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## Northern Indiana Commuter Transportation District (NICTD)

### Program Compliance Submission

### 49 CFR Part 272

## Critical Incident Stress Plan

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## **Purpose and Application:**

The purpose of NICTD's "Critical Incident Stress Plan" (CISP) is to advance the health and safety of the District's employees as well as the safety of its daily operations and service.

This plan requires that all managers and employees coordinate, cooperate and communicate to ensure that, in compliance with 49CFR272, those directly involved in a Critical Incident (CI) are afforded appropriate support services, including appropriate relief from duty.

The final rule of 49CFR272 Applies to Class 1 railroads, intercity passenger railroads and commuter railroads. The Northern Indiana Commuter Transportation is an intercity commuter railroad; and as such, 49CFR272 is the defining and authorization document for this CISP.

## **Goals and Objectives:**

It is the District's overall goal to ensure that all employees covered under 49CFR272 perform their duties unencumbered by mental or emotional distress derived from a Critical Incident. The District through the implementation of this program, intends to promote good mental and emotional health to employees affected by a Critical Incident.

NICTD's specific goals include:

- Provide a safe environment for all passengers, employees and members of the public
- Provide greater system reliability
- Improve employee mental health and well being
- Prevent passenger and employee injuries/fatalities
- Reduce healthcare costs
- Reduce employee lost time by rendering supportive psychological services

## **Definitions:**

### Accident/incident:

(1) Any impact between railroad on-track equipment and a highway user at a highway-rail grade crossing. The term “highway user” includes automobiles, buses, trucks, motorcycles, bicycles, farm vehicles, pedestrians, and all other modes of surface transportation motorized and un-motorized.

(2) Any collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) that results in reportable damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, and roadbed.

(3) Each death, injury, or occupational illness that is a new case and meets the general reporting criteria listed in 49CFR225.19(d)(1) through (d)(6) if an event or exposure arising from the operation of a railroad is a discernible cause of the resulting condition or a discernible cause of a significant aggravation to a pre-existing injury or illness. The event or exposure arising from the operation of a railroad need only be one of the discernible causes; it need not be the sole or predominant cause; or

(4) Occupational illness. Accountable injury or illness means any abnormal condition or disorder of a railroad employee that causes or requires the railroad employee to be examined or treated by a qualified health care professional, regardless of whether or not it meets the general reporting criteria listed in 49CFR225.19(d)(1) through (d)(6), and the railroad employee claims that, or the railroad otherwise has knowledge that, an event or exposure arising from the operation of the railroad is a discernible cause of the abnormal condition or disorder.

Critical Incident: (1) An accident/incident reportable to the FRA under part 49CFR 225 of this chapter that results in a fatality, loss of limb, or a similarly serious bodily injury; or

(2) A catastrophic accident/incident reportable to FRA under part 49CFR225 that could be reasonably expected to impair a directly-involved employee's ability to perform his or her job duties safely.

Directly-involved employee: Means a railroad employee covered under 49CFR272.7

(1) Whose actions are closely connected to the critical incident;

(2) Who witnesses the critical incident in person as it occurs or who witnesses the immediate effects of the critical incident in person; or

(3) Who is charged to directly intervene in, or respond to, the critical incident (excluding railroad police officers or investigators who routinely respond to and are specially trained to handle emergencies.)

Home Terminal: means an employee's regular reporting point at the beginning of the tour of duty.

## **Plan Content**

Under 49CFR272, directly affected employees covered under this plan include: District employees subject to 49CFR228 Hours of Service Law; District employees who inspect, install, repair or maintain railroad right of way or structures; and District employees who inspect, repair or maintain locomotives, passenger cars or freight cars.

Employees not specifically covered under 49CFR272 that are directly affected by a CI may be afforded the same coverage upon request to and at the discretion of The District's Employee Assistance Program Coordinator.

The Manager of Safety, Rules & Training will be the responsible party for the training of all applicable NICTD management personnel regarding the provisions of this plan. Distribution of the CISP to its applicable members will be via electronic or printed copy. NICTD Managers are responsible to train their respective covered employees.

