**Rail Regulatory Excellence IntelliConference**

Rules and regulations are promulgated in reaction to various events and experiences. Often, they develop a life of their own, untethered to the original intent and absent awareness of system consequences, frustrating stakeholders. Improvements are often challenging as individual industries and companies beseech government from a vested interest point of view. A robust set of recommendations informed objectively by all perspectives is critical to meet urgent safety, productivity, financial, and environmental goals.

**Core question: What regulations can stakeholders agree on that are either outdated, de minimis, redundant, counterproductive, or can be improved or replaced in support of the growth and safety of railroads and their service?**

***Round One***

**Completing the framework**

In addition to the following, what other areas do regulations apply in owning and operating railroads?

* Financial reporting
* Service  reporting
	+ Licenses and permits
	+ Employee Management
	+ Train Operations
	+ Maintenance of way
	+ Taxes
	+ Insurance and liability
	+ Locomotive emissions
	+ Rolling stock design/equipment requirements
	+ Inspection, track and rolling stock
	+ Equipment supplier country of origin
	+ Cybersecurity
	+ National security/DoD functions
	+ Common carrier responsibilities(e.g., must haul high-risk, high-liability hazmat commodities)
	+ Interchange rules (e.g., receiving RRs are responsible for safe railcar conditions)

Pertaining to each regulatory area, what regulations: Are counter-productive?

* + Are redundant, and where is another regulation or procedure handling the issue?
	+ Should be eliminated because the issue they target is inconsequential?
	+ Should be improved in some way? How?
	+ Have a positive impact that is outweighed by the costs?
	+ Impact customers’ shipping mode decisions in a way that is counter-productive to the overall policy goal?

What activities or relationships need new regulations to be optimally deployed? Examples: Railcar defect detection

* + Trackage defect detection
	+ Train control safety technology (e.g., ECP braking, PTC  II)
	+ Directed service
	+ Degree of inter- and intra-modal competition
	+ Reciprocal switching

***Round Two***

**Identifying Impacted Parties and Establishing Measures**

For each of the regulations identified in Round One: Who are the impacted parties?

* + What data measures have been used to illuminate the need for that regulation?
	+ What data has been used to quantify the benefits of each regulation for each impacted party?
	+ How is the cost of implementing a regulation allocated and funded relative to each impacted party?

***Round Three***

**Developing Regulations that Fit**

How do we need to think about regulations to best fit various characteristics of rail operations?

* + What regulations that apply to larger railroads should be adjusted for smaller railroads?
	+ What regulations should be further distinguished for line haul routes of varying characteristics? Examples:
		- Lines that host passenger trains
		- Lines that host hazardous commodities
		- FRA track classification level
		- Traffic level by tonnage or train frequency
		- Service Quality metrics (train velocity, re-crew rates, ETA failures)
	+ What regulations should be further distinguished for terminals and railyards of varying characteristics? Examples:
		- Degree of automated operations
		- Degree of automated inspection capability
		- Provision of yard air
		- Local service quality metrics (switching volume, terminal dwell, first-mile/last-mile failure rate)
	+ What regulations should be further distinguished by commodity hauled or railcar type?
		- Hazmat and placarding
		- Gross weight per car classification
		- Excess length/height railcars
		- Dimensional loads
		- Community emergency response notification
		- Train consist-oriented characteristics:
			* Train length and weight
			* Railcar placement in consist
			* Locomotive placement in consist
			* Container/trailer placement per railcar
			* Buffer car requirements
	+ What performance metrics should be established for each regulatory objective?

***Round Four***

**Prioritization and Process**

What regulatory issues are most urgent to address?

* + Should the regulatory landscape and policy favor one mode over another?
	+ Why?
	+ What process should be established for reviewing and/or sunsetting rules and regulations at         intervals or upon a change in circumstances?
		- How frequently should a regulation undergo review to understand changes in benefits and costs?
		- What monitoring or reporting improvements can be identified?
	+ How should hard and soft costs of regulations be calculated and recognized?

		- Who are the impacted parties?
		- What data measures have been used to illuminate the need for that regulation?
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		- How is the cost of implementing a regulation apportioned and funded relative to each stakeholder group?
	+ What factors should be weighed in regulatory execution decisions and implementation timing?
		- Technology maturity
		- Pragmatic deployment timing
		- Costs and benefits to impacted parties
		- Effectiveness of the regulation toward achieving the objective
	+ What types of changes should be made to rulemaking and regulatory processes?
		- Does the regulation account for all impacted parties?
		- Does the regulation shift the modal balance in a way that negates the overall benefit?
		- Examples for evaluation: Hours of service limitations to promote safe operation
			* Total GHG/particulate/NOx emissions per shipment unit
			* Toxic material emissions per accident
			* Equipment inspection intervals
	+ How can the need for rules and regulations be mitigated with trust and cooperation?
		- What transformation in principles and culture among impacted parties can lead to the presence of trust as expected and delivered?
		- What transparent and comparable Key Performance Measures empower trust and cooperation, and how are they collected, registered, and interpreted?