

O. P.

ENFORCEMENT

MANUAL

Case Type Alpha Codes

AD	Alcohol & Drug
AR	Accident Reports Act
FCS	Freight Car Standards
GS	Glazing Standards
HMT	Hazardous Materials Transportation
HS	Hours of Service
HSR	Hours of Service Recordkeeping
LI	Locomotive Inspection
REM	Rear End Marker
ROP	Railroad Operating Practices
ROR	Railroad Operating Rules
RSP	Radio Standards & Procedures
SA	Safety Appliances
SI	Signal Inspection
TS	Track Standards
EQ	Engineer Qualifications
BW	Bridge Worker Safety

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OPERATING PRACTICES ENFORCEMENT MANUAL

ROR- Operating Rules

RSR- Safety Rules

TSI - Special Instruction

RSI - R.R. Special Instruction

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INSPECTION REPORT
SOURCE CODES

OP & Haz/Mat

1. Complaint investigation.
2. Regular inspection.
3. Waiver investigation.
4. Incident investigation.
5. Assessment and special investigation.
6. Accident investigation.
7. Federal Assistance investigation.
0. Other.

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OPERATING PRACTICES ENFORCEMENT

PURPOSE OF THIS MANUAL

This directive provides guidance and instructions to operating practices safety inspectors concerning the enforcement of regulations under the jurisdiction of the Federal Railroad Administration (FRA) and which relate to all facets of railroad operations, including human factors.

Although every effort has been made to provide guidelines and instructions which are clear enough to promote uniformity, understanding, and consistent application of the regulations, it must be recognized that each operating practices inspector must exercise a high degree of independent judgement in individual situations. This manual provides the fundamental principles on which that judgement should be based.

1. PROGRAM GOALS

The basic goal of the Operating Practices Program is the prevention of railroad accidents and casualties. The program also promotes the safety of railroad employees, travelers, and the general public. Since operating practice matters are primarily people-oriented, accident prevention is achieved by instructing employees about the requirements of the rules, the reasons for compliance, and the possible consequences of non-compliance. Instruction is usually conducted by the carrier however Federal inspectors may be asked to participate in certain carriers programs that are safety related.

The inspector monitors the effectiveness of a carrier's instruction program by observing employees performing their duties, interviewing employees to determine their knowledge and understanding of the rules, attending the carrier's rules instruction classes, and other activities.

It is the responsibility of the carrier to determine if employees are complying with the rules through appropriate surveillance and performance tests. The operating practices inspector monitors the carrier's efforts by inspecting pertinent records and may, on occasions, accompany carrier officers when tests are conducted.

One duty of the operating practices inspector is the observation of carrier officers who conduct tests. This is not to form a basis for employee disciplinary action or to criticize the carrier's officer for deficiencies in the program, but to impartially and objectively assess the carrier's efforts to develop and maintain a suitable safety program.

Inspectors must understand the regulations within the FRA's jurisdiction. Inspectors should know which regulations were promulgated as a result of conditions or practices which railroads could not or would not change and regulations prompted by accident trends, especially accidents that resulted in many casualties.

2. AUTHORITY

Federal Railroad Safety Act

The authority for prescribing railroad operating rules and regulations is outlined in Section 202 of the Federal Railroad Safety Act of 1970. This section authorizes the Secretary of Transportation to prescribe rules and regulations in all areas pertaining to railroad safety.

Section 209 of the Federal Railroad Safety Act of 1970 makes it unlawful for a railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the FRA under the Act.

Hours of Service Act

The Hours of Service Act of 1907 restricted most railroad employees from remaining on duty for more than 16 hours in any 24-hour period. The Act remained virtually unchanged until the enactment of Public Law 91-169 on December 26, 1969. The Hours of Service Act, as amended (45 U.S.C. 61-646), became effective one year later.

The purpose of the Hours of Service Act, as amended, is: "To promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon."

The Act appears to be penal in nature because it includes a provision for a fine of \$500 to be assessed for each violation resulting from a civil action. However, it is primarily a remedial statute.

Accident Reports Act

The Accident Reports Act requires common carrier railroads which are engaged in interstate or foreign commerce to make full reports to the FRA of all accidents that result in casualties or damages to equipment or roadbed arising from railroad operations. The Act authorizes the FRA to prescribe rules, regulations, and forms that are necessary for reporting accidents/incidents.

Section 39 of the Act states that any common carrier which fails to make the required report within 30 days after the end of the month during which the accident/incident occurred is guilty of a misdemeanor and is liable to a fine of not more than \$100 for each offense. Each day that a carrier fails to make the required report is considered as a separate offense.

As amended in 1975, the Act provides that civil penalties can be assessed under the Federal Railroad Safety Act instead of criminal sanctions. The authority provided by the Accident Reports Act and the Federal Railroad Safety Act provides civil and criminal penalties as enforcement mechanisms.

