



U.S. Department
of Transportation

**Federal Railroad
Administration**

Memorandum

Date: June 15, 1998

Reply to Att. of: MP&E 98-59

Subject: Train Brake Inspections

From: Edward R. English
Director, Office of Safety Assurance and Compliance

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

When performing an initial terminal train air brake test under 49 CFR §232.12(c)-(j), an inspection of the train brakes shall be made to determine that the brakes are applied on each car, the piston travel is correct, brake rigging does not bind or foul, and that all brake equipment is properly secured. The 1,000-mile train air brake test under 49 CFR §232.12(b) also requires that the brakes apply on each car in response to a 20-pound service brake pipe pressure reduction and that the brake rigging is properly secured and does not bind or foul.

Although the regulation does not specify the physical actions necessary to conduct a proper inspection, a railroad may fulfill the inspection requirement only when its inspectors position themselves in a way that permits the required observations noted above to be made. Obviously, a railroad inspector can visually inspect only what he or she is in a position to see. As the vast majority of all freight cars are equipped with air brake equipment (brake cylinders, brake indicators, brake rigging, etc.) that cannot be observed when inspections are made from only one side of the car, **a proper initial terminal or 1,000-mile train airbrake inspection shall be performed by inspecting both sides of every car in the train.**

Exception: It is sufficient to inspect a car from **only one side** of the train if **all** of that car's air brake equipment is capable of being **safely** observed from **one side** of the car.

A moving utility vehicle may be used in the performance of these inspections. However, these inspections must be made at a speed and in a manner that will permit the qualified person to clearly observe and determine the condition of the air brake equipment.

Train air brake tests that are not conducted in compliance with this interpretation shall be considered to be in noncompliance with the regulations.

However, as with any regulatory requirement, inspectors should exercise discretion in how §232.12 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 train air brake testing requirements 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 train air brake testing requirements 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.

Violation reports alleging an improper train air brake test due to the failure to inspect both sides of the train as outlined above must specify precisely how the inspection was improper and include supporting evidence for review (e.g. detailed evidence that the brake equipment on one or more cars in the train—citing the specific component or components—could not be properly observed from only one side of the train).

This bulletin is intended to provide internal guidance, 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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