



Railroad Safety Advisory Committee



FRA Regulatory Activity Update

to

The 46th Railroad Safety Advisory Committee Meeting

April 26, 2012
Washington, DC



FRA Regulatory Activity Update



Q. What does it mean when a regulatory action is determined to be “significant?”

A. Under Executive Order 12866, OIRA (OMB) is responsible for determining which agency regulatory actions are "significant" and, in turn, subject to interagency review. Significant regulatory actions are defined in the Executive Order as those that:

- Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order



Significant Rulemakings



1. High Speed Rail Corridor Development and Capital Investment Grants to Support Intercity Passenger Rail Service
 - NPRM on schedule for release in April 2012

2. Buy America Program Requirements (HSIPR)
 - Rulemaking upgraded to “significant”
 - NPRM on schedule for release in July 2012



Significant Rulemakings



3. Railroad Safety Risk Reduction Programs

- Advanced NPRM (ANPRM) published on December 8, 2010
- Target date for NPRM December 2012

4. Training Standards for Railroad Employees

- NPRM published February 7, 2012 (77 FR 6412)
- Comments were due by April 9, 2012
- Target date for Final Rule March 2013

5. Critical Incident Stress Plan; Critical Incident Definition

- Target date for NPRM February 2013



Significant Rulemakings



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6. **Controlled Substance Testing/Maintenance Employees**
 - Target date for NPRM August 2012

 7. **Positive Train Control Amendments (Residual Risk Analysis)**
 - NPRM published August 24, 2011 (76 FR 52918)
 - Target date for Final Rule June 2012

 8. **Positive Train Control (Grade Crossing & Signal)**
 - Target date for NPRM August 2012
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Significant Rulemakings



9. Vehicle/Track Interaction, High Speed, High Cant

- NPRM published May 10, 2010
- Target date for Final Rule July 2012

10. Railroad System Safety Program

- Target date for NPRM September 2012

11. Emergency Escape Breathing Apparatus

- NPRM published October 5, 2010 (75 FR 61386)
 - Target date for Final Rule November 2012
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Non-Significant Rulemakings



1. Drug Panel Post-Accident Toxicological Testing
 - NPRM target date late April 2012
 - Reclassified as “non-significant”

2. Roadway Worker Protection Misc. Revisions
 - NPRM on schedule for release in late April 2012

3. Grade Crossing – Telephone Services (formerly, Emergency Notification Systems)
 - NPRM published March 4, 2011 (76 FR 11992)
 - Target date for Final Rule April-May 2012



Non-Significant Rulemakings



4. Passenger Train Emergency Systems; Amendments

- NPRM published January 3, 2012 (77 FR 154)
- Target date for Final Rule February 2013

5. Locomotive Safety Standards Amendments

- NPRM published on January 12, 2011 (76 FR 2200)
- Final Rule published April 9, 2012 (77 FR 21312)
- Final Rule correction notice (docket number error) published April 18, 2012 (77 FR 23159)



Non-Significant Rulemakings



6. Development and Use of Rail Safety Technology; Dark Territory
 - Guidance/NPRM (if required) target for release late 2012

 7. National Highway-Rail Crossing Inventory
 - Target for NPRM May 2012

 8. Passenger Train Door Operation and Door Safety
 - Target date for NPRM May 2012
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Non-Significant Rulemakings



9. Track Safety Standards: Inspections

- Rulemaking may incorporate recommendations from RSAC Track Inspection Time Study Task (To be discussed during this meeting)
- Target date for NPRM February 2013

10. Track Safety Standards: Rails, Records, Inspection

- Target date for NPRM April -May 2012

11. Revisions to Passenger Train Emergency Prep

- Target date for NPRM April-May 2012



Non-Significant Rulemakings



12. Conductor Certification - Response to Petitions

- This rulemaking responded to petitions for reconsideration of the Final Rule published November 9, 2011.
- Response to petitions for reconsideration was published on February 8, 2012. (77 FR 6482)

13. Adjacent-Track On-Track Safety-Response to Petitions

- This rulemaking would respond to petitions for reconsideration of the final rule published on November 30, 2011. This Final Rule will make amendments to the original Adjacent-Track On-Track Safety Final Rule.
- March 8, 2012, (77 FR 13978) Delays effective date and requests comments.
- Target for Final Rule August 2012



FRA Priority of Importance



1. PTC Systems Amendments – **FINAL RULE**
2. PTC Miscellaneous Amendments – **NPRM**
3. System Safety Program (Risk Reduction for Passenger Rail) – **NPRM**
4. Vehicle Track Interaction – **FINAL RULE**
5. Maintenance of Way Alcohol and Drug Requirements – **NPRM**
6. Buy America Program Requirements – **NPRM**
7. Door Control Rule – **NPRM**
8. Grade Crossing Telephone Services – **FINAL RULE**
9. National Highway-Rail Crossing Inventory – **NPRM**



FRA Priority of Completion



1. Maintenance of Way Alcohol and Drug Requirements – **NPRM**
2. Vehicle Track Interaction – **FINAL RULE**
3. PTC Systems Amendments – **FINAL RULE**
4. PTC Miscellaneous Amendments – **NPRM**
5. System Safety Program – **NPRM**
6. Buy America Program Requirements – **NPRM**
7. Grade Crossing Telephone Services – **FINAL RULE**
8. National Highway-Rail Crossing Inventory – **NPRM**
9. Door Control Rule – **NPRM**