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## News

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### **FRA Finalizes New Rule to Enhance Stakeholder Participation in Accident and Incident Investigations**

*Final Rule recognizes that those directly involved in and affected by rail accidents have critical insights that enhance accident and incident investigations and their outcomes*

WASHINGTON, D.C. – The Federal Railroad Administration (FRA) today announced a Direct Final Rule to amend Title 49 Code of Federal Regulations (CFR) Part 225 by codifying FRA’s *Policy for Gathering Information and Consulting with Stakeholders*, the formal process that FRA investigators use to determine when to gather information from, and consult with, various stakeholders during an accident/incident investigation and the appropriate method for doing so.

As required by Section 22417 of the Infrastructure Investment and Jobs Act, commonly known as the Bipartisan Infrastructure Law, the new rule mandates that key stakeholders, including railroad carriers, labor organizations, and other relevant entities, are provided the opportunity to participate meaningfully in FRA accident/incident investigations. This includes the ability to submit relevant information and contribute to the on-site, off-site, and analysis phases of the investigative process. Key provisions of the rule include prompt notification to relevant stakeholders when an investigation is initiated, allowing them to prepare for participation. Participating stakeholders will have access to relevant investigative data, ensuring transparency throughout the process. Together, these provisions standardize the practices FRA uses during investigations, helping to set clear expectations of when and how to involve stakeholders.

"The safety of our nation’s railways is of paramount importance, and this rule ensures that we are taking a collaborative approach to accident/incident investigations," said **FRA Administrator Amit Bose**. "By inviting stakeholders to participate in FRA investigations, we leverage their expertise and unique insights that can enhance the quality of our investigations, which ultimately leads to a safer rail system for everyone."

This rule is part of FRA’s ongoing commitment to enhancing rail safety through improved regulations, oversight, and stakeholder engagement. Under the Biden-Harris Administration, USDOT and FRA have taken unprecedented actions to improve rail safety.

- **Finalizing new safety regulations:** USDOT has taken historic steps to improve the safety of railroads for workers and communities through rulemaking.
  - *Train Crew Size Safety Requirements:* FRA issued a long-awaited rule that ensures trains are safely staffed by establishing minimum safety requirements for the size of train crews. The new rule will enhance safety in the rail industry by generally requiring and emphasizing the importance and necessity of a second crewmember on all trains.
  - *Certification of Signal and Dispatcher Employees:* FRA issued final rules to require railroads to develop written programs for certifying dispatchers and signal employees.
  - *Requiring Emergency Escape Breathing Apparatus:* FRA issued a final rule requiring railroads to provide emergency escape breathing apparatus to train crews and other employees when transporting certain hazardous materials.
  - *Advanced Notification for First Responders:* The Pipeline and Hazardous Materials Safety Administration issued a final rule to require railroads to always maintain — and update in real-time — accurate, electronic information about rail hazmat shipments in a train consist that would be accessible to authorized emergency response personnel.
- **Utilizing safety oversight authorities:** FRA is consistently drawing attention to emerging rail safety concerns with more than 20 Safety Advisories and Bulletins combined over the last three years, holding railroads accountable through enforcement action, assessing one of the highest amounts ever in the agency's records for Class I freight railroads in 2023; and undertaking new, focused efforts to ensure safety, such as conducting safety audits and examining the Nation's high-hazard flammable train routes following the 2023 Norfolk Southern derailment in East Palestine, Ohio.
- **Expanding vital safety program to include workers at Class I freight railroads:** At Secretary Buttigieg's urging, a growing number of workers employed at the Class I freight railroads can finally report their experiences to FRA's Confidential Close Call Reporting System (C3RS)—a vital safety program that allows workers to confidentially report unsafe events and share valuable insight to prevent future incidents.
- **Deploying historic infrastructure investments:** In addition to these actions to raise rail safety standards, USDOT continues to deploy the historic resources from President Biden's Bipartisan Infrastructure Law to upgrade rail infrastructure and improve the safety of communities across the country, notably through FRA’s Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program and Railroad Crossing Elimination Program.

Read more about USDOT’s efforts to strengthen rail safety [here](#).

The rule, as submitted to the *Federal Register*, can be viewed [here](#).

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