

RAIL SAFETY IMPROVEMENT ACT OF 2008

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OVERVIEW

- ▶ Signed by President on October 16, 2008
- ▶ Congress' recognition of resurgence of rail transportation:
 - ▶ Freight
 - ▶ Passenger – includes intercity, commuter
- ▶ Two part-legislation - Pub. L. 110-432, amending certain provisions of USC Title 49:
 - ▶ Div. A - Rail Safety Improvement Act
 - ▶ Div. B - Amtrak reauthorization and miscellaneous provisions, including STB mediation of access disputes between freight railroads and commuter operators
- ▶ Most sweeping rail safety legislation in 40 years
- ▶ Mandates comprehensive operational and physical improvements
- ▶ Broadens power of USDOT/Federal Railroad Administration (FRA) and Surface Transportation Board (STB)
- ▶ Rulemaking to implement legislation has already begun – legislation sets out strict timetables





IMPETUS FOR LEGISLATION

- ▶ Nation's rail network shared by freight and passenger trains
 - ▶ Congestion, scheduling, traffic bottlenecks
 - ▶ Incidents involving freight and commuter trains
 - ▶ Human factor in incidents
 - ▶ Safety at rail crossings
 - ▶ Targeted improvements
 - ▶ Comprehensive analysis of risks
 - ▶ Technology – inspection, detection, warning
 - ▶ Practices – training, work schedules
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SUBJECTS FOR DETAILED DISCUSSION

- ▶ Aspects of required changes to existing technological and operational frameworks:
 - ▶ RSIA, Sec. 104: Technology implementation plan (codified at 49 U.S.C. § 20156(e)): Positive Train Control (PTC) technology
 - ▶ RSIA, Sec. 108: Compliance with hours of service (HOS) requirements (amends various provisions of 49 U.S.C. Chapter 211)





POSITIVE TRAIN CONTROL

- ▶ RSIA, Sec. 104 (codified at 49 U.S.C. § 20157)
- ▶ Positive Train Control (PTC) is technology designed to prevent collisions and other incidents by automatically detecting and controlling the movement of trains
- ▶ Definition (49 U.S.C. § 20157(i)(3)): a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position.
- ▶ Key feature – interoperability
 - ▶ Defined at 49 U.S.C. § 20157(i)(1) as the ability to control locomotives of the host railroad and tenant railroad to communicate with and respond to the PTC system, including uninterrupted movements over property boundaries.





POSITIVE TRAIN CONTROL (cont'd)

- ▶ Why emphasis on PTC now?
 - ▶ Historically, implementation of PTC has been hampered by lack of compatibility between systems preferred by individual railroads
 - ▶ Recent technical advances have potential to reduce incompatibility
 - ▶ Recent incidents involving freight and passenger trains on shared track have heightened interest in implementing PTC on widespread basis.





POSITIVE TRAIN CONTROL (cont'd)

- ▶ Implementation (49 U.S.C. § 20157):
 - ▶ By April 16, 2010, all Class I rail carriers and all entities providing intercity or commuter rail passenger service must submit a plan to DOT for implementing PTC by December 31, 2015. DOT to review and approve PTC plans within 90 days.
 - ▶ Other railroads required to implement PTC by December 31, 2018
 - ▶ Requirement applies to main lines carrying intercity rail or commuter rail passenger service
 - ▶ NOTE: “Main line” for commuter operators has not yet been defined
 - ▶ Priority to implement PTC in areas of greater risk first
 - ▶ Plan must provide for interoperability between host system and trains belonging to others





POSITIVE TRAIN CONTROL (cont'd)

- ▶ DOT's role:
 - ▶ DOT has authority to assess civil penalties for violations of PTC requirements, including failure to submit, implement or comply with a required PTC plan (49 U.S.C. § 20157(e)).
 - ▶ DOT has discretion to require railroad carriers other than those listed in the Act to comply with PTC requirements (49 U.S.C. § 20157(f)).
 - ▶ DOT has discretion to shorten timeline for submission of PTC implementation plans (49 U.S.C. § 20157(f)).
 - ▶ DOT may provide technical assistance to railroad carriers in developing PTC plans (49 U.S.C. § 20157(b)).





