



U.S. Department
of Transportation
**Federal Railroad
Administration**

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Washington, DC 20590

FRA Position on the Reportability of COVID-19 Employee Illnesses

Under 49 CFR Part 225

April 13, 2020

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.