



# Federal Railroad Administration Presentation

## *Joint State Safety Oversight (SSO) and Rail Transit Agency (RTA) Workshop*

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Westin Arlington Gateway Hotel

Arlington, VA

By

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# FTA's Role in Rail Transit Safety

- Intermodal Surface transportation Efficiency Act of 1991 (ISTEA) - US Congress required FTA to establish a program providing for the state conducted oversight of the safety and security of rail systems **not regulated by FRA.**
- 49 CFR Part 659 was created in 1995.
- 2013-new Transit Safety Office (TSO) office created as part of MAP-21.
- 49 CFR Part 674 created 2016 to replace 659



## FRA's Authority

- Federal Railroad Safety Act of 1970 (“Safety Act”)
- Under the Federal railroad safety laws, FRA has jurisdiction over all railroads except “rapid transit operations in an urban area that are not connected to the general railroad system of transportation.”
- 49 U.S.C. 20102- FRA exercises jurisdiction over all railroad passenger operations, regardless of the equipment they use.

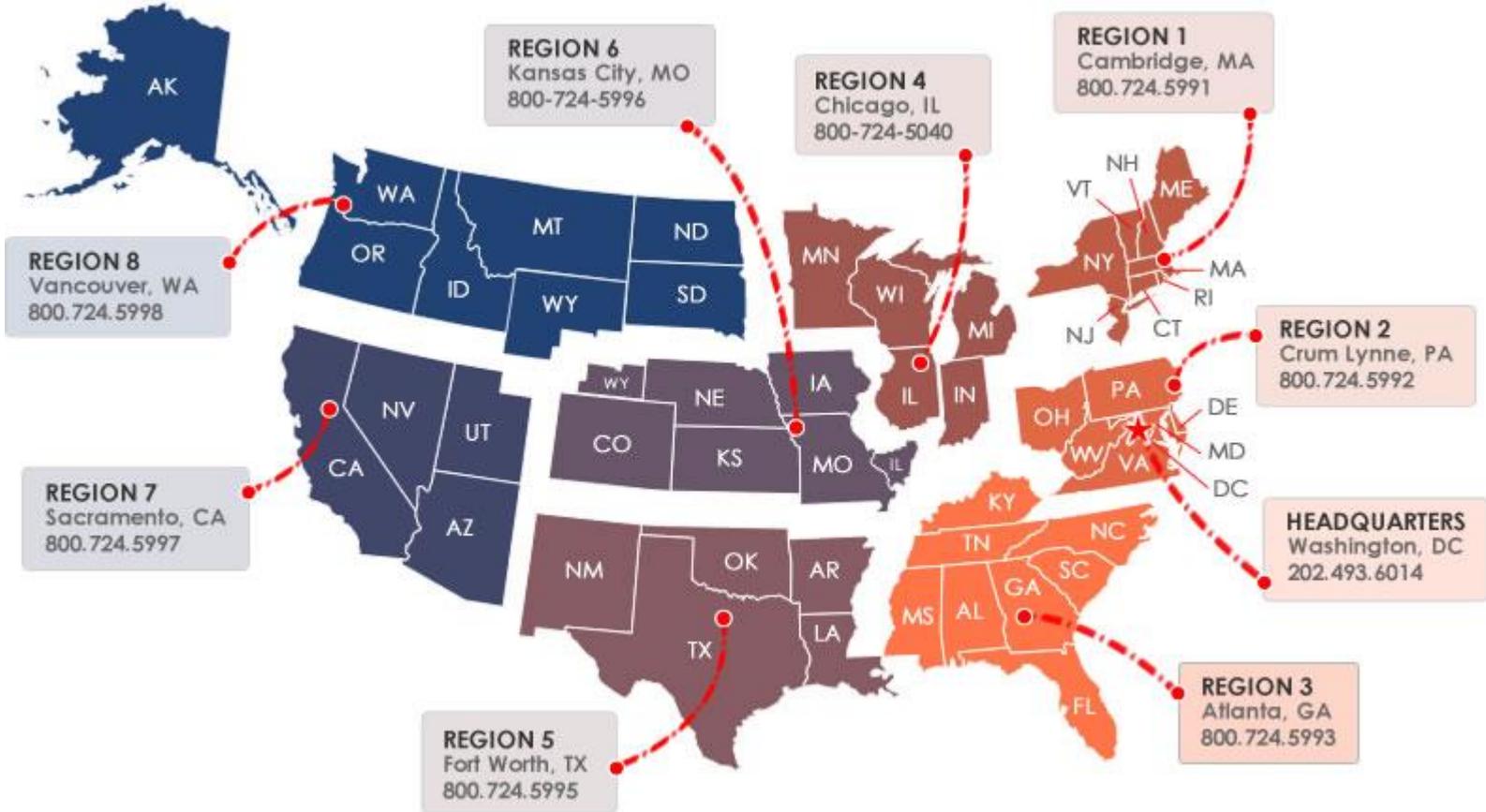


# FRA's Authority cont'd

- Docket 1999-5685 Statement of Agency Policy, etc. (Joint FRA/FTA Statement of Agency Policy). This material is stated in Parts 209, 211.
  - Describes how FRA and FTA will coordinate use of their respective safety authorities over shared track operations
- Read Title 49 CFR Part 209 Appendix A: *Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws*
- 49 CFR Part 211 *Rules of Practice*-
  - Waiver process
  - Appendix A: Agency Policy for Shared Use Waivers where urban rapid transit has limited connections to the general trailroad system



# Who is the FRA Office of Safety?





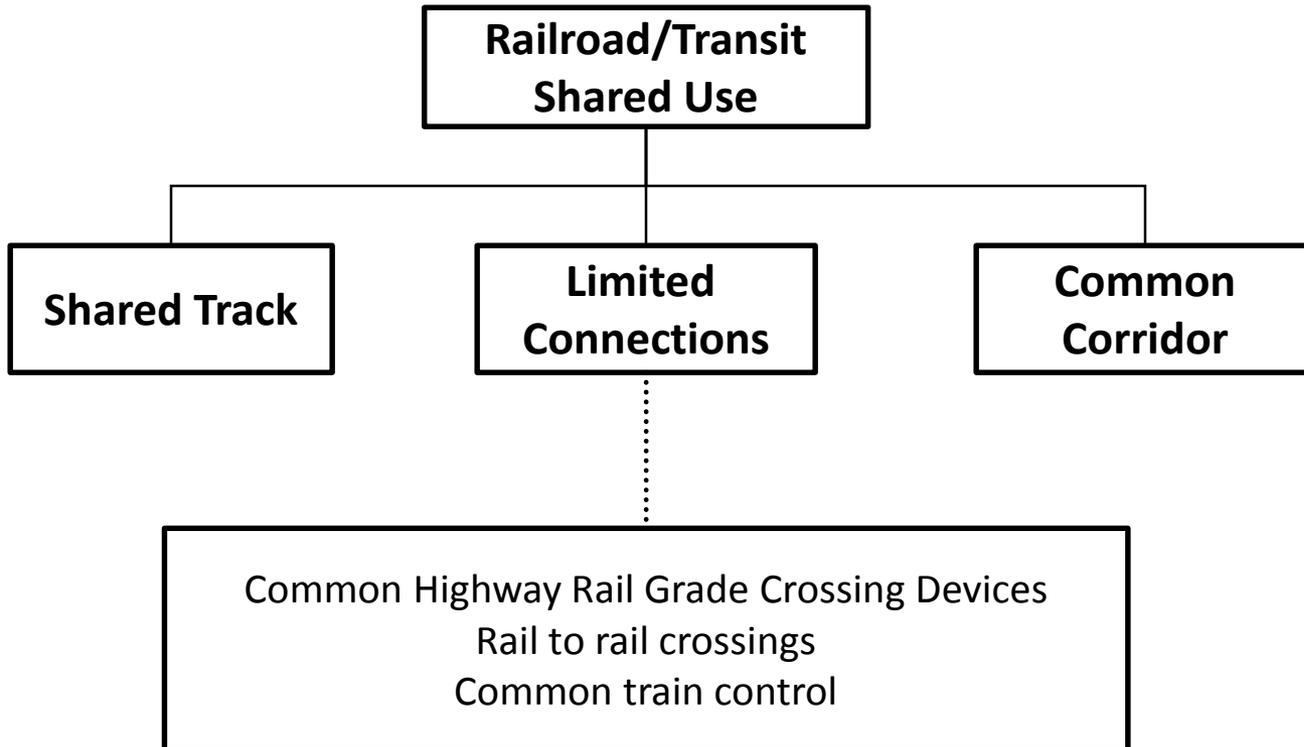
*Why am I up here today speaking to you?*

FRA does not want these two different rolling stock types to collide. Occupant safety of the lighter transit rolling stock is paramount. Title 49 CFR Part 238.203 *Static End Strength-800kips*





