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# Federal Railroad Administration

## Office of Railroad Safety

### Keystone State Railroad Association

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August 19, 2021

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# Agenda



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- FRA Goals and Priorities
  - Explanation of FRA Re-organization
  - 209 Determination
  - Rail Operations in Port and Plants
  - FRA-Short Line Training Seminars
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# Deputy Administrator Amit Bose' Goals and Priorities



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1. RSAC: More align to previous charter
  2. SOFA, FAMES, C3RS: Under Railroad Safety Partnerships Division
  3. Crew Staffing: Revisit in fall with fresh look at safety concerns
  4. Certification: Evaluating certification of signalmen and dispatchers
  5. Review of “Brakes 1”
  6. Fatigue Risk Management and D&A testing of mechanical employees
  7. Evaluating Very Long Trains (VLT)
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# Why Did FRA Office of Safety Re-Organize ?

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- Safety has been stagnant for about last 10 years
- As Industry has evolved, FRA has not
- Uniform Interpretation and Enforcement of Regulations
- System Safety and Risk Reduction Regulations
- Collaboration with Rail Industry (RRs, Labor, Suppliers)



# Goals of Organizational Alignment

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- Prepare for future safety oversight and enforcement based on data-driven systemic and performance based safety management
- Align HQ and Regional organizational structures to improve HQ and Regional communication, collaboration, consistency, and accountability
- Align similar staff activities for synergy and efficiency
- Support the DOT Strategic Plan for FY2018-2022: Safety, Infrastructure, Innovation, Accountability



# What's Not Changing

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- Headquarters and Safety Management Team leadership will establish priorities to accomplish FRA's mission
- Relationships with railroads, labor and other stakeholders will continue to be critical for effective safety oversight
- Specialists and Inspectors will continue inspecting and identifying risks and safety issues and working with railroads to achieve compliance



