

REGULATORY ACTION SUMMARY

1. Subject:

Training Standards

2. Action:

FRA Final Rule published November 7, 2014 adopting a new 49 CFR Part 243 and conforming amendments to existing Parts 214 and 232

3. Tourist Railroad Applicability:

The rule is not applicable to non-general system tourist railroads (see 49 CFR 243.3 and FRA's discussion of tourist roads at pp. 66467 of the preamble). The rule is applicable to general system tourist operations.

4. Overview:

The Rail Safety Improvement Act of 2008 requires FRA to adopt rules on this subject (49 USC 20162). The final rule requires covered railroads to develop a training program for all "safety related" employees (as defined in the rule) and submit the program to FRA. The rule contains specific requirements for what must be in the programs. It also specifically permits railroads to use "model" programs developed by trade associations. The rule requires many railroads to conduct "annual reviews" of compliance with FRA statutes and regulations, although this requirement would likely not apply to general system tourist operations (because of an exclusion for operations with less than 400,000 annual employee work hours in section 243.207). The rule also amends Part 214 (primarily dealing with crane operators) and conforming amendments Part 232 (brake rules).

The rule was developed by negotiated rulemaking through FRA's Rail Safety Advisory Committee (RSAC) during 2010. TRAIN was on working group which developed it.

5. Effective / Compliance Dates:

The rule is nominally effective on January 6, 2015. But, for railroads with less than 400,000 annual employee work hours (which probably includes all tourist railroads subject to the rule), the compliance deadline is January 1, 2019 or 4 years from FRA's issuance of a planned "Interim Final Compliance Guide", whichever is later.

6. References:

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

<http://www.gpo.gov/fdsys/pkg/FR-2014-11-07/pdf/2014-26290.pdf>

FRA's press release on the final rule is available at:

http://www.fra.dot.gov/eLib/details/L16037#p1_z5_gD

ATRRM's reply in support of ASLRRRA's Petition for Reconsideration is available at:

<http://www.regulations.gov/#!documentDetail;D=FRA-2009-0033-0030>