

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Parts 219, 225, and 240**

[Docket No. FRA-2002-13221, Notice No. 2]

RIN 2130-AB51

**Conforming the Federal Railroad Administration's Accident/Incident Reporting Requirements to the Occupational Safety and Health Administration's Revised Reporting Requirements; Other Amendments**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** FRA conforms, to the extent practicable, its regulations on accident/incident reporting to the revised reporting regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor (DOL). This action permits the comparability of data on occupational fatalities, injuries, and illnesses in the railroad industry with such data for other industries, allows the integration of these railroad industry data into national statistical databases, and enhances the quality of information available for railroad casualty analysis. In addition, FRA makes certain other amendments to its accident reporting regulations unrelated to conforming to OSHA's revised reporting regulations. Finally, FRA makes minor changes to its alcohol and drug regulations and locomotive engineer qualifications regulations in those areas that incorporate concepts from its accident reporting regulations.

**EFFECTIVE DATE:** May 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** For technical issues, Robert L. Finkelstein, Staff Director, Office of Safety Analysis, RRS-22, Mail Stop 17, Office of Safety, FRA, 1120 Vermont Ave., NW., Washington, DC 20590 (telephone 202-493-6280). For legal issues, Anna L. Nassif, Trial Attorney, or David H. Kasminoff, Trial Attorney, Office of Chief Counsel, RCC-12, Mail Stop 12, FRA, 1120 Vermont Ave., NW., Washington, DC 20590 (telephone 202-493-6166 or 202-493-6043, respectively).

**SUPPLEMENTARY INFORMATION:** In addition to revising its regulations in the *Code of Federal Regulations*, FRA has revised its *Guide for Preparing Accident/Incident Reports (Guide or FRA's Guide)*. Instructions for electronically submitting monthly

reports to FRA are available in the 2003 companion guide: *Guidelines for Submitting Accident/Incident Reports by Alternative Methods*. The 2003 *Guide* and companion guide are posted on FRA's Web site at <http://safetydata.fra.dot.gov/guide>.

For more detailed information on OSHA's revised reporting regulations, see <http://safetydata.fra.dot.gov/OSHA-materials>.

Also, note that for brevity, all references to CFR parts will be parts in 49 CFR, unless otherwise noted.

**Privacy Act Statement:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

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**I. Overview of OSHA's Revised Reporting Regulations and FRA's Final Rule**

On January 19, 2001, OSHA published revised regulations entitled, "Occupational Injury and Illness Recording and Reporting Requirements; Final Rule," including a lengthy preamble that explains OSHA's rationale for these amendments. See 66 FR 5916, to be codified at 29 CFR parts 1904 and 1952; see also 66 FR 52031 (October 12, 2001) and 66 FR 66943 (December 27, 2001) (collectively, OSHA's Final Rule). A side-by-side comparison of OSHA's previous reporting and recordkeeping provisions with OSHA's new requirements appears at <http://safetydata.fra.dot.gov/OSHA-materials>. With the exception of three