

FRA Regulatory Activity Update

to the

52nd Railroad Safety Advisory Committee Meeting

**December 4th, 2014
Washington, DC**



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12/5/2014



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FRA REGULATORY ACTIVITY UPDATE

RECENT PUBLISHED RULEMAKINGS

Critical Incident Stress Plan

- Final Rule – Mar. 25, 2014
- Defined “critical incident”
- Required certain railroads to develop and implement critical incident stress plans.
 - Providing appropriate support services
 - Limited relief from an employee’s normal tour of duty to railroad employees who are involved in or witness a “critical incident.”
- Section 410 of the RSIA
- Developed with RSAC



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FRA REGULATORY ACTIVITY UPDATE

RECENT PUBLISHED RULEMAKINGS

Passenger Train Exterior Side Door Safety

- Notice of Proposed Rulemaking (NPRM) – Mar. 26, 2014
- Reduce the number and severity of injuries involving passenger train exterior side doors.
- Improves the integrity of passenger train exterior side door safety systems
- New standards for door safety systems on passenger trains.
- Covers both powered and manual exterior side doors
- Developed with RSAC



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FRA REGULATORY ACTIVITY UPDATE

RECENT PUBLISHED RULEMAKINGS

Revisions to Passenger Train Emergency Preparedness Regulations

- Final Rule – Mar. 31, 2014
- Clarifies that requirements for initial and periodic training, operational efficiency tests apply not only to on-board crewmembers and control center personnel, but also to the railroad's emergency response communications center personnel, who communicate or coordinate with first responders.
- Clarifies that railroads must develop procedures that specifically address the safety of passengers with disabilities during actual and simulated emergency situations.
- Streamlines approval for certain purely administrative changes to approved emergency preparedness plans.



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RECENT PUBLISHED RULEMAKINGS

Signal Systems Reporting Requirements

- Final Rule – July 2, 2014
- Eliminates requirement for signal system status report every five years.
- The signal system status report is no longer necessary because FRA receives more updated information regarding railroad signal systems through alternative sources.
- Paperwork reduction initiative.



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RECENT PUBLISHED RULEMAKINGS

Control of Alcohol and Drug Use: Coverage of Maintenance of Way Employees

- NPRM – July 28, 2014
- Expand the scope of FRA's alcohol and drug regulations to cover employees who perform railroad maintenance-of-way activities
- Section 412 of the RSIA.
- Updates and clarifies existing regulations based on a retrospective analysis.



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RECENT PUBLISHED RULEMAKINGS

Positive Train Control Systems

- Final Rule – Aug. 22, 2014
- Broadens an existing regulatory exception to the requirement to install a PTC system for track segments carrying freight only that present a de minimis safety risk.
- Adds a new exception for PTC-unequipped freight trains associated with certain freight yard operations to operate within PTC systems.
- Contains provisions for failures of a PTC system,
- Addresses applications for approval of certain modifications of signal and train control systems



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Securement of Unattended Equipment

- NPRM – Sept. 9, 2014
- Codify most of the requirements of Emergency Order No. 28 (EO 28), issued in August 2013
- Applies the verification and securement requirements of EO 28 to trains left unattended in yards as well as outside yards
- Each locomotive left unattended outside of a rail yard must be equipped with an operative exterior locking mechanism and such locks must be applied on the controlling locomotive cab door if the locomotive is part of a train transporting certain quantities of certain hazardous materials.



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Safety Glazing Standards

- NPRM – published September 26, 2014
- Revise and clarify the existing regulations related to the use of glazing materials in the windows of locomotives, passenger cars, and cabooses.
- Removes stenciling requirement for locomotives, passenger cars, and cabooses required to be equipped with compliant glazing.
- Clarifies the application of the regulations to antiquated equipment
- Type II glazing not required at certain end-facing locations of passenger cars



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RECENT PUBLISHED RULEMAKINGS

Training Standards for Safety-Related Railroad Employees

- Final Rule – November 2014
- Establishes minimum training standards for each class or craft of safety-related employee and equivalent railroad contractor and subcontractor employee, as mandated by RSIA.
- Guidance to be issued early 2015
- Electronic submission tool development underway



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OMB DESIGNATION

What does it mean when a regulatory action is determined to be “significant?” (**Adds considerable time to the process...**)

- 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.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Risk Reduction Program

- NPRM –
- Requirements for risk reduction programs for Class I freight railroads and other freight railroads with inadequate safety performance.
- Each railroad systematically evaluates railroad safety risks on its system and manages those risks in order to reduce the numbers and rates of railroad accidents, incidents, injuries, and fatalities.



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FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Railroad System Safety Program

- Final Rule –
- Commuter and intercity passenger railroads
- Establish a system safety program that would systematically evaluate and manage risks in order to reduce the number and rates of railroad accidents, incidents, injuries and fatalities.



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UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Train Crew Staffing

- NPRM –
- Establish minimum requirements for the size of train crew staffs.
- Address operations that pose significant safety risks to railroad employees, the general public, and the environment.
- Establish minimum requirements for the roles and responsibilities of the second train crew member on a moving train, and promote safe and effective teamwork.



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UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets

- NPRM
- Amend FRA's Passenger Equipment Safety Standards by adding a new equipment tier (Tier III) to facilitate the safe implementation of high-speed rail at speeds up to 220 miles per hour (mph).
- Establish alternative crashworthiness performance requirements for Tier I passenger trainsets (operating at speeds not exceeding 125 mph).
- Increase the maximum speed for Tier II operations from 150 mph to 160 mph.



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UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Emergency Escape Breathing Apparatus

- Final Rule
- Suitable to provide head and neck coverage with respiratory protection for all crewmembers in locomotive cabs on freight trains carrying hazardous materials that would pose an inhalation hazard
- Provide convenient storage in each freight train locomotive
- Maintain such equipment in proper working condition;
- Provide crewmember training



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UPCOMING **NON**-SIGNIFICANT FRA RULEMAKINGS

Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions

- Final Rule
- Incorporate dozens of miscellaneous revisions and additions to resolve interpretative issues that have arisen since the 1996 promulgation of the original regulation.



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UPCOMING **NON**-SIGNIFICANT FRA RULEMAKINGS

National Highway-Rail Crossing Inventory Reporting Requirements

- Final Rule
- Require railroads to submit information to the U.S. DOT National Highway-Rail Crossing Inventory about **highway-rail crossings and pathway crossings** over which they operate
- Information about previously unreported and new public and private highway-rail crossings and pathway crossings.
- Periodic update of the Inventory.



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UPCOMING **NON**-SIGNIFICANT FRA RULEMAKINGS

Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions

- NPRM
- Revise regulation governing the qualification and certification of locomotive engineers to conform regulation governing the certification of conductors.



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Questions?



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