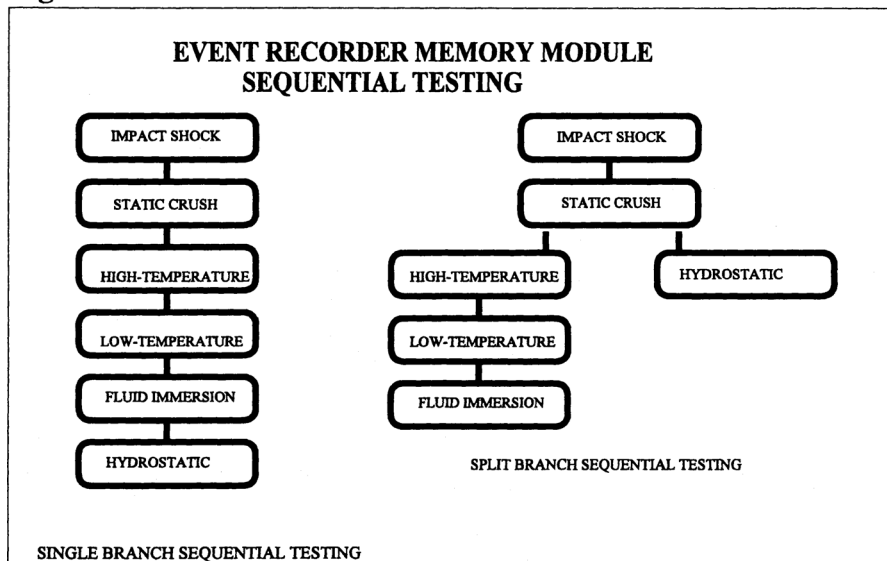


tests are done in the set sequence (single branch testing), the same ERMM must be utilized throughout. If a manufacturer opts for split branch testing, each branch of the test must be conducted using an ERMM of the same design type as used for the other

branch. Both alternatives are deemed equivalent, and the choice of single branch testing or split branch testing may be determined by the party representing that the ERMM meets the standard.

Figure 1



E. TESTING EXCEPTION

If a new model ERMM represents an evolution or upgrade from an older model ERMM that was previously tested and certified as meeting the performance criteria contained in Section C of this appendix, the new model ERMM need only be tested for compliance with those performance criteria contained in Section C of this appendix that are potentially affected by the upgrade or modification. FRA will consider a performance criterion not to be potentially affected if a preliminary engineering analysis or other pertinent data establishes that the modification or upgrade will not change the performance of the older model ERMM against the performance criterion in question. The manufacturer shall retain and make available to FRA upon request any analysis or data relied upon to satisfy the requirements of this paragraph to sustain an exception from testing.

[70 FR 37942, June 30, 2005]

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

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- 230.59 Fusible plugs.

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- 230.64 Leaks under lagging.
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- 230.66 Design, construction, and maintenance.
- 230.67 Responsibility for inspection and repairs.

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- 230.69 Ash pans.

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- 230.71 Orifice testing of compressors.
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- 230.115 Feed water tanks.
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APPENDIX A TO PART 230—INSPECTION REQUIREMENTS

APPENDIX B TO PART 230—DIAGRAMS AND DRAWINGS

APPENDIX C TO PART 230—FRA INSPECTION FORMS

APPENDIX D TO PART 230—CIVIL PENALTY SCHEDULE

AUTHORITY: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461, note; and 49 CFR 1.49.

SOURCE: 64 FR 62865, Nov. 17, 1999, unless otherwise noted.

49 CFR Ch. II (10–1–05 Edition)

Subpart A—General

§ 230.1 Purpose and scope.

This part prescribes minimum Federal safety standards for all steam-propelled locomotives operated on railroads to which this part applies. This part does not restrict a railroad from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

§ 230.2 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to all railroads that operate steam locomotives.

(b) This part does not apply to:

(1) A railroad with track gage of less than 24 inches;

(2) A railroad that operates exclusively freight trains and does so only on track inside an installation that is not part of the general system of transportation;

(3) Rapid transit operations in an urban area that are not connected to the general system of transportation; or

(4) A railroad that operates passenger trains and does so only on track inside an installation that is insular, i.e., its operations are limited to a separate enclave in such a way that there is no reasonable expectation that the safety of the public—except a business guest, a licensee of the railroad or an affiliated entity, or a trespasser—would be affected by the operation. An operation will not be considered insular if one or more of the following exists on its line:

(i) A public highway-rail crossing that is in use;

(ii) An at-grade rail crossing that is in use;

(iii) A bridge over a public road or waters used for commercial navigation; or

(iv) A common corridor with another railroad, i.e., its operations are conducted within 30 feet of those of any other railroad.

(c) See appendix A of part 209 for a current statement of the FRA's policy on its exercise of jurisdiction.