THE RAIL SAFETY STATE PARTICIPATION PROGRAM

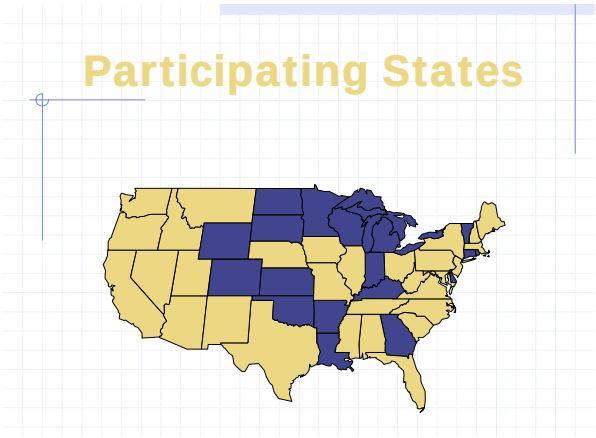
Public Law 91-458, the Railroad Safety Act of 1970, authorized the States to work in partnership with the Federal Railroad Administration (FRA) to enforce Federal railroad safety regulations. Public Law 103-272 - July 5, 1994, Codification of Certain U.S. Transportation Laws as Title 49, United States Code, includes the 1970 Railroad Safety Act at Section 20105.

By 1975, promulgation of regulations had enabled States to enforce track and freight car safety standards. In 1980, legislation broadened State involvement to include the Safety Appliance, Locomotive Inspection, Signal Inspection, and Hours of Service Acts. The State Safety Participation regulations (49 CFR, Part 212) were revised in 1992 to permit States to perform rail hazardous materials inspections, allowing them to participate in all five safety disciplines.

In 1995, the Grade Crossing Signal System Safety regulations (49 CFR, Part 234) were revised to authorize both Federal and State signal inspectors to assure that railroads were properly testing, inspecting and maintaining automated warning devices at grade crossings. These devices include flashing lights, gates, bells, and related circuitry.

Today, the State Rail Safety Participation Program consists of 30 states employing 160 safety inspectors in the five rail safety inspection disciplines. State programs generally emphasize planned, routine compliance inspections. However, States may undertake additional investigative and surveillance activities consistent with overall program needs and individual State capabilities. Many states work with FRA on accident and complaint investigations.

Before participation can begin, a State agency must enter into a multi-year agreement with FRA for the exercise of specified authority. This agreement may delegate investigative and surveillance authority regarding all or any part of Federal



railroad safety laws, in up to a maximum of five safety disciplines.

Training state inspectors is one of FRA's major customer service initiatives. By written agreement, FRA reimburses State travel and subsistence expenses associated with rail safety inspector technical training. The training program helps States to develop rail safety programs and enables qualified state inspectors to maintain technical proficiency. Approximately one-third of the FRA=s Office of Safety training budget is allocated to State rail safety programs. In addition, FRA routinely provides on-the-job training to State inspector candidates.

States active in rail safety regulation have formed the Association of State Rail Safety Program Managers, an FRA-supported state organization committed to safe rail transportation. The purpose of this organization, as outlined in its Articles of Association are to ". . . support, encourage, develop, and enhance railroad safety, especially through the Federal/State Railroad Safety Programs as established and defined by the Federal Railroad Safety Act of 1970, as amended, and other laws relative to railroad safety."

A principle motivation for forming this Association was to attain greater uniformity among States in the conduct of rail regulatory activities and to enable States to speak with a collective voice on rail safety topics. The history of safety regulation supports this idea of uniformity and States have implemented specific policy initiatives with the FRA to

ensure that Federal/State actions in the safety arena are coordinated and seamless.