



ITEM ID: 2024-359-0

TRANSMITTAL DATE: February 7, 2025

MEETING DATE: February 14, 2025

TO: Contracts, Operations, Maintenance, and Safety Committee

FROM: Donald Filippi, Chief Operating Officer

SUBJECT: New Code of Federal Regulations (CFR) for Qualification and Certification of Dispatchers (Part 245) and Certification of Signal Employees (Part 246)

Issue

On May 21, 2024, The Federal Railroad Administration announced to SCRRRA and all other railroads new regulations to develop FRA-approved programs for certifying individuals who perform dispatching tasks and signal employees who work on signal systems and signal-related technology on their networks. Pursuant to this regulation, railroads are required to have formal processes for training dispatchers and signal employees, as well as verifying that each dispatcher and signal employee has the requisite knowledge, skills, safety record, and abilities to safely perform assigned tasks mandated by railroad rules and safety standards and Federal laws and regulations, prior to certification. Authority promptly started assessing the regulation requirements, including financial and human resources, necessary to comply with the regulations.

Under this regulation, only the railroad can certify and recertify dispatchers and signal employees. The railroad's certification programs will encompass not only direct railroad employees but also contractors that perform dispatching tasks and/or signal employees who work on signal systems and signal-related technology on their networks.

Recommendation

Receive and file.

Strategic Commitment

This report aligns with the Strategic Business Plan commitment of:

- **Safety Is Foundational:** We will stay on the leading edge by deploying new technologies and processes to enhance the safety and security of our riders, employees and the communities we serve. The Authority's compliance of new certification programs for dispatchers and signal employees will ensure an increase in safety standards for individuals performing safety-critical tasks of railroad dispatching and working on signal equipment and signal-related technology when working on the Authority's system.

Background

Per Title 49 CFR Part 245 and 246 FRA regulations, railroad dispatchers and signal employees play an integral role in ensuring the safety of railroad operations, as well as the safety of highway motorists. Dispatchers are responsible for allocating and assigning track use, ensuring that trains are routed safely and efficiently, and ensuring the safety of personnel working on and around railroad tracks. Signal systems are critical to the operation of every railroad and signal employees are responsible for the installation, testing, troubleshooting, repair, and maintenance of signal systems which railroads utilize to direct train movements; signal employees must also use specialized test and maintenance equipment to complete safety critical tasks on mechanical, electrical, and electronic signal equipment.

FRA is codifying this regulation in response to section 402 of the RSIA, Public Law 110-432, 122 Stat. 4848, 4884 (Oct. 16, 2008), which required the Secretary of Transportation to submit a report to Congress addressing whether certification of certain crafts or classes of railroad employees or contractors, including railroad dispatchers and signal employees, was necessary to reduce the number of accidents and incidents or to improve safety. Section 402 further provides that the Secretary may prescribe regulations requiring the certification of certain crafts or classes if the Secretary determined, pursuant to the report to Congress, that such regulations are necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.

The Secretary of Transportation submitted a report to Congress on November 4, 2015, stating that, based on FRA's preliminary research, dispatchers and signal employees were two of the most viable candidate railroad crafts for certification due to the following:

- **Dispatchers:** complex safety-critical work dispatchers perform, the high turnover among dispatchers which has led to a less experienced workforce, and the need to prevent people with active abuse disorders from working as dispatchers. Given the safety critical role of dispatchers in facilitating safe railroad operations (which includes the coordination of emergency services in response to accidents and incidents), FRA determined that the number and rate of accidents and incidents would be expected to decrease and railroad safety would be expected to improve if dispatchers were required to satisfy certain standards and be certified.
- **Signal Employees:** with the introduction of Positive Train Control (PTC) technology. Given the safety critical role of signal employees in facilitating safe railroad operations, FRA determined that the number and rate of accidents and incidents would be expected to decrease and railroad safety would be expected to improve if signal employees are required to satisfy certain standards and be certified by each railroad whose signal systems they install, troubleshoot, repair, test, or maintain.

Discussion

Certification programs will cover all employees (agency staff, contractors, and subcontractors) who are engaged in railroad dispatching and installing, troubleshooting, testing, repairing, or maintaining railroad signal systems or related technology. For the purposes of this regulation, signal systems include software and equipment for block signal systems, cab signal systems, train control systems, positive train control systems, highway-rail and pathway grade crossing warning systems, unusual contingency detection devices, power assisted switches, broken rail detection systems, switch point indicators, as well as other safety-related devices, appliances, technology, and systems installed on the railroad in signaled or non-signaled territory.

This regulation requires railroads to develop written programs for certifying individuals who work as dispatchers and signal employees on their territories, and to submit those written certification programs to FRA for approval prior to implementation no later than September 17, 2025. Railroads are required to evaluate certification candidates in multiple areas, including prior safety conduct as a motor vehicle operator, prior safety conduct as an employee of a different railroad, substance abuse disorders and alcohol/drug rules compliance, and visual and hearing acuity. Dispatchers and signal employees must be certified by September 17, 2025, and employees cannot perform dispatching tasks or work on signal systems and signal-related technology on their networks unless they are certified by the railroad (with the exception of signal employees who are working under the direct and immediate supervision of a Certified Mentor).

