



# Railroad Safety Advisory Committee

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## **FRA Regulatory Activity Update**

to

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

December 8, 2011  
Washington, DC

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# 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. 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.



# Significant Rulemakings

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## 1. Hours of Service – Passenger Train Employees

- NPRM published March, 2011 (76 FR 16200)
- Final Rule published August 12, 2011 (76 FR 50360)

**COMPLETE**

## 2. High Speed Rail Corridor Development and Capital Investment Grants to Support Intercity Passenger Rail Service

- NPRM on schedule for release in mid 2012



# Significant Rulemakings

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## 3. Railroad Safety Risk Reduction Programs

- Advanced NPRM (ANPRM) published on December 8, 2010
- Target date for NPRM May 2012

## 4. Training Standards for Railroad Employees

- NPRM scheduled for release in January 2012

## 5. Critical Incident Stress Plan; Critical Incident Definition

- Target date for NPRM September 2012
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# Significant Rulemakings

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## 6. Controlled Substance Testing/Maintenance Employees

- Target date for NPRM May 2012

## 7. Positive Train Control Amendments (Residual Risk Analysis)

- NPRM published August 24, 2011 (76 FR 52918)
  - Target date for Final Rule May 2012
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# Significant Rulemakings

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## 8. Positive Train Control (Grade Crossing & Signal)

- Target date for NPRM May 2012

## 9. Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers

- NPRM published November 25, 2009
- Final Rule published November 30, 2011 (76 FR 74586)

**COMPLETE**

## 10. Vehicle/Track Interaction, High Speed, High Cant

- NPRM published May 10, 2010
  - Target date for Final Rule April, 2012
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# Significant Rulemakings

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## 11. Drug Panel Post-Accident Toxicological Testing

- NPRM target date March 2012

## 12. Railroad System Safety Program

- Target date for NPRM May 2012
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# Non-Significant Rulemakings

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1. Amendments to Accidents/Incident Reporting  
– Final Rule published November 9, 2010 (75 FR 68862) **COMPLETE**
  
  2. Track Safety Standards; Concrete Crossties  
– NPRM published August 26, 2010. **COMPLETE**  
– Final Rule published April 1, 2011 (76 FR 18073)  
– Second Final Rule published September 9, 2011 (76 FR 55819)
  
  3. Roadway Worker Protection Misc. Revisions  
– NPRM on schedule for release in January 2012
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# Non-Significant Rulemakings



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4. Safety Appliance Standards, Miscellaneous Revisions
    - NPRM published July 2, 2010.
    - End of comment period August 31, 2010.
    - Final Rule published April 28, 2011 (76 FR 23714) **COMPLETE**
  5. Conductor Certification
    - NPRM published November 10, 2010 (75 FR 69166)
    - Final rule published November 9, 2011 (76 FR 69802) **COMPLETE**
  6. Grade Crossing – Telephone Services (formerly, Emergency Notification Systems)
    - NPRM published March 4, 2011 (76 FR 11992)
    - Target date for Final Rule March 2012
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# Non-Significant Rulemakings

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## 7. Camp Car Sleeping Quarters

- NPRM Published January 3, 2011 (76 FR 64)
- Final Rule published October 31, 2011 (76 FR 67073)

**COMPLETE**

## 8. Passenger Train Emergency Systems; Amendments

- Target date for NPRM December 2011

## 9. Locomotive Safety Standards Amendments

- NPRM published on January 12, 2011 (76 FR 2200)
  - Final Rule on schedule for release in January 2012
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# Non-Significant Rulemakings



## 10. Development and Use of Rail Safety Technology; Dark Territory

- Guidance/NPRM (if required) target for release early 2012

## 11. Alternate Passenger Rail Service Pilot Program

- NPRM published September 7, 2011
- Target date for Final Rule December 2011

## 12. High Speed Intercity Passenger Rail (HSIPR) Program; Buy America Program Requirements

- NPRM on schedule for release in early 2012
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# Non-Significant Rulemakings

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## 13. National Highway-Rail Crossing Inventory

- Target for NPRM May 2012

## 14. Passenger Train Door Operation and Door Safety

- Target date for NPRM May 2012

## 15. Track Safety Standards: Inspections

- Will incorporate recommendations from RSAC Track Inspection Time Study Task
  - Target date for NPRM December 2012
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# Non-Significant Rulemakings

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- 16. Track Safety Standards: Rails, Records, Inspection
    - Target date for NPRM January 2012
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# FRA Priority of Importance



1. Alternative Passenger Rail Services Pilot Project – **FINAL RULE**
  2. PTC Systems Amendments – **FINAL RULE**
  3. PTC Miscellaneous Amendments – **NPRM**
  4. System Safety Program (Risk Reduction for Passenger Rail) – **NPRM**
  5. Training Standards for Railroad Employees – **NPRM**
  6. Locomotive Safety Standards – **FINAL RULE**
  7. Vehicle Track Interaction – **FINAL RULE**
  8. Maintenance of Way Alcohol and Drug Requirements – **NPRM**
  9. Buy America Program Requirements – **NPRM**
  10. Door Control Rule – **NPRM**
  11. Grade Crossing Telephone Services – **FINAL RULE**
  12. National Highway-Rail Crossing Inventory – **NPRM**
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# FRA Priority of Completion



1. Training Standards for Railroad Employees – **NPRM**
  2. Alternative Passenger Rail Services Pilot Project – **FINAL RULE**
  3. Maintenance of Way Alcohol and Drug Requirements – **NPRM**
  4. Locomotive Safety Standards – **FINAL RULE**
  5. Vehicle Track Interaction – **FINAL RULE**
  6. PTC Systems Amendments – **FINAL RULE**
  7. PTC Miscellaneous Amendments – **NPRM**
  8. System Safety Program – **NPRM**
  9. Buy America Program Requirements – **NPRM**
  10. Grade Crossing Telephone Services – **FINAL RULE**
  11. National Highway-Rail Crossing Inventory – **NPRM**
  12. Door Control Rule – **NPRM**
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