U.S. Department of Transportation
Federal Railroad Administration
Washington, DC

ORDER

FRA 1100.14G

September 1, 2010

SUBJECT: RAILROAD SAFETY BOARD

1. **PURPOSE.** This Order delegates decisional powers and describes internal agency procedures with respect to disposition of waivers, exemptions, block signal applications, and other special approvals under the Federal railroad safety laws and regulations and in accordance with the Federal Railroad Administration's (FRA) Rules of Practice (Title 49 Code of Federal Regulations (CFR) Part 211).

2. **CANCELLATIONS.**

   a. FRA 1100.14F, Railroad Safety Board, dated March 30, 2010.

3. **SCOPE.**

   a. This Order applies to action on petitions for permanent or temporary waivers and exemptions from the railroad safety laws and regulations, railroad safety applications (including applications for modification or discontinuance of railroad signal systems, and special approvals for which other procedures are not specified by regulation), and action on any special approval designated under applicable regulations for decision of the Associate Administrator for Railroad Safety/Chief Safety Officer, to the extent the Associate Administrator for Railroad Safety/Chief Safety Officer has re-delegated that decisional authority.

   b. This Order does not apply to:

      (1) Petitions or proposals for the issuance, amendment, or repeal of railroad safety regulations; or

      (2) Issuance of emergency orders under 49 United States Code (U.S.C.) 20104.

4. **REFERENCES.**

   a. 49 U.S.C. 332(b), Minority Resource Center.

   b. 49 U.S.C. 20103, General Authority.

   c. 49 U.S.C. 20104, Emergency Authority.

   d. 49 U.S.C. 20503, Amending Regulations and Changing Requirements.

   e. 49 CFR Part 211, Rules of Practice, Subparts A, C and E.

   f. 49 CFR Part 235, Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of Part 236.

   g. 49 CFR Section 1.45(b), Delegations to All Administrators.

   h. 49 CFR Section 1.49, Delegations to Federal Railroad Administrator.

5. **BACKGROUND.** The Federal Railroad Administrator has been delegated the authority to administer various statutes relating to all areas of railroad safety (49 CFR Section 1.49). The Administrator in turn delegates to the Railroad Safety Board (Safety Board), an internal body created by this Order, the powers related to decision of certain particular matters set forth in this Order.

6. **RAILROAD SAFETY BOARD.** Within FRA, the Safety Board consists of the following officials:

   a. Chair and Deciding Official. The Associate Administrator for Railroad Safety/Chief Safety Officer, a Deputy Associate Administrator for Railroad Safety, or another senior executive designated in writing by the Associate Administrator for Railroad Safety/Chief Safety Officer.

   b. Legal Officer. An attorney designated in writing by the FRA Chief Counsel.

   c. Advisory Members. Three FRA safety managers (designated in writing by the Associate Administrator for Railroad Safety/Chief Safety Officer), including at least one individual who is currently serving, or has formerly served, as a Regional Administrator or a Deputy Regional Administrator.

7. **FUNCTIONS AND POWERS OF THE BOARD.** The Safety Board is responsible for consideration and disposition of matters delegated to it under this Order or vested by regulation in the "Railroad Safety Board."

8. **DELEGATION OF AUTHORITY.** The Chair of the Safety Board, with the concurrence of the Legal Officer on matters of law, is delegated the authority to:

   a. Dismiss matters not properly brought before the Safety Board, or not within the Safety Board's jurisdiction.

   b. Grant or deny petitions for permanent or temporary waiver or exemption from the Federal railroad safety laws or regulations.

   c. Grant or deny applications for special safety approvals to the extent procedures and authority for disposition of those approvals are not otherwise provided for by regulation or by other FRA Orders.

   d. Approve or deny a railroad's request to perform testing involving a waiver or exemption from a Federal railroad safety law or regulation.

   e. Decide applications for approval of material modification or discontinuance of a signal system under 49 CFR Part 235.

   f. Re-delegate to the Director, Office of Safety Assurance and Compliance; the Director, Office of Safety Analysis; or a Regional Administrator, authority to act on specified matters (e.g., one-time movements of defective equipment) under general supervision of the Safety Board.

9. **RESERVATION OF AUTHORITY.** The above delegation of authority does not extend to the following authority that is reserved to the Administrator or the Administrator's designee:

   a. Petitions appealing a final decision of the Safety Board (including petitions for reconsideration provided for in 49 CFR Section 211.57).

   b. Matters specifically reserved for decision by the Administrator or otherwise specifically delegated by the Administrator.

10. **PUBLIC PROCEEDINGS.** The Safety Board will conduct public proceedings in accordance with applicable law and regulations. Where an opportunity for oral presentations is provided, the Chair may serve as the hearing officer or may designate a member of the Safety Board, or other FRA manager, to serve in that capacity.

11. **QUARTERLY REPORT.** The Chair will develop a quarterly report of petitions, applications, and other requests received, actions taken, and matters pending at the end of the period. The Chair will provide copies of each such report to the Associate Administrator for Railroad Safety/Chief Safety Officer.

12. **DISCLAIMER.** This Order is issued exclusively for the internal management of FRA and the guidance of its officers and employees. This Order creates no rights, legal or equitable, in any other person.

Joseph C. Szabo
Administrator