

Federal Railroad Administration Guide to Developing a Passenger Train Emergency Preparedness Plan

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US DOT Federal Railroad Administration

49 CFR Part 239.101

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Basic Guide to Developing an Emergency Preparedness Plan Required Under 49 CFR Part 239

(Revised, July 2014)

Introduction

The Federal Railroad Administration (FRA) of the United States Department of Transportation is the Federal agency responsible for promoting the safety of the nation's passenger and freight railroads. FRA fulfills this responsibility by developing programs that identify, monitor, and address railroad safety issues, and by promulgating and enforcing regulations that prescribe minimum rail safety standards.

On May 4, 1998, FRA published rail safety regulations for the preparation, adoption, and implementation of emergency preparedness plans by railroads connected with the operation of passenger trains, including railroads hosting the operations of rail passenger service 63 Federal Register (FR) 24676. These regulations became effective on July 6, 1998, and are codified in Part 239 of Title 49 of the Code of Federal Regulations (CFR).

This basic guide outlines what is required in an emergency preparedness plan ("plan") to assist railroads in developing their plans. However, this guide is not an all-encompassing document, and nothing in this guide changes the requirements in the regulations. Railroads have the responsibility for developing and implementing individual emergency preparedness plans that comply with the regulations based on the specific circumstances of each railroad's operations. The final rule that promulgated the original regulations can be found in its entirety on GPO's Electronic Code of Federal Regulations web site at: [Part239](#) . Please note that the current version of Part 239 incorporates regulatory changes subsequently made to the original final rule.¹

¹ Changes to § 239.11, Penalties, and Appendix A to Part 239, Schedule of Civil Penalties. See 73 FR 79704 (Dec. 30, 2008), adjusting the minimum, ordinary maximum, and aggravated civil monetary penalties that FRA will assess for a violation of a railroad safety statute or regulation in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 to \$650, \$25,000, and \$100,000 respectively. Available at: <http://edocket.access.gpo.gov/2008/pdf/E8-30753.pdf>.

Changes to § 239.201(a). See 74 FR 25175 (May 27, 2009), changing the address at FRA to which a plan or amendment should be sent from "Mail Stop 25, 400 Seventh Street, SW." to "1200 New Jersey Avenue, SE., Mail Stop 25" in Washington D.C. 20590. Available at: <http://edocket.access.gpo.gov/2009/pdf/E9-12039.pdf>.

Changes to § 239.107. See 78 FR 71816 (November 29, 2013) regarding debriefing and critique requirements. Available at: <http://www.gpo.gov/fdsys/pkg/FR-2013-11-29/pdf/2013-27731.pdf>

Changes to § 239. See 79 FR No. 61 (March 31, 2014), regarding requirements for passengers with disabilities, training, operational testing and administrative changes. Available at: <http://www.gpo.gov/fdsys/pkg/FR-2014-03-31/pdf/2014-06998.pdf>

Timelines

Filing of Plan - Each passenger railroad to which this part applies and all railroads hosting its passenger train service (if applicable) shall jointly adopt a single emergency preparedness plan for that service, and the passenger railroad shall file one copy of that plan with the Associate Administrator for Railroad Safety and Chief Safety Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, not less than 60 days prior to commencing passenger operations. Any passenger railroad that has an emergency preparedness plan approved by FRA as of July 29, 2014, is considered to have timely filed its plan. The emergency preparedness plan shall include the name, title, address (street address and, if available, email address), and telephone number of the primary person on each affected railroad to be contacted with regard to review of the plan, Within 45 days of receiving the proposed plan, FRA will conduct a preliminary review of the proposed plan to determine whether the elements prescribed in 49 CFR § 239.101 are sufficiently addressed and discussed in the proposed plan. FRA will then notify the railroad's primary contact person listed in the proposed plan whether the plan has been conditionally approved by FRA.

If the proposed plan is not conditionally approved, the specific points in the plan that do not meet the requirements in the regulation will be discussed with the railroad(s). The railroad(s) will then have 30 days to amend the plan, correct the deficiencies, and resubmit it to FRA.

If the proposed plan is conditionally approved, FRA personnel will conduct inspections and field audits of the plan within 180 days of the conditional approval date. If FRA is satisfied that the plan meets the requirements of the regulation, FRA will then issue a final approval letter to the railroad(s).

