



Railroad Safety Advisory Committee



FRA Regulatory Activity Update

to the

47th Railroad Safety Advisory Committee Meeting

September 27, 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.

- 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 2013
 2. Buy America Program Requirements (HSIPR)
 - Rulemaking upgraded to “significant”
 - NPRM on schedule for release in February 2013
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Significant Rulemakings



3. Railroad Safety Risk Reduction Programs

- Advanced NPRM (ANPRM) published on December 8, 2010
- Target date for NPRM December 2012 (*FRA regulatory priority*)
- Requesting downgrade to *non-significant rulemaking*

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 (*FRA regulatory priority*)

5. Critical Incident Stress Plan

- Target date for NPRM February 2013
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Significant Rulemakings



6. Controlled Substance Testing/Maintenance Employees
 - Target date for NPRM February 2013

 7. Positive Train Control Amendments (Residual Risk Analysis)
 - NPRM published August 24, 2011 (76 FR 52918)
 - Final Rule published May 14, 2012 (77 FR 28285)

 8. Positive Train Control (Grade Crossing and Signal)
 - Target date for NPRM October 1, 2012
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Significant Rulemakings



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

- NPRM published May 10, 2010 (75 FR 25928)
- Target date for Final Rule October 2012

10. Railroad System Safety Program

- Downgraded to non-significant August 14, 2012
- NPRM published September 7, 2012 (77 FR 55372)
- Comments due by November 6, 2012

11. Emergency Escape Breathing Apparatus

- NPRM published October 5, 2010 (75 FR 61386)
- Target date for Final Rule July 2013



Non-Significant Rulemakings



1. Drug Panel Post-Accident Toxicological Testing
 - NPRM target date late January 2013
 2. Roadway Worker Protection Misc. Revisions
 - NPRM published August 20, 2012 (77 FR 50324)
 3. Grade Crossing – Telephone Services (formerly, Emergency Notification Systems)
 - NPRM published March 4, 2011 (76 FR 11992)
 - Final Rule published June 12, 2012 (77 FR 35164)
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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 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
 - NPRM target publication date November 2012
 7. National Highway-Rail Crossing Inventory
 - Target for NPRM Late September/Early October 2012
 8. Passenger Train Door Operation and Door Safety
 - Target date for NPRM Late October/Early November 2012
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Non-Significant Rulemakings



9. Track Safety Standards: Rails, Records, Inspection

- Target date for NPRM Late September/Early October 2012

10. Revisions to Passenger Train Emergency Preparedness

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

11. Conductor Certification – Response to Petitions

- This rulemaking responded to petitions for reconsideration of the Final Rule published November 9, 2011 (76 FR 69867)
- Response to petitions for reconsideration was published on February 8, 2012 (77 FR 6482)



Non-Significant Rulemakings



12. Adjacent-Track On-Track Safety – Response to Petitions

- 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 October 2012



FY 2012 Rulemakings



1. PTC Final Rule – May 14, 2012 (77 FR 28285)
2. Training Standards NPRM – February 7, 2012 (77 FR 6412)
3. Conductor Certification
 - Final Rule – November 9, 2011 (76 FR 69867)
 - Final Rule, Response to Petitions for Reconsideration – February 8, 2012 (77 FR 6482)
4. Camp Cars Final Rule – October 31, 2011 (76 FR 67073)
5. Emergency Notification Systems Final Rule – June 12, 2012 (77 FR 35164)
6. Locomotive Safety Standards Final Rule, Correction – April 18, 2012 (77 FR 23159)
 - Final Rule – April 9, 2012 (77 FR 21312)



FY 2012 Rulemakings



7. Passenger Train Emergency Systems II NPRM – January 3, 2012 (77 FR 154)
8. Passenger Train Employees Hours of Service
 - Statement of Agency Policy and Interpretation – May 1, 2012 (77 FR 25610)
 - Statement of Agency Policy and Interpretation – February 29, 2012 (77 FR 12408)
 - Response to Petitions for Reconsideration – February 6, 2012 (denied)
9. Post-Accident Drug Testing for Non-Controlled Substances NPRM – May 17, 2012 (77 FR 29307)
10. Passenger Train Emergency Preparedness NPRM – June 27, 2012 (77 FR 38248)



FY 2012 Rulemakings



11. Roadway Worker Protection, Miscellaneous Amendments NPRM – August 20, 2012 (77 FR 50324)
12. Railroad Workplace Safety – Adjacent Track On-Track Safety for Roadway Workers
 - Final Rule, Delay of effective date – March 8, 2012 (77 FR 13978)
 - Final Rule – November 30, 2011 (76 FR 74586)
13. System Safety Programs NPRM – September 7, 2012 (77 FR 55372)
14. Inflation Adjustment of the Aggravated Maximum Civil Monetary Penalty for Violation of Federal Railroad Safety Laws, Regulations, Orders
 - Final Rule, Correction – May 7, 2012 (77 FR 26703)
 - Final Rule – April 24, 2012 (77 FR 24415)



FY 2012 Rulemakings



15. Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2012
 - Final Rule – November 28, 2011 (76 FR 72850)
16. Special Permit Marking Removal
 - Removal of obsolete special permit markings – January 27, 2012 (77 FR 4271)
17. Alcohol and Drug Testing: Determination of Minimum Random Testing Rates for 2012
 - Notice of Determination – December 27, 2011 (76 FR 80782)