

provisions of 31 U.S.C. 9701 and other applicable Federal law.

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## PART 1580—FREIGHT RAIL TRANSPORTATION SECURITY

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SOURCE: 85 FR 16506, Mar. 23, 2020, unless otherwise noted.

### Subpart A—General

#### § 1580.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part includes requirements for the following persons. Specific sections in this part provide detailed requirements.

(1) Each freight railroad carrier that operates rolling equipment on track that is part of the general railroad system of transportation.

(2) Each rail hazardous materials shipper.

(3) Each rail hazardous materials receiver located within an HTUA.

(4) Each freight railroad carrier serving as a host railroad to a freight railroad operation described in paragraph (a)(1) of this section or a passenger operation described in §1582.1 of this subchapter.

(5) Each owner/operator of private rail cars, including business/office cars and circus trains, on or connected to the general railroad system of transportation.

(b) This part does not apply to a freight railroad carrier that operates rolling equipment only on track inside an installation that is not part of the general railroad system of transportation.

#### § 1580.3 Terms used in this part.

In addition to the terms in §§1500.3, 1500.5, and 1503.202 of subchapter A and §1570.3 of subchapter D of this chapter, the following terms apply to this part:

*Class I* means Class I as assigned by regulations of the Surface Transportation Board (STB) (49 CFR part 1201; General Instructions 1–1).

*Attended*, in reference to a rail car, means an employee—

(1) Is physically located on-site in reasonable proximity to the rail car;

(2) Is capable of promptly responding to unauthorized access or activity at or near the rail car, including immediately contacting law enforcement or other authorities; and

(3) Immediately responds to any unauthorized access or activity at or near the rail car either personally or by contacting law enforcement or other authorities.

*Document the transfer* means documentation uniquely identifying that the rail car was attended during the transfer of custody, including:

(1) Car initial and number.

(2) Identification of individuals who attended the transfer (names or uniquely identifying employee number).

(3) Location of transfer.

(4) Date and time the transfer was completed.

*High threat urban area (HTUA)* means, for purposes of this part, an area comprising one or more cities and surrounding areas including a 10-mile

buffer zone, as listed in appendix A to this part 1580.

*Maintains positive control* means that the rail hazardous materials receiver and the railroad carrier communicate and cooperate with each other to provide for the security of the rail car during the physical transfer of custody. *Attending* the rail car is a component of maintaining positive control.

*Rail security-sensitive materials (RSSM)* means—

(1) A rail car containing more than 2,268 kg (5,000 lbs.) of a Division 1.1, 1.2, or 1.3 (explosive) material, as defined in 49 CFR 173.50;

(2) A tank car containing a material poisonous by inhalation as defined in 49 CFR 171.8, including anhydrous ammonia, Division 2.3 gases poisonous by inhalation as set forth in 49 CFR 173.115(c), and Division 6.1 liquids meeting the defining criteria in 49 CFR 173.132(a)(1)(iii) and assigned to hazard zone A or hazard zone B in accordance with 49 CFR 173.133(a), excluding residue quantities of these materials; and

(3) A rail car containing a highway route-controlled quantity of a Class 7 (radioactive) material, as defined in 49 CFR 173.403.

*Residue* means the hazardous material remaining in a packaging, including a tank car, after its contents have been unloaded to the maximum extent practicable and before the packaging is either refilled or cleaned of hazardous material and purged to remove any hazardous vapors.

*Security-sensitive employee* means an employee who performs—

(1) Service subject to the Federal hours of service laws (49 U.S.C. chapter 211), regardless of whether the employee actually performs such service during a particular duty tour; or

(2) One or more of the security-sensitive job functions identified in Appendix B to this part where the security-sensitive function is performed in the United States or in direct support of the common carriage of persons or property between a place in the United States and any place outside of the United States.

#### § 1580.5 Preemptive effect.

Under 49 U.S.C. 20106, issuance of the regulations in this subchapter pre-

empts any State law, regulation, or order covering the same subject matter, except an additional or more stringent law, regulation, or order that is necessary to eliminate or reduce an essentially local security hazard; that is not incompatible with a law, regulation, or order of the U.S. Government; and that does not unreasonably burden interstate commerce. For example, under 49 U.S.C. 20106, issuance of 49 CFR 1580.205 preempts any State or tribal law, rule, regulation, order or common law requirement covering the same subject matter.