Filing of Amendments - each subsequent amendment to a railroad's emergency preparedness plan shall be filed with FRA by the passenger railroad not less than 60 days prior to the proposed effective date of the amendment. When filing an amendment, the railroad must include a written summary of the proposed changes to the previously approved plan and, as applicable, a training plan describing how and when current and new employees and others within the scope of the training requirement at §239.101(a) (2) would be trained on any amendment.

If the proposed amendment is limited to adding or changing the name, title, street address, email address, or telephone number of the primary person to be contacted on each affected railroad with regard to the review of the plan, approval is not required under the normal process. These proposed amendments may be implemented by the railroad upon filing with FRA's Associate Administrator for Railroad Safety and Chief Safety Officer. All other proposed amendments must comply with the formal approval process

Review of Amendments - FRA will normally review each proposed plan amendment within 45 days of receipt. FRA will then notify the primary contact person of each affected railroad of the results of the review, whether the proposed amendment has been approved by FRA, and if not approved, the specific points in which the proposed amendment is deficient.

Cover Sheet

A cover sheet should be provided to FRA with the submission of any proposed plan or plan amendment. A cover sheet can conveniently fulfill the requirement to provide the name, title, address, telephone number and e-mail address of the railroad's primary contact person who is to be contacted regarding the review of the plan. If any contract operators are involved, the name, title, address, telephone number and e-mail address of each contract operator's primary contact person must also be provided to FRA. If any host railroads are involved, the name, title, address, telephone number and e-mail address of each host railroad's primary contact person must also be provided to FRA. The cover sheet needs to include the specific revision date or number in order to identify current and approved plans. The cover sheet (or the plan itself) should be signed by a representative of each railroad and/or contractor that has specific responsibilities in the plan, and, as applicable, host railroad.

Railroad Description

To facilitate review of the plan, the plan should provide a description of the railroad's operations, including items such as the railroad's operating territory, a description of those portions of the railroad's operation that are within the territory of one or more host railroads (if applicable), maximum authorized speed, number of trains, frequency, route miles, total number of stations, high and/or low level boarding, equipment description, engine-train crew and on board staffing, and a glossary of any definitions/abbreviations that are used in the plan.

Required Elements

There are eight elements that must be addressed in an emergency preparedness plan. The requirements for these elements are contained in 49 CFR § 239.101(a)(1) through (a)(8) under the following headings: (1) Communication; (2) Employee Training and Qualification; (3) Joint Operations; (4) Special Circumstances; (5) Liaison with Emergency Responders; (6) On-Board Emergency Equipment; (7) Passenger Safety Information; and (8) Procedures Regarding Passengers with Disabilities.

The Elements

1. Communication

§ 239.101(a) (1) – Emergency preparedness plan; Communication

(i) Initial and on-board notification

Regulatory Text: *An on-board crewmember shall quickly and accurately assess the passenger train emergency situation and then notify the control center as soon as practicable by the quickest available means. As appropriate, an on-board crewmember shall inform the passengers about the nature of the emergency and indicate what corrective countermeasures are in progress.*

The plan should describe the entire communication process, beginning with the notification by the on-board crewmember to the control center and/or emergency response communications center.

The plan must also detail the means by which the on-board crewmember will quickly and accurately assess the emergency situation and provide the notification to the control center (e.g., by radio, cell phone, etc.). In addition, the plan must describe how notifications and updates will be provided to passengers (e.g., public address (PA) system, megaphones). This section should also identify what procedures on-board crewmembers are to follow if the PA system (which is intended to be used for emergency communication to passengers) becomes inoperative as a result of the incident (e.g., car-to-car oral briefings). It is also helpful to describe the basic evacuation procedures including primary and secondary preferences. (car to car, car to ground via doors, windows, etc.)

To facilitate review of the plan, separate subsections should be created here addressing the communication process between the on-board crewmembers and the control center of each host railroad (if applicable). This should be explained as clear and concise as possible. The use of simple flow charts to assist with clarifications is encouraged.

(ii) Notification by control center or emergency response communications center.

Regulatory Text:

The control center or the emergency response communications center, as applicable under the plan, shall promptly notify outside emergency responders, adjacent rail modes of transportation, and appropriate railroad officials that a passenger train emergency has occurred. Each railroad shall designate an employee responsible for maintaining current emergency telephone numbers for use in making such notifications.

