



# Memorandum

U.S. Department  
of Transportation

**Federal Railroad  
Administration**

Date: **FEB 11 2009**

Reply to Attn of: S-09-01

Subject: Technical Bulletin S-09-01, Clarification Regarding the Necessary Approval for  
Signal-Related Results of Inspections and Tests; Electronic Recordkeeping

From:   
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To: Regional Administrators, Deputy Regional Administrators, S&TC Specialists,  
Chief Inspectors, Railroad Safety Oversight Managers, State Program Managers, and  
all Federal and State S&TC Inspector Personnel

This technical bulletin is provided to address and clarify the Federal Railroad Administration's (FRA) expectations related to the necessary approval of electronic recordkeeping systems for signal-related results of inspections and tests.

## **Background:**

For many years, results of tests addressed within Title 49 Code of Federal Regulations (CFR) Part 236 were required to be recorded on preprinted forms provided by the railroad, and to contain specific information. These records were required to be signed by the employee administering the test, and to be kept on file in the office of a supervisory official having jurisdiction.

When the existing 49 CFR Part 234 was amended (on September 30, 1994), rule sections were added in order to provide that railroads take specific and timely actions to protect the traveling public and railroad employees from the hazards posed by malfunctioning highway-rail grade crossing warning systems, and that railroads comply with specific maintenance, inspection, and testing requirements for highway-rail grade crossing active warning systems. The new rule sections included the requirements of 49 CFR § 234.273, allowing for either a method of recordkeeping for results of inspections or tests equaling that contained in 49 CFR § 236.110, or a method for the electronic creation and retention of those records, **subject to the approval of the FRA Associate Administrator for Safety (recently redesignated as the Associate Administrator for Railroad Safety/Chief Safety Officer)**. The language of this rule

eliminated the necessity of seeking a waiver from the signature requirement. Subsequently, when Subpart H was added to 49 CFR Part 236 (on March 7, 2005), 49 CFR § 236.110 was revised to include a provision for electronic recordkeeping that parallels the electronic recordkeeping provision in 49 CFR § 234.273.

Therefore, this technical bulletin is intended to reiterate and clarify that railroads currently utilizing, and those wishing to adopt, electronic means of recording results of inspections and tests must obtain FRA's approval of their existing or proposed electronic recordkeeping systems, pursuant to 49 CFR §§ 234.273 and 236.110.

By requiring FRA approval of an electronic recordkeeping system, FRA can verify that the system is secure and that procedures exist to ensure that all the information prescribed by FRA regulations is being recorded. FRA will also be able to determine how the electronic records are created and verified, how and where the electronic records are stored, and how the electronic records will be made available for inspection. Electronic recordkeeping systems used to meet the requirements contained in 49 CFR §§ 234.273 and 236.110 must be capable of being reviewed and monitored by FRA to ensure the integrity of the system.

#### **Approval Process:**

Any railroad that is currently utilizing, or would like to implement, an electronic recordkeeping system for recording the results of inspections or tests addressed within 49 CFR Parts 234 and 236 is required to obtain approval of the system from FRA's Associate Administrator for Railroad Safety/Chief Safety Officer. Thus, any railroad that has already implemented an electronic recordkeeping system, pursuant to an FRA-approved waiver granted prior to the effective date of the revision to 49 CFR § 236.110 (June 6, 2005), must submit a request for FRA's formal approval of the system. (This requirement is based on the fact that any FRA waivers of the regulatory requirements contained in the prior version of 49 CFR § 236.110 were nullified upon the revision of this section.)

In order to expedite and facilitate the review and approval of an electronic recordkeeping system, FRA recommends submission of the following information to FRA's Associate Administrator for Railroad Safety/Chief Safety Officer:

1. A written action plan with a schedule for the implementation of the system and a description of the specific inspection and/or test records that will be included.
2. A complete functional and architectural explanation of the system.
3. A copy of each of the recordkeeping forms to indicate how the results of all applicable inspections or tests will be electronically recorded.
4. A copy of the instruction or procedure manual for the use of the system.
5. A written description of the process that will be followed to ensure that electronic records are made available to FRA inspectors, FRA-certified State inspectors, and railroad employees who require access to the records.
6. A written description of the employee training program concerning the use of the recordkeeping system.

FRA will then review the materials and subsequently notify the railroad in writing of FRA's findings and/or approval of the electronic recordkeeping system. Railroads currently utilizing an electronic recordkeeping system may continue to utilize the system during this review process.

FRA's Associate Administrator for Railroad Safety/Chief Safety Officer may prohibit or revoke a railroad's authority to utilize an electronic recordkeeping system in lieu of preprinted forms if FRA finds that the system is not properly secured; is inaccessible to FRA, FRA-certified State inspectors, or railroad employees who require access to the system to discharge their assigned duties; or fails to adequately track and monitor the equipment. If FRA's Associate Administrator for Railroad Safety/Chief Safety Officer determines that a railroad should be prohibited from utilizing an electronic recordkeeping system, a written statement explaining the basis for FRA's decision will be provided to the railroad.

If you have any questions, feel free to contact Mr. Tom McFarlin, Staff Director, Signal and Train Control Division (S&TC), at (202) 493-6203 or via e-mail at [Thomas.McFarlin@dot.gov](mailto:Thomas.McFarlin@dot.gov); or Mr. Paul Weber, S&TC Specialist, at (202) 493-6258 or via e-mail at [Paul.Weber@dot.gov](mailto:Paul.Weber@dot.gov).