

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER N1-399-07-21	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received: <b>3-24-07</b>	
1. FROM (Agency or establishment) U.S. Department of Transportation		<b>NOTIFICATION TO AGENCY</b>  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
2. MAJOR SUBDIVISION Federal Railroad Administration			
3. MINOR SUBDIVISION Office of the Chief Counsel, General Law Division			
4. NAME OF PERSON WITH WHOM TO CONFER Kim Toone	5. TELEPHONE NUMBER (202) 493-6132	DATE <b>3/24/12</b>	ARCHIVIST OF THE UNITED STATES 
<b>6. AGENCY CERTIFICATION</b> I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>4</u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,			
<input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <b>6/10/11</b>	SIGNATURE OF AGENCY REPRESENTATIVE 		TITLE Records Officer
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<b>Chief Counsel's Office – General Law Division</b>  Congress created the Federal Railroad Administration (FRA) with the passage of the Transportation Act of 1966 (80 Stat.932)3(e)(1). Its purpose is to combine federal government support to rail transportation activities, and to provide a unified national policy; to administer and to enforce rail safety laws and regulations; to administer financial assistance for certain railroads; and to conduct research and development to improve intercity ground transportation.  The Chief Counsel's office directs the legal affairs of FRA. The General Law Division provides legal services to FRA's various offices on all legal issues other than safety law, including (but not limited to) Freedom of Information Act; Federal Tort Claims Act; Equal Employment Opportunity, Merit System, and labor laws; and Surface Transportation Board matters.  <b>NOTE:</b> The Safety Law Division is covered under schedule N1-399-08-02. The Railroad Enforcement System (RES) is covered under schedule N1-399-08-08.  <b>NOTE:</b> These disposition instructions apply to all the described records regardless of physical media.		

1. **Alaska Railroad Files:** General railroad transportation and active railroad case files.

Disposition: **Temporary.** Close files after project has finished and statute of limitations for litigation has passed. Destroy or delete 5 years after closure.

2. **Amtrak Files:** Development and operation of the National Railroad Passenger Corporation.

Disposition: **Temporary.** Close files after project has finished and statute of limitations for litigation has passed.

If paper: Transfer to FRC 10 years after closure. Destroy 30 years after closure.

If electronic: Delete 30 years after closure.

3. **Amtrak Reform Council Files:** Amtrak reform initiatives.

Disposition: **Temporary.** Close files when commission is disestablished. Destroy or delete 5 years after closure.

4. **Antitrust Files:** General railroad antitrust and Section 333 files.

Disposition: **Temporary.** Close files when legal work product is completed.

If paper: Transfer to FRC 10 years after closure. Destroy 30 years after closure.

If electronic: Delete 30 years after closure.

5. **Attorney Working Files:** Records, drafts, notes, and memoranda, as well as background material and reference copies of documents collected by attorney.

Disposition: **Temporary.** Close files when case is closed and all periods for litigation and related appeals have expired. Destroy or delete 30 years after closure.

6. **Bankruptcy Files:** Case files on bankruptcy cases.

Disposition: **Temporary.** Close files when case is closed and all periods for litigation and related appeals have expired.

If paper: Transfer to FRC 5 years after closure. Destroy 25 years after closure.

If electronic: Delete 25 years after closure.

7. **Financial Assistance - Repayable Credits (Loans):** Records relating to FRA's loan programs including but not limited to Railroad Rehabilitation and Improvement Financing loans and loan guarantees. Such records include email communications, notes, working drafts and final drafts of financing agreements, security agreements, pledges, guarantees, opinions of counsel, waivers, modifications and amendments thereto.

Disposition: **Temporary.** Close files after loan is repaid in full with interest, credit risk premium refund is determined, and all property subject to liens has been released.

If paper: Transfer to FRC 10 years after closure. Destroy 50 years after closure.

If electronic: Delete 50 years after closure.

*Superseded by DAA-0399-2013-0005-0005*

8. **Financial Assistance - Cooperative and other agreements:** Records relating to FRA's grant programs including but not limited to FRA's Intercity Passenger Rail Investment, Rail Line Relocation and Disaster Assistance Grant Programs. Such records include email communications, final selection documents, notes, working and final drafts of grant agreements and related documents and amendments thereto.

Disposition: **Temporary.** Close files after term of contract expires.

If paper: Transfer to FRC 10 years after closure. Destroy 50 years after closure.

If electronic: Delete 50 years after closure.

*Superseded by DAA-0399-2013-0005-0004*

**Legislation Files:** Legislation, testimony, and reports mandated by Congress on programs within the purview of FRA or drafted by FRA; legislation, testimony, and congressionally-mandated reports referred to FRA for comment; opinions, interpretations, and advice on matters related to legislation as presented or intended for presentation to the Congress (e.g., copies of draft bills, reports, analyses, and correspondence with sponsors and other interested agencies or parties and related indexes); and specifications for legislative proposals. This term also includes testimony given by the Chief Counsel and material initiated or generated by FRA providing evidence of decisions, functions, policies, procedures, operations or other activities of the Government.