A railroad and, if applicable, any host railroad must provide specific details in the plan regarding the process of how control center and/or emergency response communications center personnel are to promptly notify outside emergency responders, adjacent rail modes of transportation, and appropriate railroad officials about the passenger train emergency that has occurred. The plan must also identify the railroad employee (at a minimum by title) who is responsible for maintaining current emergency telephone numbers for the railroad. If one or more host railroads are involved, the plan must also identify the host railroad employee (at a minimum by title) who is responsible for maintaining such numbers for each host railroad. Explaining how often these telephone numbers are reviewed and up-dated is also encouraged.

To facilitate review of the plan, separate subsection(s) should be added here addressing the notification process from the control center of each host railroad (if applicable) to emergency responders, adjacent rail modes, and appropriate railroad officials. This should be explained as clear and concise as possible. The use of simple flow charts to assist with clarifications is encouraged.

2. **Employee Training and Qualification**

§ 239.101(a) (2) – Employee training and qualification

(i) On-board personnel

Regulatory Text: *The railroad’s emergency preparedness plan shall address individual employee responsibilities and provide for initial training, as well as periodic training at least once every two calendar years thereafter, on the applicable plan provisions. As a minimum, the initial and periodic training shall include:*

- (A) *Rail equipment familiarization;*
- (B) *Situational awareness;*
- (C) *Passenger evacuation;*
- (D) *Coordination of functions; and*
- (E) *“Hands on” instruction concerning the location, function, and operation of on-board emergency equipment.*

FRA expects the plan to describe the initial training and the periodic training provided at least once every two calendar years for all employees that have responsibilities under the plan. While “on-board personnel” is not defined in Part 239, the term includes, at a minimum, all crewmembers and any non-passengers assigned duties under the plan. Initial and periodic training must include the five elements enumerated above: (1) rail equipment familiarization; (2) situational awareness; (3) passenger evacuation; (4) coordination of functions; and (5) “hands on” instruction concerning the location, function, and operation of on-board emergency equipment. In addition, both initial and

periodic training must address the role of each employee involved in an emergency situation. The plan must also address how the railroad will train all of its on-board employees on the five elements listed above. Including the formal training plan outlines as attachments to the plan is suggested to help demonstrate to FRA how training requirements are met.

Regarding the requirement that both initial and periodic training of on-board employees include “hands-on” instruction concerning the location, function, and operation of on-board emergency equipment, FRA expects that the instruction would focus on the following:

- How to open emergency windows, doors, and, if applicable, roof exits with an emphasis on how to operate these types of exits in adverse conditions (*e.g.*, overturned rail car);
- How to use emergency tools and fire extinguishers;
- How to use portable lighting when the passenger train’s main power source is unavailable; and
- How to use PA systems or alternative mass-communication devices (*e.g.*, megaphones).

Note that FRA will not approve a plan that provides for “hands-on” instruction exclusively by allowing employees to watch a video, as this can be ineffectual. Using a video as an instructive tool in combination with a scale model of an emergency window (*e.g.*, if small groups of employees take turns practicing emergency escape techniques through the scale model of the window), however, would be acceptable.

(ii) Control center and emergency response communications center personnel

Regulatory Text:

The railroad's emergency preparedness plan shall require initial training of responsible control center personnel and any emergency response communications center personnel employed by the railroad, under a contract or subcontract with the railroad, or employed by a contractor or subcontractor to the railroad, as well as periodic training at least once every two calendar years thereafter, on appropriate courses of action for each potential emergency situation under the plan. At a minimum, the initial and periodic training shall include the following:

(A) Territory familiarization (e.g., access points for emergency responders along the railroad's right-of-way; special circumstances (e.g., tunnels); parallel operations; and other operating conditions (e.g., elevated structures, bridges, and electrified territory) including areas along the railroad's right-of-way that are remote and that would likely present challenges for individuals responding to a passenger train emergency);

(B) Procedures to retrieve and communicate information to aid emergency personnel in responding to an emergency situation;

(C) Protocols governing internal communications between appropriate control center and emergency response communications center personnel whenever an imminent potential or actual emergency situation exists, as applicable under the plan; and

(D) Protocols for establishing and maintaining external communications between the railroad's control center or emergency response communications center, or both, and emergency responders and adjacent modes of transportation, as applicable under the plan.

