

REGULATORY ACTION SUMMARY

1. Subject:

Crew size requirements for passenger and freight trains.

2. Action:

FRA Notice of Proposed Rulemaking (NPRM) (proposed amendments to 49 CFR Part 218)

3. Tourist Railroad Applicability:

As proposed, the rule would be not applicable to non-general system tourist railroads (see proposed sec. 218.127(b)).

The proposed rule would be applicable to general system tourist railroads. (both passenger and freight operations).

4. Overview:

The NPRM would generally require a minimum of 2 crewmembers for train operations subject to the rule. However, the proposed rule contains features which may limit the impact on general system tourist road passenger operations. Among them:

(a) The second crewperson has to be on the train when it is moving (except for duties that require temporary disembarking) but does not have to be stationed in the locomotive cab (this applies to both passenger and freight operations). In other words, a member of the passenger crew can be the second person if he/she can communicate with the engineer or another crew member in the cab. (proposed sec 218.125(d).

(b) Empty passenger trains being moved for purposes other than picking up or dropping off passengers are excluded (i.e., "lite" movements) (proposed sec 218.129(a)).

(c) Passenger trains involving a single self-propelled car or married pair unit (DMU or EMU) where the engineer has direct access to the passenger compartment are excluded (proposed sec 218.129(b)).

(d) Rapid transit operations in an urban area which are temporally separated from any conventional railroad operations and meet certain other requirements are excluded (proposed sec. 218.129(c)).

Freight operations of general system tourist railroads would be treated the same as freight operations of short line railroads of similar size. This summary does not cover the requirements applicable to freight operations.

Comments on the proposed rule are due May 16, 2016.

5. Effective / Compliance Dates:

Not applicable - not a final rule (it will probably take well over a year to issue a final rule).

6. References:

The NPRM (including FRA's explanatory preamble) is available at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-03-15/pdf/2016-05553.pdf>

Hint: Look first at the actual rule text towards the rear of the NPRM (pp. 13963-66). Most of the proposed requirements and limitations are pretty clear from the rule text. Refer to the preamble, (pp.13919-59), for additional explanation of what FRA is proposing and its rationale.