Critical Incident Stress Plan
A review of the Final Rule and the RSAC process that shaped it

Presented at the American Short Line and Regional Railroad Association Annual Conference
San Diego, CA – April 23, 2014

MICHAEL COPLEN
Project Manager
Federal Railroad Administration
Office of Research and Development
Outline

• History
• RSAC Process
• Evidence Based Approach
• Final Rule
History

• 1995 Grade Crossing Needs Workshop

• Impact of potentially traumatic events
  – Grade crossing incidents
  – Trespasser incidents

• Concerns about locomotive engineers and train crews developing PTSD

• Multiple exposures for many individuals
History

• Grant to University of Denver from FRA Human Factors Program in 1999
  – Epidemiology of PTSD in US Rail Industry

• Informal Working Group formed in late 1999
  – FRA R&D, FRA Office of Safety, BLE, UTU, AAR
  – Goal to develop non-regulatory process to address issues

• Pilot study to determine best practices with Amtrak in 2003

• Dr. Richard Gist presentation to Medical Standards Working Group: *Emerging Issues in early response to traumatic events* in 2007
History

• Rail Safety Improvement Act of 2008, Sec. 410. Critical Incident Stress Plan (CISP)

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, as appropriate, shall require each Class I railroad carrier, each intercity passenger railroad carrier, and each commuter railroad carrier to develop and submit for approval to the Secretary a critical incident stress plan that provides for debriefing, counseling, guidance, and other appropriate support services to be offered to an employee affected by a critical incident.

(b) PLAN REQUIREMENTS.—Each such plan shall include provisions for—
(1) relieving an employee who was involved in a critical incident of his or her duties for the balance of the duty tour, following any actions necessary for the safety of persons and contemporaneous documentation of the incident;
(2) upon the employee’s request, relieving an employee who witnessed a critical incident of his or her duties following any actions necessary for the safety of persons and contemporaneous documentation of the incident; and
(3) providing such leave from normal duties as may be necessary and reasonable to receive preventive services, treatment, or both, related to the incident.

(c) SECRETARY TO DEFINE WHAT CONSTITUTES A CRITICAL INCIDENT.—Within 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to define the term “critical incident” for the purposes of this section.
RSAC Process

• Railroad Safety Advisory Committee (RSAC)

• Develop new regulatory standards for the FRA through a collaborative process.

• All segments of the rail community work together
  – FRA (Office of Research & Development and Office of Safety)
  – Labor Unions
  – Railroad Management

• Mutually satisfactory solutions on safety regulatory issues
RSAC Process

• Convened RSAC on 9/10/2009 to address congressional mandate for CISPs

• Main Objectives:
  – Define “critical incident”, or CI
  – Review available data, literature, and standards of practice
  – Review existing critical incident programs
  – Provide an example of a suitable plan
  – Assist in preparing a Notice of Proposed Rulemaking (NPRM)
RSAC Process

• Brought expert in traumatic stress management back to work with RSAC – Dr. Richard Gist

• Held regular meetings 2009-2011
  – Presentations of evidence to guide decision making from rail and other industries
  – Discussions of the impacts on both railroad labor and management

• Integrated expert knowledge with stakeholder needs
Evidence Based Approach

• RSAC process allows for evidence to guide a solution that accounts for industry needs

• Identify key stakeholders who will be affected by rulemaking

• Get stakeholder buy-in

• Develop a model program that is built on both evidence from other fields and current best practices in the railroad industry

Current State

- The final Critical Incident Stress Plan rule was published on March 25, 2014
- Effective on June 23, 2014
- Final rule can be found here:

Final Rule: Critical Incident Stress Plan

• **Major Provisions:** Who is impacted?

  – Applies only to Class I railroads, intercity passenger railroads, and commuter railroads

  – Must cover employees subject to hours of service law, as well as car shop and maintenance of way employees
Final Rule: Critical Incident Stress Plan

- Major Provisions: What is a critical incident?
  - Includes Part 225 reportable accidents/incidents that:
    1. result in another person’s death or serious bodily injury, or
    2. could reasonably be expected to impair an employees ability to perform job duties.
  - The employee must be “directly involved” in the incident, which includes employees:
    • whose actions closely connected to the incident;
    • who witness the incident or its immediate effects in person; or
    • who are charged to directly intervene or respond.
Final Rule: Critical Incident Stress Plan

Major Provisions: What must all CISP plans contain?

- Inform employee of relief available through railroad’s CISP as soon as practicable after incident;

- Offer timely relief from balance of duty tour;

- Offer timely transportation to home terminal;

- Offer counseling, guidance; and other appropriate services;

- Upon request, permit relief from duty tour subsequent to CI for time determined by railroad;

- Permit addtl leave from normal duty to receive preventive services or treatment based on clinical diagnosis or health care professional direction;

- Address how railroad’s employees operating or working on track owned by or operated by another railroad will be afforded protections of the CISP.
Final Rule: Critical Incident Stress Plan

Major Provisions: How do railroads submit a CISP?

- Must submit CISP electronically to FRA by June 23, 2015

- Copy of CISP sent to international/national president of any non-profit employee labor organization representing employees subject to rule

- Labor organization may comment on submission for up to 90 days

- Must submit to FRA approval a copy of revised CISP within 30 days of making any material changes

- Must make a copy of its plan available to employees
Final Rule: Critical Incident Stress Plan

• Comments received from AAR; APTA; ATDA; BLET; BMWED; BRS, TCU; UTU-SMART; NYS MTA; SEPTA; and a private citizen.

• Two substantial changes included in final rule:
  1. Limiting the provision of additional time off beyond standard “coping period” to instances supported by clinician or health care professional
  2. Mandatory electronic submission or plans to FRA (instead of optional electronic submission)
Final Rule: Critical Incident Stress Plan

• Cost/Benefit Analysis of rule:
  – Costs: 20-year compliance period costs estimated at $1.9M

  – Benefits: 20-year compliance period benefits estimated at $2.6M. Benefits are from:
    • reduced direct and indirect healthcare costs;
    • reduced railroad disability costs;
    • reduced litigation costs; and
    • savings from employee early returns to work.

  – Benefits exceed the costs.
Next Steps

• Rule is effective on June 23 after which railroads have one year to submit CISPs to FRA

• Need to assess impacts of this rule as programs are implemented

• Identify CISPs that are having positive impacts and distribute lessons learned form these unsuccessful programs