



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

# Memorandum

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Reply to Att. of: MP&E 98-57

Subject: Freight Car Pre-Departure Inspection: Enforcement Guidance - Part 215.13

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To: Regional Administrators, Deputy Regional Administrators,  
Motive Power & Equipment Specialists and Inspectors

This Bulletin provides guidance for Federal Railroad Administration inspectors concerning enforcement of the pre-departure inspection requirements under 49 CFR 215.13. The Railroad Freight Car Safety Standards provide, at §215.13(a):

At each location where a freight car is placed in a train, the freight car shall be inspected before the train departs. This inspection may be made before or after the car is placed in the train. [Emphasis added.]

The language of the above-cited section is very explicit. FRA has consistently interpreted this language to require a pre-departure inspection each time a car is placed in a train. Moreover, although the regulations do not specify the physical actions necessary to conduct a proper inspection, a railroad may fulfill the inspection requirements only when its inspectors position themselves in a way that permits the required observations to be made. In order to conduct a proper Freight Car Safety Standards inspection, both sides of a car must be inspected.

Of current concern is an interpretation of “placed in a train” being used at some locations in the industry to allow new outgoing trains to be built from large blocks of cars from two or more incoming trains without performing a pre-departure inspection. Within the industry, this practice is called “block swapping.” This reading of the rule apparently assumes that a car that remains in a block of cars when removed from one train is not “placed in a train” when the block is added to a new train. **That assumption is incorrect.** Whether singly or in groups, cars that are taken from one train and placed in another are “placed in a train” and must be inspected at the location from which the new train departs. Of course, an inspection pursuant to §215.13 is not required when intact trains move from railroad to railroad.

However, as with any regulatory requirement, inspectors should exercise discretion in how §215.13(a) is enforced so that our limited resources can be focused on matters likely to produce the greatest safety benefit. The general criteria for determining when enforcement action is appropriate, and which action to take, are set forth in 49 CFR Part 209, Appendix A. A railroad's history of compliance with the relevant set of regulations, especially at the specific location involved, must be considered along with the kind and degree of potential safety hazard a condition poses in light of the immediate factual situation. Where compliance with the Freight Car Safety Standards is poor, and improper inspections or no inspections are being performed, the failure to inspect or improper inspection can— along with the physical defects found on the cars—be strong enforcement candidates. Conversely, if a railroad is generally doing a good job in terms of compliance with the Freight Car Safety Standards at a particular location, the one-time failure to conduct a proper inspection at that point more likely is not a condition that poses a significant safety hazard.

This bulletin is intended only to provide internal guidance on these issues and does not provide any basis for a private party to challenge FRA's exercise of enforcement discretion in a particular case.

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