

Risk Reduction Program: Safety Innovation Plan

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**ASSOCIATION OF
AMERICAN RAILROADS**



2008 Rail Safety Improvement Act

Mandates that Class I railroads, passenger railroads, and railroads with inadequate safety record:

1. Develop a railroad safety risk reduction program that systematically evaluates and manages risk
2. Submit the program to FRA for review and approval
3. Implement the program and plans approved by FRA



FRA Regulatory History

- September 7, 2012 -System Safety Program NPRM published
- February 27, 2015 – Risk Reduction Program NPRM published
- August 12, 2016 – SSP Final Rule published
- February 10, 2017 – SSP Final Rule stayed



AAR RRP Participation

- Written comments to NPRM on April 28, 2015
- Oral testimony at public hearing August 27, 2015
- Supplemental comments October 31, 2018
- Met with FRA staff December 2018
- Met with FRA staff March 2019
- Met with DOT/OST staff July 11, 2019



What changed?

- EO 13,777 issued February 17, 2017
- DOT published DOT-OST-2017-0069 on October 2, 2017
- AAR evaluated relevant DOT regulations under the spirit of the EO and DOT notice

= deregulatory, pro-innovation solution that logically fits within the framework of the RRP mandate



What is the Challenge?

- Process improvement is stifled by outdated, prescriptive regulations
- FRA waiver process is insufficient to keep up with innovation
 - Over 700 active waivers
 - Waivers must be renewed
 - Delay is inevitable



What is the Solution?

Safety Innovation Plan

- Proposed optional component of an RRP or SSP
- SIP provides how a railroad would mitigate an identified risk to the same extent or superior to identified existing railroad safety regulations
- FRA would approve the SIP
- Railroad would follow and be held accountable to the SIP in lieu of the identified railroad safety regulations



Example

Continuous Rail Inspection

- Process allowed by waiver since 2012
- Recognized by FRA as superior means of managing railroad safety
- Waivers must be renewed
- Stifles long-term investment and advancement in the technology



Example

Automated Track Inspection

- Currently under test on BNSF
- Safety benefits recognized by FRA



Example

Machine Vision Technology

- Process used to supplement visual inspections
- Potential safety benefits to remove human inspector from exposure to risk
- Must be used alongside manual inspections



Harmonization with SSP

- Two rules fulfill the same statutory mandate
- Parallel requirements for passenger and freight railroads
- Proposed SIP could be copied into both sets of regulations



2008 RSIA Nexus

- Risk-based safety analysis
- Technology Implementation Plan

An additional or separate regulation would not have all of the safety management components inherent in the RSIA mandate and would risk creating conflicting or redundant requirements.