DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Safety Advisory

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of safety advisory.

SUMMARY: FRA is issuing Safety Advisory 98–2 addressing safety practices to reduce the risk of casualties caused by failure to activate the available two-way end-of-train telemetry device (two-way EOT) to initiate an emergency brake application beginning at the rear of the train when circumstances require an emergency application of the train airbrakes.

FOR FURTHER INFORMATION CONTACT: Dennis Yachechak, Operating Practices Specialist, Office of Safety Enforcement, FRA, 400 Seventh Street, SW., RRS–11, Mail Stop 25, Washington, DC. 20590 (telephone 202–632–3370), or Thomas Herrmann, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., RCC–12, Mail Stop 10, Washington, DC. 20590 (telephone 202–632–3178).

SUPPLEMENTARY INFORMATION: Several recent freight train incidents potentially involving the improper use of a train's airbrakes have caused FRA to focus on railroad airbrake and train handling procedures related to the initiation of an emergency airbrake application, particularly as they pertain to the activation of the two-way EOT from the locomotive. FRA and the National Transportation Safety Board (NTSB) are currently investigating four incidents in which a train was placed into emergency braking by use of the normal emergency brake valve handles on the locomotive, and although the train in each instance was equipped with an armed and operable two-way EOT, the device was not activated by the locomotive engineer. These incidents include:

- A March 30, 1997, incident occurring near Ridgecrest, North Carolina, involving Norfolk Southern train No. P32, resulting in 42 cars derailed and two crewmembers injured;
- An October 25, 1997, incident occurring in Houston, Texas, involving Union Pacific train Nos. IHOLB–25 and MTUHO–21, resulting in five locomotives derailed and totally destroyed and two crewmembers injured;
- A November 3, 1997, incident occurring near Alvord, Texas, involving Burlington Northern Santa Fe train Nos. HALTBAR 1–03 and ESLPCAM 3–11, resulting in three locomotives and seven cars derailed and two crewmembers injured;
- A March 23, 1998, incident occurring near Herington, Kansas, involving Union Pacific train Nos. MKSTUX–23 and IESLB–21, resulting in one locomotive and six cars derailed and one crewmember injured.

The facts and findings developed in the investigations currently being conducted by FRA and the NTSB will be published when the individual investigations are complete.

FRA's preliminary findings indicate that in all of the incidents noted above, there was evidence of an obstruction somewhere in the train line, caused by either a closed or partially closed angle cock or a kinked air hose. This obstruction prevented an emergency brake application from being propagated throughout the entire train, front to rear, after such an application was initiated from the locomotive using either the engineer's automatic brake valve handle or the conductor's emergency brake valve. Furthermore, the locomotive engineers in each of the incidents stated that they did not think to use the two-way EOT, when asked why they failed to activate the device.

Two-Way End-of-Train Device Regulation

On January 2, 1997, FRA published a final rule amending the regulations governing train and locomotive power braking systems contained at 49 CFR part 232 by adding provisions pertaining to the use and design of two-way EOTs. *See* 62 FR 278. Two-way EOTs provide locomotive engineers with the capability of initiating an emergency brake application that commences at the rear of the train. The purpose of the new provisions was to improve the safety of railroad operations by requiring the use of two-way EOTs on a variety of trains pursuant to 1992 legislation, and by establishing minimum performance and operational standards related to the use and design of the devices. Furthermore, the regulatory provisions related to two-way EOTs are intended to ensure that trains operating at a speed over 30 mph or in heavy grade territory are equipped with the technology to effectuate an emergency application of the train's airbrakes starting from both the front and rear of the train. The specific exceptions contained in the regulation are aimed at trains that: (i) Do not operate within the express parameters; or (ii) are equipped or operated in a fashion that provides the ability to effectuate an emergency brake application that commences at or near the rear of the train without the use of a two-way EOT. *See* 49 CFR 232.25(e)(1)–(e)(9).

