



**4910-06-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 270**

**[Docket No. FRA-2011-0060, Notice No. 5]**

**RIN 2130-AC31**

**System Safety Program**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation.

**ACTION:** Final rule; stay of regulations.

---

**SUMMARY:** On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement a system safety program (SSP) to improve the safety of their operations. On February 10, 2017, FRA stayed the SSP final rule's requirements until March 21, 2017. This document extends that stay until

[INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]

**DATES:** Effective March 20, 2017, 49 CFR part 270 is stayed until [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Matthew Navarrete, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel; telephone: 202-493-0138; e-mail: [Matthew.Navarrete@dot.gov](mailto:Matthew.Navarrete@dot.gov).

**SUPPLEMENTARY INFORMATION:**

On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement an SSP to improve the safety of their operations. See 81 FR 53850. On February 10, 2017, FRA stayed the SSP final rule's requirements until March 21, 2017 consistent with the new Administration's guidance issued January 20, 2017, intended to provide the Administration an adequate opportunity to review new and pending regulations. 82 FR 10443, Feb. 13, 2017. To provide time for that review, FRA needs to extend the stay until [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

FRA's implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The delay in the effective date until [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER], is necessary to provide the opportunity for further review and consideration of this new regulation, consistent with the new Administration's January 20, 2017 guidance. Given the imminence of the effective date of the "System Safety Program" final rule, seeking prior public comment on this temporary delay would be impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

**Authority:** 49 U.S.C. 20103, 20106-20107, 20118-20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Issued in Washington, DC, on March 15, 2017.

---

Robert C. Lauby

Associate Administrator for Railroad Safety and Chief Safety Officer.

[FR Doc. 2017-05509 Filed: 3/20/2017 8:45 am; Publication Date: 3/21/2017]