



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

VIA E-MAIL ONLY

May 27, 2020

Mr. Bob Litts  
Operations Manager  
Goose Lake Railway, LLC  
[bob@gooselakery.com](mailto:bob@gooselakery.com)

**Re: Request for Relief in FRA Emergency Docket FRA-2020-0002 related to  
COVID-19 Public Health Emergency**

Dear Mr. Litts:

This letter is in reply to the May 11, 2020, petition from the Goose Lake Railway, LLC (GOOS), submitted to FRA's emergency relief docket (Docket Number FRA-2020-0002), requesting emergency relief from certain Federal Railroad Administration (FRA) rail safety requirements. Specifically, GOOS requested temporary emergency relief from Title 49, Code of Federal Regulations (CFR) Sections 229.23 to 229.33, 229.46, and 229.47, governing the inspection and periodic maintenance of locomotives and their airbrakes, until railroad personnel can obtain the necessary valves and associated components.

On March 13, 2020, FRA Administrator Ronald L. Batory activated the emergency relief docket (ERD) in response to the coronavirus disease 2019 (COVID-19) public health emergency occurring throughout the United States. FRA considered GOOS's request under the provisions of 49 CFR § 211.45, *Petitions for Emergency Waiver of Safety Rules*. A copy of GOOS's petition is available for public review and comment in the ERD (Docket Number FRA-2020-0002, Document Number FRA-2020-0002-0069).

FRA's investigation of GOOS's request found that the railroad timely ordered the required rebuilt and re-qualified components for their two locomotives (HLCX3852 and HLCX 3854). However, as GOOS states in its petition, delivery of the required components could be some time after the suppliers have returned to normal operations. As stated in the petition, GOOS understands there is a significant backlog of orders. GOOS indicates once they receive the required components, the components will be installed and the locomotives brought into compliance.

FRA notes that the Association of American Railroads, the American Short Line and

Regional Railroad Association<sup>1</sup> (ASLRRA), and the American Public Transportation Association (together referred to as the “Associations”) requested similar relief from §§ 229.21, 229.23, 229.25, 229.27, and 229.29. By letter dated March 25, 2020, FRA granted the Associations relief from the requirements of these sections based upon a shortage of personnel available to conduct the inspections, due to the COVID-19 public health emergency.<sup>2</sup> On May 21, 2020, FRA renewed ASLRRA’s existing emergency relief from §§ 229.23, 229.25, 229.27, and 229.29.

Based upon the petition, the availability of GOOS employees to conduct the required inspections is not affected by the COVID-19 public health emergency. However, the availability of the valves and components necessary to comply with § 229.29(f) would be affected.<sup>3</sup> GOOS would not be able to use ASLRRA’s waiver of these provisions, as such relief was conditioned upon workforce shortages directly due to the COVID-19 public health emergency.

Accordingly, FRA denies relief from the requirements of §§ 229.23 to 229.33, 229.46 and 229.47, as personnel are available to conduct the required inspections. However, FRA grants relief from § 229.29(f), Air brake system calibration, maintenance, and testing, level two and level three, understanding GOOS lacks the replacement airbrake valves and components necessary to perform the periodic airbrake maintenance as required by this section.<sup>4</sup> This waiver will allow an additional 60 days for GOOS to perform periodic maintenance, subject to the following conditions:

1. A written record of each locomotive utilizing this relief, to include each locomotive’s reporting mark and number, inspection due date, anticipated inspection date, and actual inspection date must be forwarded at the beginning of the relief period, and monthly thereafter, to Mr. Gary Fairbanks, FRA’s Motive Power & Equipment Staff Director, via e-mail at [gary.fairbanks@dot.gov](mailto:gary.fairbanks@dot.gov). At the end of the relief period, a final spreadsheet indicating an actual inspection date for all locomotives utilizing this relief must also be e-mailed to Mr. Fairbanks.
2. GOOS must provide appropriate notice to their Mechanical and Operating Departments, or other relevant personnel, of this temporary change of inspection procedures.
3. A copy of this waiver letter must be placed adjacent to FRA Form F6180.49A in the cab of each of the affected locomotives.
4. This relief expires 60 days from the date of this letter.

FRA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative or based upon information or comments otherwise received. *See* 49 CFR § 211.45(j)(1).

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<sup>1</sup> GOOS is a member of ASLRRA.

<sup>2</sup> <https://www.regulations.gov/document?D=FRA-2020-0002-0025>.

<sup>3</sup> Paragraph (f) of § 229.29 requires the replacement of components that can deteriorate within the required inspection interval.

<sup>4</sup> FRA has determined that there is an equivalent level of safety as the locomotive will continue to undergo a daily inspection, which includes the functioning of the airbrake system, ensuring brakes work properly prior to departure.

FRA reserves the right to amend or rescind this waiver upon receipt of information pertaining to the safety of railroad operations, or in the event of non-compliance with any condition of this waiver.

FRA looks forward to continuing to work with you to help ensure the continued safety of railroad operations during this national emergency. The point of contact for any questions on this letter is Mr. Gary Fairbanks, Staff Director, FRA, Motive Power and Equipment Division. Mr. Fairbanks can be reached at 202-493-6322, or at [gary.fairbanks@dot.gov](mailto:gary.fairbanks@dot.gov).

Sincerely,

Karl Alexy  
Associate Administrator for Railroad Safety  
Chief Safety Officer