### Subpart B—Security Programs

#### § 1580.101 Applicability.

This subpart applies to each of the following owner/operators:

(a) Described in §1580.1(a)(1) of this part that is a Class I freight railroad.

(b) Described in §1580.1(a)(1) of this part that transports one or more of the categories and quantities of RSSM in an HTUA.

(c) Described in §1580.1(a)(4) of this part that serves as a host railroad to a freight railroad described in paragraph (a) of (b) of this section or a passenger operation described in §1582.101 of this subchapter.

§ 1580.103 [Reserved]

§ 1580.105 [Reserved]

§ 1580.107 [Reserved]

§ 1580.109 [Reserved]

§ 1580.111 [Reserved]

#### § 1580.113 Security training program general requirements.

(a) *Security training program required.* Each owner/operator identified in §1580.101 of this part is required to adopt and carry out a security training program under this subpart.

(b) *General requirements.* The security training program must include the following information:

(1) Name of owner/operator.

(2) Name, title, telephone number, and email address of the primary individual to be contacted with regard to review of the security training program.

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(3) Number, by specific job function category identified in Appendix B to this part, of security-sensitive employees trained or to be trained.

(4) Implementation schedule that identifies a specific date by which initial and recurrent security training required by §1570.111 of this subchapter will be completed.

(5) Location where training program records will be maintained.

(6) Curriculum or lesson plan, including learning objectives and method of delivery (such as instructor-led or computer-based training) for each course used to meet the requirements of §1580.115 of this part. TSA may request additional information regarding the curriculum during the review and approval process. If recurrent training under §1570.111 of this subchapter is not the same as initial training, a curriculum or lesson plan for the recurrent training will need to be submitted and approved by TSA.

(7) Plan for ensuring supervision of untrained security-sensitive employees performing functions identified in Appendix B to this part.

(8) Plan for notifying employees of changes to security measures that could change information provided in previously provided training.

(9) Method(s) for evaluating the effectiveness of the security training program in each area required by §1580.115 of this part.

(c) *Relation to other training.* (1) Training conducted by owner/operators to comply other requirements or standards, such as emergency preparedness training required by the Department of Transportation (DOT) (49 CFR part 239) or other training for communicating with emergency responders to arrange the evacuation of passengers, may be combined with and used to satisfy elements of the training requirements in this subpart.

(2) If the owner/operator submits a security training program that relies on pre-existing or previous training materials to meet the requirements of subpart B, the program submitted for approval must include an index, organized in the same sequence as the requirements in this subpart.

(d) *Submission and implementation.* The owner/operator must submit and

implement the security training program in accordance with the schedules identified in §§1570.109 and 1570.111 of this subchapter.

**§1580.115 Security training and knowledge for security-sensitive employees.**

(a) *Training required for security-sensitive employees.* No owner/operator required to have a security training program under §1580.101 of this part may use a security-sensitive employee to perform a function identified in Appendix B to this part, unless that individual has received training as part of a security training program approved by TSA under 49 CFR part 1570, subpart B, or is under the direct supervision of an employee who has received the training required by this section as applicable to that security-sensitive function.

(b) *Limits on use of untrained employees.* Notwithstanding paragraph (a) of this section, a security-sensitive employee may not perform a security-sensitive function for more than sixty (60) calendar days without receiving security training.

(c) *Prepare.* (1) Each owner/operator must ensure that each of its security-sensitive employees with position- or function-specific responsibilities under the owner/operator's security program has knowledge of how to fulfill those responsibilities in the event of a security threat, breach, or incident to ensure—

(i) Employees with responsibility for transportation security equipment and systems are aware of their responsibilities and can verify the equipment and systems are operating and properly maintained; and

(ii) Employees with other duties and responsibilities under the company's security plans and/or programs, including those required by Federal law, know their assignments and the steps or resources needed to fulfill them.

