



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

# Memorandum

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Reply to Att. of: MP&E 98-46

Subject: Handling of Defective Cars at Intermediate Inspection Locations

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

This technical bulletin provides guidance to Federal Railroad Administration (FRA) and State inspectors when considering enforcement action for the improper handling of cars found with inoperative or cut-out air brakes at locations where intermediate air brake inspections are performed. FRA is concerned that some railroads are moving cars found with inoperative or cut-out air brakes during intermediate brake inspections from that inspection location when repairs of those cars could possibly have been made at that location. Therefore, FRA feels that some general guidelines should be provided to inspectors in the field to aid them in determining whether the location is a place where the repairs could be effectuated.

49 U.S.C. § 20303 (formerly codified at §13 of the Safety Appliance Acts) requires that cars containing defective safety appliances or power brakes be repaired at the nearest location where the necessary repairs could be made. Consequently, if a car is found with inoperative or cut-out air brakes at an intermediate inspection point and that location is a place where the necessary repairs could be made, then the car shall not be moved from that location without the repairs being made. In determining whether a certain location is a place where repairs could be made the inspector will consider the following guidelines:

- ! The accessibility of the location to employees responsible for making the repairs;  
and
- ! The ability to safely make the repairs at the location

If the location where the intermediate inspection is performed is not a location where the necessary repairs could be made, then the car may be moved for repair. This movement for repair must be made in accordance with 49 U.S.C. § 20303.

**§ 20303. Moving defective and insecure vehicles needing repairs**

(a) *General* – A vehicle that is equipped in compliance with this chapter whose equipment becomes defective or insecure nevertheless may be moved when necessary to make repairs, without a penalty being imposed under section 21302 of this title, from the place at which the defect or insecurity was first discovered to the nearest available place at which the repairs can be made—

(1) on the railroad line on which the defect or insecurity was discovered; or

(2) at the option of a connecting railroad carrier, on the railroad line of the connecting carrier, if not farther than the place of repair described in clause (1) of this section.

(b) *USE OF CHAINS INSTEAD OF DRAWBARS.*— A vehicle in a revenue train or in association with commercially-used vehicles may be moved under this section with chains instead of drawbars only when the vehicle contains livestock or perishable freight.

(c) *Liability.*—The movement of a vehicle under this section is at the risk only of the railroad carrier doing the moving. This section does not relieve a carrier from liability in a proceeding to recover damages for death or injury of a railroad employee arising from movement of a vehicle with equipment that is defective, insecure, or not maintained in compliance with this chapter.

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