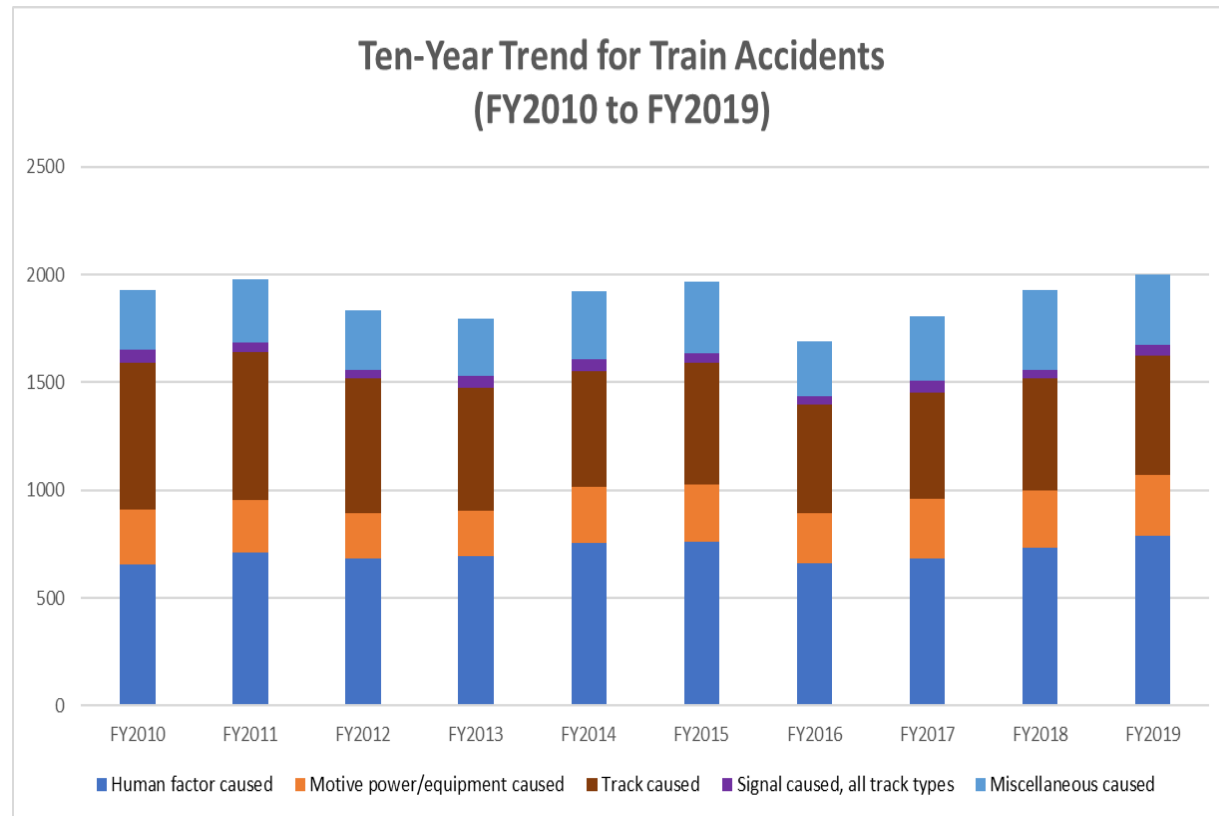
# Safety is our Priority

## Decision-Making and Actions

FRA's regulations and safety oversight are based on data analysis.

Over the past decade:

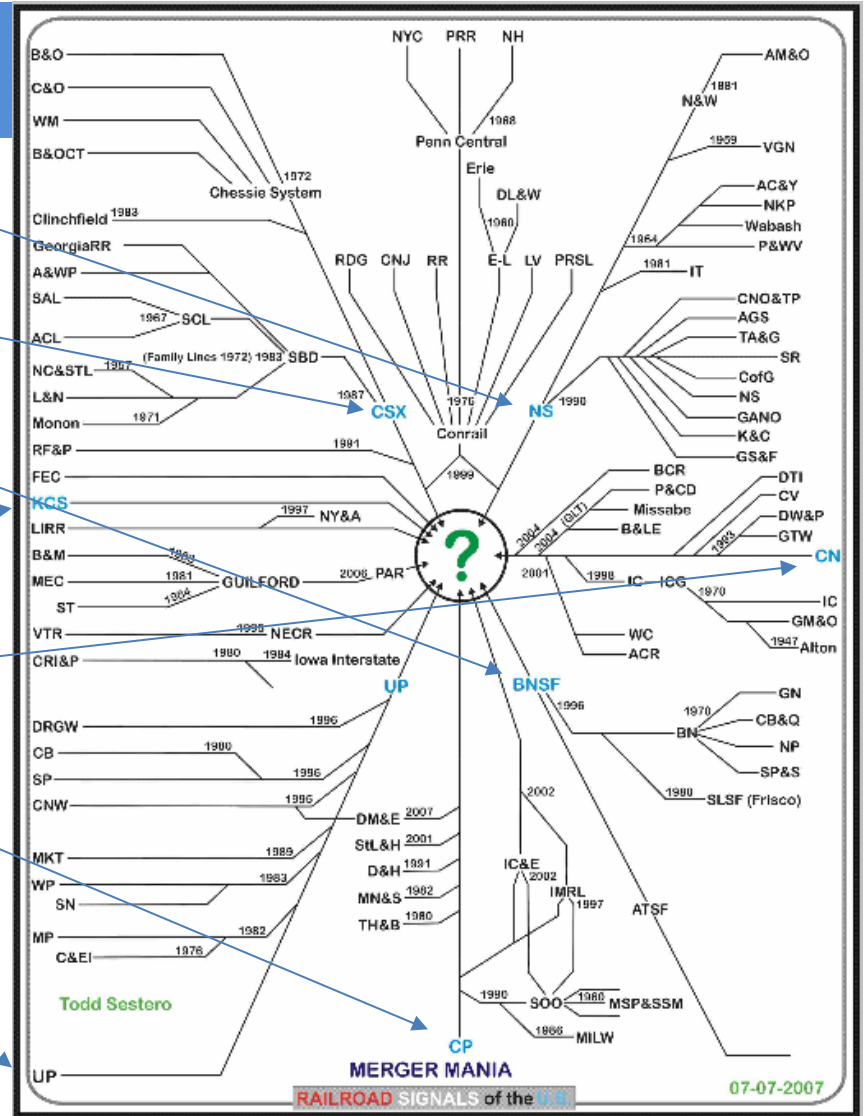
- Train accidents (not at grade crossings) increased 4%
- Highway-rail grade crossing collisions have increased 13%
- Employee fatalities declined by 43%