(2) Each employee who performs any security-related functions under §1580.205 of this subpart must be provided training specifically applicable to the functions the employee performs. As applicable, this training must address—

(i) Inspecting rail cars for signs of tampering or compromise, IEDs, suspicious items, and items that do not belong;

(ii) Identification of rail cars that contain rail security-sensitive materials, including the owner/operator's procedures for identifying rail security-sensitive material cars on train documents, shipping papers, and in computer train/car management systems; and

(iii) Procedures for completing transfer of custody documentation.

(d) *Observe.* Each owner/operator must ensure that each of its security-sensitive employees has knowledge of the observational skills necessary to recognize—

(1) Suspicious and/or dangerous items (such as substances, packages, or conditions (for example, characteristics of an IED and signs of equipment tampering or sabotage);

(2) Combinations of actions and individual behaviors that appear suspicious and/or dangerous, inappropriate, inconsistent, or out of the ordinary for the employee's work environment, which could indicate a threat to transportation security; and

(3) How a terrorist or someone with malicious intent may attempt to gain sensitive information or take advantage of vulnerabilities.

(e) *Assess.* Each owner/operator must ensure that each of its security-sensitive employees has knowledge necessary to—

(1) Determine whether the item, individual, behavior, or situation requires a response as a potential terrorist threat based on the respective transportation environment; and

(2) Identify appropriate responses based on observations and context.

(f) *Respond.* Each owner/operator must ensure that each of its security-sensitive employees has knowledge of how to—

(1) Appropriately report a security threat, including knowing how and when to report internally to other employees, supervisors, or management, and externally to local, state, or Federal agencies according to the owner/operator's security procedures or other relevant plans;

(2) Interact with the public and first responders at the scene of the threat or incident, including communication with passengers on evacuation and any specific procedures for individuals with disabilities and the elderly; and

(3) Use any applicable self-defense devices or other protective equipment provided to employees by the owner/operator.

### Subpart C—Operations

#### § 1580.201 Applicability.

This subpart applies to the following:

(1) Each owner/operator described in § 1580.1(a)(1) of this part that transports one or more of the categories and quantities of rail security-sensitive materials.

(2) Each owner/operator described in § 1580.1(a)(2) and (3) of this part.

#### § 1580.203 Location and shipping information.

(a) *General requirement.* Each owner/operator described in § 1580.201 of this part must have procedures in place to determine the location and shipping information for each rail car under its physical custody and control that contains one or more of the categories and quantities of rail security-sensitive materials.

(b) *Required information.* The location and shipping information must include the following:

(1) The rail car's current location by city, county, and state, including, for freight railroad carriers, the railroad milepost, track designation, and the time that the rail car's location was determined.

(2) The rail car's routing, if a freight railroad carrier.

(3) A list of the total number of rail cars containing rail security-sensitive materials, broken down by—

(i) The shipping name prescribed for the material in column 2 of the table in 49 CFR 172.101;

(ii) The hazard class or division number prescribed for the material in column 3 of the table in 49 CFR 172.101; and

(iii) The identification number prescribed for the material in column 4 of the table in 49 CFR 172.101.

(4) Each rail car's initial and number.

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(5) Whether the rail car is in a train, rail yard, siding, rail spur, or rail hazardous materials shipper or receiver facility, including the name of the rail yard or siding designation.

(c) *Timing-Class I freight railroad carriers.* Upon request by TSA, each Class I freight railroad carrier described in paragraph (a) of this section must provide the location and shipping information to TSA no later than—

(1) Five minutes if the request applies to a single (one) rail car; and

(2) Thirty minutes if the request concerns multiple rail cars or a geographic region.

(d) *Timing-other than Class I freight railroad carriers.* Upon request by TSA, all owner/operators described in paragraph (a) of this section, other than Class I freight railroad carriers, must provide the location and shipping information to TSA no later than 30 minutes, regardless of the number of cars covered by the request.

(e) *Method.* All owner/operators described in paragraph (a) of this section must provide the requested location and shipping information to TSA by one of the following methods:

(1) Electronic data transmission in spreadsheet format.

(2) Electronic data transmission in Hyper Text Markup Language (HTML) format.

(3) Electronic data transmission in Extensible Markup Language (XML).

(4) Facsimile transmission of a hard copy spreadsheet in tabular format.

(5) Posting the information to a secure website address approved by TSA.

