



4910-06-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 228**

**[Docket No. FRA-2012-0101]**

**RIN: 2130-AC41**

**Hours of Service Recordkeeping; Automated Recordkeeping; Correction**

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

**ACTION:** Correcting amendment.

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**SUMMARY:** On August 29, 2018, FRA published a final rule to reduce the paperwork burden associated with compliance with Federal hours of service laws and regulations. In preparing that final rule for publication, a technical error was made as described in the Supplementary Information. FRA is correcting this minor error so that the final rule clearly conforms to FRA's intent.

**DATES:** Effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Emily T. Prince, Attorney-Adviser, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone 202-493-6146), [emily.prince@dot.gov](mailto:emily.prince@dot.gov).

**SUPPLEMENTARY INFORMATION:** In the final rule, FRA failed to include an instruction amending 49 CFR 228.201 to include new paragraph (c). See 83 FR 43988. Paragraph (c) was discussed in the section-by-section analysis and properly published as new rule text, but was not properly included in an amendatory instruction. This

correction remedies that oversight to ensure that the codified text of the section matches the text FRA intended.

**List of Subjects in 49 CFR Part 228**

Administrative practice and procedures, Buildings and facilities, Hazardous materials transportation, Noise control, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

**The Rule**

For the reasons discussed in the preamble, FRA amends part 228 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

**PART 228 – PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE;  
RECORDKEEPING AND REPORTING; SLEEPING QUARTERS**

1. The authority citation for part 228 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Pub. L. 110-432, 122 Stat. 4860–4866, 4893–4894; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 U.S.C. 103; and 49 CFR 1.89.

2. In § 228.201, add new paragraph (c) to read as follows:

**§ 228.201 Electronic recordkeeping system and automated recordkeeping system; general.**

\* \* \* \* \*

(c) If a railroad, or a contractor or subcontractor to the railroad, is no longer eligible to use an automated recordkeeping system to record data subpart B of this part requires, the entity must begin keeping manual or electronic records and must retain

its automated records as required under § 228.9(c) unless the entity requests, and FRA grants, a waiver under § 211.41 of this chapter.

**Juan D. Reyes III,**

*Chief Counsel*

*Federal Railroad Administration.*

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