



Railroad Safety Advisory Committee



FRA Regulatory Activity Update

to the

48th Railroad Safety Advisory Committee Meeting

June 14, 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
 - NPRM scheduled for February 2014
 2. Buy America Program Requirements (HSIPR)
 - Rulemaking upgraded to “significant”
 - NPRM on hold schedule for release undetermined
 - FRA and OST are in discussions with OMB on this rule
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Significant Rulemakings

3. Railroad Safety Risk Reduction Programs

- Advanced NPRM (ANPRM) published on December 8, 2010
- Target date for NPRM September 2013 (*FRA regulatory priority*)

4. Training Standards for Railroad Employees

- NPRM published February 7, 2012 (77 FR 6412)
- Target date for Final Rule September 2013 (*FRA regulatory priority*)

5. Critical Incident Stress Plan

- Target date for NPRM August 2013
 - Requested downgrade to non-significant (**Approved 6/11/13**)
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Significant Rulemakings



6. Controlled Substance Testing/Maintenance Employees

- Target date for NPRM October 2013

7. Positive Train Control #4

- NPRM published December 11, 2012 (77 FR 73589)
- Final Rule December 2013

8. Vehicle/Track Interaction, High-Speed, High Cant Deficiency Operations

- NPRM published May 10, 2010 (75 FR 25928)
 - Final Rule published March 13, 2013 (78 FR 16052)
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Significant Rulemakings



9. Emergency Escape Breathing Apparatus

- NPRM published October 5, 2010 (75 FR 61386)
- Target date for Final Rule Undetermined



Non-Significant Rulemakings



1. Roadway Worker Protection Misc. Revisions

- NPRM published August 20, 2012 (77 FR 50324)
- Final Rule target date October 2013

2. Railroad System Safety Program

- Downgraded to non-significant August 14, 2012
- NPRM published September 7, 2012 (77 FR 55372)
- Final Rule target date July 2013

3. Passenger Equipment Alternative Compliance

- May be upgraded to Significant
- NPRM Scheduled for Fall 2013
- Final Rule Scheduled for Early 2014



Non-Significant Rulemakings



4. **Passenger Train Emergency Systems; Amendments**
 - NPRM published January 3, 2012 (77 FR 154)
 - Target date for Final Rule July 2013
 - **(6/11/13 Declared significant – Will extend target date to October 2013)**
5. **Revisions to Passenger Train Emergency Prep**
 - NPRM published July 27, 2012 (77 FR 38248)
 - Target date for Final Rule August 2013
6. **National Highway-Rail Crossing Inventory**
 - NPRM published October 18, 2012 (77 FR 64077)
 - Target date for Final Rule October 2013



Non-Significant Rulemakings



7. Track Safety Standards: Rails, Records, Inspection

- NPRM published October 19, 2012 (77 FR 64249)
- Target date for Final Rule November 2013

8. Development and Use of Rail Safety Technology; Dark Territory

- Delayed until publication of Risk Reduction NPRM & Final Rule

9. Passenger Train Door Operation and Door Safety

- Target date for NPRM July 2013
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Non-Significant Rulemakings



10. Revisions to Passenger Train Emergency Preparedness

- NPRM published June 27, 2012 (77 FR 38248)
- Target date for Final Rule August 2013

11. Adjacent-Track On-Track Safety – Response to Petitions (**Declared Significant 6/11/13**)

- This rulemaking will respond to petitions for reconsideration of the final rule published on November 30, 2011 (76 FR 74586)
- August 31, 2012, Provides notice of delay in response to petitions due to complex issues raised (77 FR 53164)
- March 8, 2012, Delays effective date and requests comments (77 FR 13978)
- Target for Final Rule June 2013 **(6/11/13 October target date)**



Non-Significant Rulemakings



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

- This rulemaking will 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 August 2013



Non-Significant Rulemakings



13. 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 (section 223.17), update FRA's interpretation of "historical or antiquated equipment[,]" add a definition of the term to the rule text, and generally update the part to remove passed compliance dates.
- Target date for NPRM July 2013



Non-Significant Rulemakings



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

- This rulemaking would propose the elimination of the requirement to submit a signal system report every 5 years. FRA believes that the information contained in such reports is available to FRA through other sources and the need for a separate and somewhat duplicative report every 5 years is unnecessary.
- Target date for NPRM June 2013



Non-Significant Rulemakings



15. 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 March 2014



Non-Significant Rulemakings



17. Hours of Service Recordkeeping; Amendments (RRR/PRA)

- This rulemaking would propose to provide simplified recordkeeping requirements to allow Class III and commuter railroads to utilize electronic recordkeeping. It would propose to permit railroads without electronic recordkeeping systems to manage reports of excess service internally without submitting them to the FRA, as currently required. The rule would not require the use of electronic recordkeeping, would be better tailored to small operations, and is expected to decrease the burden hours spent on recordkeeping. .
- Target date for NPRM October 2013



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Questions?