POSITIVE TRAIN CONTROL (cont'd)

- ▶ Yet to come:
 - ▶ DOT must issue regulations governing PTC technology:
 - ▶ Technical requirements
 - ▶ Essential functionalities
 - ▶ Means for qualifying PTC systems
 - ▶ DOT must issue regulations defining “main lines” for intercity and commuter passenger rail operators
 - ▶ No timetable mandated for instituting regulations, but likely to begin soon given 18-month deadline for first wave of railroad submissions
 - ▶ DOT must report to Congress by December 31, 2012 on progress of PTC implementation





HOURS OF SERVICE

- ▶ RSIA, Sec. 108
 - ▶ Reducing rail employee fatigue a significant goal of the RSIA
 - ▶ Studies have shown fatigue to be a contributing factor in rail accidents attributable to human error
 - ▶ First significant revision to regulations governing rail employee work hours in 40 years
 - ▶ Personnel governed by new legislation:
 - ▶ “Train employees”: a railroad’s personnel engaged in or connected to the movement of a train (49 U.S.C. § 21101(5)).
 - ▶ “Signal employees”: a railroad’s personnel *or those of a contractor* (expansion of class of covered personnel) who are engaged in signal activities (49 U.S.C. § 21104).





HOURS OF SERVICE, (cont'd)

- ▶ **Implementation:**

- ▶ HOS requirements take effect for freight railroad employees on June 16, 2009 (49 U.S.C. § 21109(g)).
- ▶ Train employees providing commuter or intercity passenger rail transportation remain subject to 49 U.S.C. § 21103 as it existed prior to October 16, 2008, until FRA enacts regulations, which it must do by October 16, 2011 (49 U.S.C. § 21109(b)).





HOURS OF SERVICE, (cont'd)

- ▶ On-duty and related time limitations:
 - ▶ Time spent by a train employee on duty or in other mandatory service (i.e., in transport to duty) cannot exceed 276 hours per month (49 U.S.C. § 21103(a)(1))
 - ▶ Time spent by a train employee on duty cannot exceed 12 hours (49 U.S.C. § 21103(a)(2))
 - ▶ A train employee cannot go on duty unless that employee has had at least 10 (previously 8) consecutive hours off duty during the preceding 24 hours (49 U.S.C. § 21103(a)(3))





HOURS OF SERVICE, (cont'd)

- ▶ On-duty and related time limitations, cont'd:
 - ▶ Signal employees cannot work more than 12 consecutive hours and cannot begin an on-duty period without having had at least 10 consecutive hours off duty in the previous 24 hours (49 U.S.C. § 21104(a))
 - ▶ For every 6 consecutive days a train employee is on duty for some period of each day, the employee must have at least 48 hours off duty at the employee's home terminal (49 U.S.C. § 21103(a)(4))
 - ▶ A train employee may work 7 consecutive days subject to additional rest requirements and exceptions relating to existing collective bargaining agreements (49 U.S.C. § 21103(a)(4))





HOURS OF SERVICE, (cont'd)

- ▶ On-duty and related time limitations, cont'd:
 - ▶ Deadhead time will be limited to 30 hours per month (currently 40 hours) as of October 16, 2009 (49 U.S.C. § 21103(c)(1))
 - ▶ Train and signal employees cannot be disturbed by communication from their employer during their minimum off-duty periods (49 U.S.C. §§ 21103(e), 21104(d))
 - ▶ DOT is authorized to impose further limits on time spent on duty, in service or as deadhead time (49 U.S.C. § 21109)





HOURS OF SERVICE, (cont'd)

- ▶ Considerations for commuter rail operators:
 - ▶ Commuter and freight operations differ significantly:
 - ▶ Scheduling practices
 - ▶ Patterns of operation
 - ▶ Conditions of operation
 - ▶ 49 U.S.C. § 21109(b) requires DOT to enact regulations addressing commuter and intercity passenger operations by October 16, 2011
 - ▶ 49 U.S.C. § 21109(c) directs DOT to take operational characteristics of commuter and intercity passenger rail providers into account in issuing regulations



QUESTIONS?

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