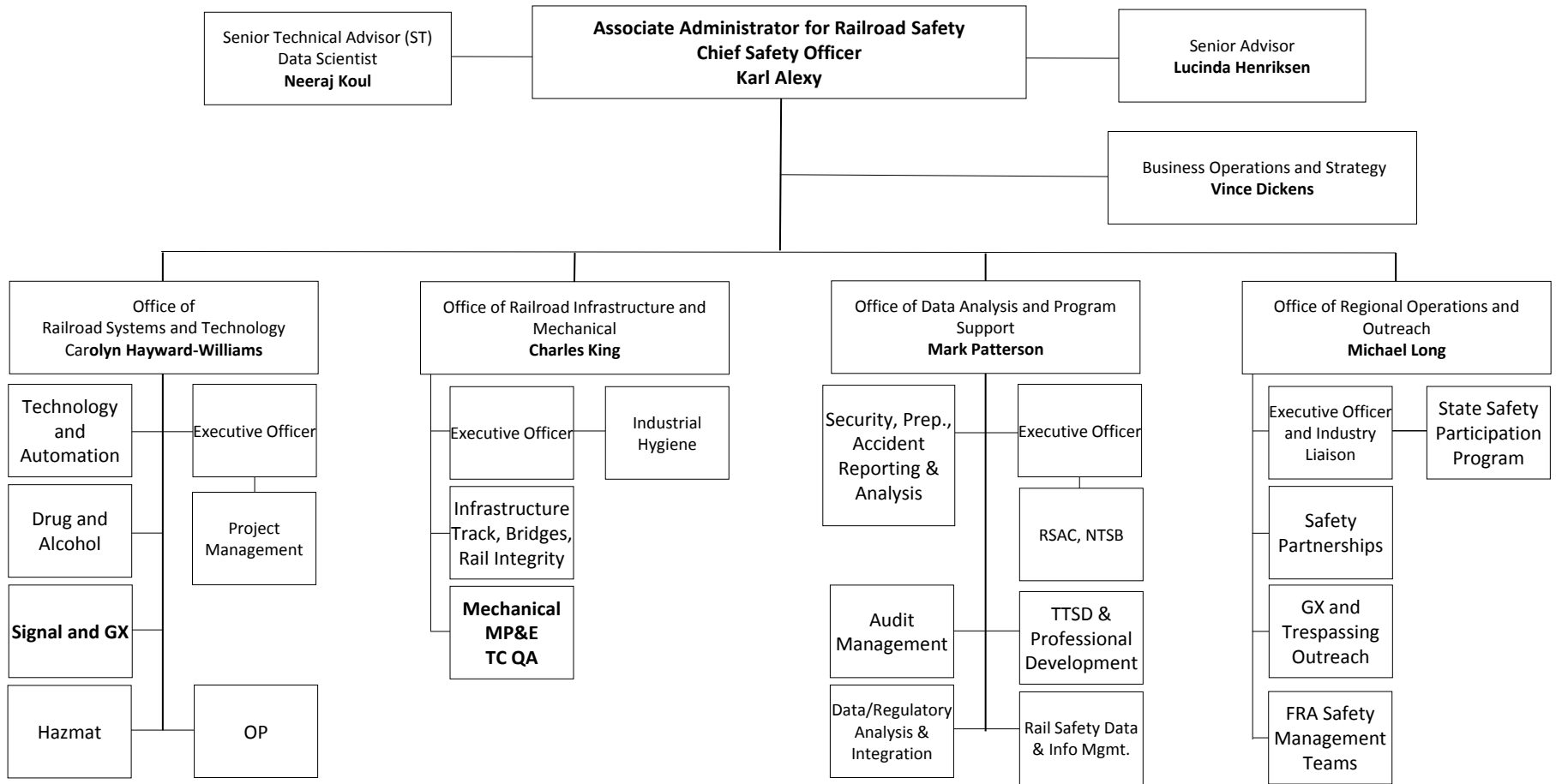
# Over 100 years of Railroad Consolidation