(6) Another format approved by TSA.

(f) *Telephone number.* Each owner/operator described in §1580.201 of this part must provide a telephone number for use by TSA to request the information required in paragraph (b) of this section.

(1) The telephone number must be monitored at all times.

(2) A telephone number that requires a call back (such as an answering service, answering machine, or beeper device) does not meet the requirements of this paragraph.

§ 1580.205 Chain of custody and control requirements.

(a) *Within or outside of an HTUA, rail hazardous materials shipper transferring to carrier.* Except as provided in paragraph (g) of this section, at each location within or outside of an HTUA, a rail hazardous materials shipper transferring custody of a rail car containing one or more of the categories and quantities of rail security-sensitive materials to a freight railroad carrier must do the following:

(1) Physically inspect the rail car before loading for signs of tampering, including closures and seals; other signs that the security of the car may have been compromised; and suspicious items or items that do not belong, including the presence of an improvised explosive device.

(2) Keep the rail car in a rail secure area from the time the security inspection required by paragraph (a)(1) of this section or by 49 CFR 173.31(d), whichever occurs first, until the freight railroad carrier takes physical custody of the rail car.

(3) Document the transfer of custody to the railroad carrier in hard copy or electronically.

(b) *Within or outside of an HTUA, carrier receiving from a rail hazardous materials shipper.* At each location within or outside of an HTUA where a freight railroad carrier receives from a rail hazardous materials shipper custody of a rail car containing one or more of the categories and quantities of rail security-sensitive materials, the freight railroad carrier must document the transfer in hard copy or electronically and perform the required security inspection in accordance with 49 CFR 174.9.

(c) *Within an HTUA, carrier transferring to carrier.* Within an HTUA, whenever a freight railroad carrier transfers a rail car containing one or more of the categories and quantities of rail security-sensitive materials to another freight railroad carrier, each freight railroad carrier must adopt and carry out procedures to ensure that the rail car is not left unattended at any time during the physical transfer of custody.

These procedures must include the receiving freight railroad carrier performing the required security inspection in accordance with 49 CFR 174.9. Both the transferring and the receiving railroad carrier must document the transfer of custody in hard copy or electronically.

(d) *Outside of an HTUA, carrier transferring to carrier.* Outside an HTUA, whenever a freight railroad carrier transfers a rail car containing one or more of the categories and quantities of rail security-sensitive materials to another freight railroad carrier, and the rail car containing this hazardous material may subsequently enter an HTUA, each freight railroad carrier must adopt and carry out procedures to ensure that the rail car is not left unattended at any time during the physical transfer of custody. These procedures must include the receiving railroad carrier performing the required security inspection in accordance with 49 CFR 174.9. Both the transferring and the receiving railroad carrier must document the transfer of custody in hard copy or electronically.

(e) *Within an HTUA, carrier transferring to rail hazardous materials receiver.* A freight railroad carrier delivering a rail car containing one or more of the categories and quantities of rail security-sensitive materials to a rail hazardous materials receiver located within an HTUA must not leave the rail car unattended in a non-secure area until the rail hazardous materials receiver accepts custody of the rail car. Both the railroad carrier and the rail hazardous materials receiver must document the transfer of custody in hard copy or electronically.

(f) *Within an HTUA, rail hazardous materials receiver receiving from carrier.* Except as provided in paragraph (j) of this section, a rail hazardous materials receiver located within an HTUA that receives a rail car containing one or more of the categories and quantities of rail security-sensitive materials from a freight railroad carrier must—

(1) Ensure that the rail hazardous materials receiver or railroad carrier maintains positive control of the rail car during the physical transfer of custody of the rail car;

(2) Keep the rail car in a rail secure area until the car is unloaded; and

(3) Document the transfer of custody from the railroad carrier in hard copy or electronically.

(g) *Within or outside of an HTUA, rail hazardous materials receiver rejecting car.* This section does not apply to a rail hazardous materials receiver that does not routinely offer, prepare, or load for transportation by rail one or more of the categories and quantities of rail security-sensitive materials. If such a receiver rejects and returns a rail car containing one or more of the categories and quantities of rail security-sensitive materials to the originating offeror or shipper, the requirements of this section do not apply to the receiver. The requirements of this section do apply to any railroad carrier to which the receiver transfers custody of the rail car.

