



FRA Regulatory Activity Update

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**

FRA Regulatory Activity Update

FRA continues to prioritize its rulemakings according to:

- Greatest effect on safety while promoting economic growth, innovation, competitiveness, and job creation
 - Expressed Executive Branch and Congressional interest
 - Statutory deadlines
- Despite our priorities we do not control the timelines for coordination/publication
 - OMB designation drastically effects timeline

FRA REGULATORY ACTIVITY UPDATE

OMB DESIGNATION

- 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. When determined significant, such rules must undergo full review by OMB. (Adds considerable time to the process...)

FRA PRIORITY OF IMPORTANCE

(6) **SIGNIFICANT**

1. Passenger Equipment Alternative Compliance (Tier III) (NPRM)
2. Train Crew Staffing (NPRM)
3. Locomotive Recording Devices (NPRM)*
4. System Safety Programs (Final Rule)
5. Risk Reduction Programs (Final Rule)
6. Rail Integrity Amendments (NPRM)*

***Expected to be Significant Regulations**



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FRA PRIORITY OF IMPORTANCE

(9) NON-SIGNIFICANT

1. Fatigue Management Plans (NPRM)
2. Roadway Worker Protection; Miscellaneous Revisions (Final Rule)
3. Passenger Train Door Operation and Door Safety (Final Rule)
4. Safety Glazing Standards; Miscellaneous Revisions (Final Rule)
5. Controlled Substance Testing/Maintenance Employees (MOW) (RSIA) (Final Rule)

FRA PRIORITY OF IMPORTANCE

(9) NON-SIGNIFICANT

6. Accident/Incident Reporting Threshold (NPRM)
7. Engineer Qualification Revisions (Retrospective Regulatory Review (RRR)) (NPRM)
8. Horns and Highway Rail Crossing Revisions (NPRM)
9. Hours of Service Recordkeeping Amendments (RRR) (NPRM)

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets

- **NPRM Expected – Fall 2015 (Under Departmental Review)**
- Amends FRA's Passenger Equipment Safety Standards by adding a new equipment tier (Tier III) to facilitate the safe implementation of high-speed rail at speeds up to 220 miles per hour (mph).
- Establishes alternative crashworthiness performance requirements for Tier I passenger train sets (operating at speeds not exceeding 125 mph).
- Proposes to increase the maximum speed for Tier II operations from 150 mph to 160 mph.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Train Crew Staffing

- **NPRM Expected - Fall 2015 (Under OMB Review)**
- Proposes regulations establishing minimum requirements for the size of train crew staffs depending on the type of operation. A minimum requirement of two crew members would be proposed for those operations that pose significant safety risks to railroad employees, the general public, and the environment.
- Establishes minimum requirements for the roles and responsibilities of the second train crew member on a moving train, and promote safe and effective teamwork.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Locomotive Recording Devices

- **NPRM Expected – Spring 2016 (FRA Drafting)**
- This rulemaking would require the installation of inward- and outward-facing locomotive video cameras on controlling locomotives of trains traveling over 30 mph. The recordings would be used to help determine the cause of railroad accidents in order to prevent the occurrence of similar accidents. They would also be used to ensure railroad employee compliance with applicable Federal railroad safety regulations and railroad rules, particularly regulations prohibiting the use of personal electronic devices. This rulemaking would amend 49 CFR parts 217, 218, and 229.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Railroad System Safety Program

- **Final Rule Expected – Spring 2016 (Under OMB Review)**
- This rulemaking improves passenger railroad safety through structured, proactive processes and procedures developed by passenger railroads.
- Requires each passenger railroad to establish a system safety program that would systematically evaluate and manage risks in order to reduce the number and rates of railroad accidents, incidents, injuries, and fatalities.
- This rulemaking was bifurcated from the Risk Reduction Program rulemaking, to specifically implement the RSIA's risk reduction mandate for passenger rail operations.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Risk Reduction Program

- **Final Rule Expected Spring 2016 (FRA Drafting)**
- NPRM Published – February 27, 2015
- This rulemaking proposes appropriate contents for risk reduction programs for freight railroads and how they should be implemented and reviewed by FRA, as mandated by RSIA.
- Public Hearing held August 27, 2015
- Working Group met September 29, 2015 to review NPRM comments



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FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions

- **Final Rule Expected – Fall 2015 (In Final FRA review)**
- The final rule is intended to incorporate dozens of miscellaneous revisions and additions to resolve interpretative issues that have arisen since the 1996 promulgation of the original regulation.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Control of Alcohol and Drug Use: Coverage of Maintenance of Way Employees, Retrospective Regulatory Review-Based Amendments

- **Final rule expected Fall 2015 (FRA Drafting)**
- NPRM – July 28, 2014 (79 FR 43829)
- Expands the scope of FRA's alcohol and drug regulations to cover employees who perform railroad maintenance-of-way activities as required by section 412 of the RSIA.
- Proposes certain substantive amendments that either respond to National Transportation Safety Board (NTSB) recommendations or update and clarify the alcohol and drug regulations based on a retrospective analysis.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Passenger Train Exterior Side Door Safety

- **Final rule expected Fall 2015 (In Final FRA review)**
- Notice of Proposed Rulemaking (NPRM) – Mar. 26, 2014 (79 Fed. Reg. 16978)
- Improves the integrity of passenger train exterior side door safety systems and reduce the number and severity of injuries involving passenger train exterior side doors.
- Proposes new standards for both powered and manual exterior side doors and door safety systems on passenger trains.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Revision of Method for Calculating Threshold for Accident Reporting

- **NPRM Expected – Winter 2016 (FRA Drafting)**
- The NPRM would update the method for calculating the monetary threshold for reporting rail equipment accidents and incidents.
- Would involve a minor technical correction to the existing threshold calculation formula.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions

- **NPRM Expected – Winter 2015** (In FRA review)
- The NPRM would revise FRA's regulation governing the qualification and certification of locomotive engineers to conform that regulation, where appropriate, to FRA's regulation governing the certification of conductors.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Safety Glazing Standards

- **Final Rule expected Fall of 2015** (In Final FRA review)
- NPRM – published September 26, 2014 (79 FR 57856)
- The NPRM would revise and clarify the existing regulations related to the use of glazing materials in the windows of locomotives, passenger cars, and cabooses.
- Clarifies the application of the regulations to antiquated equipment and to the end locations of all equipment to provide more certainty.

FRA REGULATORY ACTIVITY UPDATE

PUBLISHED RULEMAKINGS

Hours of Service Recordkeeping Amendments

- NPRM published August 24, 2015 (80 FR 51180)
- Comment Period closed October 23, 2015
- Target for Final Rule Summer 2016

Securement of Unattended Equipment

- NPRM – Sept. 9, 2014 (79 Fed. Reg. 53356)
- Final Rule published August 6, 2015 (80 FR 47350)