FRA expects the plan to describe the process by which the railroad and, if applicable, any host railroad will provide training to those control center and emergency response communications center employees designated under the plan to convey the nature and extent of a passenger train emergency to emergency responder organizations and any adjacent modes of transportation. The plan must also describe how control center or emergency response communications center personnel for the railroad, and any applicable host railroad, will be trained on territory familiarization (*e.g.*, review track charts and timetables, territory familiarization through train rides, viewing a video or digital video disc (DVD) with narration describing the access points for emergency responders along the railroad's right-of-way; special circumstances such as tunnels; parallel operations; elevated structures, bridges, electrified territory and remote areas that would likely present challenges for individuals responding to a passenger train emergency). The plan should also explain protocols governing internal communications between appropriate control center and emergency response communications center personnel whenever a potential or actual passenger train emergency situation exists. Control center and emergency response communications center personnel should be trained to communicate with a high level of coordination with other control center and emergency response communications center personnel during such an emergency situation.

In addition, if a host railroad is the only railroad responsible for the actual dispatching of trains for the passenger train service, the information provided in the plan should be limited to information about the host railroad's control center that is providing the dispatching. However, if there are multiple railroads responsible for the actual dispatching of trains for the passenger train service, the plan should include information about each railroad's control center or emergency response communications center that is providing the dispatching and notification of first responders.

To facilitate review of the plan, separate subsection(s) should be added here addressing the training of control center and emergency response communications center personnel of each host railroad (if applicable).

(iii) Initial training schedule for current employees

Regulatory Text: *The railroad's emergency preparedness plan shall provide for the completion of initial training of all on-board, control center and emergency response communications center employees who are employed by the railroad on the date that the plan is conditionally approved under 239.201(b)(1), in accordance with the following schedule:*

- (A) *For each railroad that provides commuter or other short-haul passenger train service and whose operations include less than 150 route miles and less than 200 million passenger miles annually, not more than one year after January 29, 1999, or not more than 90 days after commencing passenger operations, whichever is later.*
- (B) *For each railroad that provides commuter or other short-haul passenger train service and whose operations include at least 150 route miles or at least 200 million passenger miles annually, not more than two years after January 29, 1999, or not more than 180 days after commencing passenger operations, whichever is later.*
- (C) *For each railroad that provides intercity passenger train service, regardless of the number of route miles or passenger miles, not more than two years after January 29, 1999, or not more than 180 days after commencing passenger operations, whichever is later.*
- (D) *For each freight railroad that hosts passenger train service, regardless of the number of route miles or passenger miles of that service, not more than one year after January 29, 1999, or not more than 90 days after the hosting begins, whichever is later.*

Each plan must comply with the implementation schedule as stated in 49 CFR § 239.101(a) (2) (iii) for initial and periodic training of current on-board and control center employees. New commuter railroads with less than 150 total route miles must complete training all applicable employees within 90 days of starting revenue service. New commuter railroads with 150 or more total route miles must complete training all applicable employees within 180 days of starting revenue service. On-board and control center personnel for all commuter railroads must receive periodic training at least once every two calendar years after the initial date of training, in accordance with 49 CFR §§ 239.101(a)(2)(i) and (ii), respectively.

If a host railroad is involved in providing passenger train service, the plan must also describe (preferably in a separate section) the initial and periodic training schedules listed

above for applicable host railroad employees. The plan should also identify who is conducting the actual training of the host railroad's employees. Additional subsections should be included here for each additional host railroad (if applicable).

(iv) Initial training schedule for new employees

Regulatory Text:

The railroad's emergency preparedness plan shall provide for the completion of initial training of all on-board and responsible control center personnel, as well as any emergency response communications center personnel, who are hired by the railroad, contracted or subcontracted by the railroad, or hired by the contractor or subcontractor to the railroad after the date on which the plan is conditionally approved under §239.201(b) (1). Each of these individuals shall receive initial training within 90 days after the individual's initial date of service.

Each plan must require that all on-board and control center employees who are hired by the railroad after the date on which the plan is conditionally approved under 49 CFR § 239.201(b) (1) will receive training on the plan within 90 days of being hired. On-board and control center personnel must receive periodic training at least once every two calendar years after the initial date of training, in accordance with 49 CFR §§ 239.101(a)(2)(i) and (ii), respectively.

