

Federal Railroad Administration



Evaluation of Medical Standards for Safety-Critical Employees

RSAC Briefing – December 2, 2003

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- There are many jobs in the railroad industry where workers perform tasks which require certain physical and mental capabilities.
- The most sensitive of these positions involve tasks which can lead to immediate harm to other employees or the public.
- Employees assigned to these tasks are classified as “hours of service” employees under current law and regulations since they perform tasks that are deemed “safety critical”.

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- Is there a need for publicly led or administered medical standards for the railroad industry?
- How compelling is the need?
- How narrow/broad should the standards be?
- Who decides fitness for duty?
- Should employment protections be part of the system?

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- Failure to diagnose and treat certain medical conditions - those that could lead to sudden incapacitation – could have safety consequences.
- Aviation, Maritime and Motor Carrier modes have mandated medical standards processes to identify employees at risk of medical incapacitation on the job.
- Does the Railroad industry need something similar?

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FRA has retained Foster-Miller, Inc. (FMI) of
Waltham, MA to help answer some of these
questions.

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- FRA's current regulations regarding the fitness of these employees are limited to:
 - hearing and vision requirements for locomotive engineers (49 CFR Part 240), and
 - control of alcohol/drug use among all hours of service employees (49 CFR Part 219).

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What other medical standards are out there?

a Google search returned:

- **2,600,000 hits on the term “Medical Standards”.**
- **119,000 hits on the term “Vehicle Operators Medical Standards”.**
- **50,900 hits on the term “Commercial Drivers License Medical Standards”.**
- **4,090 hits on the term “Locomotive Engineer Medical Standards”.**

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What other medical standards are out there?

- Other DOT modes:
 - The Federal Aviation Administration
 - The Federal Motor Carrier Administration
 - Coast Guard
- Other Federal Agencies - DOD (and individual Services), OPM, Interior
- State and local governments - Employment criteria, Motor Vehicle Operators' requirements
- Foreign Government Agencies - Transport Canada, Australia, Pacifica, Others

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If an agency elects to regulate in the field of medical standards, that agency must both apply expertise, to ensure it is effective, and invoke good judgment, to avoid denying employees the right to pursue their profession without a sound basis.

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The NTSB has recommended:

- “Develop a standard medical examination form that includes questions regarding sleep problems and require that the form be used, pursuant to 49 Code of Federal Regulations Part 240, to determine the medical fitness of locomotive engineers; the form should also be available for use to determine the medical fitness of other employees in safety-sensitive positions.” (R-02-24).

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The NTSB has recommended:

- “Require that any medical condition that could incapacitate, or seriously impair the performance of an employee in a safety-sensitive position be reported to the railroad in a timely manner.” (R-02-25).

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The NTSB has recommended:

“Require that, when a railroad becomes aware that an employee in a safety-sensitive position has a potentially incapacitating or performance-impairing medical condition, the railroad prohibit that employee from performing any safety-sensitive duties until the railroad’s designated physician determines that the employee can continue to work safely in a safety-sensitive position. (R-02-26).

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Comparison of current Medical Standards:

		Conditions/Systems Evaluated																
Mode	Frequency of Evaluation	Alcohol Use	Amputations	Cardiovascular	Color perception	Endocrine function (diabetes)	Epilepsy or loss of consciousness	Hearing Acuity	Hypertension	Mental, nervous, organic, or functional brain disease	Neuromuscular	Orthopedic	Psychiatric disorders	Respiratory	Review of use of prescribed medication	Use of illegal or habit forming drugs	Vision Acuity	Visual field
Commercial Airline Pilots	6 mos.	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Commercial Drivers	2 years	Orange	Orange	Orange	White	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	White
Locomotive Engineers	3 years	Purple	White	White	Purple	White	White	Purple	White	White	White	White	White	White	White	Purple	Purple	Purple

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Benefits to the Carriers

- **Protecting assets and training investments**
- **Reduced potential for losses from accidents due to health related performance decrements**
- **Consistent objective criteria for fitness for duty decisions**

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Benefits to Labor

- **Prevention/early detection of illness**
- **Privacy and employment protections**
- **Consistent objective criteria for fitness for duty decisions**

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Benefits to the Public

- **Safer railroad operations - reduced risk of accidents due to unrecognized medical conditions**

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Work plan--

- **Preliminary survey (complete)**
- **Detailed contract study (FMI-ongoing) to ascertain issues and options**
- **Report to the Administrator and RSAC**
- **Consider implications with your participation**

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Contract Approach–

Review:

- **Regulations (other US modes, foreign)**
- **Industry practices,**
- **Dispute resolution procedures,**
- **Medical literature, and**
- **Accident data**

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Contract Approach–

Analyze:

- Identify possible gaps in regulations and industry practices,**
- Identify standards relevant to railroad industry,**
- Determine resource requirements**

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Contract Approach–

Recommend:

- **Options – regulatory and otherwise**

Prepare final report

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Contract Timeline

Date of Award – September 11, 2003

FMI - Medical Standards Contract - Schedule and Deliverables

