

Risk Reduction Working Group Update

to the

54th Railroad Safety Advisory Committee Meeting

November 5, 2015
Washington, DC



FRA – Office of Railroad Safety

11/9/2015



U.S. Department
of Transportation
**Federal Railroad
Administration**

RSIA 2008 Requirements

- Consultation with labor
 - Data protections
- Technology implementation plans
- Fatigue management programs



RSAC and the RSIA Mandate

- SSP Proposed Rule (49 CFR Part 270)
 - September 7, 2012; 77 FR 55372.
 - Commuter and intercity passenger railroads.
- RRP Proposed Rule (49 CFR Part 271)
 - February 27, 2015; 80 FR 10950.
 - Class I railroads and railroads with inadequate safety performance.
- Fatigue Risk Management Plans
 - FRA is drafting proposed rule, based on RSAC discussions.
 - Any railroad required to have either an SSP or an RRP.

Risk Reduction Program NPRM

Docket opened for comments:

- February 27–April 28, 2015
- July 30–September 11, 2015
- September 15–18, 2015
- October 7–21, 2015

Public Hearing August 27, 2015

Witnesses included:

- Academy of Rail Labor Attorneys
- American Association for Justice
- SMART Transportation Division
- BLET
- Association of American Railroads
- Pottroff Law Offices

RRP Working Group Meeting

September 29, 2015:

- Discussion and clarification of comments received.

Major Comments: Data Protection

- Concerns:
 - Protections may reduce public safety
 - Baker-Botts study biased
 - Possible effects on future rules
- Support:
 - Data Protections are essential to a robust program
 - Data protections should begin prior to plan approval
 - Data protections should apply to Short Line Institute

Major Comments: Consultation with Labor

- FRA underestimated time needed.
- How are labor statements considered during approval process?
- Consultation required for Technology Implementation Plans, Fatigue Management Plans.
- Need more guidance materials.
- Rule should not discuss collective bargaining agreements.

Selection of Additional Comments

- Fix process for determining inadequate safety performance.
- Include an appeals process for short lines.
- Reduce length of minimum compliance period.
- Clarify FRA/OSHA jurisdictional language.
- Require all elements of effective safety management systems.

What's Next?

- FRA revising RRP rule in response to all comments.

What's Next?

- Publication of SSP Final Rule.
- Publication of RRP Final Rule.
- Publication of Fatigue Management Plans Proposed Rule.

Questions?