Eighty-four railroads, now  
...seven Class I railroads

- Norfolk Southern
- CSX
- BNSF
- Kansas City Southern
- Canadian National
- Canadian Pacific
- Union Pacific







FEBRUARY 2020

# FRA Senior Leadership Team

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<b>Deputy Administrator:</b>	Amit Bose
<b>Acting Chief Counsel:</b>	Brett Jortland
<b>Associate Administrator for Safety / CSO:</b>	Karl Alexy
<b>Director Railroad Operations &amp; Outreach</b> <i>SMTs – HGTO – State – Partnerships</i>	Michael Long
<b>Director Railroad Systems &amp; Technology</b> <i>Signal / GC – PTC – Haz – OP – Tech O – 219</i>	Carolyn Hayward Williams
<b>Director Railroad Infrastructure &amp; Mechanical</b> <i>MP&amp;E – Track / Bridge / Rail Integrity – IH</i>	Charlie King
<b>Director Data Analysis &amp; Program Support</b> <i>AAB - Safety &amp; Reg Analysis – TTSD</i> <i>RSAC – NTSB – Audit Mngt</i>	Mark Patterson



# SMT Points of Contact and Responsibilities

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**SMT-1 Steve Illich: Amtrak & Commuters East**

**SMT-2 Dave Kannenberg: Short Line East**

**SMT-3 Carmen Patriarca: Norfolk Southern**

**SMT-4 Michael Bodoh CN – CP – Metra - NICTD**

**SMT-5 Vence Haggard: BNSF**

**SMT-6 Vacant \*: UP - KCS**

**SMT-7 James Jordan \*: Commuters West**

**SMT-8 Vacant \*: Short Line West**

**SMT-9 Adam Marshall: CSX**

**HGXT-O: James Payne**

**Safety Partnerships: Rob Castiglione**

**State Program Manager: Melvin Strong**



# West/East Division for Short Line Railroads and Holding Companies

## Safety Management Team (SMT) - Short Line Railroads West

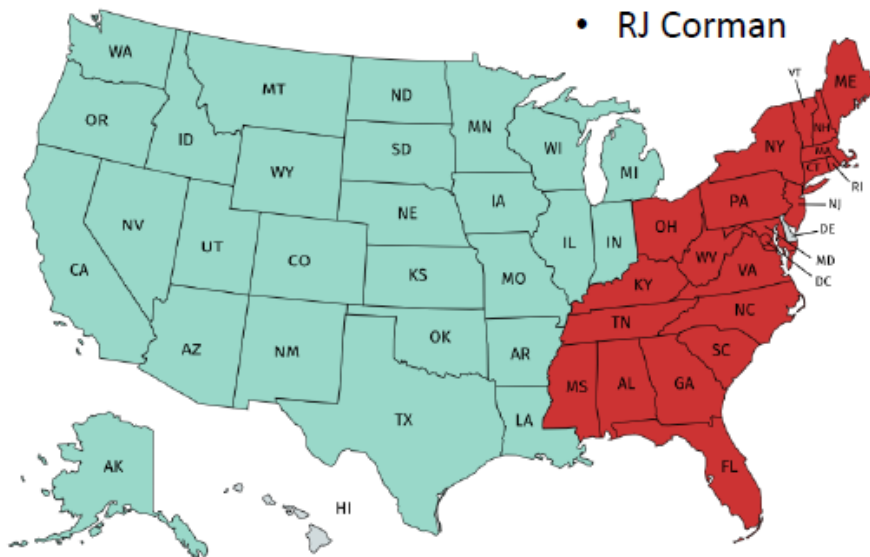
All Class 2 and 3 Short Line Railroads and the following holding companies:

- Watco
- OmniTrax
- Pioneer Rail

## Safety Management Team (SMT) - Short Line Railroads East

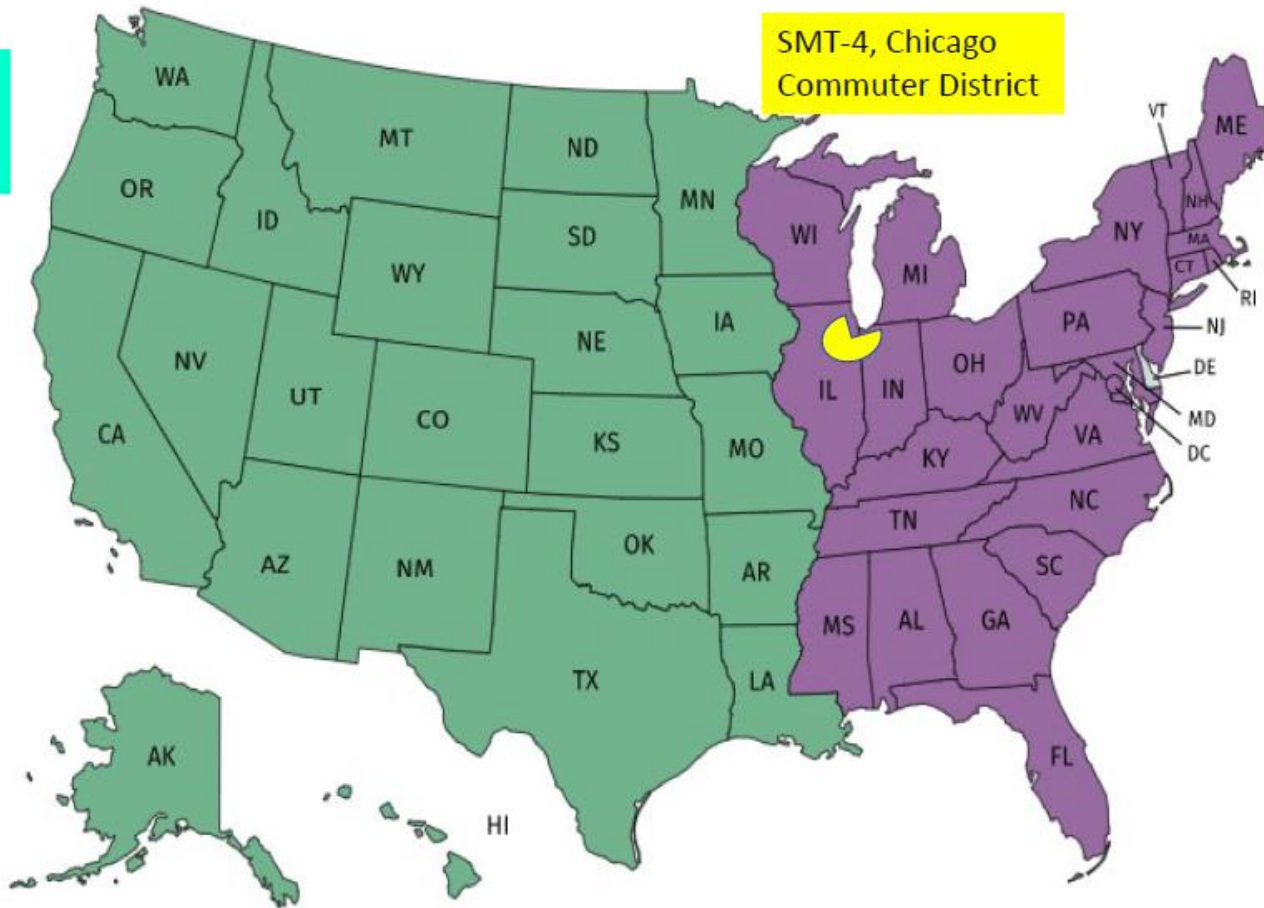
All Class 2 and 3 Short Line Railroads and the following holding companies:

- Genesee & Wyoming
- Patriot Rail
- RJ Corman



# Safety Management Teams 1, 4, & 7 Amtrak and Commuter Railroads

SMT-7  
Commuters  
West



SMT-4, Chicago  
Commuter District

SMT-1  
Commuters  
East and  
Amtrak

# Duties and Responsibilities of the Safety Management Teams

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Act as a Conduit Between:

Railroad – Employees - Staff Directors - Inspectors –  
Associations – Labor Organizations

Be a “Subject Matter Expert” on Assigned Railroad

Collect and Analyze Quantitative and Qualitative Data of Assigned Railroad

Assist in System Risk Evaluation Audits

Oversee Waivers, One Time Movement Authority, Audits

Complaints – Local inspectors will accept complaints, however will request complaints be submitted via FRA website for tracking.

<https://railroads.dot.gov/railroad-safety/federal-railroad-administration-alleged-violation-reporting-form>

**\* Note: Your inspectors will remain the same.**



# Rail Safety Partnerships

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## Confidential Close Call Reporting System (C3RS)

Over 14,000 C3RS reports

Precursor data for SOFA & FAMES

## Switching Operations Fatality Analysis (SOFA)

## Fatality Analysis of Maintenance-of-way Employees and Signalmen (FAMES)

SOFA & FAMES publishing timely safety updates

## Rail Information Sharing Environment (RISE)



# 49 CFR Part 209 Appendix A

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- With the exception of self-contained urban rapid transit systems, FRA's statutory jurisdiction extends to all entities that can be construed as railroads by virtue of their providing non-highway ground transportation over rails or electromagnetic guideways, and will extend to future railroads using other technologies not yet in use.
- For policy reasons, however, FRA does not exercise jurisdiction under all of its regulations to the full extent permitted by statute. Based on its knowledge of where the safety problems were occurring at the time of its regulatory action and its assessment of the practical limitations on its role, FRA has, in each regulatory context, decided that the best option was to regulate something less than the total universe of railroads.