If a host railroad is involved in providing passenger train service, the plan must also describe (preferably in a separate section) the initial and periodic training schedules for each affected new employee of a host railroad. In addition, the emergency preparedness plan should also identify who is conducting the actual training of the host railroad's new employees. Additional subsection(s) should be included here for each additional host railroad (if applicable).

(v) Testing of on-board and control center and emergency response communications center personnel

Regulatory Text:

*The railroad shall have procedures for testing an individual being evaluated for qualification under the emergency preparedness plan who is employed by the railroad, under a contract or subcontract with the railroad, or employed by a contractor or subcontractor to the railroad. The types of testing selected by the railroad shall be—
Designed to accurately measure an individual employee's knowledge of his or her responsibilities under the plan;*

- (A) *Objective in nature;*
- (B) *Administered in written form; and*

(C) *Conducted without reference by the person being tested to open reference books or other materials, except to the degree the person is being tested on his or her ability to use such reference books or materials.*

Each plan must describe the testing procedures used by the railroad, and if applicable, host railroad, to evaluate its employees as qualified under the plan. The testing procedure must accurately measure the employee's knowledge of his or her responsibilities under the plan. All testing must be objective in nature, administered in written form, and, with limited exception, conducted without assistance of any reference materials. An individual may use reference materials during the written test only if he or she is being tested on his or her ability to use those reference books or materials. Additional subsection(s) should be included here for each additional host railroad (if applicable).

(vi) On-board staffing

Regulatory Text:

(A) *Except as provided in paragraph (a)(2)(vi)(B), all crewmembers on board a passenger train shall be qualified to perform the functions for which they are responsible under the provisions of the applicable emergency preparedness plan.*

(B) *A freight train crew relieving an expired passenger train crew en route is not required to be qualified under the emergency preparedness plan, provided that at least one member of the expired passenger train crew remains on board and is available to perform excess service under the Federal hours of service laws in the event of an emergency.*

The plan must describe how on-board personnel, such as car attendants, meet the qualifications necessary to perform the functions for which they are responsible. When applying the general rule in 239.101(a), it should be noted that even if a railroad has a four-person operating crew fully-trained under the plan aboard a train on a particular day, if the crew also includes someone assigned to perform service as an attendant in a sleeping car who is not qualified under the plan (assuming this attendant is not a "new" employee per 49 CFR § 239.101(a)(2)(iv)), the railroad would not be in compliance with this section.

The one exception to this general rule applies if, for example, a fully-trained passenger train crew turns over the operation of its train to a freight railroad train crew that is not qualified under the passenger railroad's emergency preparedness plan, provided that there is at least one fully-qualified member of the expired crew present and available to perform excess service under the Federal hours of service laws in the event of a passenger train emergency. The plan should also discuss what procedures the railroad will follow when operating passenger service under this exception.

3. **Joint Operations**

§ 239.101(a) (3) – Joint Operations

Regulatory Text:

- (i) *Each railroad hosting passenger train service shall address its specific responsibilities consistent with this part.*
- (ii) *In order to achieve an optimum level of emergency preparedness, each railroad hosting passenger train service shall communicate with each railroad that provides or operates such service and coordinate applicable portions of the emergency preparedness plan. All of the railroads involved in hosting, providing, and operating a passenger train service operation shall jointly adopt one emergency preparedness plan that addresses each entity's specific responsibilities consistent with this part. Nothing in this paragraph shall restrict the ability of the railroads to provide for an appropriate assignment of responsibility for compliance with this part among those railroads through a joint operating agreement or other binding contract. However, the assignor shall not be relieved of responsibility for compliance with this part.*

This section requires each host railroad to communicate with the passenger railroad and, if applicable, any other host railroads in order to coordinate the applicable portions of the one, jointly-developed emergency preparedness plan for that passenger service. The plan must clearly address the specific responsibilities assigned to each railroad and host railroad, under the plan. There may be only one emergency preparedness plan for each passenger service. However, if there are no joint operations involved in a particular passenger service, the railroad should state that fact in its plan.

