

representatives proposed a new, modified coding scheme that utilized the Probable Reason for Injury/Illness Code field in the set of Circumstance Codes and also included some additional Event Codes and two special Job Codes.

During a subsequent Working Group meeting, a new element was added as Item 30a, "Remote Control Locomotive," on the "Rail Equipment Accident/Incident Report" form to allow entry of one of four possible values:

"0"—Not a remotely controlled operation;

"1"—Remote control portable transmitter;

"2"—Remote control tower operation; and

"3"—Remote control portable transmitter—more than one remote control transmitter.

For the "Highway-Rail Grade Crossing Accident/Incident Report" form to capture RCL operations, the "Rail Equipment Involved" block was modified to add three additional values:

"A"—Train pulling—RCL;

"B"—Train pushing—RCL; and

"C"—Train standing—RCL.

These recommendations were accepted by the Working Group, as well as the changes in the Job Codes and Circumstance Codes for the "Injury and Illness Summary Report (Continuation Sheet)."

Comments and Final Rule/Decision

No specific comments were received regarding the changes in the reporting of accidents/incidents involving remote control locomotives. The amendments have been adopted as proposed. *See also* discussion concerning changes in Circumstance Codes in section "III.N." of this preamble, below.

N. Changes in Circumstance Codes (Appendix F of the Guide)

Prior to 1997, the "Injury and Illness Summary Report (Continuation Sheet)" contained a field called "Occurrence Code." The field attempted to describe what the injured or ill person was doing at the time he or she was injured or became ill. Often the action of the individual was the same, but the equipment involved was different, so a different Occurrence Code was needed for each situation, e.g., getting off locomotive, getting off freight car, getting off passenger car. Another problem with the Occurrence Code was that the code did not provide the information necessary to explain the incident, e.g., if the injury was electric shock, the Occurrence Code was "using

hand held tools," so FRA could not tell from the report if the electrical shock was from the hand tool, the third rail, lightning, or drilling into a live electric wire.

To address these concerns, the Occurrence Code field was replaced in 1997 with the Circumstance Code field. The change allowed for more flexibility in describing what the person was doing when injured or made ill. Under the broad category of Circumstance Codes, FRA had developed five subsets of codes: Physical Act; Location; Event; Tools, Machinery, Appliances, Structures, Surfaces (etc.); and Probable Reason for Injury/Illness.

During the next five years, FRA and the railroad reporting officers realized that there were still gaps in the codes. FRA proposed expanding the list of Circumstance Codes and determined that some injuries and fatalities should always be reported using a narrative. Also, some Circumstance Codes required the use of narratives. At the July 2001 Working Group meeting, the railroads noted that expanded Circumstance Codes would assist in reporting and analysis. FRA asked the railroads to provide an expanded list of Circumstance Codes for the next meeting, with the understanding that a narrative would be required when the codes did not adequately describe the incident. By the September 2001 meeting, the railroads had produced many new codes, which FRA compiled and presented at the November 2001 meeting. At that meeting, rail labor representatives discussed RCL reporting. In the January 2002 Working Group meeting, the members reviewed the compiled list, including the special RCL codes. The Working Group made recommendations to move some of the codes to other areas. At the March 2002 Working Group meeting, a task group was formed to resolve the remaining issues with respect to codes. Specifically, the Working Group started by referring to proposed codes that pertained to switching operations. These codes were Probable Reason codes that came out of a separate FRA Working Group on Switching Operations Fatality Analysis (SOFA). The task group revised the SOFA codes and added them to Appendix F. The entire Working Group then reviewed and voted to approve all of the task force's proposed codes.

Comments and Final Rule/Decision

Although no specific comments were received with respect to Circumstance Codes during the comment period, FRA was later alerted to several errors in the Circumstance Codes by a representative

of BNSF. A copy of BNSF e-mails concerning Circumstance codes have been placed in the docket. The proposed *Guide* did not reflect the codes as updated by a 1997 FRA memo. Accordingly, other than the edits incorporating the codes from the 1997 memo into Appendix F of the 2003 *Guide*, FRA has adopted the amendments to the codes as proposed.

O. Changes in Three Forms (Appendix H of the Guide)

Proposal

The Working Group converted the Form FRA F 6180.78, "Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor [and] Employee Statement Supplementing Railroad Accident Report," and Form FRA F 6180.81, "Employee Human Factor Attachment" to question-and-answer format, and simplified the language so that they are easier to understand. One issue raised was whether a specific warning related to criminal liability for falsifying the form should be included on the form. Some Working Group members believed that a warning would only serve to intimidate employees from filling out the form. FRA noted that it was important to put the warning on the form to deter employees from falsifying information on the forms. FRA also noted that the same warning would be included on the form for reporting officers. In deference to the fact that rail labor representatives felt strongly that the language was too intimidating, it was agreed that a general warning would be included on the back of the form, which would not specifically state the penalties for falsifying information on the form. In addition, the Working Group agreed to modification of Form FRA F 6180.98 to include an item for the county in which the accident/incident occurred.

Comments and Final Rule/Decision

No specific comments were received. For the reasons stated above, the amendments have been adopted as proposed.

P. Miscellaneous Issues Regarding Part 225 or the Guide

1. Longitude and Latitude Blocks for Two Forms

Proposal

Following discussion of this issue, the Working Group agreed that provision could be made for voluntarily reporting the latitude and longitude of a rail equipment accident/incident, a trespasser incident, and an employee