

Part 219 NPRM UPDATE

Presented by
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Part 219 NPRM

§ 412 of the RSIA requires a completed rulemaking by October 2010 to expand the scope of Part 219 to MOW.

- **FRA is working to meet the deadline but as a significant rule change we may not make it.**

NTSB Recommendation R-01-07: Revise post-accident regulation to ensure that the exemption for highway-rail grade crossing accidents does not apply to a railroad employee whose actions at or near a grade crossing may have contributed to the cause or severity of the event.

- **FRA is proposing a new qualifying post-accident event for “human factor caused highway-rail grade crossing events.”**

Other Proposed Amendments – Part 1

Numerous aspects and components of the Part 219 Regulation need updating, clarifying, and maturing.

- Small railroads will no longer be exempt from reasonable suspicion testing.
- Monetary post-accident testing thresholds for Major Accidents and Impact Accidents will be increased.
- The “derailment collision” and “raking collision” exception for Impact Accidents will be removed.
- RC/RS testing requirements will be separated and restructured for clarity and understanding.

Other Proposed Amendments – Part 2

- “Incidents” will be removed as a basis for reasonable cause testing.
- Post-Accident Testing Panel expansion, including reporting will be discussed.
- Requirements for employers to conduct/report observations to better ensure 219.101 and 219.102 compliance will be clarified.
- Restructure and clarify Random testing critical components.
- Restructure and clarify Subpart E to better support Peer Prevention and Usage.

Overview

- Significant ongoing discussion between FRA staff and Industry, especially about adding MOW to Part 219 scope. FRA goals: appropriate coverage; accountability; and auditability. FRA's final position will be determined in light of the public comments to the NPRM.
- FRA is not planning to change its current successful compliance and enforcement strategy or application for Part 219.
- NPRM changes will better position FRA programs to support Part 226 Medical Standards when it is implemented.

Overview 2

- The NPRM will state FRA's position on each of the changes, but will also ask numerous questions about alternate methodologies or policies.

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Questions?