



Railroad Safety Advisory Committee



FRA Regulatory Activity Update

to the

50th Railroad Safety Advisory Committee Meeting

October 31, 2013
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.

- 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
 - FRA has not received funding delaying immediate need for NPRM

2. Buy America Program Requirements (HSIPR)
 - Rulemaking upgraded to “significant”
 - Undergoing internal DOT review
 - Schedule for NPRM release uncertain



Significant Rulemakings



3. Railroad Safety Risk Reduction Programs

- Advanced NPRM (ANPRM) published on December 8, 2010
- In final DOT review
- Target date for NPRM Early 2014 (*FRA regulatory priority*)

4. Training Standards for Railroad Employees

- NPRM published February 7, 2012 (77 FR 6412)
 - In final DOT review
 - Target date for Final Rule Early 2014 (*FRA regulatory priority*)
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Significant Rulemakings



5. Controlled Substance Testing/Maintenance Employees

- Target date for NPRM Early 2014
- In final FRA review
- Seeking downgrade by OMB to non-significant

6. Emergency Escape Breathing Apparatus

- NPRM published October 5, 2010 (75 FR 61386)
 - FRA completing economic review
 - Target date for Final Rule mid-2014
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Significant Rulemakings



7. PTC Amendments (RRR)

- New target date for Final Rule Early 2014
- In final DOT review
- FRA is requesting expedited OST/OMB review of this final rule

8. Passenger Equipment Alternative Compliance

- Upgraded to significant
- Target date for NPRM Spring 2014

9. Adjacent - Track On - Track Response to Petitions

- Target date for Final Rule Early 2014
 - In final DOT review
 - FRA is requesting expedited OST/OMB review of this final rule
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Non-Significant Rulemakings



1. Roadway Worker Protection Misc. Revisions

- NPRM published August 20, 2012 (77 FR 50324)
- Final Rule target date Spring 2014

2. Railroad System Safety Program

- Downgraded to non-significant
- NPRM published September 7, 2012 (77 FR 55372)
- Awaiting designation of final rule by OMB
- Final Rule target date Early 2014

3. Passenger Train Emergency Systems II; Amendments

- NPRM published January 3, 2012 (77 FR 154)
- Downgraded to non-significant
- Target date for Final Rule Winter 2013



Non-Significant Rulemakings



4. **Revisions to Passenger Train Emergency Prep**
 - NPRM published July 27, 2012 (77 FR 38248)
 - Target date for Final Rule Winter 2013

5. **National Highway-Rail Crossing Inventory**
 - NPRM published October 18, 2012 (77 FR 64077)
 - Target date for Final Rule Spring 2014

6. **Track Safety Standards: Improving Rail Integrity**
 - NPRM published October 19, 2012
 - Target date for Final Rule Winter 2013



Non-Significant Rulemakings



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7. **Development and Use of Rail Safety Technology; Dark Territory**
 - Long-Term Action. Rule in abeyance pending issuance of both Risk Reduction and System Safety Final Rules and consideration of their technology implementation plans.

 8. **Passenger Train Door Operation and Door Safety**
 - Target date for NPRM Winter 2013

 9. **Certification of Safety-Related Railroad Employees**
 - Long-Term Action. Rule in abeyance pending issuance of Training Standards Final Rule and completion of study.
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Non-Significant Rulemakings



10. Engineer Qualification and Certification Revisions (RRR/PRA)

- This rulemaking would make conforming revisions to Part 240 "Qualification and certification of locomotive engineers" consistent with Part 242 "Qualification and Certification of Conductors". The promulgation of the conductor certification regulation highlighted areas in the regulation governing locomotive engineer certification that may require conforming changes.
- Target date for NPRM Early 2014



Non-Significant Rulemakings



11. Safety Glazing Standards; Miscellaneous Revisions (RRR/PRA)

- This rulemaking would propose to eliminate the requirement to stencil the interior wall of a locomotive, passenger car, or caboose which has compliant FRA glazing, update FRA's interpretation of "historical or antiquated equipment, and generally update the part to address compliance dates that have long passed.
- Target date for NPRM Early 2014



Non-Significant Rulemakings



12. Revisions to Signal System Reporting Requirements (RRR/PRA)

- This rulemaking proposes the elimination of the requirement to submit a signal system report every 5 years.
- NPRM published June 19, 2013 (78 FR 36738)
- Target date for Final Rule Winter 2014



Non-Significant Rulemakings



13. Horns and Highway-Rail Grade Crossing Revisions

- This rulemaking would make miscellaneous revisions to the existing regulations to address pedestrian crossings and alternatives to train horns in unique situations.
- Target date for NPRM Spring 2014

14. Hours of Service Recordkeeping; Amendments (RRR)

- This rulemaking would make miscellaneous revisions to the existing regulations to address pedestrian crossings and alternatives to train horns in unique situations.
- Target date for NPRM Spring 2014



Non-Significant Rulemakings



15. Critical Incident Stress Plan

- NPRM published June 28, 2013 (78 FR 38878)
- Awaiting final designation from OST/OMB
- Target date for Final Rule Early 2014



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Questions?