The Federal Railroad Administration (FRA) has been asked by railroads whether, in the event one of their employees falls ill with a confirmed case of COVID-19, they are required to report such an instance on forms required by 49 CFR Part 225 (Railroad Accidents/Incidents: Reports Classification, and Investigations).

The Secretary of Health and Human Services declared a public health emergency in response to COVID-19 under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 13, 2020. On March 13, 2020, the President declared a national emergency due to the COVID-19 outbreak. As such, community transmission of the disease will make it difficult for a railroad to determine if an employee contracted COVID-19 while on duty unless there is objective evidence, that is reasonably available to the employer, to determine work-relatedness.

Therefore, FRA will exercise enforcement discretion under Part 225 and not require the reporting of any confirmed case of COVID-19 where there is no reasonably available, objective evidence that the confirmed case resulted from a work-related exposure. Unconfirmed/suspected cases of COVID-19, and precautionary quarantining due to COVID-19 concerns, are not reportable under Part 225.