# What type of connections “trigger” FRA oversight?





# Shared Track

- Memorandum of Understanding between Railroad and Transit
- Temporal Separation Plan
  - Derail devices for parked freight during passenger operations/ grade of storage tracks
  - Standard Operating Procedures (SOP) for transition between passenger and freight operations
  - Training of Transit staff of pertinent FRA regulations
- All regulations are applicable because the transit operator is operating on the general railroad system regardless of the temporal separation. Petitioner may seek relief from each CFR Part by submitting a formal petition to FRA (See title 49 CFR Part 211).
- Title 49 CFR Part 217 *Railroad Operating Rules: Efficiency Testing*. (FRA will want to see that the transit dispatchers and train operators are tested for knowledge of the SOP's for transitioning between passenger and freight periods).



# Shared Corridors

- At Grade corridor or are there portions of alignment at different grades? (petitioner should include a map showing portions at-grade and grade-separated)
- Class 1 railroad or shortline?
- Track Centerline Distances?
  - <15-ft increased risk. Although rapid transit rolling stock has superior performance characteristics, FRA is concerned about shifted freight loads fouling the transit ROW.
  - CFR Part 214 RWP adjacent track protection for centerline distance < 19-ft.
- Transit rolling stock headlight pattern per Title 49 CFR Part 229? Candela power? Horn decibel requirement of Part 229 waived
- Who is performing maintenance? Is Transit and freight railroad maintaining their own track, signal and train control equipment? CFR Part 214, Part 228 (HOS law), recordkeeping.
- Who is dispatching? Part 229 HOS Law
- Highway-Rail Grade Crossings?
  - Title 49 CFR Part 222 (horns); Part 225 Accident Reporting; Part 228 HOS Law; Part 229 (locomotive headlight power and pattern); Parts 234/236
- Roadway Worker Protection/Bridge Worker
  - Part 214, 237
- Communications
  - Part 220, dispatchers
- Track and ROW
  - A. Part 213\* excepted track etc. Specifically, any track identified as excepted track shall not be located within 30 feet of an adjacent track which can be subjected to simultaneous use at speeds in excess of 10 m.p.h.
  - B. Adjacent Track Protection for centerline <19-ft



# Waivers

- FRA will be more willing to waive many of its rules where temporal separation will be in effect and petitioner demonstrates that its system safety program and state safety oversight program addresses relevant safety issues.
- FRA jurisdiction only at the relevant portions of the limited connection
- Waivers from specific parts of the Federal railroad regulations rely on alternate safety programs (e.g., Federal Transit Administration state oversight program). **See Title 49 CFR Part 211 for waiver process and Appendix A for explanation pertaining to how FRA exercises its jurisdiction and possible waivers etc.**
- Policy allows for each Petitioner's transit system to be treated individually, with relief granted from Title 49 CFR Regulations as applicable.
- SYSTEMS Approach to Waiver investigation
- Ask FRA for a jurisdictional determination (see Title 49 Part 211 Appendix A). FRA will provide guidance as to what possible waivers can be granted.



# Waiver Process

- If New Start, start this process early. Ask for a **jurisdictional determination**. Type of equipment does not determine if you come under FRA jurisdiction
- Title 49 CFR Part 211 *Rules of Practice*
- Petitioner should include maps, detailed description of the service, and a listing of the relevant Title 49 CFR Parts and justification if a waiver is sought. If no waiver is sought, explicitly state that you will comply.
- FRA HQ staff manages this waiver process, coordinating with FRA Regional forces, FTA staff, and SSOA.
- FRA Safety Board (5 FRA members plus the FTA representative) convene and deliberate
- Decision Letter valid for 5 years maximum. Extension every 5 years
- FRA, with FTA and SSOA, can choose to conduct audit of compliance



# Waiver Treatment (see Title 49 CFR Part 211 Appendix A)

| Track, Structure, and Signals |                          |                                      |
|-------------------------------|--------------------------|--------------------------------------|
| Title 49 CFR part             | Subject of Rule          | Likely Treatment                     |
| 213                           | Track safety standards   | Comply (assuming transit owns track) |
| 213 Appendix C                | Bridge safety policy     | Not a rule (voluntary compliance)    |
| 214, 237                      | Bridge worker safety     | Waive (OSHA)                         |
| 214                           | Roadway worker safety    | Comply                               |
| 233, 235, 236                 | Signal and train control | Comply (assuming transit owns track) |
| 234                           | Grade crossing signals   | Comply (assuming transit owns track) |



