

REGULATORY ACTION SUMMARY

1. Subject:

Hours of Service Recordkeeping - Automated Recordkeeping (August 24, 2015)

2. Action:

FRA Notice of Proposed Rulemaking.

3. Tourist Railroad Applicability:

Applicable to all entities covers by Part 228 Hours of Service Recordkeeping (HSR) rules, including general system and non-general system tourist railroads.

4. Overview:

Proposes to allow (but not require) “small railroads” (i.e., railroads with less than 400,000 employee hours annually) to use electronic systems to keep hours of service records (called an “automated recordkeeping system”) without meeting all of the requirements currently applicable to railroads’ “electronic recordkeeping systems” for HSR, which effectively restricts the use of such systems to larger railroads. While the writer of this summary is not familiar enough with computer systems to fully evaluate the impact of the proposal, it appears that it would allow a small railroad to store information now kept manually on an automated system without all of the analytical bells and whistles FRA now requires for a full electronic system, and permits employees to sign such records electronically. As such, it is likely beneficial to small railroads able to use such a system, and neutral to railroads which cannot.

5. Effective / Compliance Dates:

Not applicable. Not a final rule. Comments on proposal are due October 23, 2015

6. Reference:

The FRA notice is available at:

<http://www.gpo.gov/fdsys/pkg/FR-2015-08-24/pdf/2015-20663.pdf>