(h) *Document retention.* Covered entities must maintain the documents required under this section for at least 60 calendar days and make them available to TSA upon request.

(i) *Rail secure area.* The rail hazardous materials shipper and the rail hazardous materials receiver must use physical security measures to ensure that no unauthorized individual gains access to the rail secure area.

(j) *Exemption for rail hazardous materials receivers.* A rail hazardous materials receiver located within an HTUA may request from TSA an exemption from some or all of the requirements of this section if the receiver demonstrates that the potential risk from its activities is insufficient to warrant compliance with this section. TSA will consider all relevant circumstances, including the following:

(1) The amounts and types of all hazardous materials received.

(2) The geography of the area surrounding the receiver's facility.

(3) Proximity to entities that may be attractive targets, including other businesses, housing, schools, and hospitals.

(4) Any information regarding threats to the facility.

(5) Other circumstances that indicate the potential risk of the receiver's facility does not warrant compliance with this section.

**§ 1580.207 Harmonization of Federal regulation of nuclear facilities.**

TSA will coordinate activities under this subpart with the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) with respect to regulation of rail hazardous materials shippers and receivers that are

also licensed or regulated by the NRC or DOE under the Atomic Energy Act of 1954, as amended, to maintain consistency with the requirements imposed by the NRC and DOE.

APPENDIX A TO PART 1580—HIGH THREAT URBAN AREAS (HTUAS)

State	Urban area	Geographic areas
AZ	Phoenix Area	Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, Tempe, and a 10-mile buffer extending from the border of the combined area.
CA	Anaheim/Santa Ana Area	Anaheim, Costa Mesa, Garden Grove, Fullerton, Huntington Beach, Irvine, Orange, Santa Ana, and a 10-mile buffer extending from the border of the combined area.
	Bay Area	Berkeley, Daly City, Fremont, Hayward, Oakland, Palo Alto, Richmond, San Francisco, San Jose, Santa Clara, Sunnyvale, Vallejo, and a 10-mile buffer extending from the border of the combined area.
	Los Angeles/Long Beach Area	Burbank, Glendale, Inglewood, Long Beach, Los Angeles, Pasadena, Santa Monica, Santa Clarita, Torrance, Simi Valley, Thousand Oaks, and a 10-mile buffer extending from the border of the combined area.
	Sacramento Area	Elk Grove, Sacramento, and a 10-mile buffer extending from the border of the combined area.
	San Diego Area	Chula Vista, Escondido, and San Diego, and a 10-mile buffer extending from the border of the combined area.
CO	Denver Area	Arvada, Aurora, Denver, Lakewood, Westminster, Thornton, and a 10-mile buffer extending from the border of the combined area.
DC	National Capital Region	National Capital Region and a 10-mile buffer extending from the border of the combined area.
FL	Fort Lauderdale Area	Fort Lauderdale, Hollywood, Miami Gardens, Miramar, Pembroke Pines, and a 10-mile buffer extending from the border of the combined area.
	Jacksonville Area	Jacksonville and a 10-mile buffer extending from the city border.
	Miami Area	Hialeah, Miami, and a 10-mile buffer extending from the border of the combined area.
	Orlando Area	Orlando and a 10-mile buffer extending from the city border.
	Tampa Area	Clearwater, St. Petersburg, Tampa, and a 10-mile buffer extending from the border of the combined area.
GA	Atlanta Area	Atlanta and a 10-mile buffer extending from the city border.
HI	Honolulu Area	Honolulu and a 10-mile buffer extending from the city border.
IL	Chicago Area	Chicago and a 10-mile buffer extending from the city border.
IN	Indianapolis Area	Indianapolis and a 10-mile buffer extending from the city border.
KY	Louisville Area	Louisville and a 10-mile buffer extending from the city border.
LA	Baton Rouge Area	Baton Rouge and a 10-mile buffer extending from the city border.
	New Orleans Area	New Orleans and a 10-mile buffer extending from the city border.
MA	Boston Area	Boston, Cambridge, and a 10-mile buffer extending from the border of the combined area.
MD	Baltimore Area	Baltimore and a 10-mile buffer extending from the city border.
MI	Detroit Area	Detroit, Sterling Heights, Warren, and a 10-mile buffer extending from the border of the combined area.
MN	Twin Cities Area	Minneapolis, St. Paul, and a 10-mile buffer extending from the border of the combined entity.
MO	Kansas City Area	Independence, Kansas City (MO), Kansas City (KS), Olathe, Overland Park, and a 10-mile buffer extending from the border of the combined area.
	St. Louis Area	St. Louis and a 10-mile buffer extending from the city border.
NC	Charlotte Area	Charlotte and a 10-mile buffer extending from the city border.
NE	Omaha Area	Omaha and a 10-mile buffer extending from the city border.
NJ	Jersey City/Newark Area	Elizabeth, Jersey City, Newark, and a 10-mile buffer extending from the border of the combined area.
NV	Las Vegas Area	Las Vegas, North Las Vegas, and a 10-mile buffer extending from the border of the combined entity.
NY	Buffalo Area	Buffalo and a 10-mile buffer extending from the city border.
	New York City Area	New York City, Yonkers, and a 10-mile buffer extending from the border of the combined area.
OH	Cincinnati Area	Cincinnati and a 10-mile buffer extending from the city border.
	Cleveland Area	Cleveland and a 10-mile buffer extending from the city border.
	Columbus Area	Columbus and a 10-mile buffer extending from the city border.
	Toledo Area	Oregon, Toledo, and a 10-mile buffer extending from the border of the combined area.
OK	Oklahoma City Area	Norman, Oklahoma and a 10-mile buffer extending from the border of the combined area.
OR	Portland Area	Portland, Vancouver, and a 10-mile buffer extending from the border of the combined area.
PA	Philadelphia Area	Philadelphia and a 10-mile buffer extending from the city border.
	Pittsburgh Area	Pittsburgh and a 10-mile buffer extending from the city border.
TN	Memphis Area	Memphis and a 10-mile buffer extending from the city border.