# 209 Regulatory Application Determination

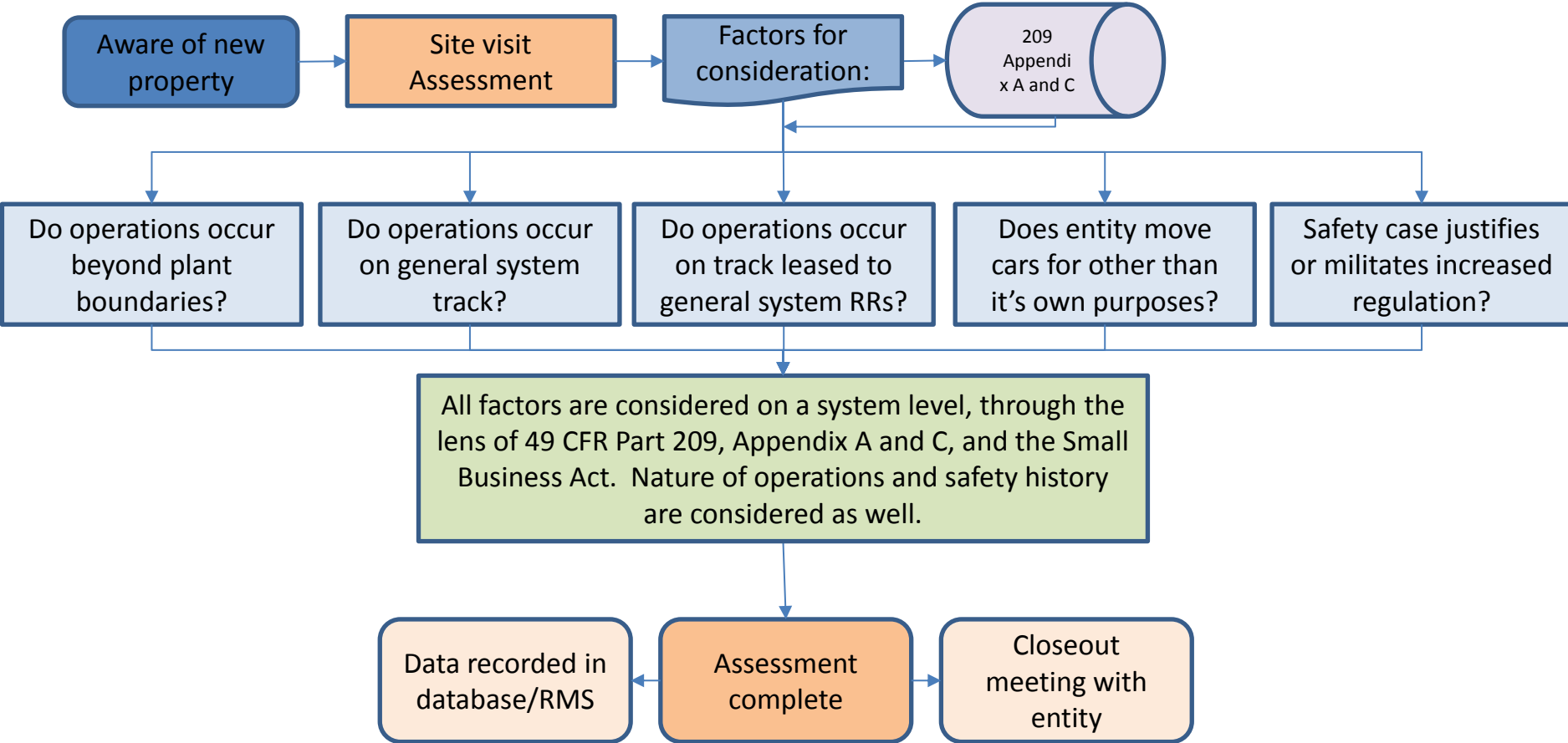
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The Chief Safety Officer has assigned small property 209 Regulatory application assessments to SMT-2 (Short-lines East) and SMT-8 (Short-lines West).

- When Inspectors come across a previously unknown operation, they can contact SMT-2 or SMT-8 for a review.
  - In the global address book: [SMT-2@dot.gov](mailto:SMT-2@dot.gov) and [SMT-8@dot.gov](mailto:SMT-8@dot.gov)
- SMT 2/8 will conduct an assessment of the operation in question through the lens of 49 CFR Part 209 Appendix A, Appendix C, and the Small Business Act
  - May reach out to Discipline Specialists for assistance with on-ground assessment.



# 209 Jurisdictional Determination



# FRA Enforcement Action: What to Do When....

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- **Before Enforcement Action is Taken:**

- It is FRA's policy to consider a variety of factors in determining whether to take enforcement action against persons, including small entities, who have violated the safety laws and regulations.

- The seriousness of the violation and the person's history of compliance, FRA inspectors consider “such other factors as the immediate circumstances make relevant.”

- In the context of violations by small entities, those factors include whether the violations were made in good faith e.g., based on an honest misunderstanding of the law), and whether the small entity has moved quickly and thoroughly to remedy the violation(s).

- In general, the presence of both good faith and prompt remedial action militates against taking a civil penalty action, especially if the violations are isolated events.