# Waiver Treatment

| Motive Power and Equipment |                     |                  |
|----------------------------|---------------------|------------------|
| Title 49 CFR part          | Subject of Rule     | Likely Treatment |
| 210                        | Noise emission      | Waive            |
| 215                        | Freight car safety  | Waive            |
| 221                        | Rear end marker     | Waive            |
| 223                        | Safety glazing      | Waive            |
| 229                        | Locomotive safety   | Waive            |
| 231                        | Safety appliance    | Waive            |
| 238                        | Passenger equipment | Waive            |



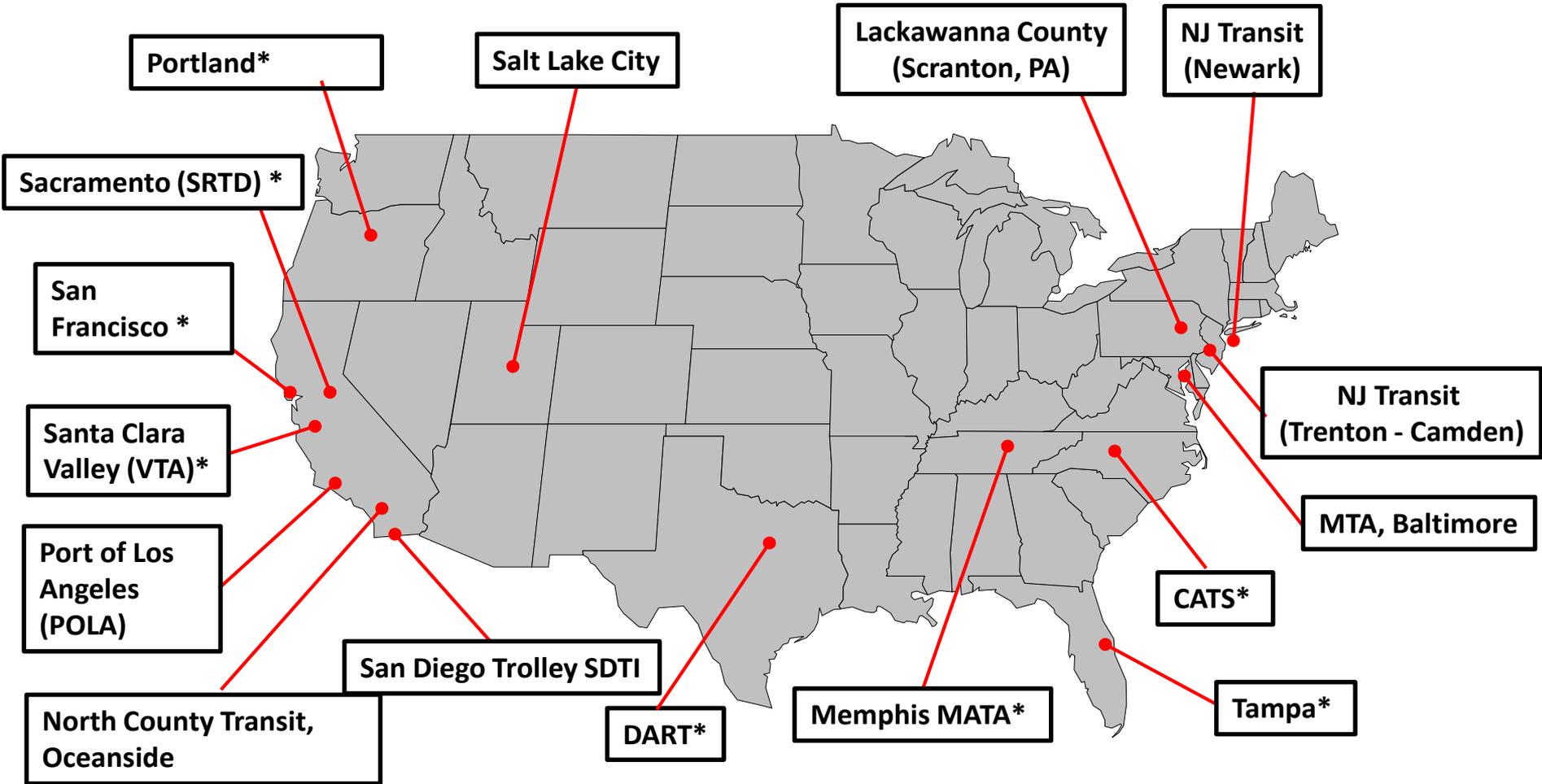
# Waiver Treatment

| Operating Practices |                         |                          |
|---------------------|-------------------------|--------------------------|
| Title 49 CFR part   | Subject of Rule         | Likely Treatment         |
| 217                 | Operating rules         | Waive                    |
| 218                 | Operating practices     | Waive except (1)         |
| 219                 | Alcohol and drug        | Waive if FTA 655 applies |
| 220                 | Railroad communication  | Waive except (2)         |
| 225                 | Accident reporting      | Waive comply (3)         |
| 228                 | Hours of service        | Waive see(4)             |
| 239                 | Passenger preparedness  | Waive                    |
| 240/242             | Engineer/conductor cert | Waive                    |

1. For prohibition on tampering with safety devices related to signal system, and blue signal on shared track
2. To extent communications with freight trains and roadway workers are necessary
3. Comply with regard to train accidents and crossing accidents; waive as to injuries which are reported to FTA and OSHA; FRA accident investigation authority not subject to waiver
4. Recordkeeping; and new Subpart F for train operators. Waiver not likely for dispatchers or S&TC persons



# Waivers Granted...



\* limited connection



# Active Waivers

|   | Location                  | Transit Auth.        | Railroad                             | Type   | Docket No.      |
