection shall determine that:

(1) Seats and seat attachments are not broken or loose. If a car is found with a seat that is not in compliance with this requirement while being used between periodic mechanical inspections, the equipment may continue to be used in passenger service until the performance of an interior

calendar day mechanical inspection pursuant to § 238.305 on the day following the discovery of the defective condition provided the seat is rendered unuseable, a notice is prominently displayed on the seat, and a record is maintained with the date and time that the non-complying condition was discovered.

- (2) Luggage racks are not broken or loose.
- (3) All beds and bunks are not broken or loose, and all restraints or safety latches and straps are in place and function as intended.
- (4)
  - (i) A representative sample of the following emergency systems properly operate:
    - (A) Door removable panels, removable windows, manual override devices, and retention mechanisms, as applicable, in accordance with § 238.112; and
    - (B) Emergency window exits, in accordance with § 238.113.
  - (ii) This portion of the periodic mechanical inspection may be conducted independently of the other requirements in this paragraph (c); and
  - (iii) Each railroad shall retain records of the inspection, testing, and maintenance of the emergency window exits for two calendar years after the end of the calendar year to which they relate.
- (5) With regard to the following emergency systems:
  - (i) Emergency lighting systems required under § 238.115 are in place and operational; and
  - (ii) Low-location emergency exit path marking systems required under § 238.127 are operational.
- (6) With regard to switches:
  - (i) All hand-operated switches carrying currents with a potential of more than 150 volts that may be operated while under load are covered and are operative from the outside of the cover;
  - (ii) A means is provided to display whether the switches are open or closed; and
  - (iii) Switches not designed to be operated safely while under load are legibly marked with the voltage carried and the words "must not be operated under load".
- (7) Each coupler is in the following condition:
  - (i) The distance between the guard arm and the knuckle nose is not more than  $5\frac{1}{8}$  inches on standard type couplers (MCB contour 1904), or not more than  $5\frac{5}{16}$  inches on D&E couplers;
  - (ii) The free slack in the coupler or drawbar not absorbed by friction devices or draft gears is not more than  $\frac{1}{2}$  inch; and
  - (iii) The draft gear is not broken, to the extent possible without dropping cover plates.
- (8) All trucks are equipped with a device or securing arrangement to prevent the truck and car body from separating in case of derailment.
- (9) All center castings on trucks are not cracked or broken, to the extent possible without jacking the car and rolling out the trucks. However, an extensive inspection of all center castings shall be conducted by jacking the equipment and rolling out the trucks at each COT&S cycle provided in § 238.309 for the equipment.

- (10) All mechanical systems and components of the equipment are free of all the following general conditions that endanger the safety of the crew, passengers, or equipment:
    - (i) A continuous accumulation of oil or grease;
    - (ii) Improper functioning of a component;
    - (iii) A crack, break, excessive wear, structural defect, or weakness of a component;
    - (iv) A leak;
    - (v) Use of a component or system under a condition that exceeds that for which the component or system is designed to operate; and
    - (vi) Insecure attachment of a component.
  - (11) All of the items identified in the exterior calendar day mechanical inspection contained at § 238.303 are in conformity with the conditions prescribed in that section.
  - (12) All of the items identified in the interior calendar day mechanical inspection contained at § 238.305 are in conformity with the conditions prescribed in that section.
  - (13) The hand or parking brake shall be applied and released to determine that it functions as intended.
- (d) At an interval not to exceed 368 days, the periodic mechanical inspection shall specifically include inspection of the following:
- (1) Manual door releases, to determine that all manual door releases operate as intended;
  - (2) The hand or parking brake as well as its parts and connections, to determine that they are in proper condition and operate as intended. The date of the last inspection shall be either entered on Form FRA F 6180-49A, suitably stenciled or tagged on the equipment, or maintained electronically provided FRA has access to the record upon request; and
  - (3) Emergency roof access markings and instructions required under § 238.123(e), to determine that they are in place and, as applicable, conspicuous or legible, or both.
- (e) **Records.**
- (1) A record shall be maintained of each periodic mechanical inspection required to be performed by this section. This record shall be maintained in writing or electronically, provided FRA has access to the record upon request. The record shall be maintained either in the railroad's files, the cab of the locomotive, or a designated location in the passenger car. Except as provided in paragraph (c)(4) of this section, the record shall be retained until the next periodic mechanical inspection of the same type is performed and shall contain the following information:
    - (i) The date of the inspection;
    - (ii) The location where the inspection was performed;
    - (iii) The signature or electronic identification of the inspector; and
    - (iv) The signature or electronic identification of the inspector's supervisor.

- (2) Detailed documentation of any reliability assessments depended upon for implementing an alternative inspection interval under paragraph (a)(2) of this section, including underlying data, shall be retained during the period that the alternative inspection interval is in effect. Data documenting inspections, tests, component replacement and renewals, and failures shall be retained for not less than three
- (3) inspection intervals.
- (f) Nonconformity with any of the conditions set forth in this section renders the car or vehicle defective whenever discovered in service.

*[64 FR 25660, May 12, 1999, as amended at 65 FR 41308, July 3, 2000; 71 FR 61862, Oct. 19, 2006; 73 FR 6412, Feb. 1, 2008; 78 FR 71815, Nov. 29, 2013]*