

Railroad Safety Advisory Committee
Task Statement: Critical Incident Stress Plans/Part 272 Amendments

Task No.: 2022-04

Date initially presented to the RSAC: June 27, 2022

Purpose: To consider specific improvements to the Critical Incident Stress Plan (CISP) regulation (49 CFR Part 272) that: (1) are responsive to requirements set forth in the Bipartisan Infrastructure Law, and (2) address training, data, and recordkeeping challenges.

Background: 49 CFR Part 272 was established by a final rule published March 25, 2014. Part 272 requires covered railroads to develop and submit a CISP to FRA that outlines how the railroad will provide relief and additional support services to covered employees, as required, after a critical incident. Section 22424 of the Bipartisan Infrastructure Law, Pub. L. No. 117-58 (Nov. 15, 2021), states that the Secretary shall amend Part 272 to the extent necessary to ensure that (1) the coverage of a CISP under § 272.7 includes employees of commuter railroads and intercity passenger railroads (as such terms are defined in § 272.9), including employees who directly interact with passengers; and (2) an assault against an employee requiring medical attention is included in the definition of critical incident under § 272.9. Additionally, FRA has identified training, data, and recordkeeping challenges, during the implementation of the CISP regulation, and seeks RSAC's input on potential updates to Part 272.

Description:

- Review the current coverage in § 272.7 and determine what modifications are needed to include “employees who directly interact with passengers.”
- Review the definition of “Critical Incident” in § 272.9 and determine what modifications are necessary to cover certain assaults against employees.
- Review Part 272 and determine what training requirements are necessary.
- Review Part 272 and determine what recordkeeping requirements are necessary.

Issues requiring specific report:

- Consider how the term “directly interact with passengers” will be defined.
- Consider how the requirement of medical attention for an assault to be considered a critical incident for purposes of Part 272, including medical attention for either physical or mental injuries, will be defined.

Refer to/establish the following working group: Critical Incident Stress Plan Working Group

Target Dates: Report initial recommendations and ongoing work plan to the Committee by no later than 1 year from kick-off meeting date.

Disposition: Accepted

Date: 10/17/2022