



# Railroad Safety Advisory Committee

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## **Risk Reduction and Fatigue Management Programs Presentation**

TO

## **The 45<sup>th</sup> Railroad Safety Advisory Committee Meeting**

December 8, 2011  
Washington, DC

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# Background

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- Section 103 of the Rail Safety Improvement Act of 2008 (RSIA) requires the development of a regulation, effective no later than October 17, 2012, requiring railroads to
    - Develop a railroad safety risk reduction program
    - Submit its program to the Secretary for review and approval
    - Implement the program approved by Secretary
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# Background

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- RSIA Sec. 103
    - Applies to Class I railroads, Amtrak, Commuter railroads
    - Applies to railroads with inadequate safety performance
    - Other railroads may participate if they choose
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# RSIA Elements of a Risk Reduction Program

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- Comprehensive safety risk reduction program to improve safety by reducing the number and rates of accidents, incidents, injuries, and fatalities
    - Major Components
      - Risk Mitigation Plan
      - Technology Implementation Plan
      - Fatigue Management Plan
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# RSIA continued

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- Railroads must use good faith and best efforts to reach agreement with labor on contents of program
  - FRA may use pilot projects to inform development of regulation
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# Disclosure of Records

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- RSIA Sec. 109
    - RRP safety analysis records supplied to the Secretary or made available for inspection by FRA are exempt from section 552 of title 5 U.S.C. (Freedom of Information Act)
    - FRA will conduct a study on the effect on public safety of withholding RRP data from legal discovery or admission into evidence in Federal or State court proceedings
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# Disclosure of Records

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- Preliminary study published 5/09/2011
    - Comments received from
      - Railroads
      - Industry trade associations
      - Railroad Labor Organizations
      - Metropolitan transportation authorities
      - Associations of attorneys
      - Individual attorneys, and
      - Nonprofit public interest groups
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# Disclosure of Records

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- Final report published 10/28/2011
    - FRA-2011-0025-0031
  - Concludes: support in favor of protecting certain classes of information from use in civil litigation
  - Identified several issues to be addressed, including striking a balance in rule—not making potential litigants worse off than they would have been without RRP
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# Timeline



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- Dec 8, 2010 ANPRM Published
  - July 19, 2011 Public Hearing Chicago
  - July 21, 2010 Public Hearing Washington, DC
  - March, 2012 NPRM Publication Due Date
  - October, 2012 Final Rule Publication Due Date
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# Considering Risk Reduction and Fatigue Separately

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- Fatigue Management Plans and Risk Reduction Programs will be separated into two rulemaking efforts
  - Rationale
    - Simplify the rulemaking process for each
    - Insure adequate time and effort can be devoted to each
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# Risk Reduction Program Task Statement

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- Purpose:
    - To develop requirements for certain railroads to develop a Risk Reduction Program as mandated by the Rail Safety Improvement Act of 2008 (Act).
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# RRP Task Statement: Description

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- Review the mandates and objectives of the Act related to the development of Risk Reduction Programs.
  - Determine which railroads will be required to have a Risk Reduction Program.
  - Consider the role of current voluntary pilot projects in the regulation.
  - Consider the various railroads' current practices regarding risk-based hazard analysis, and how they mitigate identified risks.
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# RRP Task Statement: Issues requiring specific report



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- Determine the required elements of an acceptable Risk Reduction Program.
  - Determine minimum requirements for:
    - Risk Reduction Program Plan
  - Determine the approach to risk-based hazard analysis, (i.e. hazard identification, risk analysis and assessment, and risk mitigation.) Establish time frames of program submission, FRA review, railroad re-submission, etc.
  - Select criteria to identify railroads that have an inadequate safety record.
  - Identify the compliance duration/cycle for railroads with inadequate safety records
  - How should Risk Reduction Program Plans address Technology Implementation Plan?
  - Final determination regarding the protection of risk-based hazard data from discovery.
  - What processes should be in place in the event a Risk Reduction Program Plan is not approved?
  - What processes will be used to periodically audit Risk Reduction Programs after they have been approved?
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**QUESTIONS  
DISCUSSIONS**

**VOTE**



# Fatigue Management Plan (FMP) Summary

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- Fatigue is a complex, multifaceted issue
  - FMPs should take into account the multifaceted nature of fatigue by employing a variety of countermeasures, scheduling practices, educational interventions, and increased opportunities for rest
  - FMPs should be flexible enough to take into account the diverse nature of the different railroads submitting FMPs and the diversity of the employees who will be covered under these plans, but still be driven by current scientific understanding.
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# Fatigue Management Plan Task Statement

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- To provide advice regarding development of implementing regulations for Fatigue Management Plans and their deployment under the Rail Safety Improvement Act of 2008 (Act).
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# FMP Task Statement

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- Review the mandates and objectives of the Act related to the development of Fatigue Management Plans
  - Determine how medical conditions that affect alertness and fatigue will be incorporated into Fatigue Management Plans
  - Review available data on existing alertness strategies
  - Consider the role of innovative scheduling practices in the reduction of employee fatigue.
  - Review the existing data on fatigue countermeasures.
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# FMP Issues Requiring Specific Report

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- How will compliance and program efficacy be evaluated and monitored?
  - How will training and educational requirements be determined?
  - What processes should be in place in the event a Fatigue Management Plan is not approved?
  - What processes will be used to periodically audit Fatigue Management Plans after they have been approved?
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**QUESTIONS  
DISCUSSIONS**

**VOTE**