

2008 Rail Safety Improvement Act

Section 401

Minimum Training Standards and Plans

§ 20162. Minimum training standards and plans

“IN GENERAL.—The Secretary of Transportation shall, not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008, establish—

“(1) minimum training standards for each class and craft of safety-related railroad employee (as defined in section 20102) and equivalent railroad carrier contractor and subcontractor employees,

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which shall require railroad carriers, contractors, and subcontractors to qualify or otherwise document the proficiency of such employees in each such class and craft regarding their knowledge of, and ability to comply with, Federal railroad safety laws and regulations and railroad carrier rules and procedures promulgated to implement those Federal railroad safety laws and regulations;

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(2) a requirement that railroad carriers, contractors, and subcontractors develop and submit training and qualification plans to the Secretary for approval, including training programs and information deemed necessary by the Secretary to ensure that all safety-related railroad employees receive appropriate training in a timely manner; and

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(3) a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures to ensure that safety-related railroad employees, and contractor and subcontractor employees, charged with the inspection of track or railroad equipment

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are qualified to assess railroad compliance with Federal standards to identify defective conditions and initiate immediate remedial action to correct critical safety defects that are known to contribute to derailments, accidents, incidents, or injuries, and, in implementing the requirements of this paragraph, take into consideration existing training programs of railroad carriers.

APPROVAL

“(b) APPROVAL - The Secretary shall review and approve the plans required under subsection (a)(2) utilizing an approval process required for programs to certify the qualification of Locomotive engineers pursuant to part 240 of title 49, Code of Federal Regulations.

EXEMPTION

“(c) EXEMPTION. The Secretary may exempt railroad carriers and railroad carrier contractors and subcontractors from submitting training plans for which the Secretary has issued training regulations before the date of enactment of the Rail Safety Improvement Act of 2008.”.

CONFORMING AMENDMENT

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 210 of this division, is amended by inserting after the item relating to section 20161 the following:

“20162. Minimum training standards and plans.”.

IN TITLE 49 (U.S.C.) - Section 20102 is amended

(3) by adding at the end thereof the following:

(4) 'safety-related railroad employee' means—

(A) a railroad employee who is subject to chapter 211 (Hours of Service Laws);

(B) another operating railroad employee who is not subject to chapter 211;

(C) an employee who maintains the right of way of a railroad;

IN TITLE 49 (U.S.C.) - Section 20102 is amended

(3) by adding at the end thereof the following:

(4) ‘safety-related railroad employee’ means—

(D) an employee of a railroad carrier who is a hazmat employee as defined in section 5102(3) of this title;

(E) an employee who inspects, repairs, or maintains locomotives, passenger cars, or freight cars; and

(F) any other employee of a railroad carrier who directly affects railroad safety, as determined by the Secretary.’’.

FRA Objectives

- Develop regulations responsive to the statutory mandate.
- Establish reasonable oversight criteria to ensure training plans are effective.
- Which employees should be covered by this regulation?

FRA Objectives

- Consider criteria we should use to determine which, if any, FRA-required training programs may be exempted from the new minimum training standards.
- Establish training methodologies the regulated community should employ to ensure current employees understand which tasks are covered by Federal laws, regulations, and orders, as well as the railroad rules and procedures which implement them.

FRA Objectives

- Should annual proficiency checks be established for all safety-related railroad employees, similar to those required for locomotive engineers and conductors? Should periodic training intervals be extended if such checks were used?

Questions And Comments