



FRA Regulatory Activity Update

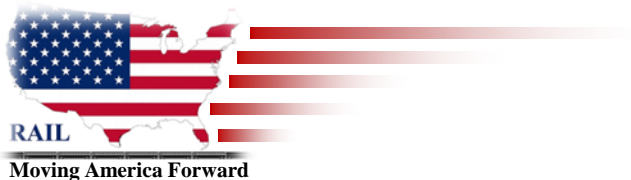
53rd Railroad Safety Advisory Committee Meeting

May 28, 2015

Washington, DC

FRA – Office of Railroad Safety

6/1/2015



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 plays a great part

FRA PRIORITY OF IMPORTANCE

SIGNIFICANT

1. Risk Reduction Programs (NPRM)
2. Passenger Equipment Alternative Compliance (NPRM)
3. System Safety Programs (Final Rule)
4. Train Crew Staffing (NPRM)
5. Securement of Unattended Equipment (Final Rule)

FRA PRIORITY OF IMPORTANCE

NON-SIGNIFICANT

1. Roadway Worker Protection; Miscellaneous Revisions (Final Rule)
2. Controlled Substance Testing/Maintenance Employees (Final Rule)
3. Passenger Train Door Operation and Door Safety (Final Rule)
4. Accident/Incident Reporting Threshold (NPRM)
5. Engineer Qualification and Certification Revisions (NPRM)
6. Safety Glazing Standards; Miscellaneous Revisions (Final Rule)
7. Hours of Service Recordkeeping Amendments (NPRM)

FRA REGULATORY ACTIVITY UPDATE

OMB DESIGNATION

What does it mean when a regulatory action is determined to be “significant?” (Adds considerable time to the process...)

- 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.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Risk Reduction Program

- 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.
- Comment period closed April 28, 2015
- Expect final rule early 2016

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

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

- NPRM Expected – Summer/Fall 2015
- 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 trainsets (operating at speeds not exceeding 125 mph).
- Proposes to increase the maximum speed for Tier II operations from 150 mph to 160 mph.



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UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Railroad System Safety Program

- Final Rule Expected – Summer 2015
- 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

Train Crew Staffing

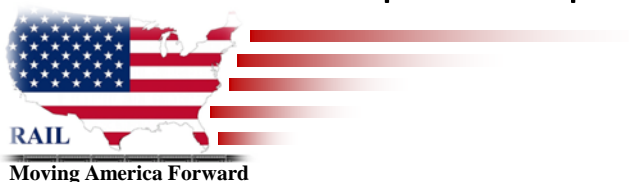
- NPRM Expected - Spring/Summer 2015
- Proposes regulations establishing minimum requirements for the size of train crew staffs depending on the type of operation. A minimum requirement of two crew members would be proposed for those operations that pose significant safety risks to railroad employees, 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.
- NPRM is currently under review by OMB

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **SIGNIFICANT** FRA RULEMAKINGS

Securement of Unattended Equipment

- NPRM – Sept. 9, 2014 (79 Fed. Reg. 53356)
- Enhances the requirements concerning the securement of unattended rail equipment.
- Codifies most of FRA's Emergency Order No. 28 (EO 28), issued August 2013, in response to the catastrophic derailment of an unattended train carrying crude oil in Lac-Mégantic, Quebec, Canada.
- Requires each locomotive left unattended outside of a rail yard be equipped with an operative exterior locking mechanism and that such locks be applied on the controlling locomotive cab door of locomotives of a trains transporting certain quantities of certain hazardous materials.
- Final Rule expected Spring/Summer 2015.



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UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions

- Final Rule Expected - Spring 2015
- 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

- 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.
- Final rule expected late-summer 2015.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Passenger Train Exterior Side Door Safety

- 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.
- Final rule expected Summer 2015.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Revision of Method for Calculating Threshold for Accident Reporting

- NPRM Expected - Summer 2015
- 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 – Summer 2015
- 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.

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UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Safety Glazing Standards

- 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.
- Final Rule expected Summer of 2015.

FRA REGULATORY ACTIVITY UPDATE

UPCOMING **NON-SIGNIFICANT** FRA RULEMAKINGS

Hours of Service Recordkeeping Amendments

- NPRM Expected - Spring/Summer 2015
- Provides simplified recordkeeping requirements to allow railroads with less than 400,000 employee hours per year to utilize automated recordkeeping systems that are less complex than the electronic systems provided under the existing regulation.
- Expected to decrease burden on smaller entities.