The provisions of this CISP are as follows:

1. Inform the employee of relief available through this CISP as soon as practicable after the incident.

Supervisors of directly-involved employees will be dispatched to the incident location. Supervisors will coordinate with the directly-involved employees who are under their respective jurisdiction and offer relief from duty options as soon as practicable. Member(s) of the Safety Department will also be notified and may respond as well, at their discretion. The designated supervisor or member of the Safety Department shall offer (remind) each directly-involved employee of the relief options and support services described in 272.101 (a)-(f,) and how to request the relief and support services including the contact information of NICTD's EAP counselor and Coordinator. Relief options for the directly-involved employee must be offered early in the communications with the designated supervisor, at the incident site, before the employee has already continued on with his/her tour of duty or much time has elapsed.

2. Offer timely relief from the balance of duty tour.

CI directly-involved employees shall be offered relief from the remaining balance of their duty tour. The supervisor or member of the Safety Department, representing the District at the site of a critical incident shall offer (remind) and provide timely relief from the balance of duty tour. If accepted relief will be timely afforded once all necessary actions are taken to ensure employee, passenger, and public safety, all necessary reporting documentation is furnished. NICTD may not require the employee to undergo evaluation or assessment to receive this time off work.

3. Offer timely transportation to home terminal.

As part of the relief option, each directly-involved employee who chooses to accept the relief offer (reminder) made by the designated supervisor or the responding member of the Safety Department shall be provided conveyance back to the directly involved employee's home terminal. Conveyance, at the employee's discretion, shall exclude the use of passenger rail service. Conveyance directly to the employee's residence will be made an option if the employee deems themselves unable or unfit to safely operate a highway motor vehicle. Timely transportation will be afforded as soon as practicable once relief is granted; after the employee has performed any actions necessary for safety of persons and contemporaneous documentation of the incident.

4. Offer counseling, guidance and other appropriate services to directly involved employees.

Follow-up with each directly-involved employee is important. Directly-involved employees may request mental/emotional health supportive services regarding their involvement of a CI. The Director of Human Resources and Labor Relations serves as The District's Employee Assistance Program (EAP) Coordinator and will contact affected employees within three (3) working days after the related CI.

NICTD must make provision for counseling, guidance and other support services should a directly-involved employee choose to accept such services. Services must be provided by NICTD prior to and after the EAP Coordinator contacts the employee, should the employee choose to do so. If such services are not immediately available, (due to late time after-hours, holidays, etc.) and are immediately needed or requested, the employee will be taken to a nearby emergency room where interim services can be provided.

5. Permitting relief from subsequent tours of duty.

Upon the request from a directly-involved employee, time off from subsequent shifts/tours of duty shall be granted for a period of up to three scheduled working days without the need of any diagnosis/treatment from a medical professional; should the employee make request. Should the directly-involved employee request more than the allotted three scheduled working days, NITCD may require the employee be in consultation with a health care practitioner. Documentation of such consultation must be provided to NICTD upon request. The aforementioned health care practitioner may be a licensed employee assistance professional, a licensed psychiatrist, clinical social worker, or physician of the employees choosing.

6. Additional leave from duty for mental/emotional supportive services.

(a) CI affected employees under the care of the EAP Counselor, licensed employee assistance professional, a licensed psychiatrist, clinical social worker, or physician of the employees choosing will be afforded time off from their normal shifts/tours of duty to comply with assigned treatment and supportive services.

(b) Additional leave is granted solely for the purpose of the prescribed services that are supported by the healthcare provider.

(c) The District reserves the right to timely request and receive, written proof of attendance of such services.

7. District employees working or operating on track owned by another railroad.

NICTD operates on a portion of the Metra Electric District. Any of the District's employees directly-involved in a CI on Metra's property shall be governed by this CISP.

**Summary**

The District strives to be a prominent force in implementing industry best practices. NICTD is taking responsibility to provide proper care for the mental and emotional health of its employees. This is paramount in providing safe, reliable service to our ridership. While Officers/Supervisors to the District are not health care professionals and cannot diagnose PTSD or ASD, this CISP intends to provide for the care and prevention of such illnesses.