4. **Special Circumstances**

§ 239.101(a) (4) – Special circumstances

(i) Tunnels

Regulatory Text: *When applicable, the railroad's emergency preparedness plan shall reflect readiness procedures designed to ensure passenger safety in an emergency situation occurring in a tunnel of 1,000 feet or more in length. The railroad's emergency preparedness plan shall address, as a minimum, availability of emergency lighting, access to emergency evacuation exits, benchwall readiness, ladders for detrainning, effective radio or other communication between on-board crewmembers and the control center, and options for assistance from other trains.*

If any portion of the passenger service operates through a tunnel of 1,000 feet or more in length, the railroad and, if applicable, host railroad(s) must describe in its emergency preparedness plan what procedures will be implemented to ensure passenger safety if an

emergency situation occurred while the train was in the tunnel. The discussion in the emergency preparedness plan must address at a minimum: (1) availability of emergency lighting; (2) access to emergency evacuation exits; (3) benchwall readiness; (4) ladders for detraining; (5) effective radio or other communication between on-board crewmembers and the control center; and (6) options for assistance from other trains. The plan should also state the location of each tunnel in the passenger service that is at least 1,000 feet in length. If there are no tunnels in the territory that are at least 1,000 feet in length, this fact should be stated in the plan.

To facilitate review of the plan, separate subsection(s) should be added here for each host railroad (if applicable) that has a tunnel of at least 1,000 feet in length through which passenger trains operate in the hosted territory.

(ii) Other operating considerations

Regulatory Text: *When applicable, the railroad's emergency preparedness plan shall address passenger train emergency procedures involving operations on elevated structures, including drawbridges, and in electrified territory.*

A railroad and, if applicable, any host railroad that operates passenger service on elevated structures, over drawbridges, and in electrified territory must incorporate emergency preparedness procedures into its plan to address emergency situations that might occur in these unique physical environments in their territories. In addition, if the passenger service operates over any elevated structures, the plan must identify whether the structures have walkways or handrails. Similarly, if the passenger service operates in electrified territory, the plan must include the control center's procedures for issuing instructions to de-energize the electrical power system. Train crews and emergency responders must know how, when, and when not to remove on-board power from the train. Finally, if the passenger service crosses over wetlands, lakes, rivers, ravines, or other hazards that would pose evacuation/response problems, the locations and specific evacuation procedures for each one of these areas must also be addressed in the plan.

To facilitate review of the plan, separate subsection(s) should be added here for each host railroad (if applicable) through whose territory passenger trains operate in the type of conditions described in this paragraph.

If there are no elevated structures, drawbridges, or electrified territories in the territory, this fact should be stated in the plan.

(iii) Parallel operations

Regulatory Text: *When applicable, the railroad's emergency preparedness plan shall require reasonable and prudent action to coordinate emergency efforts where adjacent*

rail modes of transportation run parallel to either the passenger railroad or the railroad hosting passenger operations.

Emergency preparedness plans must address how reasonable and prudent action will be taken to coordinate emergency efforts when adjacent rail modes of transportation run parallel to a railroad's operation. Note that the term "rail modes of transportation" is intended to cover all types of transit operations by rail or magnetic guideways running parallel to passenger railroad operations and their hosts.

To facilitate review of the plan, separate subsection(s) should be added here relating to parallel operations for each host railroad (if applicable).

If there are no parallel operations in the territory, this should be stated in the plan.

5. Liaison with Emergency Responders

§ 239.101(a) (5) – Liaison with emergency responders

Regulatory Text: *Each railroad to which this part applies shall establish and maintain a working relationship with the on-line emergency responders by, as a minimum:*

- (i) Developing and making available a training program for all on-line emergency responders who could reasonably be expected to respond during an emergency situation. The training program shall include an emphasis on access to railroad equipment, location of railroad facilities, and communications interface, and provide information to emergency responders who may not have the opportunity to participate in an emergency simulation. Each affected railroad shall either offer the training directly or provide the program information and materials to state training institutes, firefighter organizations, or police academies;*
- (ii) Inviting emergency responders to participate in emergency simulations; and*
- (iii) Distributing applicable portions of its current emergency preparedness plan at least once every three years, or whenever the railroad materially changes its plan in a manner that could reasonably be expected to affect the railroad's interface with the on-line emergency responders, whichever occurs earlier, including documentation concerning the railroad's equipment and the physical characteristics of its line, necessary maps, and the position titles and telephone numbers of relevant railroad officers to contact.*