|---|---------------------------|----------------------|--------------------------------------|--|-----------------|
| 1 | Salt Lake City, UT        | Utah Transit Auth.   | Utah Railway                         | Shared track   | 1999-6253       |
| 2 | Trenton, NJ to Camden, NJ | New Jersey Transit   | Conrail Shared Assets                | Shared track   | 1999-6135       |
| 3 | Santa Clara, CA           | Valley Transit Auth. | Union Pacific                        | Vasona Shared Corridor                                       | 1999-6254       |
| 4 | Scranton, PA              | Lackawanna County    | Delaware- Lackawanna Railroad        | Shared track   | 2000-7275       |
| 5 | Baltimore, MD             | Maryland MTA         | Norfolk Southern                     | Shared track (NS abandoned-now a limited diamond Connection) | 2000-7054, 7286 |
| 6 | San Diego, CA             | San Diego Trolley    | San Diego & Imperial Valley Railroad | Shared track   | 2000-7137, 7274 |
| 7 | Newark, NJ-Newark Subway  | New Jersey Transit   | Norfolk Southern                     | Limited connection   | 2000-7335       |



# Active Waivers

|    | Location          | Transit Auth.               | Railroad   | Type                | Docket No. |
|----|-------------------|-----------------------------|--|---------------------|------------|
| 8  | Los Angeles, CA   | Port of Los Angeles (POLA)  | Pacific Harbor Lines   | Shared track        | 2001-10237 |
| 9  | Portland, OR      | TriMet                      | Union Pacific, Oregon Pacific, Portland and Western Railroad | Limited connections | 2011-0048  |
| 10 | Tampa, FL         | HART                        | CSX  | Limited connection  | 2002-13398 |
| 11 | Oceanside, CA     | North County Transit        | Burlington Northern Santa Fe                                 | Shared track        | 2002-11809 |
| 12 | Sacramento, CA    | Sacramento Regional Transit | Union Pacific  | Limited connection  | 2003-14565 |
| 13 | San Francisco, CA | Muni                        | Union Pacific  | Limited Connection  | 2003-15988 |
| 14 | Saint Louis, MO   | METRO                       | Union Pacific  | Limited connection  | 2007-27207 |
| 15 | Memphis, TN       | MATA                        | CN/Amtrak  | Limited connection  | 2008-0063  |

