Accordingly, in such cases the elements of the PSP defined in 49 CFR 236.907(a)(1)–(a)(11) are satisfied if the applicant makes explicit reference to an FRA-approved PSP. 2 the content of the original PSP relating to those paragraphs need not be repeated in the third-party PSP filings. However, because paragraphs (a)(12)–(a)(20) of 49 CFR 236.907 address a railroad’s use of the technology, including training, installation, maintenance, security, and other elements, information called for by these paragraphs must be included within the third-party’s PSP expressly. A railroad may choose to copy these elements from an approved PSP, and FRA encourages this practice, but it is necessary for railroads to explicitly adopt the practices required for the use of the technology. This reiteration of the description of these required practices will ensure that a railroad has adequate notice of its obligations under its PSP, which are subject to enforcement under Subpart H. If variances exist in the third-party railroad’s PSP information responsive to paragraphs (a)(12)–(a)(20) of 49 CFR 236.907, then those variances must be supported by the safety analysis of the original railroad or the third-party railroad contained within the RSP and material in the PSP responsive to paragraphs (a)(1)–(a)(11) of 49 CFR 236.907.

Once FRA approves a railroad’s PSP (submitted through either an informational filing or a petition for approval), the submitting railroad becomes subject to Subpart H in its entirety, including the requirement set forth in 49 CFR 236.915 that the railroad comply with the terms of its FRA-approved PSP.


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Melissa L. Porter,

Chief Counsel, Federal Railroad Administration.

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2, Note that FRA approvals of PSPs are published on regulations.gov. Generally, railroads would know of the approved PSP for a product from the supplier of the product.

Sean F. Corson,
Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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