The success of a railroad's emergency preparedness plan is contingent on railroads, and if applicable, any host railroad maintaining effective working relationships with emergency response organizations. The plan must provide information on how the railroad and, if applicable, any host railroad develops and makes available a training program for all emergency responders who reasonably might be called upon to respond to a passenger

train emergency. This plan should also identify who will conduct the actual training—the railroad, the host railroad, the emergency responders themselves, or all three parties. All training must include and emphasize access to railroad equipment, location of railroad facilities, and communications interface. Railroads and, if applicable, any host railroads are required to invite emergency responders to participate in any passenger train emergency simulation; however, a railroad’s plan must also address how the railroad will provide information to emergency responders who have not had the opportunity to participate in a passenger train emergency simulation.

The plan must describe how applicable portions of the plan will be distributed to emergency responders at least once every three years or when a material alteration of the emergency preparedness plan occurs, whichever comes first. Certain documentation must accompany the plan when distributed, and the plan should also describe and state what documentation in addition to the plan is provided to the emergency responders (*e.g.*, railroad equipment diagrams and manuals, right-of-way maps, information on physical characteristics such as tunnels, bridges, and electrified territory).

6. On-Board Emergency Equipment

§ 239.101(a) (6) – On-board emergency equipment

Regulatory Text:

(i) *General. Each railroad's emergency preparedness plan shall state the types of emergency equipment to be kept on board and indicate their location(s) on each passenger car that is in service. Effective May 4, 1999 or not more than 120 days after commencing passenger operations, whichever is later, this equipment shall include, at a minimum:*

- (A) *One fire extinguisher per passenger car;*
- (B) *One pry bar per passenger car; and*
- (C) *One flashlight per on-board crewmember.*

(ii) *Effective May 4, 1999, or not more than 120 days after commencing passenger operations, whichever is later, each railroad that provides intercity passenger train service shall also equip each passenger train that is in service with at least one first-aid kit accessible to crewmembers that contains, at a minimum:*

- (A) *Two small gauze pads (at least 4x4 inches);*
- (B) *Two large gauze pads (at least 8x10 inches);*
- (C) *Two adhesive bandages;*
- (D) *Two triangular bandages;*
- (E) *One package of gauge roller bandage that is at least two inches wide;*
- (F) *Wound cleaning agent, such as sealed moistened towelettes;*
- (G) *One pair of scissors;*
- (H) *One set of tweezers;*

- (I) *One roll of adhesive tape;*
- (J) *Two pairs of latex gloves; and*
- (K) *One resuscitation mask.*
- (iii) *On-board emergency lighting. Consistent with the requirements of part 238 of this chapter, auxiliary portable lighting (e.g., a handheld flashlight) must be accessible and provide, at a minimum:*
 - (A) *Brilliant illumination during the first 15 minutes after the onset of an emergency situation; and*
 - (B) *Continuous or intermittent illumination during the next 60 minutes after the onset of an emergency situation.*
- (iv) *Maintenance. Each railroad's emergency preparedness plan shall provide for scheduled maintenance and replacement of first-aid kits, on-board emergency equipment, and on-board emergency lighting.*

The plan must indicate the types and location of emergency equipment for each type of passenger car that the railroad operates. Railroads may want to submit with the plan diagrams of each type of passenger car to indicate what type of emergency equipment is kept on-board and where it is located in the car. Only trains providing intercity passenger service are required to maintain the first aid kits described in the above regulation. In addition, with the exception of the first-aid kit, all emergency equipment must be accessible to passengers. .

Specific requirements for passenger train emergency systems and for the scheduled inspection, testing, and maintenance of these systems including emergency equipment are contained in Part 238. These Part 238 requirements should also be referenced in the emergency preparedness plan, and apply in addition to the requirements of Part 239.

