



U.S. Department
of Transportation

**Federal Railroad
Administration**

Memorandum

Date: February 3, 2004

Reply to Attn of: OP-04-15

Subject: Technical Resolution Committee: Centralization of Records

Original Signed By:

From: Edward W. Pritchard
Director, Office of Assurance and Compliance

To: Regional Administrators

Attached herewith is OP Technical Bulletin OP-04-15, which addresses FRA's interpretation on centralization of records required by Title 49, Code of Federal Regulations, Parts 217, 219, 225, 228 and 240. This interpretation was produced by the Operating Practices Technical Resolution Committee (TRC) meeting in February 1996.

This Technical Bulletin is also issued as Operating Practices Safety Advisory (OPSA-96-04), which is being distributed to our rail industry customers through the Association of American Railroads, the United Transportation Union, the Brotherhood of Locomotive Engineers (including the American Train Dispatcher's Department), and the American Short Line and Regional Railroad Association.

Please distribute to Deputy Regional Administrators, Operating Practices Specialists, Principal Regional Inspectors, Operating Practices Inspectors/Trainees, and State Participation partners within your region. Regional OP Specialists have the responsibility for ensuring regional OP Inspectors are familiar with this technical bulletin.

Regional personnel may distribute copies of this Safety Advisory to local railroad managers and labor.

#

Federal Railroad Administration
Operating Practices Technical Bulletin (OP-04-15)
Operating Practices Safety Advisory (OPSA-96-04)

49 CFR
Parts 217, 219, 225, 228, 240

Centralization of Records

At issue is the need to clarify FRA's position regarding the recordkeeping provisions of the Operating Practices regulations, relative to the points (locations) where required railroad carrier records are to be maintained.

FRA Policy: A railroad may elect to retain FRA-required records at a central location or at its system headquarters. This policy statement covers manually generated records required by Title 49, Code of Federal Regulations, Parts 217, 219, 225, 228 and 240. Electronic records generated under these CFR Parts, with the exception of 49 CFR Part 228.11, may also be retained at a central location. All records so maintained shall be available for inspection and copying by the Administrator of the FRA, or the Administrator's agent, during the railroad carrier's normal business hours at its centralized recordkeeping location.

Department of Transportation policy regarding 49 CFR Parts 40 and 219 records is as follows:

"Maintenance of records required by 49 CFR Parts 40 and 219 can be delegated to an agent of the employer such as a consortium/third party service administrator (C/TPA), or a Medical Review Officer (MRO). The actual location at which the employer allows the records to reside will vary; the records could reside at the employer's or the C/TPA or the MRO's principal place of business, or at another authorized location. An employer will need to have an arrangement with any authorized maintainer of records to ensue that the records (copies, facsimile or electronic) could be made available at the employer's site on short notice (3 days) if requested by appropriate DOT officials."

Maintenance and availability of records required by 49 CFR Part 22.25 (a), Log of Occupational Injuries and Illnesses, will be governed by the provisions of the revised Railroad Accident Reporting rule when published.

Electronic records required by 49 CFR Part 228.11 are maintained under the provisions of an approved waiver with availability established as part of the waiver review process. Records maintained under this part shall be accessible for inspection, review, and printing at the established locations during the railroad carrier's normal business hours.

Centralized record retention systems shall be so designed, as to be capable of reproducing, electronically or mechanically, copies of records required by 49 CFR Parts 217.9, 217.11, 225.25 (b) Supplementary Record, and 228 (except for Dispatcher's Record of Train Movements) for inspection upon request at each railroad carrier establishment, including but not limited to an operating division, general office, or major installation.

#