- **After Enforcement Action is Taken:**

- Once FRA has assessed a civil penalty, it is authorized to adjust or compromise the initial penalty claims based on a wide variety of mitigating factors, unless FRA must terminate the claim for some reason. FRA has the discretion to reduce the penalty as it deems fit, but not below the statutory minimums. The mitigating criteria FRA evaluates are found in the railroad safety statutes and SBREFA: The severity of the safety or health risk presented; the existence of alternative methods of eliminating the safety hazard; the entity's culpability; the entity's compliance history; the entity's ability to pay the assessment; the impacts an assessment might exact on the entity's continued business; and evidence that the entity acted in good faith.

- Among the “other factors” FRA considers at this stage is the promptness and thoroughness of the entity's remedial action to correct the violations and prevent a recurrence. ***Small entities should be sure to address these factors in communications with FRA concerning civil penalty cases.*** Long-term solutions to compliance problems will be given great weight in FRA's determinations of a final settlement offer.

- [https://www.ecfr.gov/cgi-bin/text-idx?SID=166b34c0bc4c80ac0b05ef215dccffa4&mc=true&node=ap49.4.209.0000\\_0nbspnbspnbspn.c&rqn=div9](https://www.ecfr.gov/cgi-bin/text-idx?SID=166b34c0bc4c80ac0b05ef215dccffa4&mc=true&node=ap49.4.209.0000_0nbspnbspnbspn.c&rqn=div9)



# Recent Plant / Port Railroad Operating Accidents

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**JULY 1, 2021:** A plant employee crushed between rail cars, causing his death at a pipe manufacturing plant. *Birmingham, AL.*

**JUNE 23, 2021:** A railroad employee was riding the side of a tank car when he fell off switching in an industry. He suffered a triple amputation of his left leg, right foot and right hand. *Ball, LA*

**MAY 23, 2021:** The railroad employee was walking parallel to the track during the shove move. When the train was about to depart the industry. she observed the gate to the industry was closed. At this time, she stepped in front of the shove move, between the caboose and the gate. She was pinned between the steps of the caboose and the industry gate suffering serious injury. *Neptune Beach, WA*

**MAY 19, 2021:** A railroad employee was picking up three empty cars in a petrochemical plant. The cars were on a curve with descending grade. After multiple attempts to couple the cars, the conductor was caught between two cars and fatally injured. *Newington, NH.*

**October 20, 2020:** A train departing an energy transfer terminal struck a manually operated gate in the closed position. Normal operations was for gate to remain open, new security guard, closed gate). Security guard was attempting to re-open the gate. Locomotive struck the gate, the guard narrowly escaped being crushed. *Philadelphia, PA*



# What Can We Learn

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1. **Job-Safety Briefings (JSB) Save Lives:** All employees involved in an operation should have a thorough understanding of the operation and risks. \*
2. **Never Assume:** Just because it has always been done a certain way, all it takes is one variation to cause an accident or injury
3. **Inches & Seconds Matter:** It is only a matter of inches or seconds that separate a close-call to an accident, an injury to a fatality.
4. **Safety = Compliance + Culture:**
5. **DOT Definition of Safety Culture:** The shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.
6. **You Set The Example:** If you, as a leader violate a safety rule, you have just empowered your employees to do the same.

\* FAMES analysis – 69 fatalities investigated, almost 50% no or poor JSB

\* SOFA analysis - 214 fatalities investigated, over 20% no or poor JSB



# FRA-ASLRRA Short Line Training Seminars

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- FRA will begin, in accordance with CDC guidelines and individual railroad's policy on in-person training seminars
- Agenda and schedule will be developed in coordination with ALSRRA
- Multiple locations across USA.
- Will include SMT and local inspectors.



# FRA Contacts for Short Line Railroads, East

Office of Railroad Safety • Short Line Railroads, East

June 2020

## FRA Safety Management Team – Short Lines, East

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# FRA Contacts for Short Line Railroads, West

Office of Railroad Safety • Short Line Railroads, West

June 2020

## FRA Safety Management Team – Short Lines, West

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# Questions

