



U. S. Department
of Transportation
**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 30 2010

Mr. James Thomas
President
ASTM International
100 Barr Harbor Drive
P.O. Box C700
West Conshohocken, PA 19428

Dear Mr. Thomas:

This letter is regarding two ASTM International (ASTM) draft standards proposed by Committee E34 that the Federal Railroad Administration (FRA) recently had the opportunity to view. The two draft standards are ASTM's draft "Standard Practice for Safety Requirements for Railroad Construction, Maintenance, and Demolition" (Work Item Number WK29297), and the draft "Standard Practice for Minimum Safety Requirements for the Investigation of Incidents/Accidents in the Railroad Industry" (Work Item Number WK28995). FRA has conducted a cursory review of these two draft standards.

The draft standards would not constitute Federal requirements if adopted by ASTM. Therefore, unless the Final standards were incorporated, by reference, into one of FRA's regulations in the future, compliance with the standards by a railroad or contractor would not be mandatory. FRA also notes that it already has extensive regulations in place governing many of the items discussed in the draft standards. Moreover, during FRA's cursory review of the standards, it was observed that some of the draft standards are either inconsistent with or directly contrary to existing FRA regulations (e.g., fall arrest equipment required for bridges with heights greater than 4 feet in Section 5.1.36.3 of the draft "Standard Practice for Safety Requirements for Railroad Construction, Maintenance, and Demolition," versus the dimensions described by existing Federal regulations at Title 49 Code of Federal Regulations (CFR) Part 214). While railroads and contractors are often free to impose more stringent requirements than those established by FRA, the proposed ASTM standards that are inconsistent with Federal regulations would not be acceptable to FRA. Finally, several of the draft provisions are directly contrary to existing methods of operation by a number of railroads. FRA suggests that thorough consultation with appropriate railroad industry representatives and stakeholders be conducted prior to consideration of any of the draft standards.

Please clarify Section 5.1.20.2 of the draft "Standard Practice for Safety Requirements for Railroad Construction, Maintenance, and Demolition" states that "[a] car shall not be run

over a derail left in the non-derailing position." As FRA interprets this draft standard, rolling equipment could then never travel over a track equipped with a derail, even if the derail was in the non-derailing position. This is obviously contrary to railroad practices and is not consistent with 49 CFR Section 218.109 (which allows for movement over derails in the non-derailing position). This draft standard, as written, would propose to eliminate the ability of a railroad or contractor to use any track equipped with a derail.

Provisions contained in the draft standards also appear to be contrary to each other. For example, Section 5.1.22.4 of the draft "Standard Practice for Safety Requirements for Railroad Construction, Maintenance, and Demolition" states that workers may entrain or detrain "on *moving* flat cars" only when those cars are equipped with handholds of certain dimensions. However, the next provision of the draft standard, Section 5.1.22.5, states that "entraining or detraining from rolling equipment shall not be done." Section 5.1.22.6 also states that "letting on or off moving track units or other work equipment shall not be done."

FRA expresses its concern with the draft standards and objects to any of the draft standards contained in the two documents that are contrary to or inconsistent with existing Federal railroad safety statutes or regulations. FRA also objects to the adoption of any standard where thorough consultation with all interested parties is not undertaken. If you have any questions or concerns, please contact Mr. Douglas Taylor, Operating Practices Staff Director, at (202) 493-6004.

Sincerely,



Michael J. Logue
o Strang

Safety Officer

Associate Administrator for Railtjd Safety/Chief

J

cc: Mr. Kevin Shanahan, ASTM