



AMERICAN  
PUBLIC  
TRANSPORTATION  
ASSOCIATION

August 21, 2017

Document Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Room W12-140  
Washington, DC 20590

**EXECUTIVE COMMITTEE**

**CHAIR**

Doran J. Barnes

**VICE CHAIR**

Nathaniel P. Ford, Sr.

**SECRETARY-TREASURER**

Kim R. Green

**IMMEDIATE PAST CHAIR**

Valarie J. McCall

Dorval R. Carter, Jr.

Nuria I. Fernandez

Freddie C. Fuller II

Donna P. McNamee

Jennifer Mitchell

Jeffrey A. Nelson

Greg Percy

Michael A. Sanders

Patrick J. Scully

Carl G. Sedoryk

Beverly S. Silas

David M. Stackrow, Sr.

Jeffrey Wharton

Charles R. Wochele

**ACTING**

**PRESIDENT & CEO**

Richard A. White

Subject: Docket No. FRA-2013-0060, Notice 2  
Passenger Equipment Safety Standards;  
Standards for Alternative Compliance and High-Speed Trainsets  
Notice of Proposed Rulemaking (NPRM)

Dear Docket Clerk:

The American Public Transportation Association (APTA), on behalf of its almost 1500 members, offers additional comments and response to the Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets NPRM. APTA appreciates the open dialog and responsiveness of staff from the Federal Railroad Administration (FRA) throughout this process. APTA also understands that the comment period for the NPRM has closed, but APTA believes it is important to provide this comment for the benefit of the industry and with the goal of developing a truly consensus based final rule.

Attachment A to this letter summarizes APTA's comments and Attachment B reflects the Association of American Railroads' archival of the recommended practice proposed for incorporation into 49 CFR 238.

APTA and its members look forward to a continuing productive working relationship with the FRA in pursuit of enhanced rail safety for the riding public and railroad employees. For additional information, please contact Linda Ford, APTA's Chief Counsel, at (202) 496-4808 or [lford@apta.com](mailto:lford@apta.com).

Sincerely yours,

Richard A. White  
Acting President & CEO

Attachments

**ATTACHMENT A**  
**APTA Comments on Notice of Proposed Rulemaking (NPRM)**  
**Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets**

**§238.735 – Seat crashworthiness (passenger and cab crew).**

In the Section-by-Section Analysis for §238.735(b)(2) FRA proposes language to codify an Association of American Railroads (AAR) Recommended Practice AAR-RP-5104 for Locomotive Cab Seats. Subsequent to the comment period being closed, APTA realized that this AAR recommended practice is no longer supported by AAR and was retired and archived in January 2016. AAR justified the retiring of this recommended practice in AAR Circular C-12559 (Attachment B) stating that due to the extensive evolution of seat design technology, AAR-RP-5104 is no longer relevant. AAR additionally notes that railroad seat design and selection is often determined through Labor-Management negotiations.

APTA also reviewed AAR-RP-5104 in detail and determined that it does not contain any safety-related requirements, but rather strictly performance requirements. APTA also notes that AAR-RP-5104 is currently not required by Part 238 for cab seating for any type of passenger equipment or by Part 229 for any types of locomotives.

APTA also notes that while the strength requirements contained in §238.735(b)(1) was subject to significant discussion within the Engineering Task Force, consensus was eventually reached to include that provision for Tier III cab seating. APTA comments that the provisions contained in §238.735(b)(1) adequately define the requirements for Tier III cab seating and, therefore, recommends that the proposed language in §238.735(b)(2) be deleted in the final rule.

In the event that the FRA is considering adding regulatory seat strength requirements, it should be applicable to all types of passenger equipment and freight locomotives, hence, subject to consensus through an appropriate RSAC task force engaging the necessary stakeholders. If RSAC agrees to undertake this endeavor, APTA will be happy to facilitate the passenger industry's participation in this process.

**ATTACHMENT B**  
**AAR Circular C-12559 in Support of APTA Comments on Notice of Proposed Rulemaking**  
**Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-**  
**Speed Trainsets**

ATTACHMENT B FOLLOWS

**Michael Fore**

Director, Technical Services



**January 27, 2016**

[ C-12559 ]

Circular Letter

**Subject: Implementation of Retirement and Archival of AAR Manual of Standards and Recommended Practices (MSRP), Section M; Recommended Practice RP-5104 - LOCOMOTIVE CAB SEATS.**

**To: MEMBERS AND PRIVATE CAR OWNERS**

**File Number:LM-127**

Circular Letter C-12543 was issued December 23, 2015 on behalf of the Locomotive Committee (LC) seeking comments on the retirement and archival of MSRP, Section M; Recommended Practice RP-5104 - LOCOMOTIVE CAB SEATS. No comments were received.

Due to the extensive evolution of seat design technology, recommended practice document RP-5104 is no longer relevant and the Locomotive Committee has elected not to revise RP-5104 to match these advances. In addition, railroad seat design and selection is often determined through Labor-Management negotiations. For these reasons, the Locomotive Committee voted to retire RP-5104 during their October 7-9, 2015 meeting.

Recommended Practice RP-5104 - LOCOMOTIVE CAB SEATS is now archived and retired from MSRP, Section M.

Effective immediately, please remove RP-5104 from in your Section M and be governed accordingly.

**Sincerely,**

**Michael Fore**

**Director, Technical Services**

Safety and Operations

Association of American Railroads

425 Third Street, SW, Suite 1000, Washington D.C. 20024

**Attachment(s):**