



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA E-MAIL ONLY

September 24, 2020

Mr. Brian Barton
611 Program Director
Virginia Museum of Transportation
BBarton@vmt.org

Scott Lindsay
611 Chief Mechanical Officer
Virginia Museum of Transportation
Scott@steamoperations.com

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

Dear Messrs. Barton and Lindsay:

This letter is in reply to the September 1, 2020, petition from the Virginia Museum of Transportation (VMTX), 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, VMTX requested temporary emergency relief from Title 49 Code of Federal Regulations (CFR) Section 230.16, *Annual inspection* (including paragraph (a)(2) (Fifth annual inspection)) and § 230.41, *Flexible staybolts with caps*.

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 VMTX's request under the provisions of 49 CFR § 211.45, *Petitions for Emergency Waiver of Safety Rules*. A copy of VMTX's petition is available for public review and comment in the ERD (Docket Number FRA-2020-0002, Document Number FRA-2020-0002-0107).

VMTX maintains and operates steam locomotive No. 611, currently located at the North Carolina Transportation Museum (NCTM) in Spencer, North Carolina. The locomotive is due for its fifth annual inspection on September 25, 2020. Due to the COVID-19 public health emergency, strict state restrictions on the use of the NCTM facility and access to

qualified mechanical personnel will prevent VMTX from performing the fifth annual inspection by the required inspection date of September 25, 2020.

During FRA's investigation of this emergency waiver request, VMTX indicated that it may be able to relocate No. 611 to a facility to perform the necessary inspections, if granted an extension of 60 days for the inspection deadline. VMTX asserts that granting emergency relief from the previously mentioned safety inspection standards would not compromise public safety.

FRA has considered VMTX's request for an emergency waiver to extend the required inspection dates for 60 days, and all associated information, and has found that, subject to certain conditions, granting the requested emergency relief is in the public interest, is necessary to address the COVID-19 public health emergency, and is not inconsistent with railroad safety. Accordingly, FRA grants an emergency waiver to allow an additional 60 days for VMTX to perform on locomotive VMTX No. 611 as required in § 230.16 (including the fifth annual inspection under §§ 230.16(a)(2) and 230.41), subject to the following conditions:

1. VMTX No. 611 must undergo and pass a hydrostatic boiler test not to exceed the maximum allowable working pressure and an accumulation test;
2. Any defects discovered by any inspection or test must be corrected before use;
3. This relief expires 60 days from the date of this letter, or after 20 service days, whichever occurs first;
4. A copy of this letter must be placed in the cab of VMTX No. 611 with Form No. 2, *Daily Locomotive Inspection Report*; and
5. VMTX must report immediately to FRA's Office of Railroad Safety any accident, incident, or injury involving VMTX No. 611.

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).

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 conditions 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, Motive Power & Equipment Division. Mr. Fairbanks can be reached at 202-493-6322, or at Gary.Fairbanks@dot.gov.

Sincerely,

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer