



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

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# **Overview of the Railroad Safety Regulatory Program and Standards-Related Partnership Efforts**

**August 26, 2002**

## **Legend:**

<b>ANPRM</b>	<b>Advance Notice of Proposed Rulemaking</b>
<i>Italics</i>	<i>Indicates project has been identified for development through the Railroad Safety Advisory Committee or a similar forum for collaborative rulemaking</i>
<b>NPRM</b>	<b>Notice of Proposed Rulemaking</b>
<b>RSAC</b>	<b>Railroad Safety Advisory Committee</b>
<b>SACP</b>	<b>Safety Assurance and Compliance Program</b>

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## NOTES:

**Centralized Docket Management System** - Dockets established after October 7, 1998, are available on the DOT Centralized Docket Management System facility and can be accessed over the Internet (<http://dms.dot.gov>). Detailed information is available at the Web site to assist in viewing documents.

**Revised Docket Filing Procedures for FRA Rulemaking and Adjudicatory Dockets** - Final Rule (64 FR 70193) - This final rule amends certain FRA rules to provide accurate information to the public regarding filing requirements for FRA proceedings. The final rule is effective 2/14/00.

**RSAC Website** - See the RSAC website for details on pending tasks at: <http://rsac.fra.dot.gov>. Public Website contains all of the documents provided at meetings. The secured site is accessible by Working Group and Task Force members and provides minutes and working documents and information from Working Group and Task Force meetings.

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## SUMMARY OF CONSENSUS RULEMAKING EFFORTS

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**Roadway Worker Safety.** Consensus achieved in formal negotiated rulemaking; final rule published 12/16/96; effective 1/15/97. Denial of AAR and APTA petitions for reconsideration published 4/21/97.

**Passenger Equipment Safety Standards.** NPRM based in part on working group recommendations was published 9/23/97.

**Passenger Train Emergency Preparedness.** NPRM based on working group recommendations was published 2/24/97 with significant additions. Final rule published 5/4/98.

### Railroad Safety Advisory Committee:

The last full Committee meeting was held on 5/29/02. Since its first meeting in 1996, the RSAC has accepted seventeen tasks. Below is a review of the RSAC initiatives to date.

Last RSAC Working Group Activity Update published in the Federal Register (67 FR, 35185), dated 5/17/02.

Task No.	Subject	Status
96-1	Power Brake Regulations, freight, general revision	Working group charter extended to 1/15/97 to produce NPRM; impasse reached at 12/4/96 meeting, and subsequent efforts to renew talks were not successful. FRA withdrew task at 6/24/97 meeting. FRA published second NPRM 9/9/98 (63 FR 48294) reflective of what FRA has learned through the collaborative process. Public hearings 10/26/98 and 11/13/98; technical conference 11/23-24/98. Submission of written comments date due extended to 3/1/99. Public meeting 5/27/99 on FRA motive power and equipment database. Final rule published 1/17/01 (66 FR 4104). An amendment extending the effective date of the final rule until 5/31/01, was published on 2/12/01 (66 FR 9905); and a subsequent amendment further deferred the compliance date for providing a written record of a test required under 232.409(c) until further notice (66 FR 29502; 5/31/01) . FRA reviewed petitions for reconsideration and published amendments to Subpart D of the final rule (66 FR 36983; 8/1/01). FRA prepared responses to the remaining issues. Remaining responses to petitions for reconsideration were published 4/10/02 (69 FR 17556). <b>(Completed)</b>

96-2	Track Safety Standards, general revision	Consensus achieved; in balloting that concluded 11/21/96, RSAC voted to accept Working Group report and recommend NPRM. NPRM published 7/3/97; public hearing held 9/4/97; comment period closed 9/15/97. Final rule published 6/22/98; effective 9/21/98. FRA prepared an amendment to the final track rule providing for the use of Gage Restraint Measurement System technology (GRMS). Both the GRMS final rule amendment and the proposed Safety Standards for Roadway Maintenance Machines were approved by the full RSAC in a mail ballot during August. The GRMS final rule amendment published 1/10/01(66 FR 1894) and Roadway Maintenance Machines NPRM published 1/10/01 (66 FR 1930). On 1/31/01, FRA published a notice extending the effective date of the GRMS amendment to 4/10/01 (66 FR 8372). On 2/8/01, FRA published a notice delaying the effective date until 6/9/01, in accordance with the Regulatory Review Plan (66 FR 9676). The GRMS rule was reviewed is final. <b>(Completed)</b>
96-3	Railroad Communications (including revision of Radio Standards and Procedures)	Final meeting of Working Group held 1/23/97. Working Group provided consensus NPRM to RSAC at 3/24/97 meeting. RSAC voted to accept the NPRM on 4/14/97. NPRM published 6/26/97. Final rule published 9/4/98 (63 FR 47182). <b>(Completed)</b>
96-4	Tourist Railroads	Open task to address needs of tourist and historic railroads. On 4/1/96 RSAC authorized the formation of a Working Group to monitor and assist completion of the steam locomotive regulations task. Planned future activities involve review of other regulations for possible adaptation to the safety needs of tourist and historic railroads.
96-5	Steam-Powered Locomotives, revision of inspection standards	Tourist & Historic Working Group met with task force representatives 9/3/97. NPRM approved by full committee on 2/17/98. NPRM published 9/25/98 (63 FR 51404). Task Force developed and Working Group approved recommendations in response to comments received. NPRM approved by full Committee ballot 9/29/99. Final rule published 11/17/99 (64 FR 62828). Effective 1/18/00. <b>(Completed)</b>
96-6	Locomotive Engineer Qualification and Certification, general revision	Task accepted 10/31/96; first working group meeting held 1/7-9/97. NPRM approved by full committee 5/14/98. NPRM published 9/22/98 (63 FR 50625). Final rule published 11/8/99 (64 FR 60966). <b>(Completed)</b>
96-7	Roadway Maintenance Machines (On-Track Equipment) Safety Standards	Task accepted 10/31/96. Task assigned to the existing Track Standards Working Group and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August 2000. The NPRM was published 1/10/01 (66 FR 1930). The Task Force met 2/27-28/02 to review comments and agreed to disposition of the comments for final rule. A Ballot was issued to the Working Group and all responders concurred. The RSAC approved at the full RSAC meeting held on 5/29/02. Next: FRA will complete and publish the final rule.
96-8	Locomotive Crashworthiness and Working Conditions (planning task)	Planning task accepted 10/31/96; planning group met 1/23/97; two task statements were accepted by the full Committee at 6/24/97 meeting [see 97-1, 97-2]. Planning task is COMPLETED. <b>(Completed)</b>
97-1	Locomotive Crashworthiness	Task accepted 6/24/97; Working Group held initial meeting 9/8-9/9/97. A Task Force on engineering issues was established by the Working Group to review collision history and design options. The Working Group reviewed results of research, reached agreement regarding desired technical and performance-based standards, and is currently drafting performance-based standards for freight and passenger locomotives to present to the RSAC. An accident review task force has evaluated the potential effectiveness of suggested improvements. An NPRM has been prepared and

		<p>circulated, and the Working Group met to review the draft on 10/9-10/01 in Washington, DC. Meeting held 1/17 and 1/18/02 to go over the proposed redrafts. AAR and the RR caucus presented revised crashworthiness standards for consideration by the Working Group. The Working Group reached tentative agreement for major elements of a proposed rule. The NPRM and RIA are being revised to reflect the changes. Next: working group review of final NPRM draft.</p>
97-2	Locomotive Cab Working Conditions	<p>Task accepted 6/24/97; working group held initial meeting 9/10-11/97. The Working Group established task forces on noise and temperature.</p> <p><b>Sanitation:</b> A draft sanitation NPRM was circulated to the Working Group for approval, with ballots requested by 11/3/00. The NPRM on Sanitation was published 1/2/01 (66 FR 136). A public hearing was held 4/2/01. Refinement and substantive changes were incorporated into the rule language. A meeting was held on 8/21/01 to discuss comments in response to the NPRM on sanitation. Agreement was reached on resolution of the comments to the NPRM, subject to review of meeting minutes capturing these agreements. Working Group gave concurrence to send recommendations to full RSAC for ballot vote. Ballot completed by 12/10/01 with the full RSAC concurring with recommendations for final rule resolution. Final rule published 4/ 4/02. (67 FR 16032). <b>(Completed)</b></p> <p><b>Noise:</b> A full draft NPRM on noise exposure standards was circulated to the Working Group for consideration at meeting held 7/24-25/02 in Las Vegas. FRA is revising the draft NPRM based on agreements and comments. The next meeting scheduled for 11/12-14/02.</p> <p><b>Cab Temperature and Vibration:</b> The Cab Working Group has also considered issues related to cab temperature (for which no further action is planned at this time) and is expected to consider additional issues (such as vibration) in the future.</p>
97-3	Event Recorders (data survivability, inspection, etc.)	<p>Task accepted 6/24/97; working group first met 9/12/97. The Working Group and Task Force have conducted meetings. The Event Recorder Working Group is completing preparation of an NPRM. The draft NPRM went to the Working Group on 5/21/01 for comment and FRA has reviewed the comments. The new draft NPRM and Reg Eval were sent to the Working Group on 1/30/02. Working Group met 3/28 and 4/23 to seek consensus. The Working Group met 5/30-31 in Washington, DC with a goal of reaching consensus on the NPRM. A revised draft is targeted for completion and submission to the Working Group by the end of September.</p>
97-4, 97-5, 97-6	Positive Train Control	<p>Tasks accepted 9/30/97 and assigned to single working group.</p> <p><b>Rulemaking:</b> The Processor-based signal and train control system (PTC) NPRM was approved by consensus at the full RSAC meeting on 9/14/00. NPRM was published 8/10/01 in the Federal Register (66 FR 42352). The comment period was extended to 11/8/01. The Working Group has reviewed the comments and made recommendations for resolution of most major issues. Efforts continue to complete recommendations for consideration by the full RSAC.</p> <p><b>Report:</b> Data and Implementation Task Force completed report on the future of PTC systems; report accepted for forwarding to FRA by full Committee vote at 9/8/99 meeting. FRA enclosed report with letter Report to Congress signed 5/17/00.</p> <p><b>Meeting schedule:</b> The Working Group met 12/4-6/01 in San Antonio, TX. Meeting was held 5/14-15 in Colorado Springs, CO. Briefing of the full RSAC on the “base case” issue was done on 5/29/02. Meeting held with AAR on 7/17/02 to discuss the “base case”. Full Working Group is scheduled to meet 10/22-23/02. After Working Group approval, will present to the full RSAC for approval.</p> <p>Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work. Monitoring of implementation continues.</p>

97-7	Calculation of Damages for Reportable Train Accidents	Task accepted with modification 9/30/97. Working initial meeting held 2/8/99. The Working Group designed a survey form to collect data about damages to railroad property. The pilot survey started 8/1/00 and ended 1/31/01. Working Group meeting was held 5/21-23/01 to review the report from the pilot. Meetings held 11/14-15/02 in St. Louis and on 1/23-24/02. The Working Group has agreed to terminate action on this task after reviewing the options. The Working Group provided a close out report for full RSAC action at the 2/13/02 meeting. At the 2/13 meeting, the full RSAC agreed to terminate action. <b>(Completed)</b>
00-1	Blue Signal Protection of Workers	Task accepted 1/28/00; working group formed. First meeting was held 10/16-18/00; the second from 2/27-3/31/01 and the third meeting on 3/19/22/01. Additional meetings were held 5/1-3/01 and 6/19-21/01. Meeting held 10/23-25/01 in Orlando, Florida. Reached consensus on several issues. Meeting held 1/28-31/02. FRA has committed to draft an NPRM that attempts to resolve the issues among the parties.
01-1	Accident/Incident Reporting; conformity with OSHA injury/illness amendments; updates to Guide	Task accepted 4/23/01, by the full RSAC and assigned to the Accident/Incident Working Group. The Working Group reached consensus at the final meeting held 4/24-26. A briefing was held at the full RSAC meeting on 5/29/02. The full RSAC approved the Working Group recommendations on the draft NPRM on 7/19/02 by mail ballot. The NPRM and proposed Guide will be published for comment 9/02.

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## SAFETY RULES AND REPORTS--GENERAL

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### Accident/Incident Reporting

**Summary:** The Rail Safety Enforcement and Review Act barred FRA from adjusting the monetary threshold for reporting of train accidents until the methodology was revised. In addition, FRA identified the need to comprehensively revise these regulations, which had not been revised since 1974. The report of the Committee of Conference on the Department of Transportation and Related Agencies Appropriation Act, 1996, directed FRA to issue a final rule in this proceeding by 6/1/96.

**History:** An NPRM was issued 8/19/94, followed by public hearings and written comment. A public regulatory conference was convened 1/30-2/3/95 in an effort to resolve outstanding issues. A notice of decision to issue a supplemental NPRM was published 7/3/95, but was withdrawn in a notice published on 1/24/96.

**Status: Completed.** Final rule was issued 5/30/96 and published 6/18/96 (61 FR 30940). Stay requests were denied, and technical amendments were published 11/22/96 (61 FR 59368). A notice of availability of custom software was also published 11/22/96 (61 FR 59485). On 12/16/96, the Administrator signed final rule amendments, which were published 12/23/96 (61 FR 67477). Final rule became effective 1/1/97.

**Next steps:**

(1) FRA offered RSAC a task on 9/30/97 to review the definition of events required to be reported as train accidents, as requested by the Committee on 6/24/97. By request of the Committee, the task was limited to determination of damages qualifying an event as a reportable train accident. A Working Group has been formed and held its initial meeting 2/8/99. The Working Group designed a survey form to collect specific data about damages on railroad equipment. The survey began 8/1/00 and ended 1/31/01. The survey was voluntary, but most of the larger freight railroads participated, as well as four passenger railroads. Report was completed last week of April 2001. The Working Group met 5/21–23/01 to review the report. Pilot proved to be unworkable. The Working Group agreed to terminate action after reviewing the comments. A close out report was provided to the Working Group for sign off on 12/02/01. The full RSAC approved terminating at the 2/13/02 meeting. **Completed**

(2) FRA offered an additional task at the RSAC meeting of 4/23/01 which was accepted by the full RSAC and assigned to the Accident/Incident Working Group. The task concerns amendments needed to conform Part 225 to the Occupational Safety and Health Administration's revised record keeping and reporting rule (1/18/01). In addition, the RSAC approved the review of, need for, and content of, various proposed changes to the Reporting Guide. The Working Group met on 5/21-23/01. The task was discussed and four task forces were set to review changes and/or modifications to the Reporting Guide/regulations for consideration that will be presented to the Working Group for consideration. A target date of 9/15/01 was set for reporting the changes. The Working Group met on 9/11/01, with meeting dismissed due to national emergency. The next meeting was held 11/14-15/01 in St. Louis, MO. The Working Group has met and made good progress. The Task Force on remote control met on December 11, 2001, and the Working Group met 1/23-24/02 in Baltimore, MD. The Working Group reached final consensus at final meeting held 4/24-26. A briefing was held at the full RSAC meeting held on 5/29/02 and agreement was reached to use a ballot for approval. The full RSAC approved the Working Group recommendations on the draft NPRM on 7/19/02 by letter ballot. The NPRM and proposed Guide are targeted for completion by mid-calendar 2002.

### ***Blue Signal Protection***

**Summary:** On 8/16/93, FRA published a final rule permitting one or more utility employees to associate themselves with a train crew for the purpose of performing normal operating functions that require employees to go on, under or between rolling stock, without use of blue signal protection (which is ordinarily appropriate for mechanical duties). During the proceeding it was noted that rules for locomotive engineers working alone were not clearly defined. FRA published a final rule amendment governing single engineers working alone on 3/1/95, but granted a requested suspension of the amendment on 6/9/95 pending development of additional facts. Since that time, additional blue signal issues have continued to emerge, including application of the requirements to contractors performing the subject functions on railroad property.

**Status:** On 10/31/96, the RSAC advised FRA that this project should not be proposed for early tasking, given conflicting demands on the resources of member organizations. RSAC accepted task at the 1/28/00 full Committee meeting. A Working Group has been formed and held its first meeting on 10/16-18/00 in Washington, DC. The second and third meetings were held 2/27-3/1/01 in San Diego, CA and 3/20-3/22/01 in St. Louis, MO. Additional meetings were held 05/1-3/01 in Atlanta, GA and 06/19-21/01 in Orlando, FL. The group met 10/23-25/01, in Orlando, FL; reaching tentative consensus on several issues. The next meeting was held 1/28-31/02. FRA has committed to draft an NPRM that attempts to resolve the issues among the parties.

### **Bridge Displacement Detection Systems (Report)**

**Summary:** The Federal Railroad Safety Authorization Act of 1994 required FRA to submit a report on systems to detect bridge displacement of the type that caused the derailment of the Sunset Limited at Mobile, Alabama, 9/22/93.

**Statutory deadline:** 5/2/96

**Status: Completed.** A technical evaluation report was published 6/23/94 and made available to the respective committees. A formal report was issued and forwarded to the Congress on 4/11/00.

### **Control of Alcohol and Drug Use - Foreign Crews - NPRM (Application of Random Testing and Other Requirements to Employees of a Foreign Railroad Who Are Based Outside the United States and Perform Train or Dispatching Service in the United States).**

**Summary:** In general, FRA's regulation on the control of alcohol and drug use (49 CFR Part 219) currently applies to all railroads that operate on the general rail system of transportation in the United States. However, part 219 presently exempts from certain subparts operations by foreign railroads and certain small railroads. Currently an employee of a foreign service whose primary reporting point is outside the U.S. but who performs service in the U.S. subject to the hours of service laws (train, dispatching, or signal) is exempt from pre-employment and random testing. FRA prepared a rule proposing to limit the exemption to Foreign Railroad's Foreign-Based Employees who perform signal service in the U.S.

**Status:** The NPRM was published December 11, 2001. (66 FR 64000) On February 14, FRA conducted a public hearing on the NPRM, which would address a limited number of trains entering the U.S. for relatively short distances from Canada. (Currently, Mexico crews hand off trains at the border). Testimony was received from labor organizations representing operating crews. Representatives from Transport Canada and the Canadian embassy attended but did not speak. The comment period was extended through March 14 in order to receive post-hearing submissions. Additional comments will be solicited.

## ***Event Recorder Next-Generation Performance Standards***

**Summary:** The National Transportation Safety Board has noted the loss of data from event recorders in several accidents due to fire, water and mechanical damage. In issuing final rules for event recorders which became effective 5/5/95, FRA noted the need to provide more refined technical standards. NTSB proposed performance standard for data survivability.

**Background:** Conducted an initial meeting of an informal working group comprised of AAR, RPI, and labor, and co-chaired by NTSB and FRA experts, on 12/7/95 to consider development of technical standards. At the RSAC meeting on 7/24-7/25/96, the AAR agreed to continue this inquiry, and on 11/1/96, AAR reported to the RSAC the status of work on proposed industry standards. On 3/5/97, NTSB issued recommendations regarding testing and maintenance of event recorders as a result of finding in the investigation of the BNSF accident of 2/1/96 at Cajon Pass, California. On 3/24/97, the RSAC indicated its desire to receive a task to consider NTSB recommendations with respect to crash survivability, testing and maintenance.

**Status:** RSAC accepted task 6/24/97. The Event Recorder Working Group first met 9/12/97. The Working Group and Task Force have conducted meetings and a draft proposed rule is being reviewed. The NPRM went to the Working Group on 5/21/01 for comment which is integrating comments received. (Task No.97-3). This new draft of the NPRM and the Regulatory Evaluation was forwarded to the Working Group on 1/30/02. A Working Group meeting was held 3/28 and 4/23 to reach consensus. The next meeting was held 5/30-31 in Washington, DC with a goal of reaching consensus on the NPRM. A revised draft is targeted for completion and submission to the Working Group by the end of September.

## **Florida Overland Express**

**Summary:** FRA received a petition for a rule of particular applicability for operations over a new high-speed railroad between Miami and Tampa via Orlando. The State of Florida had established a dedicated funding stream of \$70 million per year towards creation of this new private/public partnership.

**Status:** Received petition for rule of particular applicability 2/18/97. FRA issued NPRM 12/12/97 (62 FR 65478). Comment period closed. FRA reviewed comments received and held a public hearing on 11/23/98 to discuss a variety of issues. The State of Florida withdrew its support and funding for this project 1/99, suspending all activity on development. **The rulemaking was terminated** (65 FR 50952; 8/22/00).

## **Freight Car Safety Standards; Maintenance-of-Way Cars**

**Summary:** Cars not in compliance with the Freight Car Safety Standards may be operated at track speed in revenue trains if they are company-owned, stenciled cars. FRA published an NPRM 3/10/94 to close this loophole. FRA requested the Association of American Railroads to amplify its comments by letter of 12/20/94. AAR response received 8/4/95. FRA offered a task to the RSAC to resolve final rule issues on 9/30/97, but objection was made by the AAR..

**Status:** FRA published Termination Notice in the Federal Register on 3/27/02.(67 FR 14665). **(Completed)**

### ***Locomotive Crashworthiness and Working Conditions***

**Summary:** The Rail Safety Enforcement and Review Act of 1992 required FRA to conduct a proceeding regarding locomotive crashworthiness and working conditions and to issue regulations or submit a report. Areas for consideration included structural means of preventing harm to crew members in collisions (collision posts, anticlimbers, etc.) and matters related to safety, health and productivity (e.g., noise, sanitation).

**Statutory deadline:** 3/2/95

**Background:** FRA conducted research, outreach, and a survey of locomotive conditions and finalized a report to the Congress transmitted by letter of 9/18/96. The report conveyed data and information developed by FRA to date, closed out those areas of investigation for which further action is not warranted, and defined issues that should be pursued further in concert with the industry parties, either for voluntary or regulatory action. On 10/31/96, the RSAC accepted a preliminary planning task. The Locomotive Crew Safety Planning Group met 1/23/97, and subsequent consultations led to preparation of task statements.

**Status:** RSAC accepted two tasks 6/24/97. (RSAC Task 97-1, locomotive crashworthiness; and Task 97-2, locomotive cab working conditions).

**Locomotive Crashworthiness Working Group** met 9/8-9/97 and established a task force on engineering issues that has been active in reviewing collision history and design options. The Working Group reviewed the results of research and is drafting performance-based standard. The review of collision data for use in the regulatory action was completed in 9/00. An accident review task force has evaluated the potential effectiveness of suggested improvements. A draft NPRM has been circulated to the Working Group, which met 10/9-10/10/01 to review the draft and consider economic issues. Next meeting was held 1/17 and 18/02 to go over proposed drafts. AAR and the Railroads presented revised crashworthiness standards for consideration by the Working Group. The Working Group reached tentative agreement on the elements of a proposed rule, subject to FRA's review of the data and economic implications. Upon completion of the review, FRA will provide a revised NPRM draft for Working Group final review. Next: full RSAC approval.

**Locomotive Cab Working Conditions** Working Group met for the first time 9/10-11/97 and established task forces on noise and temperature.

**Sanitation.** The Working Group approved a draft NPRM on cab sanitation, which was approved by the full committee on 12/7/00. The NPRM was published 1/2/01 (66 FR 136). A public hearing was held 4/2/01; and the docket remained open through 5/1/01. Refinement and substantive changes were incorporated into the rule language. A meeting was held 8/2/01 to discuss the comments in response to the NPRM. Agreement was reached on resolution of the comments to the NPRM, subject to review of meeting minutes capturing agreements. Verbal consent given by the Working Group to send to full RSAC for ballot vote. Full RSAC approved by ballot voting on 1/02/02. Ballots were due by December 10, 2001. Final rule published 4/4/02 (67 FR 16032). Rule was effective 6/3/02.

**(Completed)**

**Noise exposure.** The Cab Working Group met in October and November of 2000 on the issue of occupational noise exposure for cab employees and achieved tentative agreement on most of the significant issues. The Working Group met 4/3-4/5/01 to refine recommendations to the FRA for Noise Standards. FRA is revising the draft NPRM based on agreements and comments from 7/24-25/02 meeting. The next meeting scheduled for 11/12-14/02.

**Temperature.** The Cab Working Group has also considered issues related to cab temperature, but could not reach agreement to proceed. No further action is planned at this time. The Cab Working Group is expected to consider additional issues (such as vibration) in the future.

### ***Locomotive Engineer Certification; Miscellaneous Revisions***

**Summary:** The final rule for locomotive engineer certification became effective in 1991, but certain issues were left unresolved. Experience under the rule has raised additional issues. Examples of issues under review include the status of operators of specialized maintenance-of-way equipment and types of conduct for which decertification is appropriate.

**Status: Completed.** An interim final rule amendment dealing with agency practice and procedure concerning engineer certification appeals was published 10/12/95. Issues related to procedures on the properties, offenses warranting decertification, periods of decertification, operation of specialized equipment, etc., are pending. The RSAC accepted this task on 10/31/96. The Working Group's initial meeting was held 1/7-1/9/97. Final meeting to review proposed rule language was held 10/7-10/9/97, and task force on hearing and vision met 10/21/97 to finalize language. The full committee voted 5/14/98 to recommend issuance of the NPRM forwarded by the Working Group. The NPRM was published 9/22/98 (63 FR 50625) (RSAC Task 96-6.) The Working Group met to resolve issues presented in public comments, and on 1/28/99 the RSAC voted to transmit recommendations regarding issues for which the Working Group had received comments. The final rule was published 11/8/99 (64 FR 60966); effective date 1/7/00. (FRA Docket No. RSOR-9. Notice 12).

## **Northeast Corridor (NEC) Signal & Train Control**

**Summary:** Amtrak is planning operations to 150 mph on portions of the NEC and is implementing improvements to the automatic train control system that will provide positive stop and continuous speed control capabilities. FRA's Northeast Corridor Safety Committee (NCSC) met 9/20/94 and approved a set of performance criteria for the new system.

**Status: Completed.** On 1/30/97, Amtrak provided to FRA a draft system concept for the Advanced Civil Speed Enforcement System (ACSES), including conditions for operation on designated territories on the south and north ends of the NEC. Final details were received by FRA on 7/9/97. A notice of Proposed Order for the new signal and train control system authorizing speeds to 150 miles per hour (135 mph on the South End with only high-speed trains equipped under "flanking protection") was published 11/20/97 (62 FR 62097), and written comments were due by 12/22/97. As a result of requests, a public hearing was set for 2/17/98 (63 FR 3389), and the comment closing date was extended to 2/24/98. Final Order of Particular Applicability published 7/22/98 (63 FR 39343); effective 8/21/98. Amendments to the Order of Particular Applicability published 10/19/00 (65 FR 62975). The amendments include a new implementation schedule and technical changes. The order was further amended to provide a temporary procedure for operations in the case of failed on-board equipment (66 FR 1718; 1/9/01).

## **Northeast Corridor Safety (NEC) Committee**

**Summary:** This committee had not met recently because of funding constraints under the advisory committee cap (now removed) and as a result of the need to intensively address specific issues with Amtrak and other NEC operators related to recent corridor improvements and the beginning of Acela Express service at speeds to 150 mph. Issues addressed in past years included signal/train control criteria to support these new high-speed operations, emergency response, coordination of freight and passenger service on the NEC, vandalism and trespassing. The committee's work has prompted important safety research, legislative proposals and regulatory action. An NEC forum was held on 12/11/02.

**Background:** The NEC Safety Committee was created pursuant to the Railroad Safety Improvement Act of 1988, as amended by the Rail Safety Enforcement Act of 1992. The statute provided for the Committee to expire on January 1, 1999, or on such date as the Secretary deems to be appropriate. It has served as an effective forum for interested parties to address safety issues related to the operation of the Nation's foremost high-speed passenger line. There is a continuing need for advice on safety issues, but since it is not necessary to re-activate the statutory Committee, it has been re-established as a discretionary committee. An NEC forum was held 12/11/01.

## ***Passenger Equipment Safety Standards***

**Summary:** The Federal Railroad Safety Authorization Act of 1994 (enacted 11/2/94) required FRA to issue initial passenger safety standards within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

**Statutory deadline:** 11/2/97 (initial); 11/2/99 (final).

**Status:**

**Phase I:** An initial meeting of the Passenger Equipment Safety Working Group (passenger railroads, operating employee organizations, mechanical employee organizations, and representatives of rail passengers) was held on 6/7/95, and the group met regularly to develop an NPRM. Manufacturer/supplier representatives served as associate members. FRA prepared an ANPRM indicating the issues under review by the working group, which was published 6/17/96 (61 FR 30672). The Working Group held its final meeting on the NPRM 9/30-10/2/96, having reached consensus on a portion of the issues presented. An NPRM was published 9/23/97 (62 FR 49728). The public hearing was held 11/21/97 (see 62 FR 55204; 10/23/97). Comments were due 11/24/97. Final Working Group meeting on the initial standards was held 12/15-12/16/97, and an additional meeting on intercity and high speed issues was held 1/6/98. The final rule was published 5/12/99 (64 FR 25540). Final rule amendments responsive to petitions for reconsideration on issues regarding inspection, testing and maintenance of passenger cars were published 7/3/00 (65 FR 41284). FRA's notice responding to all remaining issues except for fire safety issues was published in the FR on 4/23/02. (67 FR 19970). Fire safety amendments were published 6/25/02 (67 FR 42892).

**Phase II:** The first phase of this rulemaking activity, including the passenger emergency preparedness proceeding described below, resulted in comprehensive safety standards for passenger service. Phase II will address enhancements based on ongoing research, development of detailed standards by the American Public Transportation Association (APTA) Passenger Rail Equipment Safety Standards (PRESS) task force, and other identified needs. This phase commenced in 2000 and will be progressed through targeted rulemakings as research results and consultations mature. Held a research needs workshop with APTA in April 2000. An annual needs workshop was held on 5/01/02 in Washington, DC.

***Passenger Train Emergency Preparedness***

**Summary:** The Federal Railroad Safety Authorization Act of 1994 required FRA to issue emergency preparedness standards for passenger service. Initial standards were required within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

**Statutory deadline:** 11/2/97 (initial); 11/2/99 (final)

**Background:** An initial meeting of the Working Group for passenger train emergency preparedness standards was held on 8/8/95. The group met 2/6-7/96 to develop elements of an NPRM and met jointly with the Passenger Equipment Safety Standards Working Group on 3/26/96 to consider related issues, including the implications of Emergency Order No. 20 and recommendations of the National Transportation Safety Board. The Working Group included representatives of passenger railroads, operating employee and dispatcher organizations, and rail passenger organizations, and an advisor from the National Transportation Safety Board. The Working Group approved draft rule text, which was incorporated in an NPRM forwarded for review and clearance. Changes requested during review and clearance were provided to the working group during the week of 12/16/96.

**Status: Completed.** The NPRM was published 2/24/97 (62 FR 8330), and a notice of public hearings was published 3/6/97 (62 FR 10248). Public hearings were held in Chicago on 4/4/97 and in New York City on 4/7/97. Written comments were due by 4/25/97. The Working Group met 8/28/97 and agreed in principle to revisions for inclusion in the final rule. The final rule was published 5/4/98 (63 FR 24630), and a correction notice was published 7/6/98 (63 FR 36376).

**NOTE:** The following order is closely associated with the two prior entries:

### **Emergency Order No. 20**

**Summary:** This order deals with the safety of push/pull and electric multiple unit service. The order was issued 2/20/96 (61 FR 6876; 2/22/96), and amended 2/29/96 (61 FR 8703; 3/5/96). Intercity and commuter passenger railroads were required to adopt operating rules providing for observance of reduced speed where delays are incurred in blocks between distant signals and signals at interlocking or controlled points. Marking of emergency exits and testing of emergency windows was required. Interim system safety plans were required to be filed.

**Status: Completed.** The order has been fully implemented. On 3/26/96, the Passenger Equipment Safety Working Group and the Emergency Preparedness Working Group met jointly to consider implementation issues and crossover issues with the two rulemaking proceedings and recent recommendations of the National Transportation Safety Board. The American Public Transportation Association and its members have undertaken a number of actions in response to the emergency order, including development of comprehensive system safety plans. Codification, revision or termination of provisions will be considered during the second phase of passenger safety standards rulemaking.

### ***Positive Train Control***

#### **Evaluation of needs and feasibility (implementation):**

**Summary:** These tasks involve defining PTC functionalities, describing available technologies, evaluating costs and benefit of potential systems, and considering

implementation opportunities and challenges, including demonstration and deployment. (RSAC Tasks 97-4 and 97-5).

**Status:** Accepted by RSAC 9/30/97. Monitoring of implementation continues. Data and Implementation Task Force completed report on future of PTC, which as accepted by the full RSAC on 9/8/99. Meetings of Working Group were held 3/26/01, 8/14-15/01 and 12/4-12/6/01, with discussion focusing on projects and development of the risk assessment tool kit. Next meeting was held 5/14-15 in Colorado Springs, CO. Next meeting of the Working Group is scheduled for 10/22-23/02.

### **Performance Standards for PTC Systems**

**Summary:** Existing signal and train control regulations are built around relay-based controllers and traditional track circuits, but technology is rapidly advancing. This task requires revising various regulations, including 49 CFR Part 236, to address the safety implications of processor-based signal and train control technologies, including communication-based operating systems. The purpose of the effort is to encourage deployment of innovative technology by providing a predictable environment. (RSAC Task 97-6). The concept of PTC refers to the ability to prevent train-to-train collisions, over speed derailments and casualties to roadway workers who are within authorized work zones along the railroad.

**Status:** Accepted by RSAC 9/30/97. The proposed rule on processor-based signal and train control systems was approved by consensus at the full RSAC meeting on 9/14/00. **The NPRM was published in the Federal Register on 8/10/01 (66 FR 42352).** The comment period was extended until 11/8/01. The Working Group met 12/4-6/01 in San Antonio, TX, and efforts continue to develop recommendations for resolution of issues raised by the public comments. Full RSAC briefed on the "base case" on 5/29/02. Consultations on "base case" issue continue, an a team will meet in early October to prepare suggestions for consideration by the full working group.

### **Progress Report to the Congress:**

**Summary:** The Swift Rail Development Act of 1994 required FRA to submit a status report on the implementation of positive train control as a follow-up to the 7/94 Report entitled *Railroad Communications and Train Control*.

**Statutory deadline:** 12/31/95

**Status:** The Report was issued in letter format and forwarded to the Congress on 5/17/00. It enclosed the RSAC Report entitled *Implementation of Positive Train Control Systems* (approved 9/8/99).

## **Power Brakes**

**Summary:** The Rail Safety Enforcement and Review Act (1992) required FRA to revise the power brake regulations. The statute required adoption of requirements for 2-way end-of-train telemetry devices (EOTs) and "standards for dynamic brakes."

**Statutory deadlines:** Final rule by 12/31/93; 2-way EOTs to be used on trains operating greater than 30 miles per hour or in mountain grade territory to be equipped by 12/31/97.

**Status:** FRA published an NPRM 9/16/94 and conducted six days of public hearings ending 12/94. Due to strong objections to the NPRM, additional options were requested from passenger interests by 2/27/95 and from freight interests by 4/3/95. Further action is as follows:

- 1) ***Passenger standards revision:*** FRA requested the Passenger Equipment Safety Standards Working Group to incorporate new proposals for revisions of the power brake regulations in the NPRM for passenger equipment safety. Working Group proceedings on the elements of the NPRM concluded 10/2/96 without full agreement on power brake elements. See Passenger Equipment Safety Standards for final rule action.
- 2) ***Freight standards revision: Completed.*** On 4/1/96, the RSAC accepted the task of preparing a second NPRM. The Working Group initiated its efforts in May, and on 10/31/96 the RSAC extended the deadline for a final report until 1/15/97. At the working group meeting 12/4/96, an impasse was declared, and subsequent efforts to revive discussions were not successful. On May 29, FRA notified the working group by letter that the task will be formally terminated. FRA withdrew task at 6/24/97 full Committee meeting. FRA prepared second NPRM reflective of what was learned through the collaborative process. NPRM published 9/9/98 (63 FR 48294) (FRA Docket No. PB-9, Notice No. 13). (RSAC Task 96-1--terminated). Public hearings were conducted on 10/26/98 and 11/13/98 and a technical conference was held on 11/23-24/98. Final date for submission of comments extended until 3/1/99. The final rule was published 1/17/01 (66 FR 4101). An amendment extending the effective date of the final rule until 5/31/01, was published on 2/12/01 (66 FR 9905); and a subsequent amendment further deferred the compliance date for providing a written record of a test required under 232.409(c) until further notice (66 FR 29502; 5/31/01). FRA reviewed petitions for reconsideration and published amendments to Subpart D of the final rule (66 FR 36983; 8/1/01). Remaining responses to petitions for reconsideration published in the Federal Register 4/10/02. (67 FR 17555).
- 3) ***Two-way end-of-train devices: Completed.*** FRA published notice on 2/21/96 that this issue would be separated from the balance of the freight issues and expedited for completion of a final rule. A public regulatory conference was convened 3/5/96 to explore remaining issues, and written comments were due 4/15/96. (Railroads also agreed to an expedited schedule that will ensure application of this technology by 12/15/96 on 2% or greater grades and by 7/1/97 for other trains.) The final rule was published 1/2/97 (62 FR 278) (FRA Docket No. PB-9, Notice No. 6), and it became effective 7/1/97. FRA received two petitions for reconsideration ("local train" definition and implementation date for smaller railroads). A notice denying the request to delete the tonnage restriction

for local trains and granting extension of the compliance date for railroads with fewer than two million work hours was published 6/4/97 (62 FR 30461). On 11/4/97, held technical conference on petition of American Short Line Railroad Association regarding operation of very light trains over grade territory (see 62 FR 52370; 10/7/97); subsequently granted certain relief.

On 1/16/98, FRA published NPRM to clarify application of two-way EOT requirements to intercity passenger trains with express equipment at the rear (63 FR 195). Final rule was issued 5/1/98 (63 FR 24130). (FRA Docket No. PB-9, Notice No. 11).

**Note:** On 2/6/96, the Administrator issued Emergency Order No. 18, requiring use by the BNSF of 2-way EOTs or equivalent protection for heavy grade operations over the Cajon Pass (61 FR 505; 2/9/96).

### ***Railroad Communications (including Radio Standards and Procedures)***

**Summary: Completed.** In submitting the required report to the Congress on Railroad Communications and Train Control on 7/13/94, FRA noted the need to revise existing Federal standards for radio communications in concert with railroads and employee representatives.

**Status: Completed.** On 4/1/96, the RSAC accepted the task of preparing an NPRM, including consideration of communication capabilities required in railroad operations. The Working Group presented a consensus NPRM to the full Committee on 3/24/97, and the Committee voted to recommend issuance of the NPRM to the Administrator in balloting that ended 4/14/97. NPRM issued 6/11/97 and published 6/26/97 (62 FR 34544) (FRA Docket No. RSOR-12, Notice No. 4). Comment period closed 8/25/97. Final rule published 9/4/98 (63 FR 47182). (FRA Docket No. RSOR-12, Notice No. 5). (RSAC Task 96-3).

### **Reflectorization of Rail Rolling Stock**

**Summary:** FRA first examined the use of reflectors in the early 1980's. The Swift Rail Development Act of 1994 required the FRA to revisit the issue of railcar conspicuity. FRA conducted an additional study of railcar visibility which determined that technological advances in reflective material have made reflective material a more feasible and cost-effective option in enhancing rail safety.

**Status:** Preliminary benefit-cost analysis found that reflectors are cost-effective. FRA is reviewing cost estimates provided by comments and preparing a proposed rule for issuance should reflectorization appear to be cost beneficial..

### **Regulatory Reinvention**

**Summary:** In response to the Administration's call for regulatory review, elimination and reinvention, FRA took several actions to repeal obsolete regulations and simplify agency processes that affect external customers. Major elements of this effort are included in regulatory revision efforts described under other headings.

**Status: Completed.** Interim final rule amendments reducing frequency of reporting regarding signal and train control systems (49 CFR Part 233), simplifying review requirements for certain modifications of signal systems (49 CFR Part 235), and making conforming changes regarding inspection of ATC/ATS/ACS (49 CFR Part 236) published 7/1/96 (61 FR 33871). These Interim Final Rule amendments were adopted as a permanent final rule published 9/28/01 (66 FR 49556).

Note: FRA's proposed 1999 rail safety reauthorization legislation, introduced in the 106<sup>th</sup> Congress as H.R. 2683 and S. 1496, included provisions to permit flexibility for railroads to make accident/incident reports less frequently than monthly and to eliminate outdated requirements for notarization of reports. No action was taken on this legislation. Section 104 of the Department's current reauthorization proposal, which was transmitted to the Congress on 7/8/02, renews this suggestion.

### ***Roadway Worker Safety***

**Summary:** In requiring the review of the Track Safety Standards, the Rail Safety Enforcement and Review Act (1992) required FRA to evaluate the safety of maintenance-of-way employees. In addition, the Brotherhood of Maintenance-of-Way Employees and the Brotherhood of Railroad Signalmen petitioned FRA to issue "on-track safety" rules.

**Background:** FRA published a notice 8/17/94 initiating a formal negotiated rulemaking. The negotiated rulemaking committee reported a statement of principles 5/17/95 and completed an NPRM draft 8/95. NPRM published 3/14/96 (61 FR 10528); initial written comments were due 5/13/96. Public hearing held 7/11/96.

**Status: Completed.** The final rule was published 12/16/96 (61 FR 65959); effective 1/15/97. Petitions for reconsideration were denied in a notice published 4/21/97. A consolidated hearing on waiver petitions was held 5/22/97, and written comments were due by 6/9/97. FRA issued decisions on individual petitions as investigations and analysis were completed.

### **Safety Integration Plans**

**Summary:** In response to the proposed acquisition of Conrail by Norfolk Southern and CSX Transportation, FRA suggested, and the Surface Transportation Board required, that the petitioners file with the Board of Safety Integration Plans (SIPs). In coordination with

the Board, FRA proposed regulations requiring preparation and FRA review of SIPs in connection with future railroad mergers.

**Status: Completed.** FRA and the STB jointly issued an NPRM 12/31/98 (63 FR 72225) to institutionalize the SIP process to ensure that proper safety planning and safety investments are undertaken during a merger. The proposed rule spells out the types of transactions that will require SIPs and outlines the roles of FRA and the STB in overseeing the SIP process. On 3/8/02, the FRA Administrator and the STB approved the SIP final rule to address safety concerns that may arise in railroad mergers. The final rule was published in the Federal Register on 3/15/02. (67 FR 11582). One petition for reconsideration (AAR) is pending.

### **Small Railroads; Interim Policy Statement**

**Summary:** The Small Business Regulatory Enforcement Fairness Act of 1996 amended the Regulatory Flexibility Act and required, among other things, that each agency establish small business communication and enforcement programs.

**Statutory deadline:** 3/29/97

**Status:** Interim policy statement published 8/11/97 (62 FR 43024). Public meeting to address definition of “small entity” was held on 9/28/99. FRA is preparing a final policy statement.

### ***Steam Locomotives***

**Summary:** A committee of steam locomotive experts from tourist and historic railroads sought a partnership with FRA to revise the steam locomotive regulations. The revisions relieve regulatory burdens while updating and strengthening the technical requirements.

**Status: Completed.** Revision of the Steam Locomotive Inspection regulations was tasked to the RSAC on 7/24/96. A task force of the Tourist and Historic Railroads Working Group worked actively toward finalization of a final rule. NPRM rule text agreed upon within the task force was approved by the Tourist and Historic Working Group on 9/3/97 and provided to the RSAC on 9/30/97. The full RSAC approved the consensus NPRM by mail ballot 2/17/98. NPRM published 9/25/98 (63 FR 51404) (FRA Docket No. RSSL 98-1, Notice No. 1). (RSAC Task 96-5). Public hearing held 2/4/99. Task Force formulated recommendations in response to comments received. The recommendations were accepted by the working group and the full Committee voted to incorporate the recommendations in the final rule. The final rule was published 11/17/99 (64 FR 62828) (FRA Docket No. RSSL 98-1, Notice No. 3); effective date 1/18/00.

## ***Roadway Maintenance Machines [Track Motor Vehicle and Roadway Equipment Safety]***

**Summary:** A 1990 petition to FRA from the Brotherhood of Maintenance-of-Way Employees asked FRA, among other requests, to propose standards for MOW equipment related to the safety of persons riding or operating that equipment. FRA elected not to pursue that issue at that time given other pending workload. However, this issue was renewed during the deliberations of the RSAC Track Safety Standards Working Group.

**Status:** On 10/31/96, the RSAC accepted a task of drafting proposed rules for the safety of this equipment. A task force of the Track Safety Standards Working Group was formed to address this issue. The NPRM on Roadway Maintenance Machines and the final rule amendment on the Gage Restraint Measurement System were approved by the full RSAC in a mail ballot during August. The GRMS final rule amendment was published 1/10/01 (66 FR 1894) and Roadway Maintenance Machines NPRM was published 1/10/01 (66 FR 1930). The Roadway Maintenance Equipment Task Force met 2/27-3/1/02 to review comments on the NPRM and agreed to disposition of comments for final rule. A Ballot was issued to the Working Group and all responders concurred. The RSAC approved the recommendations at the full RSAC meeting on 5/29/02. The next step is to complete and publish the final rule.

## ***Tourist Railroad Report / Review of Regulatory Applicability***

**Summary:** The Swift Rail Development Act of 1994 required FRA to submit a report to the Congress regarding FRA's actions to recognize the unique factors associated with these generally small passenger operations that often utilize historic equipment.

**Statutory deadline:** 9/30/95

**Status:** Report submitted to the Congress 6/10/96. The RSAC authorized formation of a Tourist and Historic Railroads Working Group 4/1/96. The Working Group held its initial meeting 6/17-6/18/96 and has monitored and assisted completion of the steam locomotive regulations task and will continue its oversight of task force activities, including the possible development of requirements for the training of steam locomotive operators and maintenance personnel. Planned future activities involve review of other regulations, such as track safety, emergency preparedness, and passenger equipment safety standards for possible adaptation to the safety needs of tourist and historical railroads. (RSAC Task 96-4).

## ***Track Safety Standards***

**Summary:** The Rail Safety Enforcement and Review Act (1992) required FRA to revise the Track Safety Standards, taking into consideration, among other things, the “excepted track” provision. Other prominent issues include updating the standards to take advantage of research findings for internal rail flaw detection and gage restraint measurement. FRA also proposes to adopt track standards for high-speed service.

**Statutory deadline:** Final rule by 9/1/95.

**Background:** FRA published an ANPRM 11/6/92 and conducted workshops in the period 1/93-3/93. The RSAC accepted the task of preparing an NPRM on 4/2/96. The Track Safety Standards Working Group reported a draft NPRM to the full committee on 10/31/96. In balloting that concluded 11/21/96, RSAC voted to accept the Working Group report and recommend issuance of the NPRM.

**Status: Completed.** NPRM signed 6/19/97 and published 7/3/97 (62 FR 36138) (FRA Docket No. RST-90-1, Notice No. 5). Hearing held 9/4/97; comment period closed 9/15/97. Additional comment was invited regarding certain high-speed track geometry issues by notice of 12/12/97 (62 FR 65401) not later than 12/22/97. Final rule published 6/22/98 (63 FR 33991) (FRA Docket No. RST-90-1, Notice No. 8); effective 9/21/98.

**Gage Restraint Measurement System amendment. Completed.** The final rule amendment on Gage Restraint Measurement System (GRMS) standards and the NPRM on Roadway Maintenance Equipment were approved by the full RSAC in a mail ballot during August. The GRMS final rule amendment was published 1/10/01(66 FR 1894) and Roadway Maintenance Machines NPRM was published 1/10/01 (66 FR 1930). On 1/31/01, FRA published a notice extending the effective date of the GRMS amendment to 4/10/01 (66 FR 8372). On February 9, 2001, FRA published a notice delaying the effective date until 6/9/01, in accordance with the Regulatory Review Plan (66 FR 9676). The GRMS rule has been reviewed and is final.

## **U.S. Locational Requirement for Dispatching of U.S. Rail Operations**

**Summary:** New 49 CFR Part 241 would require all dispatching of railroad operations that occur in the United States to be performed in the United States, with certain exceptions.

**Status:** The interim final rule (new Part 241) published December 11, 2001, prohibits dispatchers located in foreign countries from dispatching railroad operations that occur in the United States (extraterritorial dispatching) through January 10, 2003, with three exceptions. The first exception permits extraterritorial dispatching in the event of an emergency. Second, the rule permits continued extraterritorial dispatching of the very limited track segments in the U.S. that were regularly being so dispatched in December 1999. Third, the rule allows limited extraterritorial dispatching from Canada and Mexico

of new fringe border operations in the United States. Railroads wishing to commence additional extraterritorial dispatching petitions may petition FRA for a waiver. The interim rule also solicits comments from the public that would be reviewed before issuance of a final rule. FRA held a public hearing on the rule 2/12/02. Testimony was received from the two major Canadian railroads and two labor organizations representing the Brotherhood of Locomotive Engineers and the American Train Dispatchers Department. FRA. FRA has reviewed the comments; the final rule is in review and clearance within the Executive Branch.

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## **HIGHWAY-RAIL CROSSING SAFETY**

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### **Commercial Driver Disqualification - Railroad-Highway Grade Crossing Violation**

**Summary:** To enhance the safety of commercial motor vehicle (CMV) operations on our nation's highways and complete action initiated in response to the requirements specified in section 403 of the ICC Termination Act of 1995, the Federal Motor Carrier Safety Administration revised its regulations (49 CFR Parts 383 and 384) to require that CMV drivers who are convicted of violating Federal, State, or local laws or regulations pertaining to railroad-highway grade crossings be disqualified from operating a CMV.

**Status: Completed.** Final rule published on 09/02/99 (64 FR 48104).

### **Grade Crossing Signals (Inspection, Testing and Maintenance)**

**Summary:** FRA issued a final rule for inspection, testing and maintenance of automated warning devices 9/30/94, and the rule went into effect 1/1/95 (49 CFR Part 234). During the initial year, FRA worked with railroads and signal employees to disseminate information, conduct training, and identify any areas of ambiguity or weakness in the standards. At a technical resolution committee (TRC) meeting during the week of 3/13/95 that included participation by railroads, the Brotherhood of Railroad Signalmen, and States, several issues were identified that require clarification or refinement. An interim manual dated 4/14/95 incorporated the findings of the TRC.

**Status: Completed.** Interim final rule amendments published 6/20/96 (61 FR 31802). The final rule has been adopted from the Interim Final Rule (66 FR 49557; 9/28/01).

### **Locomotive Visibility / Auxiliary Alerting Lights**

**Summary:** In 1991, FRA initiated a new phase of research on locomotive conspicuity in relation to safety at highway-rail crossings. The Amtrak Authorization and Development Act of 1992 mandated that the research be completed and that a regulation be issued to apply alerting lights to locomotives.

**Statutory deadline:** Final rule by 6/30/95.

**Background:** FRA published a "grandfathering rule" on 2/3/93 and amendments on 5/13/94. After the research was substantially completed in early summer of 1995, FRA briefed the industry parties on the results, discussed options for regulatory action, and elicited additional information concerning railroads' progress in equipping their fleets. A Notice of Proposed Rulemaking was published on 8/25/95. The AAR and the ASLRA requested a technical conference to perfect the rule for final issuance, and that conference was held 11/28/95.

**Status: Completed.** Final rule was published 3/6/96 (61 FR 31802). Equipping of locomotives used as lead units at speeds exceeding 20 mph was required to be completed by 12/31/97, as provided by law.

### **Private Highway-Rail Grade Crossings**

**Summary:** The Secretary's Action Plan for Grade Crossing Safety (6/94) commits FRA to conducting a special safety inquiry on private crossings.

**Status:** Conducted workshop on possible guidelines 7/93; timing of further action to be determined.

### **Ten Most Deadly Crossings Report**

**Summary:** Report of the ten most deadly crossings to be provided to the Congressional Transportation Subcommittees. Submitted jointly by FHWA and FRA.

**Status:** Targeted for delivery to the Congress by end of 8/02.

### **Selection of Grade Crossing Automated Warning Devices**

**Summary:** FRA published a Notice of Proposed Rulemaking 3/2/95 (60 FR 11649) and received over 3,000 written comments through 6/14/95.

**Status: Completed .** Termination notice published 8/8/97 (62 FR 42733).

### **Use of Locomotive Horns (Whistle Bans)**

**Summary:** Legislation enacted with the Swift Rail Development Act of 1994 required FRA to issue regulations providing for the use of train horns at highway-rail crossings.

**Statutory deadline:** Final rule 11/2/96 (most hazardous crossings), 11/2/98 (other crossings). Note: deadlines were superseded by legislation barring FRA from issuing a final rule before 7/1/01.

**Background:** This legislative mandate anticipated FRA follow up to Emergency Order No. 15, which addressed local whistle bans on the Florida East Coast Railroad between Jacksonville and Miami. FRA released a report on the national impacts of local whistle bans on 6/1/95 and conducted an extensive program of public outreach to make communities aware of the forthcoming rulemaking and to seek information on supplementary safety measures that would support allowance of quiet zones in communities sensitive to train horn noise. Contacts were established with 160+ jurisdictions known to have whistle bans in place. FRA representatives met with or addressed forums of state and local officials and community groups. Met with AAR/BRS/AAHSTO/FHWA 12/13/95 to address technical specifications for 4-quadrant gates.

Numerous congressional offices encouraged FRA to continue outreach and data collection. FRA advised the Congress that the deadline for an initial final rule would not be met as a result. Immediately prior to adjournment, the 104th Congress enacted the FAA reauthorization bill (PL 104-264; 10/9/96), which included amendments to the original whistle ban legislation. In general, the legislation affirmed the latitude available to the Secretary to provide for phase-in of regulations and focus on safety results.

**Status:** NPRM published 1/13/00 (65 FR 2230) (Docket No. FRA-1999-6439, Notice No. 1). Written comments were due 5/26/00. FRA held 12 public hearings and a technical conference to receive oral comments. Received and reviewed more than 3,000 comments (combined for the NPRM and draft environmental impact statement). Labor, Health and Human Services Appropriations Act, 2001, prohibited issuance of final rule before 7/1/01 (Pub. L. No. 106-554; 12/21/00.) Preparing final rule.

**Completion of the Department of Transportation's Technical Working Group (TWG) recommendations on new standards for the use and implementation of highway-rail grade crossing warning devices (cross bucks, lights, gates, grade separation).**

**Summary:** The FRA and the Federal Highway Administration are co-chairs of the Working Group whose members include representatives of the Federal Transit Administration (FTA), the National Transportation Safety Board (NTSB), the Association of American Railroads, the American Shortline and Regional Railroad Association, state transportation agencies, county transportation agencies, the supply industry and academia. The final report has been approved by the TWG. *Federal Register* notification and posting on the FHWA web site was targeted for 8/23/02.

**The FRA and Operation Lifesaver, Inc. (OLI) completed the development of new Public Service Announcements (PSA) to promote highway-rail grade crossing safety and railroad trespasser prevention.**

**Summary:** The PSAs were developed with a \$350,000 federal grant. Focus group sessions were completed in July 2000, and PSA concepts were reviewed and approved by representatives of FRA, OLI, the Association of American Railroads, the International Association of Police Chiefs and other Federal/State and industry partners. Production of the PSAs was completed by 12/31/00. Airing of the PSAs began in 02/01.

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## **HAZARDOUS MATERIALS**

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### ***New Directions for Hazardous Materials Safety by Rail***

**Summary:** The movement of hazardous materials throughout the railroad industry provides an excellent example of the dynamic interrelationship between shippers, carriers, freight car builders, repair companies, and Federal, State, and Tribal governments. Under authority delegated to us by the Secretary of Transportation, we administer a safety program that oversees the movement of hazardous materials (including dangerous goods), such as petroleum and chemical products and nuclear shipments throughout the Nation's rail transportation system. Our agency also has authority to oversee the movement of a package marked to indicate compliance with a Federal or international standard, even if such a package does not contain a hazardous material. Our current hazardous materials safety regulatory program and standards-related partnerships include the following items:

- Hazardous Materials Incident Reduction Program
- Tank Car Facility Conformity Assessment Program
- Spent Nuclear Fuel and High-Level Nuclear Waste Program
- Rulemaking, Approvals, and Exemptions
- Standards-Related Partnerships

#### **Hazardous Materials (HazMat) Incident Reduction Program:**

Data collected by the Research and Special Programs Administration shows about 1100 HazMat releases per year from bulk packages such as tank cars that do not result from a derailment or other transportation accident. That number has remained relatively consistent for over 10 years. It is important to note that despite FRA's focus on shippers in the past, our efforts have not resulted in dramatic safety improvements in this area. The largest decline in HazMat releases resulted from a Federal rulemaking that increased the burst pressure of rupture discs on tank cars, an industry outreach effort to communicate the risk of disc failures, and an industry effort to install surge-suppression devices below the disk on tank cars.

It is observed that non-accident related releases of a HazMat generally result from a Federal or industry standard that was allowed to progress to failure. To prevent releases, the agency and industry must focus on the detection of in-process failures, such as deterioration of gaskets, threaded closures, shell corrosion, and the progression of fatigue cracks in tank shell material. Failures also include training programs that fail to deliver the needed knowledge and skills to operating personnel.

Starting in September of 2000, the agency developed a new performance plan to help reduce the number of in-process failures in transportation. The plan first reviews national performance trends based on accident/incident data and FRA field inspection activity. The findings from the review are then made part of the HazMat Division's National Performance Goals (NPG). Implementation of the NPG follow one or more of the following areas:

- Continued review of accident/incident data
- Continued review of inspection data
- Field assessments, audits, and interviews
- Regionally-based inspections based on areas identified as high risk
- Mechanical design improvements
- Operating improvements
- Outreach programs:
- Industry associations
- Plant labor and management safety meetings
- Seminars and conferences
- Training and education

#### **Tank Car Facility Conformity Assessment Program:**

Chapters 51 and 201 of Title 49, United States Code (formerly the Hazardous Materials Transportation Act and the Federal Railroad Safety Act of 1970) provide DOT with sweeping regulatory authority to oversee the construction of bulk packages used in the rail transportation system, such as tank cars and covered hoppers. The Secretary of Transportation has delegated the enforcement of Chapter 51 and its implementing regulations to the FRA. Although part of FRA's program since 1967, the agency's attention to the manufacturing and maintenance details of tank car construction was *ad hoc*, and generally associated with tank car failures. Beginning in September 2000, the agency established a comprehensive plan to oversee the facilities that have the potential to introduce defects into the manufacturing and maintenance cycle of tank cars.

Currently, the North American tank car industry consists of 20 locations that fabricate and assemble tank cars and more than 100 locations that assemble and repair tank cars. There are also about 350 additional locations that provide manufacturing and maintenance services to tank car internal lining and coatings and to service equipment, such as valves and fittings. Overseeing this industry requires a coordinate effort of nationally-based and

regionally-based inspection efforts, all focused at preventing failures from entering the transportation system. The national program is a work product in FRA's initiative to improve quality in tank car manufacture, repair, and maintenance programs. The plan is an integral part of the Hazardous Materials Safety program because of the heavy reliance on tank cars to transport the majority of hazardous materials by rail.

The program is designed with three objectives. The first objective is to gauge and improve the level of compliance with Federal regulations at facilities where DOT specification tank cars and other tank cars used to transport hazardous materials are manufactured, repaired, inspected, tested, qualified, or maintained. The second objective is to provide improved uniformity with regard to inspection activities and facilitate on-the job training through a program that brings inspectors together in a manner that is not generally possible. The third objective is to fortify the overall rail safety program through an improvement in quality at these facilities.

### **Safety Compliance Oversight Plan for Spent Nuclear Fuel and High-Level Nuclear Waste:**

The FRA has regulatory oversight for the safety of railroad operations within the United States. Ranking at the top of FRA's priorities is the safety of rail shipments involving Spent Nuclear Fuel (SNF)<sup>1</sup> and High-Level Radioactive Waste (HLRW)<sup>2</sup>. These materials have been transported safely by rail in the United States for more than 40 years. In the mid-1980s, partly as a result of the rail shipments from the Three Mile Island Nuclear Power Plant, FRA implemented its High-Level Nuclear Waste Rail Transportation Inspection Policy<sup>3</sup> for all known rail shipments of SNF and HLRW. Under FRA's Inspection Policy, there has never been a rail accident or incident involving the transportation of SNF or HLRW that has resulted in a release of the material from the packaging. Furthermore, there has never been a single death or injury resulting from a rail shipment of radioactive material.

Nevertheless, past rail shipping campaigns have shown that the nature of the potential

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<sup>1</sup> The Nuclear Waste Policy Act of 1982 (NWPA) defines "spent nuclear fuel" as "fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing."

<sup>2</sup> NWPA defines "high-level radioactive waste" as "(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation." The term "Commission" as used in the definition means the Nuclear Regulatory Commission.

<sup>3</sup> See Appendix A "*Federal Railroad Administration High-Level Nuclear Waste Rail Transportation Inspection Policy*".

hazards associated with radioactive materials elicits a high degree of public awareness and concern regarding the safety and integrity of SNF and HLRW shipments by rail. Furthermore, these shipments are projected to increase dramatically in volume in the foreseeable future; 75 to 90 percent of the SNF and HLRW will be transported by rail. Total annual shipments of these materials are expected to increase from the current 15 to 25 shipments per year to between 400 to 600 shipments per year within the next decade.

Development of the SCOP involved a coordinated effort between FRA, DOE, the Association of American Railroads (AAR), railroad labor organizations, and representatives of affected States. FRA wishes to acknowledge the invaluable contribution of its safety partners whose insight and wisdom were instrumental in formulating the policies and procedures that are incorporated into the SCOP.

In developing the SCOP, FRA has revised its previous policy to include the following safety enhancements in planning, inspection, training, and oversight activity areas:

#### Planning

- FRA, DOE, the offeror or agent, and the rail carriers will consider track classification in the route selection process to ensure that the highest-rated track is utilized.
- FRA will prepare an accident prediction model for the highway-rail grade crossings along the route. FRA will assist DOE in coordinating with appropriate State, local, and tribal agencies in route planning activities, using this model.
- The Department of Transportation's (DOT) Office of Intelligence and Security will assist FRA in coordinating safety precautions, such as the identification of "safe havens," with the offeror, law enforcement officers, and intelligence communities.

#### Inspections

- FRA will arrange for a track geometry car to operate over designated routes.
- FRA will conduct visual inspections of bridges along the designated routes and review railroads' bridge inspection programs to ascertain structural integrity.
- FRA will review the rail carrier's rail flaw detection vehicle data to ensure that a rail flaw detection vehicle has been operated over the designated route, and necessary rail repairs are made prior to shipments.
- The SCOP requires that every train involved in the transportation of SNF and HLRW be equipped with a 2-way End-of-Train (EOT) braking device, regardless of train length. Prior to each shipment, and during each crew change point along

the route, FRA will endeavor to inspect trains to ascertain that EOTs are operational.

Along a designated route, FRA will inspect all automated warning devices, at highway-rail grade crossings along the route, to ascertain that they are operational.

#### Training/Oversight

- FRA will assist DOE, and the offeror or agent, in the development of Emergency Response training and safety briefings. FRA also will liaison with the rail industry to verify that requisite training and briefings have been performed.
- Prior to the first shipment, and at least annually for subsequent shipments, FRA will review emergency response plans for designated routes and recommend modifications, if necessary.
- Prior to the first shipment, and at least annually for subsequent shipments, FRA will conduct the necessary reviews to ensure that train crews are properly certified, trained, and experienced in operating over the designated routes.
- FRA will place Operating Practices personnel in the rail carriers' dispatching centers for the first shipment on designated routes, and will review dispatching procedures periodically for subsequent shipments.
- Prior to the first shipment, and for subsequent shipments, as appropriate, FRA will focus on Operation Lifesaver training in communities along designated routes.
- FRA will continue to prioritize complaints regarding designated routes, and will continue to expedite the investigation and resolution of these complaints.

#### **Rulemaking, Approvals, and Exemptions:**

#### **Standards-Related Partnerships:**

Chapter 9, Article 906(1) and (2), NAFTA, states:

*Recognizing the crucial role of standards-related measures in promoting and protecting legitimate objectives, the Parties shall. . . work jointly to enhance the level of safety and of the protection of human, animal, and plant life and health, the environment and consumers. . . .the Parties shall, to the greatest extent practicable, make compatible their respective standards-related measures, so as to facilitate trade in a good or service between the Parties.*

To accomplish the goals of NAFTA, the United States, Canada, and Mexico have agreed to develop standard-related measures, based on the *United Nations Recommendations on*

*the Transport of Dangerous Goods* (orange book). One part of the standard concerns the design, construction, inspection, testing, and maintenance of tank cars. The development of the standard follows actions taken by the North American Free Trade Agreement, Land Transportation Standards Subcommittee (LTSS), Working Group on the Transportation of Dangerous Goods (Group 5) on June 11, 1998 in Montreal, Quebec, Canada. To meet this objective, Canada, Mexico, and the United States agreed to promote the development of an industry-sponsored standard-related measure for tank cars (North American Model Standard for Tank Cars [NAMS-TC]).

*Canadian General Standards Board:*

*Industrial Applications in Partnerships:* To assist the industry in complying with new rules and to further research in inspection and test methods, FRA and the industry have partnered in the following safety initiatives:

- Maintenance Program Development
- Railcar operating environment stub-sill working group
- Reliability engineering research
- Tank car specimens for nondestructive examination research
- Critical flaw size research
- Fatigue crack growth properties of steels research
- Acoustic emission testing research
- Tank car damage assessment research
- Tank car fire protection research
- Tank car puncture resistance research
- Pressure relief valve sizing research
- Tank car design and use parameters for 286,000 gross rail loads research and rulemaking

## **Tank Car Crashworthiness and Retest**

**Summary:** Research and Special Program Administration Dockets HM-175A and HM-201 addressed further improvements in tank car crashworthiness, and adoption of advanced non-destructive testing to improve tank retest procedures, respectively.

**Status: Completed.** Final rules published 9/21/95 (60 FR 49048).

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## **OTHER SAFETY PROJECTS AND PARTNERSHIP EFFORTS**

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### **Bridge Structural Safety**

**Summary:** Following a survey of bridge conditions and railroad inspection practices, FRA determined that regulatory action is not necessary, but that FRA should continue to

exercise an oversight role regarding bridge structural safety programs. FRA issued an interim **statement** of policy 4/27/95, with comments due 6/26/95.

**Status: Completed.** Comments support continued FRA partnership role. FRA issued a final bridge statement of policy for safety of railroad bridges that establishes suggested criteria for railroads to use to ensure the structural integrity of bridges that carry railroad tracks. The statement was published in the Federal Register on 8/30/00 (65 FR 52667).

**Movable Bridges:** A nationwide review of movable bridges has been completed. Also reviewing the enforcement manual on movable bridges. New technical training course started this year on movable bridges.

**Note:** On 2/12/96, the Administrator issued Emergency Order No. 19, which removed from service a bridge on the Tonawanda Island Railroad in New York State pending necessary structural repairs (61 FR 628; 2/16/96). In 12/16/99, the Administrator reissued Emergency Order No. 22, which removed from service a bridge on the Oregon Pacific Railroad in Oregon State pending inspection of repairs to assure safety (64 FR 71844; 12/16/99). This Emergency Order was partially lifted by order of 1/20/00 (65 FR 5018; 2/21/00).

## **Discolored Wheels**

**Completed.** FRA has granted a master waiver of the Freight Car Safety Standards permitting continued use of discolored heat-treated, curved plate wheels, which have superior resistance to thermal abuse. Data gathered under the waiver, together with results of analysis already provided, may support a permanent change in the regulation.

## **Environmental Impacts**

**Completed.** FRA revised its Procedures for Considering Environmental Impacts to update or eliminate outdated references to programs or statutory authorities that no longer exist and to correct inconsistencies with the Council on Environmental Quality's National Environmental Policy Act implementing regulations. The revised procedures were published in the Federal Register on 5/26/99 (64 FR 28545).

## **Hours of Service Electronic Recordkeeping**

Current hours of service record keeping uses paper and ink, but a major railroad has been given relief to keep electronic records. Other railroads have expressed interest, and similar waivers will involve similar issues. At FRA's invitation, the AAR submitted a petition seeking a master waiver for use of electronic record keeping. However, individual railroads have elected to proceed separately, and FRA is processing each on its merits. Permanent amendments to the recordkeeping and reporting requirements may be proposed.

FRA is assisting railroads in developing electronic systems by providing guidance materials.

## **Remote Control Locomotives**

Current regulations contemplate operation of a locomotive exclusively from within the cab, and provision for the safety of the operation is made within that context. FRA has previously proposed a test program to gather more data on various types of operations. FRA has also held an informal safety inquiry regarding use of one-person crews and remote control locomotives on the Wisconsin Central (see 61 FR 58736; 11/18/96). On 5/15/00, FRA published a notice of a technical conference to examine the current status of safety issues related to this technology (65 FR 31056). The technical conference was held on 7/19/00. Total meeting attendance, including presenters, was approximately 120. The Technical Conference focused on the changes in RCL operations that have occurred over the past five years.

A Notice of Safety Advisory 2001-01, which establishes recommended minimum guidelines for the operation of remote control locomotives was published 02/14/01 (66 FR 10340). BLE has filed suit to prohibit RCL use. During the week of 8/19/02, FRA conducted an operating practices oriented meeting with the railroads to address various safety issues that have arisen with the railroads' roll-out of RCL equipment nationwide. The team will look at best practices and separate out RCL issues from any issues common to any type of switching operation. Nationwide all of the major carriers continue to deploy RCL units for training and in service. Issues being addressed are placement of the equipment in end-cab switcher locomotives relative to visibility and requirements for an undistorted view of the right-of-way for the crew from their normal position in the cab.

## **Shared Use of General Railroad System - Joint Statement of Agency Policy**

**Completed.** FRA and the Federal Transit Administration (FTA) have been working together to develop a policy concerning safety issues related to light rail transit operations on the general railroad system, how the two agencies intend to coordinate use of their respective safety authorities, and the waiver process related to shared use operations. A proposed joint statement of policy was published 5/25/99 (64 FR 28238) with comments due on 7/30/99. Comment period extended on 7/28/99 to 10/29/99 (64 FR 40931). Additional extension on 10/28/99 to 1/14/00 (64 FR 58124). FRA issued a final joint policy statement describing the extent of its statutory jurisdiction over railroad passenger operations and explaining how it will exercise its jurisdiction. The statement was published 7/10/2000 (65 FR 42526). (Docket No. FRA-1999-5685.)

## **Shared Use of General Railroad System - FRA Jurisdiction Policy Statement**

**Completed.** FRA issued a proposed statement of agency policy on 11/1/99 (64 FR 59046) (FRA Docket No. FRA-1999-5685, Notice No. 4) describing the extent of its statutory

jurisdiction over railroad passenger operations (which covers all railroads except urban rapid transit systems not connected to the general railroad system) and to explain how it will exercise that jurisdiction. Comments were due by 1/14/00. Final Policy Statement published 7/10/2000 (65 FR 42529).

## **TOFC/COFC Securement**

**Summary:** Following a serious accident at Smithfield, N.C., on 5/16/94, FRA formed a partnership with major railroads and labor organizations to evaluate and improve securement of intermodal loads. A report to the Secretary dated 9/15/94 documented the initial results of that effort.

**Status:** FRA held a meeting on 2/22/95 that focused on an item-by-item discussion of the status and progress made within the industry with respect to the seven recommendations identified in the report to the Secretary. The AAR has established an Intermodal Equipment Handling Task Force that has developed a number of training aids. A follow-up TOFC/COFC loading and securement safety survey was conducted during 1996. FRA conducted additional loading and securement field evaluations during July-August 1997. Joint training activity brought together railroads, TTX and FRA to maintain strong emphasis on compliance with AAR loading requirements. FRA continues to monitor securement of trailers and trucks in transportation and to work on this issue through SACP's on individual railroads. In 8/99, FRA inspectors began bi-regional team audits, with 18 inspections per team completed by 08/01. To date, the survey of intermodal loading facilities is progressing as planned. The deficiencies found are tracking at a rate similar to previous studies. As of 8/01/01, the teams had surveyed 7,636 railcars, 3,745 trailer platforms, and 10,872 container platforms. A total of 3,095 deficiencies were noted. Team audits were scheduled to continue another eighteen months. A mid-point report was completed 1/30/02. Looking to see if railroads are complying with AAR guidelines IC 113 7/06/98. Final report is scheduled for completion by 1/03.

## ***Train Dispatcher Training***

FRA submitted a report to the Congress on 1/5/95 regarding the functions of contemporary train dispatching offices. The report noted that traditional pools of candidates for recruitment of train dispatchers are no longer adequate to the need. In partnership with the American Train Dispatchers Department/BLE (ATDD), FRA identified the need for a model train dispatcher training program.

Experts from Amtrak, the ATDD, the Burlington Northern/Santa Fe Railroad and FRA developed a list of elements for dispatcher training programs. Required competencies and training program elements have been abstracted from this effort for a model program. The RSAC was briefed on this effort on 3/24/97, with participants in the training task force indicating reluctance to attempt a "one size fits all" regulatory approach. More recent

discussion in the RSAC has indicated a renewed interest by the ATDD in development of uniform minimum standards for dispatcher training and qualification.

In 05/01, the FRA Office of Research and Development published ***Understanding How Train Dispatchers Manage and Control Trains*** (DOT/FRA/ORD-01/02), which is available at <http://www.fra.dot.gov/volpe/html/rndpubs.html>.

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## SAFETY ADVISORIES/DIRECTIVES/BULLETINS

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Advisories	
2002-01	<b>Importance of Clear Safety Procedures - Highway-rail grade crossing warning systems.</b> This advisory addressed the importance of clear, precise and unambiguous railroad safety procedures to ensure the safety of highway-rail grade crossing warning systems or wayside signal systems that are temporarily removed from service. Published 1/23/02 (67 FR 3258).
2001-3	<b>Failures of Airbrake Angle Cocks from Ellcon-National.</b> This advisory recommends the immediate replacement or installation of retrofit kit for Ellcon- National Model 7000 Thread-to-Thread and Model 7270 Thread-to-Flange Angle Cocks, at both ends of airbrake system. Published 05/01/01 (66 FR 21811).
2001-2	<b>Structural Integrity of Cast Steel Draft Sills.</b> This advisory establishes recommended minimal guidelines for inspection, and operation of Trinity Industries covered hopper cars, with draft sills manufactured by American Steel Foundries. Also guidelines if car is involved in derailment and/or found defective. Published 03/12/01 (66 FR 14432).
2001-1	<b>Remote Control Locomotives.</b> This advisory establishes recommended minimal guidelines for the operation of remote control locomotives. Published 02/14/01 (66 FR 10340).
2000-3	<b>Switching Operations.</b> This advisory provides safety practices to reduce the risk of serious injury or death both to railroad employees engaged in switching operations and to the general public. Published 11/2/00 (65 FR 65895).
2000-2	<b>Signal Units.</b> This advisory recommends replacement of certain components in Harmon Industries' "Electro Code 4" and "Electro Code 4 Plus" intermediate signal units.
2000-1	<b>Model B1 relays.</b> This advisory asks railroads to inspect and test certain relays for which there is a concern regarding potential malfunction. Published 5/11/00 (65 FR 30474).
99-3	<b>Securement of floor beam cross-members on RoadRailer trailers:</b> Safety practices to prevent the highway tandem wheel on RoadRailer trailers from falling onto the rails on moving trains. Published 11/10/99 (64 FR 61377).
99-2	[Not issued.]
99-1	<b>Lifting or jacking of railroad equipment:</b> Safety practices related to lifting or jacking of railroad equipment in order to remove trucks or repair other components on a piece of railroad equipment which requires individuals to work beneath railroad equipment while it is raised. Published 6/16/99 (64 FR 32300).
98-3	<b>Safe Use of Prescription and Over-the-Counter Drugs:</b> Safety practices for the safe use of prescription and over-the-counter drugs by safety-sensitive railroad employees. Published 12/24/99 (63 FR 71334)
98-2	<b>Emergency application of airbrakes:</b> Safety practices to reduce the risk of casualties caused by failure to activate the available two-way end-of-train telemetry device (two-way EOT) to initiate an emergency brake application beginning at the rear of the train when circumstances require an emergency application of the train airbrakes. Published 6/5/98 (63 FR 30808).

<b>98-1</b>	<b>Vision standards of certified locomotive engineers:</b> Addresses the vision standards of certified locomotive engineers in order to reduce the risk of accidents arising from vision impaired engineers. Published 5/28/98 (63 FR 29297).
<b>97-3</b>	<b>Authorization of train movements past stop indications of absolute signals:</b> Safety practices to reduce the risk of accidents arising from conflicting train movements when train dispatchers and control operators authorize movements past a stop indication of an absolute signal. Published 9/18/97 (62 FR 49047).
<b>97-2</b>	<b>Failure to properly secure unattended rolling equipment:</b> Safety practices to reduce the risk of casualties from runaway locomotives, cars, and trains caused by failure to properly secure unattended rolling equipment left on sidings or other tracks. Published 9/18/97 (62 FR 49046)
<b>97-1</b>	<b>Protection of trains and personnel from hazards caused by severe weather conditions:</b> Safety practices to reduce the risk of casualties from train derailments caused by damage to tracks, roadbed and bridges resulting from uncontrolled flows of water and similar weather-related phenomena. Note: This was amended on November 12, 1997, by revising the recommendations concerning the transmission of flash flood warning to train dispatchers or other employees controlling the movement of trains. Published 9/4/97 (62 FR 46794).
<b>Directives</b>	
<b>97-1</b>	<b>Review of operational tests and inspection programs and review of train dispatching procedures in non-signaled territory:</b> Safety practices to evaluate the integrity of all railroads' programs of operational tests and inspections to ensure that safety-critical information is accurately conveyed and acknowledged for operations in non-signaled Direct Train Control (DTC) territory. Published 6/30/97 (62 FR 35331).
<b>97-2</b>	<b>Initiating emergency application of train airbrakes descending heavy grades:</b> Safety practice to prevent run-away trains on heavy grades of 2 percent or greater by initiating emergency application of airbrakes whenever train speed exceeds maximum authorized speed by five miles or more. Published 2/27/97 (62 FR 9014).
<b>Bulletins</b>	
<b>97-1</b>	<b>Loss of dynamic braking due to unintentional activation of emergency MU fuel-line cut-off device:</b> Safety practices for certain locomotives equipped with emergency MU fuel-line cut-off devices located inside the locomotive control compartment at a location which enables the cut-off device to be activated unintentionally. Published 1/30/97 (62 FR 4569).

**Unnumbered:** Recommended safety practices for Direct Train Control Operations. Published 12/3/96 (61 FR 64191).

## PENDING PETITIONS AND SUGGESTIONS FOR RULEMAKING

Docket No.	Dated	Status
<b>Petitions for Rulemaking<sup>4</sup></b>		
<b>93-2</b>	11/5/93	<b>BMWE Petition for Bridge Safety Standards</b> <b>Summary:</b> Requests issuance of rules for construction, maintenance, repair and inspection of structural components of railroad bridges. <b>Status:</b> FRA published a final policy statement on bridge structural safety 8/30/00 (65 FR 52667). FRA determined that regulations are not necessary at this time. FRA continues to address bridge safety issues directly with individual railroads and through emergency orders. <b>CLOSED.</b>
<b>94-1</b>	5/19/94	<b>BLE Petition for Positive Train Separation</b> <b>Summary:</b> Requests rulemaking to make changes to 49 CFR Part 236 (Rules, Standards and Instructions) to lower the speeds at which signal and train control systems are required, establish visibility standards for wayside signals, and require that at least two signals in advance display less than clear indications if a stop is required. <b>Status:</b> This petition was referred to the PTC Working Group. With BLE participation, RSAC has focused on use of innovative technology to address the purposes of the petition. <i>See Report of the RSAC to the Federal Railroad Administrator entitled <b>Implementation of Positive Train Control Systems</b> (September 1999).</i>
<b>96-1</b>	8/22/96	<b>UTU Petition Regarding HelperLink Technology</b> <b>Summary:</b> Requests regulations governing use, testing and calibration of electronic devices used to control automatic airbrakes on helper locomotive consists. <b>Status:</b> This petition and issues regarding this technology were incorporated into Freight Power Brake rulemaking and were addressed in the final rule (§232.219(c); 66 FR 4104, 4206; 1/17/01). <b>CLOSED.</b>
<b>98-1</b>	12/23/97	<b>BMWE Petition; Bridge Worker Safety Amendments</b> <b>Summary:</b> Requests elimination of use of body belts to conform to OSHA rule amendment. <b>Status:</b> Interim Final Rule published 1/15/02 (67 FR 1903). Corrections to Federal Register on 3/12/02 (67 FR 11055) and 5/8/02 (67 FR 30819).

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<sup>4</sup>FRA rules of practice (49 CFR Part 211) prescribe requirements that must be met by petitions for rulemaking. Some petitions do not contain all required information. FRA generally retains the those petitions for further consideration, rather than dismissing them, so that the issues can be more fully developed.

<b>Docket No.</b>	<b>Dated</b>	<b>Status</b>
<b>98-2</b>	3/25/98	<b>BMW Petition for Crane Safety and Training of Crane Operators</b> <b>Summary:</b> Requests rulemaking through RSAC to address crane operator training, crane inspection, and load rigging and hoisting issues. <b>Status:</b> Petition is pending consideration by the Roadway Equipment Task Force of the Track Safety Standards Working Group. Discussion in full RSAC indicated that informal consultations should assist FRA in describing need for and parameters of possible task. Members of Track Safety Standards Working Group have been requested to consult.
<b>98-3</b>	4/14/98	<b>BLE Petition to Prohibit Operation of Locomotive in Position Opposite of Normal</b> <b>Status:</b> The FRA Administrator responded to the petition letter on 05/5/98. Issue to be handled in SACP.
<b>98-4</b>	3/20/98	<b>UTU Petition for Exemption from Personal Liability</b> <b>Summary:</b> Requests rulemaking to exempt all train and engine service employees from personal liability for violations of FRA safety regulations "for which such employees have no power or authority to comply." Alternately, FRA is requested to grant the employees the power to refuse to operate equipment which is not in compliance with Federal law. <b>Status:</b> Pending.
<b>2000-8422</b>	11/16/00	<b>BLE Petition for Rulemaking for Remote Control Locomotives.</b> <b>Summary:</b> BLE requests commencement of a rulemaking restricting use of remote control technology. <b>Status:</b> Safety Advisory 2001-1 was published 2/14/01. FRA will review need for further action.
<b>2001-10494</b>	8/14/01	<b>UTU Petition to repeal 49CFR § 240.7.</b> <b>Summary:</b> UTU requests that the FRA initiate a rulemaking to repeal 49 CFR § 240.7 governing movement of locomotives by non certified personnel. <b>Status:</b> Pending.
<b>Other Suggestions for Rulemaking</b>		
<b>Locomotive Safety Standards</b> <b>Summary:</b> AAR suggested by letter that FRA undertake a review and revision of the Locomotive Safety Standards. <b>Status:</b> RSAC was advised of the request, and FRA has noted the need to include this activity in future planning.		
<b>Training and Certification of Safety-Critical Employees</b> <b>Status:</b> By letter of 5/8/00, UTU and BRS requested that this topic be considered by the RSAC. FRA has presented to RSAC information regarding current regulatory requirements and possible areas of exploration. Parties have been invited to assist in refining and developing the suggestion. Item is carried on RSAC agenda.		
<b>Safety Appliances</b> <b>Summary:</b> Numerous railroads and manufacturers have noted the need to revise 49 CFR Part 231, the Railroad Safety Appliance Standards. NAFTA harmonization issues deserve consideration. <b>Status:</b> FRA staff had previously prepared a proposed revision to this part, and FRA has noted the need to include this activity in future planning.		

