

**FEDERAL RAILROAD ADMINISTRATION  
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SECTION 610 AND OTHER REVIEWS**

Section 610 of the Regulatory Flexibility Act (RFA) requires Federal agencies to review all rules that have a significant economic impact on substantial number of small entities within 10 years of their adoption as final rules. Pursuant to Section 610 of RFA, Federal Railroad Administration (FRA) started the review process from 1998, and by August 2003 completed the following 14 rules:

- 49 CFR Part 200 – Informal Rules of Practice for Passenger Service
- 49 CFR Part 201 – Formal Rules of Practice for Passenger Service
- 49 CFR Part 207 – Railroad Police Officers
- 49 CFR Part 209 – Railroad Safety Enforcement Procedures
- 49 CFR Part 210 – Railroad Noise Emissions Compliance Regulations
- 49 CFR Part 211 – Rules of Practice
- 49 CFR Part 212 – State Safety Participation Regulations
- 49 CFR Part 214 – Railroad Workplace Safety
- 49 CFR Part 215 – Railroad Freight Car Safety Standards
- 49 CFR Part 217 – Railroad Operating Rules
- 49 CFR Part 218 – Railroad Operating Practices
- 49 CFR Part 219 – Control of Alcohol and Drug Use
- 49 CFR Part 221 – Rear End Marking Device – Passenger, Commuter and Freight Trains
- 49 CFR Part 256 – Financial Assistance for Railroad Passenger Terminals

In reviewing these rules and to minimize impacts on small entities, FRA considered the following, as required by Section 610:

1. the continued need for the rule;
2. the nature of complaints or comments received concerning the rule from the public;
3. the complexity of the rule;
4. the extent to which the rule overlaps, duplicates, or conflicts with other federal rules and, to the extent feasible, with state and local governmental rules; and
5. the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed since adoption of the rule.

After initial review of these rule, FRA determined that the following two rules have a significant economic impact on substantial number of small entities. Both of these rules were reviewed in greater detail to determine whether these rules should be continued without change, or should be amended or rescinded to minimize their significant impact on small entities.

#### **49 CFR Part 214 – Railroad Workplace Safety**

49 CFR Part 214, Subpart B prescribes minimum railroad safety rules for railroad employees performing work on bridges, while Subpart C prescribes minimum safety standards for roadway workers. There are no specific provisions in the regulation that limit its impact on small entities. However, various provisions of the regulation apply in different circumstances. For example, roadway worker protection rules for locations with frequent high speed train operations are more complex than those, which normally apply to the slower, less frequent operation typical of smaller railroads. To this extent the impact of the regulation on small entities is inherently limited.

## **49 CFR Part 215 – Railroad Freight Car Safety Standards**

49 CFR Part 215 prescribes minimum federal safety standards for the inspection, testing, and maintenance of railroad freight cars. FRA has attempted to minimize the impact of this rule on small entities by allowing abbreviated inspections of freight cars by train crews, and by allowing considerable flexibility in the movement of defective cars for purposes of repair. In addition, FRA has provided small entities the authority to petition for continued in-service use of equipment that is more than 50 years old. Therefore, FRA has determined that 49 CFR Part 215 should continue without change, as the rule already contains provisions that minimize adverse effects on the safe transportation of railroad freight cars.

Finally, for the year 2002-2003, FRA is reviewing the following rules, which are anticipated to be completed by August 2004.

49 CFR Part 216 – Special Notice and Emergency Order  
Procedures: Railroad Track, Locomotive and Equipment

49 CFR Part 228 – Hours of Service of Railroad Employees

49 CFR Part 229 – Railroad Locomotive Safety Standards

All Section 610 reviews can be accessed at the FRA Website. They are under Publications, Studies and Reports on the main Safety page.