9. **Legislation - Landmark:** Legal work product files containing significant precedential legal opinions, analyses, and conclusions. Criteria to include records relating to Legislation, testimony, and reports mandated by Congress on programs within the purview of FRA or drafted by FRA.

Disposition: **Permanent.** Cutoff files at the end of the legislative session.

If paper: Transfer to FRC 3 years after closure. Transfer to NARA 30 years after closure.

If electronic: Pre-accession to NARA 5 years after closure. Transfer to NARA 30 years after closure.

10. **Legislation - Routine:** Legislation matters and legal work product files that are routine in nature and do not have significant precedential or historic value.

Disposition: **Temporary.** Cutoff files at the end of the legislative session. Destroy or delete 20 years after closure or when longer needed, whichever is later.

**Litigation Files:** Pleadings, judgments, and correspondence on any judicial or administrative litigation or claim being handled by the General Law Division involving FRA or an official of FRA.

11. **Litigation - Landmark:** Legal work product files containing significant precedential legal opinions, analyses, and conclusions. Criteria to include records relating to cases that result in court decisions that significantly interpret statutes and regulations; cases that are heard by the appellate courts or the Supreme Court; cases that are deemed to be significant for investigative or litigation procedures or other important precedent; cases that attract national news media attention; and cases resulting in a congressional investigation.

Disposition: **Permanent.** Close files when underlying litigation is complete and all periods for other litigation and related appeals have expired.

If paper: Transfer to FRC 5 years after closure. Transfer to NARA 30 years after closure.

If electronic: Pre-accession to NARA 5 years after closure. Transfer to NARA 30 years after closure.

12. **Litigation – Routine:** Legal matters and legal work product files that are routine in nature and do not have significant precedential or historic value.

Disposition: **Temporary.** Close files when underlying litigation is complete and all periods for other litigation and related appeals have expired. Destroy or delete 6 years after closure.

13. **Minority Business Enterprise (MBE) Program Files:** Historical reference documents related to MBE programs.

Disposition: **Permanent.** Close files at the end of the fiscal year. Transfer to NARA 20 years after closure.

14. **Procurement Law Files:** FRA contracts and indemnification record on litigation.

Disposition: **Temporary.** Close files after final non-appealable decision in litigation or settlement ends. Destroy or delete 5 years after closure.

15. **Station Development Files:** Station project development documents (i.e. Farley/Moynihan, Washington DC's Union Station). Includes bylaws, articles of incorporation, development plans, memorandums of understanding/agreement, easements, and annual financial reports. Does not include routine administration and operation files.

Disposition: **Permanent.** Close files at the end of the fiscal year.

If paper: Transfer to FRC 10 years after closure. Transfer to NARA 30 years after closure.

If electronic: Pre-accession to NARA 5 years after closure. Transfer to NARA 30 years after closure.

**Subject Matter Files:** Subject matter files are all completed legal work product created within the office, including memoranda or correspondence providing legal opinions, interpretations, advice, and related information on matters falling within the activities and operations of FRA; documents prepared outside the office relating to the legal work product created within the office without which the legal work product would be incomplete, e.g., requests for legal opinions, interpretations, or advice; or commentaries on, or responses to, opinions, interpretations or advice.

16. **Subject Matter files – Landmark:** : Legal work product files containing significant precedential legal opinions, analyses, conclusions, advice or interpretations; policy-making decisions; documentation of major activities of the office.

Disposition: **Permanent.** Close files when legal work product is completed.

If paper: Transfer to FRC 10 years after closure. Transfer to NARA 30 years after closure.

If electronic: Pre-accession to NARA 5 years after closure. Transfer to NARA 30 years after closure.

17. **Subject Matter – Routine:** Legal matters and legal work product files that are routine in nature and do not have significant precedential or historic value.

Disposition: **Temporary.** Close files when legal work product is completed. Destroy or delete when records are no less than 10 years old but no more than 30 years old.

18. **Tort Law-Federal Tort Claims Act Files:** Records with respect to the administration of claims filed against the agency. (Superseded Job: N1-399-79-01/2).

Disposition: **Temporary.** Close files when claims are processed. Destroy or delete when 6 years, 3 months old.

19. **Transportation Technology Center Files:** FRA's operation and management of Care Custody and Control contracts. Includes bylaws, articles of incorporation, development plans, memorandums of understanding/agreement, and easements. Does not include routine administration and operation files.

Disposition: **Temporary.** Close files when obsolete or superseded.

If paper: Transfer to FRC 10 years after closure. Destroy 30 years after closure.

If electronic: Delete 30 years after closure.