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State	Urban area	Geographic areas
TX .....	Dallas/Fort Worth/Arlington Area. Houston Area .....	Arlington, Carrollton, Dallas, Fort Worth, Garland, Grand Prairie, Irving, Mesquite, Plano, and a 10-mile buffer extending from the border of the combined area. Houston, Pasadena, and a 10-mile buffer extending from the border of the combined entity.
WA .....	San Antonio Area .....	San Antonio and a 10-mile buffer extending from the city border.
WI .....	Seattle Area .....	Seattle, Bellevue, and a 10-mile buffer extending from the border of the combined area.
WI .....	Milwaukee Area .....	Milwaukee and a 10-mile buffer extending from the city border.

APPENDIX B TO PART 1580—SECURITY-SENSITIVE FUNCTIONS FOR FREIGHT RAIL

This table identifies security-sensitive job functions for owner/operators regulated

under this part. All employees performing security-sensitive functions are “security-sensitive employees” for purposes of this rule and must be trained.

Categories	Security-sensitive job functions for freight rail	Examples of job titles applicable to these functions*
A. Operating a vehicle .....	<ol style="list-style-type: none"> <li>1. Employees who operate or directly control the movements of locomotives or other self-powered rail vehicles.</li> <li>2. Train conductor, trainman, brakeman, or utility employee or performs acceptance inspections, couples and uncouples rail cars, applies handbrakes, or similar functions.</li> <li>3. Employees covered under the Federal hours of service laws as “train employees.” See 49 U.S.C. 21101(5) and 21103..</li> </ol>	Engineer, conductor
B. Inspecting and maintaining vehicles .....	Employees who inspect or repair rail cars and locomotives.	Carman, car repairman, car inspector, engineer, conductor.
C. Inspecting or maintaining building or transportation infrastructure.	<ol style="list-style-type: none"> <li>1. Employees who—                             <ol style="list-style-type: none"> <li>a. Maintain, install, or inspect communications and signal equipment..</li> <li>b. Maintain, install, or inspect track and structures, including, but not limited to, bridges, trestles, and tunnels..</li> </ol> </li> <li>2. Employees covered under the Federal hours of service laws as “signal employees.” See 49 U.S.C. 21101(3) and 21104.</li> </ol>	Signalman, signal maintainer, trackman, gang foreman, bridge and building laborer, roadmaster, bridge, and building inspector/operator.
D. Controlling dispatch or movement of a vehicle .....	<ol style="list-style-type: none"> <li>1. Employees who—                             <ol style="list-style-type: none"> <li>a. Dispatch, direct, or control the movement of trains..</li> <li>b. Operate or supervise the operations of moveable bridges..</li> <li>c. Supervise the activities of train crews, car movements, and switching operations in a yard or terminal..</li> </ol> </li> <li>2. Employees covered under the Federal hours of service laws as “dispatching service employees.” See 49 U.S.C. 21101(2) and 21105.</li> </ol>	Yardmaster, dispatcher, block operator, bridge operator.
E. Providing security of the owner/operator’s equipment and property.	Employees who provide for the security of the railroad carrier’s equipment and property, including acting as a railroad police officer (as that term is defined in 49 CFR 207.2).	Police officer, special agent; patrolman; watchman; guard.
