

# 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



# 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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