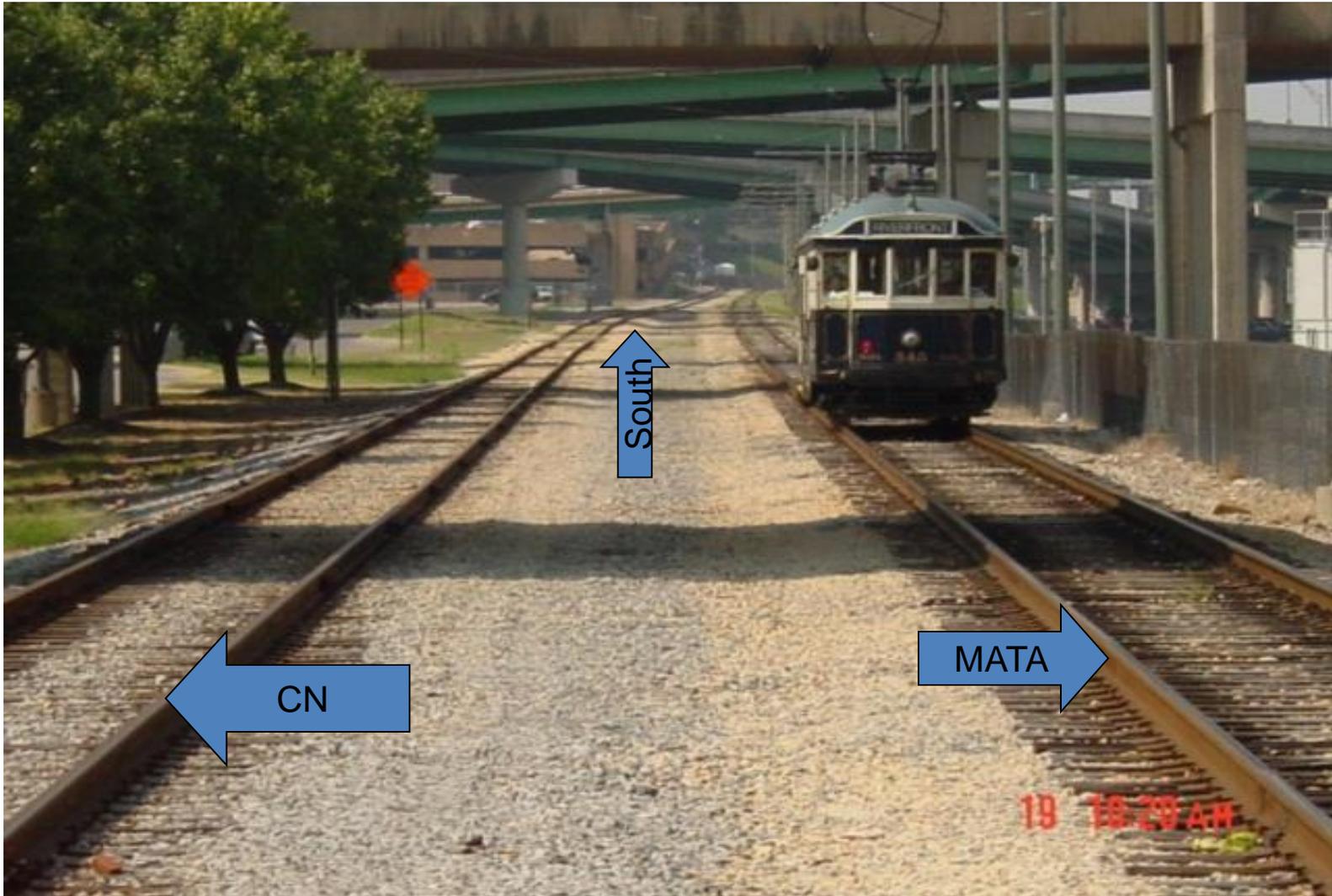
[1] – Subsequent to waiver grant, limited connection removed due to reroute of freight traffic.



FRA Region 7 Chief Inspector Michael Lange and S&TC Inspector Garry Readman looking at shared yard track (Coaster and San Diego trolley) during 2011 5-year Waiver Petition by SDTI (Docket 2000-7137)



MATA Trolley operating south through CN railroad crossing at grade. SHARED CORRIDOR with RAIL-RAIL connection



Memphis MATA operating south between Pyramid Access Road and Adams Avenue. SHARED CORRIDOR with 11 shared highway rail grade crossings



Memphis. View of CN railroad at-grade rail crossing.



Shared Yard Operation with Coaster and San Diego Trolley (Docket 2000-7137). FRA asked SDTI to submit the SOP for FRA review as part of the



Tampa HART Trolley limited connection at grade rail crossing between CSXT and HART (FRA-2002-13398). In 2011, FRA found that HART dispatchers did not have current CSXT contact information



RRPictureArchives.NET Image Contributed by Bob Vogel

New Jersey Transit River Line (FRA-1999-6135) shares track/corridor with Conrail



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New Jersey Transit River Line (FRA-1999-6135) shares track/corridor with Conrail



Sacramento SRTD in corridor with UPRR (docket FRA-2003-14565)



# Questions?

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