F. Loading or unloading cargo or baggage .....	Includes, but is not limited to, employees that load or unload hazardous materials.	Service track employee.
G. Interacting with travelling public (on board a vehicle or within a transportation facility).	Employees of a freight railroad operating in passenger service.	Conductor, engineer, agent.

Categories	Security-sensitive job functions for freight rail	Examples of job titles applicable to these functions*
H. Complying with security programs or measures, including those required by Federal law.	<ol style="list-style-type: none"> <li>1. Employees who serve as security coordinators designated in § 1570.201 of this subchapter, as well as any designated alternates or secondary security coordinators.</li> <li>2. Employees who— <ol style="list-style-type: none"> <li>a. Conduct training and testing of employees when the training or testing is required by TSA's security regulations..</li> <li>b. Perform inspections or operations required by § 1580.205 of this subchapter..</li> <li>c. Manage or direct implementation of security plan requirements..</li> </ol> </li> </ol>	Security coordinator, train master, assistant train master, roadmaster, division roadmaster.

\* These job titles are provided solely as a resource to help understand the functions described; whether an employee must be trained is based upon the function, not the job title.

## PART 1581 [RESERVED]

## PART 1582—PUBLIC TRANSPORTATION AND PASSENGER RAILROAD SECURITY

### Subpart A—General

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### Subpart B—Security Programs

- 1582.101 Applicability.  
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#### APPENDIX A TO PART 1582—DETERMINATIONS FOR PUBLIC TRANSPORTATION AND PASSENGER RAILROADS

#### APPENDIX B TO PART 1582—SECURITY-SENSITIVE JOB FUNCTIONS FOR PUBLIC TRANSPORTATION AND PASSENGER RAILROADS

AUTHORITY: 49 U.S.C. 114; Pub. L. 110-53 (121 Stat. 266, Aug. 3, 2007) secs. 1402 (6 U.S.C. 1131), 1405 (6 U.S.C. 1134), and 1408 (6 U.S.C. 1137).

SOURCE: 85 FR 16511, Mar. 23, 2020, unless otherwise noted.

## Subpart A—General

### § 1582.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part includes requirements for the following persons. Specific sections in this part provide detailed requirements.

- (1) Each passenger railroad carrier.
- (2) Each public transportation agency.

(3) Each operator of a rail transit system that is not operating on track that is part of the general railroad system of transportation, including heavy rail transit, light rail transit, automated guideway, cable car, inclined plane, funicular, and monorail systems.

(4) Each tourist, scenic, historic, and excursion rail owner/operator, whether operating on or off the general railroad system of transportation.

(b) This part does not apply to a ferry system required to conduct training pursuant to 46 U.S.C. 70103.

### § 1582.3 Terms used in this part.

In addition to the terms in §§ 1500.3, 1500.5, and 1503.202 of subchapter A and § 1570.3 of subchapter D of this chapter, the following term applies to this part.

*Security-sensitive employee* means an employee whose responsibilities for the owner/operator include one or more of the security-sensitive job functions identified in appendix B to this part if the security-sensitive function is performed in the United States or in direct support of the common carriage of