Based on FRA's review of the above incidents, and its awareness of other incidents involving non-use of two-way EOTs under similar circumstances, it appears that further guidance regarding the use of the devices may be of assistance to our nation's railroads. This advisory may be especially beneficial to individuals responsible for train operations that do not have a thorough understanding of two-way EOTs and their function. Accordingly, FRA believes that the following recommended procedure for activating the two-way EOT should be taken to reduce the likelihood of future incidents caused by an inability to stop a moving train that encounters a train line obstruction.

Recommended Action

FRA recommends that each railroad adopt and implement a procedure that requires the locomotive engineer or other train crewmember to activate the two-way EOT, on trains equipped with the device, using the manual toggle switch, whenever it becomes necessary to place the train airbrakes in emergency using either the automatic brake valve handle or the conductor's emergency brake valve. FRA also recommends that the two-way EOT be activated whenever an undesired emergency application of the train airbrakes occurs. FRA believes that the likelihood of future incidents, such as the ones described above, would be greatly reduced if, besides following existing procedures regarding emergency train braking, railroads require additional action to be taken by a member of the train crew. FRA believes that this additional procedure would not only ensure that an emergency brake application is commenced from both the front and rear of the train, but that it will help familiarize the engineer with the activation of the device and will educate the engineer to react in the safest possible manner whenever circumstances require an emergency brake application. FRA further recommends that railroads have an operating supervisor personally conduct a face-to-face meeting with each locomotive engineer and conductor to explain the contents of this advisory, preferably during a mock demonstration in order to reinforce employee familiarization with the operation of the two-way EOT, and to ensure that each individual has a thorough understanding of how and under what circumstances to activate the two-way EOT. In issuing this safety advisory, FRA acknowledges the following

railroads that have already taken the lead on this issue by having in effect a similar or comparable requirement: Burlington Northern Santa Fe, Conrail, CSX, Norfolk Southern, and Union Pacific.

FRA may modify Safety Advisory 98–2, issue additional safety advisories, or take other appropriate necessary action to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC, on June 1, 1998.

George Gavalla,

Acting Associate Administrator for Safety.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–97–3194; Notice 2]

Cosco, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Cosco, Incorporated of Columbus, Indiana, has determined that approximately 82,176 child restraint systems fail to comply with 49 CFR 571.213, Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child Restraint Systems,'' and has filed an appropriate report pursuant to 49 CFR part 573, ''Defects and Noncompliance Reports.'' Cosco has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on February 20, 1998, in the **Federal Register** (63 FR 8735). NHTSA received no comments.

FMVSS No. 213, paragraph S5.7, requires that each material used in a child restraint system shall conform to the requirements of S4 of FMVSS No. 302, ''Flammability of Interior Materials.'' This requires that any material that does not adhere to other material(s) at every point of contact shall meet the burn rate requirements of S4.3 when tested separately. Materials are to be tested as a composite only if the material adheres to other material(s) at every point of contact.

Following compliance tests conducted by the National Highway Traffic Safety Administration (NHTSA), Cosco has confirmed through its investigation that it manufactured and distributed a number of Touriva convertible child restraint systems whose covers incorporate an additional polyester fiberfill pillow which does not meet the flammability requirements of FMVSS Nos. 213 and 302. The Cosco child restraints affected and the dates of production are as follows: Touriva Overhead Shield Accu-Just (Model 02–025; 3/95 to 6/96); Touriva Luxury Overhead Shield AccuJust (Model 02–045; 2/95 to 6/96); Touriva Overhead Shield (Model 02–034; 4/94 to 6/96); Touriva Overhead Shield Accu-Just (Model 02–054; 4/94 to 6/96); Touriva 5 point (Model 02–564; 3/95 to 6/96); Touriva Overhead Shield (Model 02–055; 1/95 to 6/96); Touriva Luxury Overhead Shield (Model 02–065; 3/95 to 6/96); Olympian Overhead Shield (Model 02–257; 6/96); Touriva 5 point (Model 02–597; 6/96); Touriva Safe T-Shield (Model 02–096; 4/96 to 6/96); and Touriva Overhead Shield Accu-Just (Model 02–064;1/95 to 6/96). All of the models listed are convertible child restraints incorporating the same shell design and a pillow in the head contact area, but the different models are a combination of restraint types, cover designs, and options. In each of the noncompliant models, a polyester fiberfill is utilized to form the pillow in the head area of the cover, and it is this polyester fiberfill material which exceeded the 4 inches per minute maximum burn rate when tested in accordance with S4 of FMVSS No. 302. In its investigation, Cosco found burn rates ranging from 17.3 inches per minute to 39.5 inches per minute in six tests conducted on two different samples of the polyester fiberfill in question.

