

REGULATORY ACTION SUMMARY

1. Subject:

Grade Crossing Inventory Reporting Requirements

2. Action:

FRA Final Rule (amendments to existing Part 234 Grade Crossing Safety Rules)

3. Tourist Railroad Applicability:

Applicable to both General and Non-General System (Non-insular) tourist roads. As a practical matter, any tourist road with a public highway-rail grade crossing is subject to this rule (the same as the rest of existing Part 234).

4. Overview:

The Rail Safety Improvement Act of 2008 requires FRA to adopt rules on this subject (49 USC 20160). The new rule amendments require covered railroads (see #3 above) to file specified information on each of their public or private highway-rail crossings or “pathway” crossings (note that a “pathway” crossing includes only crossings that are explicitly authorized by a public authority or a railroad, not “trespasser” crossings), and update the filings at least once each 3 years. This includes both at-grade and grade separated crossings. Multiple crossings within facilities such as an industry, a passenger station or a rail yard do not have to be reported separately, but may be treated as a group with a single inventory number. Presumably, this would include a rail museum campus (which, after all, is a type of rail yard), although this isn’t specifically addressed in the rule. All reporting is to be made on specified U.S. DOT forms or their equivalent (see #6 below).

5. Effective / Compliance Dates:

Effective date of rule is March 9, 2015. Compliance deadline for new or updated inventory filings is March 7, 2016.

6. References:

i. The final rule (including FRA’s explanatory preamble) is available at:

<http://www.gpo.gov/fdsys/pkg/FR-2015-01-06/pdf/2014-30279.pdf>

ii. The new FRA Inventory Reporting Guide is available at:

http://www.fra.dot.gov/eLib/details/L16201#p1_z5_gD_IOT

iii. A “close to final” draft of the new DODT inventory reporting form is available at:

http://www.fra.dot.gov/eLib/details/L16197#p1_z5_gD_IOT

The “final” version of the reporting form should be available at the same address when it is issued.

Hint: Look over the “Inventory Reporting Form” first. Most of the reporting requirements are pretty clear from the form (read the instructions in the header carefully). Refer to the “Inventory Reporting Guide” for additional explanatory materials. It shouldn’t be necessary for most organizations to read or try to digest the extensive final rule document