7. Passenger Safety Information

§ 239.101(a) (7) – Passenger safety information

Regulatory Text:

- (i) *General. Each railroad's emergency preparedness plan shall provide for passenger awareness of emergency procedures, to enable passengers to respond properly during an emergency.*
- (ii) *Passenger awareness program activities. Each railroad shall conspicuously and legibly post emergency instructions inside all passenger cars (e.g., on car bulkhead signs, seatback decals, or seat cards) and shall utilize one or more additional methods to provide safety awareness information including, but not limited to, one of the following:*
 - (A) *On-board announcements;*
 - (B) *Laminated wallet cards;*
 - (C) *Ticket envelopes;*

- (D) Timetables;*
- (E) Station signs or video monitors;*
- (F) Public service announcements; or*
- (G) Seat drops.*

Passenger railroads must educate their passengers by conspicuously and legibly posting emergency instructions inside each passenger car. Railroads must also utilize one or more additional methods to provide the following safety awareness information: (1) on-board announcements; (2) laminated wallet cards; (3) ticket envelopes; (4) timetables; (5) station signs or video monitors; (6) public service announcements; or (7) seat drops.

Passenger awareness education should include information that may permit passengers to accomplish the following:

- Recognize and immediately report potential emergencies to crewmembers;
- Recognize hazards;
- Recognize and know how and when to operate appropriate emergency-related features and equipment, such as fire extinguishers, train doors, and emergency exits; and
- Recognize the potential special needs of fellow passengers during an emergency, such as children, the elderly and disabled persons.

In order to help passengers accomplish the above, the plan should indicate the location(s) of the posted emergency instructions and which methods are being used to provide safety awareness. Diagrams of the passenger cars may also be included with the emergency preparedness plan to show where the emergency instructions are posted and locations where emergency methods are being utilized.

Railroads are encouraged to use more than one method to provide emergency information to passengers and explore which method is most effective for a particular passenger service. For example, all information must be printed or spoken in English, but railroads serving large non-English speaking communities should consider providing information in other languages as well. Materials for persons who are visually impaired should be printed in large type format and in Braille, as appropriate. Finally, for persons with other types of disabilities, appropriate passenger awareness materials should provide information about evacuation policies and procedures and other emergency actions.

8. Procedures Regarding Passengers with Disabilities

§ 239.101(a) (8) –Procedures regarding passengers with disabilities

Regulatory Text:

The railroad's emergency preparedness plan shall include procedures to promote the safety of passengers with disabilities under all conditions identified in its emergency preparedness plan, such as during a train evacuation. These procedures shall include, but not be limited to, a process for notifying emergency responders in an emergency situation about the presence and general location of each such passenger when the railroad has knowledge that the passenger is on board the train. The railroad does not have knowledge that such passenger has a disability unless a crewmember has actual knowledge of the disability, such as where a passenger (or his or her companion or fellow passenger) has expressly informed a crewmember on the train of the disability or where the disability is readily apparent. Nothing in this part requires the railroad to maintain any list of train passengers.

The plan should outline the railroads commitment to address passengers with disabilities in an emergency situation. This would include (1) a statement regarding the importance of identifying passengers with disabilities as soon as possible and notifying the control center and emergency response communications center personnel, (2) discussion regarding the training and testing of on-board, control center and emergency response communications center personnel so as to highlight the passenger with disability component, (3) how the railroad engages the disability community. (e.g., an explanation regarding the railroads outreach to the disability community in an effort to have them participate in full-scale simulations) and, (4) how the railroad evaluates the handling of passengers with disabilities after emergencies (e.g., such as during debriefing and critiques after simulations or passenger train emergency situations).

We encourage the railroad to duplicate or expand on this information in other elements of the plan to reinforce the passenger with disability position as necessary.

Final Remarks

Any questions about this guide or the requirements for emergency preparedness plans should be addressed to Dan Knote, Staff Director, Passenger Rail Division, or Mike Ramsey, Passenger Rail Safety Specialist. They can be contacted at Daniel.Knote@dot.gov or michael.ramsey@dot.gov or by mail at the following addresses: Mr. Daniel Knote, 2103 Cedar Path Riverhead, NY 11901 or Mr. Michael D. Ramsey, 1200 New Jersey Avenue, SE., Mail Stop 25” in Washington D.C. 20590 .

Railroads are encouraged to contact either of these individuals prior to formally submitting their emergency preparedness plan, or plan amendments, so that one of them can conduct an informal review of the intended submission. While an informal review of an intended emergency preparedness plan or plan amendment is not a substitute for FRA’s formal review process and subsequent determinations, the informal review process should help expedite the formal review process by detecting significant omissions or errors that can be corrected prior to formal submission of the documents to FRA.

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