Cosco supports its application for inconsequential noncompliance with the following:

As the non-complying polyester fiberfill is incorporated into a pillow located in the child restraint near the top of the pad; it is a vertical surface. This configuration makes the likelihood of ignition from cigarettes or any other similar ignition source virtually nil.

Complying materials encase the relatively small amount of non-complying polyester fiberfill. The amount of potentially non-complying polyester fiberfill incorporated in the pillow is 0.0951 pounds. The various Touriva convertible child restraints range in weight from approximately eight to ten pounds. This means that approximately one percent of the child restraint is potentially non-complying. Furthermore, as is confirmed in the NHTSA tests which identified the non-complying polyester fiberfill, the material encompassing the non-complying polyester fiberfill complies with the FMVSS 302 Flammability Standard. This includes the fabric covering the surface of the pad, the polyurethane foam in the pad, the fabric backing of the pad, and the polypropylene shell itself. Thus, the only way the non-complying fiberfill would be exposed to a source of ignition that has not already consumed the child restraint is if the cover of the pillow is torn, exposing the fiberfill, and an ignition source then finds its way to this exposed fiberfill. The probability of such a sequence of events occurring is virtually nil. These facts make the potential of the non-complying polyester fiberfill in the pillow contributing to an injury or death even less likely.

Cosco has no reports of the burning of a cover of one of the suspect models (or any other child restraint system cover). All occupant protection studies which Cosco has reviewed, indicate an almost infinitesimal risk of injury or death by vehicle fires in total, at least in collisions. Cosco is unaware of any data on fires of the interior of vehicles unrelated to collisions.

The agency has reviewed Cosco's application and has decided that the noncompliance is inconsequential to motor vehicle safety. NHTSA agrees with Cosco that the noncompliant polyester fiberfill material incorporated in the pillow of noncompliant Touriva child restraint systems is unlikely to pose a flammability risk due to the unlikelihood of exposure to an ignition source given the pillow's vertical orientation on the child restraint, the fact that the noncompliant material is fully encased by materials which comply with the flammability requirements of FMVSS No. 302, and the very limited quantity of noncompliant material used in construction of the child restraint.

The agency granted an application for inconsequential noncompliance submitted by PACCAR, 57 FR 45868 (October 5, 1992), in which the circumstances were analogous to those presented in the Cosco application. PACCAR manufactured mattresses for the sleeper areas of certain truck tractors. A small portion of the material used in the construction of the mattresses, and subject to the requirements of FMVSS No. 302, failed the burn rate test. The agency determined that ignition of the noncompliant material was unlikely and, due to the small volume of the material, would not pose the threat of a serious fire if ignited. As a result of this analysis, the PACCAR petition was granted.

NHTSA disagrees with Cosco's assertion that the risk of injury or death in vehicle fires due to collisions is ''infinitesimal.'' Nevertheless, although it is possible that fuel-fed fires from vehicle crashes could consume a vehicle's interior, the flammability of the polyester fiberfill materials would be irrelevant to the severity of such a fire and to the potential injuries incurred by a child.