



Welcome to 2024 everyone. We're just over a month into the new year but already have some things to watch on the regulatory front.

Continuing Resolution and Potential Government Shutdown

As many of you are aware, the Federal Government continues to limp along with short term spending agreements as we enter a new year. The current continuing resolution extends current funding levels through February 2024. Some members often have questions about what might happen if there is a funding lapse (or "shutdown"), and while it is true that many non-essential activities are often impacted when a shutdown occurs, and a number of federal employees are furloughed, the precise impact depends on the activity, and in some cases, the source of funding for that activity. Essential functions and staff, particularly those that are identified as 'safety-critical' will continue to operate, but many non-essential activities will often be suspended. For example, FRA safety inspectors will continue to perform their duties but other activities, such as regulatory development activities, may be paused. For most, any impacts will likely be a manageable inconvenience, however, some of you may have plans or programs that require FRA or FTA approvals awaiting a decision. If you have submissions under consideration that could potentially impact your plans or activities over the next few months, you may want to reach out to your FTA and FRA contacts to understand the status of your submissions, and how a shutdown might impact any pending reviews.

If you would like more information regarding what would happen to USDOT activities if there is a funding lapse, you can read the DOT shutdown plan from last November, here: [DOT Operations during a Lapse in Annual Appropriations Plans by Operating Administration | US Department of Transportation](#)

FRA Preliminary Positive Train Control (PTC) Rulemaking Efforts

FRA is soliciting initial feedback for the preparation of a potential PTC rulemaking. The rulemaking has the following objectives *[information provided by FRA]*:

1. *Improve FRA's oversight of the performance of PTC technology by clarifying and expanding reporting requirements, and*
2. *Provide a clear framework under which railroads may safely operate without PTC technology, subject to operating restrictions and other requirements.*

Background (from FRA):

§ Since December 31, 2020, by law, PTC systems have generally governed rail operations on PTC-mandated main lines, encompassing nearly 58,000 route miles.

§ Through FRA's oversight and continued engagement with the industry, FRA has found that its existing PTC regulations may not provide sufficient flexibility to railroads to continue operating following initialization failures or in cases where a PTC system needs to be temporarily disabled during repair, maintenance, infrastructure upgrades, or capital projects.

§ The NPRM will consider reintroducing a certain flexibility regarding initialization failures that previously expired in December 2022, establish operating restrictions under which railroads may continue to operate safely, and codify an existing process for FRA's approval of temporary PTC system outages related to repair, maintenance, infrastructure upgrades, and capital projects.

§ In addition, the NPRM will consider creating a new exception to permit non-revenue passenger trains to operate to yards or maintenance facilities, without being governed by PTC technology, under certain conditions. Currently, a similar exception is available only to freight railroads, and this rulemaking will consider extending that type of flexibility to movements of non-revenue passenger trains.

The intended goal of this effort is to develop a Notice of Proposed Rulemaking (NPRM) and there will still be opportunities to comment on what is developed through the normal notice and comment process. Industry's experience in navigating the regulations and restrictions, and in particular, any specific scenarios and the resulting impacts they have had on passenger operations may be very informative for FRA in this process.

FRA has participated in a number of work sessions with various industry members and groups over the past several weeks. Interested parties can also provide comments directly to FRA if they wish. Notes from these work sessions and any submissions to FRA will be used to inform the process and included in the rulemaking docket.

CRC is hosting a work session with FRA on **Tuesday, February 13th at 3pm ET**. Please reach out if you are interested in participating.

Comment Period Extension for USDOT Request for Information ADA Standards for Transportation Facilities:

The comment period for USDOT's Request for Information related to ADA Standards for Transportation Facilities has been extended to **February 20, 2024**. USDOT is seeking comments as to whether to amend the accessibility requirements for transportation facilities under the Americans with Disabilities Act of 1990 (ADA). Information on the request can be found here: [Federal Register :: Transportation Services for Individuals With Disabilities: ADA Standards for Transportation Facilities](#)

Railroad Safety Advisory Committee (RSAC) Activities

Here is a look at the recent and upcoming RSAC activities. Please reach out if you have any questions on any of these efforts.

- Train Braking Modernization OP Task Force – February 20th, and 27-28th;
- C3RS Working Group – February 21st;
- Train Braking Modernization DP Task Force – February 22nd;
- Wayside Detectors Working Group – February 29th;
- Full RSAC – March 21st;

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