The regulation also contains minimum requirements for the training provided to candidates for dispatcher and signal employee certification. These requirements are intended to confirm and ensure certified dispatchers and signal employees have received adequate and sufficient training and testing to ensure that the prospective dispatchers and signal employees are able to safely dispatch and work on signal systems and signal-related technology before they begin work on the railroad. These requirements are also intended to ensure that certified dispatchers and signal employees periodically receive recurring training on Federal laws, regulations, and orders and railroad safety and operating rules, as well as comprehensive training on new signal systems and signal-related technology before they are introduced on the railroads where they work. This regulation prohibits railroads from certifying dispatchers and signal employees for intervals longer than three (3) years. This three-year limitation, which is consistent with the 36-month maximum period for certifying locomotive engineers in 49 CFR 240.217(c) and the 36-month maximum period for certifying conductors in 49 CFR 242.201(c), allows for periodic re-evaluation of certified dispatchers and signal employees to verify their continued compliance with FRA's minimum safety requirements. Certified dispatchers and signal employees who are absent for more than 12 months from performing work on their certified discipline will need to be recertified. Below are the certification specifics that are required for each employee every three years in perpetuity:

- Employees must be trained according to the plan elements identified in the railroad's certification program
- Employees must be tested on training elements identified in the railroad's certification program
- Employees must demonstrate efficiency in their certified craft
- Employees must be territory familiarized
- Employees must pass a hearing and vision acuity test provided by a designated medical examiner

- Employees must pass a DOT drug and alcohol test
- Employees state and national driving record must be clear of any DOT drug and alcohol related events
- Employees must have a satisfactory safety record

Below is a list of the Authority responsibilities pertaining to both certification programs:

- Create and submit both Dispatcher and Signal Employee Certification Programs by September 17, 2025
- Administering both Certification Programs
- Providing Qualified Trainers
- Provide Certified Designated Supervisors
- Provide a designated Medical Examiner
- Facilitate and review DOT drug and alcohol testing
- Request and review State and Federal driving records
- Review Safety and Training records from other railroads who previously employed individuals
- Ensure all training and testing has been completed in the proper time frame
- Track and store all certification records
- Issue certificates to staff and contractors meeting the requirements above
- Perform annual unannounced compliance tests
- Handle decertification and challenges of certification denials and revocations
- Perform annual review of certification programs and findings

The Authority's Dispatching certification program covers approximately 30 individuals, which includes Dispatchers, Chief Dispatchers, and Dispatching Senior Managers. The Authority's Signal Employee certification program covers approximately 270 individuals which includes SCRRRA staff from PTC departments and select contractors and subcontractors that perform maintenance and capital/rehab signal work.

After initial assessment of the regulations, the Authority assembled a working group composed of all impacted Departments (Operations, Dispatching, IDTS, Safety, Program Delivery, Human Resources, Finance, Legal) as well as impacted Contractors, to start identifying how the Authority would meet the requirements of the regulation by the deadline of March 17, 2025. In January 2025, the FRA issued a petition for reconsideration notifying the railroads that the deadline is extended by 6 months (September 17, 2025). The Authority has already shared an initial draft of the Metrolink Certification Programs with the FRA, applicable labor unions, Safety, and Legal departments for the review and feedback.

The Authority has identified key financial investments that would be required from the Authority to meet these regulations:

- Additional Authority FTEs to administer certification programs for over 300 individuals
- Compliance tracking software to assist the Authority in storing and ensuring compliance of certification program across all individuals for the various training, testing, and evaluation elements
- Required physical exams for Authority staff subject to certification programs (hearing and visual)
- Medical examiner expenses
- Required State and Federal DMV driving record review
- Required additional training
- Additional contracted labor for track, signal, and rolling stock maintenance contractors to

comply with additional training, testing, and evaluation elements in the certification program and provide Certified Mentors for non-certified parties performing signal work on SCRRRA, such as third-party contractors.

Budget Impact

The administration of both certification programs will have a financial impact on the Authority. Staff is working to identify funding to fulfill the initial requirements of the regulation so that the Authority is compliant by September 17, 2025. The Operations department will continue to coordinate with Finance, Program Delivery, Human Resources, IDTS, Safety, and Legal departments on the budgetary elements associated with these new federal regulations.

Next Steps

Staff will continue to work on finalizing both certification programs and are submitted by the September 17, 2025, deadline. This includes working with key stakeholders to identify and secure funding, staffing, and administrative needs for FY26 and beyond. Staff will keep the Board apprised as appropriate.

Prepared by: Luis Carrasquero, Deputy Chief Operating Officer
Rod Bailey, Deputy Chief Operating Officer
Donald Filippi, Chief Operating Officer

Approved by: Donald Filippi, Chief Operating Officer

Attachment(s)

[Attachment A - CFR 245 - 2024-09957 Dispatcher Certification](#)

[Attachment B - CFR 246 - 2024-09958 Signal Employees Certification](#)

[Presentation - New Code of Federal Regulations CFR for Qualification and Certification of Conductors Part 245 and Certification of Signal Employees Part 246](#)