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3. MONITORING OF OPERATING PRACTICES

In monitoring a railroad's compliance with FRA regulations, inspectors should base their evaluations on total operational awareness. Inspectors must realize the relationship between the various segments of carrier operations and FRA regulations.

Observation of yard operations includes: determining compliance with blue signal rules; handling of cars containing hazardous materials or the condition of these cars, including placarding; and employees' overall compliance with the rules.

Since an operating practices violation is usually based on human behavior factors, it cannot be measured by meters or gauges.

It may be a matter of a new employee not knowing the requirements, a willingness to take a calculated risk, or negligence. Although many violations may be supported by documentation, this is not usually the case with operating practices violations. In most cases, effective detection of a violation and the corrective action subsequently taken by the carrier are dependent on the inspector's knowledge of railroad operations, sound operating practices, and a thorough knowledge of the carrier's operations.

When deviations from the regulations are observed or employees have insufficient knowledge of rules that apply to their occupation, the inspector must initiate corrective action. This requires the inspector to talk with the supervisor to point out deficiencies, the possible consequences, and the need for compliance. When handling these matters with carrier officers having a higher level of responsibility, the inspector should try to obtain voluntarily compliance.

Successful inspectors must know the Federal regulations, individual carrier's rules, and the accepted principles of good operating practices. Inspectors must recognize deviations from these rules and practices which could lead to accidents and must be able to clearly demonstrate the consequences of continuing poor operating practices to railroad personnel. This requires a high degree of analytical ability, imagination, tact, and diplomacy.

4. VIOLATION GUIDELINES

There may be occasions when a carrier's non-compliance warrants a penalty. The use of penalties for violation prevention should be seen as the final way of obtaining compliance, rather than as punishment for violating the regulations. When a violation is submitted against a carrier, the offender and the carrier's responsible officer should be informed of the gravity of the violation and the reasons for the initiation of a penalty action. The inspector must also obtain a commitment from the carrier concerning corrective action to prevent a recurrence.

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Specific laws require the submission of a violation report for certain conditions. For example, the Hours of Service Act requires an inspector to submit evidence of a violation.

There are various degrees of non-compliance with regulations in FRA's jurisdiction. It is not necessary to submit violation reports in all non-compliance instances. The filing of unnecessary reports is counterproductive to FRA efforts.

The seriousness of a violation must first be considered and if it is a repeated violation which occurred in spite of an inspector's previous efforts to obtain compliance.

5. GUIDELINES FOR OPERATING PRACTICES INSPECTORS

Situations which could result in a death, serious injury, or substantial property damage take precedence over all other inspector duties. An inspector has the responsibility to assure that unsafe conditions receive prompt corrective action.

In-depth accident analyses are conducted to determine if any laws, rules, or orders within FRA's jurisdiction have been violated and what remedial action should be taken.

Inspectors must have a thorough knowledge of railroad operations in their assigned territory. This knowledge is acquired by studying each railroad's operating rules, timetables, special instructions, general orders, etc. Inspectors must also cooperatively work with railroad personnel and rail labor representatives.

Each inspector must study accident trends in the inspection district, especially those attributed to human factors and other operating practices. Information is available for each carrier in the district and proves helpful in outlining annual inspection plans and setting safety priorities.

Occasionally, the Regional Director of Railroad Safety will direct an operating practices inspector to concentrate surveillance activities on a certain carrier if an excessive number of regulation deviations are reported. Such a directive should receive prompt attention and complaint investigations should be performed whenever unsafe conditions are reported. The complaints should be investigated no matter what safety be involved. Since there is a deadline for completing an investigation report, investigations should be conducted and completed promptly.

Regular inspections should be performed on the basis of each inspector's knowledge of enforcement areas requiring more attention to assure safety. An inspector's knowledge of each carrier within the inspection district should determine the types of inspections which must be performed. For example, if a recent human factors-caused accident was related to improper use of radio communications, concentrated inspections of the carrier's operating radio rules should be conducted.

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If there is no outstanding problem area, inspections of accident/incident records should be conducted. Since FRA regulations are often promulgated after reviewing accident histories, it is important that all accidents be reported. The railroad's accident records should provide an inspector with information on the types and locations of accidents.

To achieve compliance with the radio standards, inspectors should ride trains, visit dispatchers' offices, or visit yard offices to monitor radio conversations. The inspector should note if mandatory directives are being issued as authority for the conduct of a railroad operation.

The inspector should review carrier records concerning the service of employees covered by the Hours of Service Act. The records are examined to assure that employees are not working more than the maximum number of hours allowed by the Act.

Inspectors should observe whether employees are given proper blue signal protection while working on, under, or between equipment. Remote control protection procedures and the required records should also be reviewed.

When flag protection is required, an inspector must determine if proper protection is being provided by the responsible crew members. When possible, see if rear-end markers are in place and if they are functional during periods of restricted visibility and during certain hours required by the regulation (Part 221). Review performance criteria and FRA approval records which should be on file for the devices in use.

Clean, safe, and sanitary sleeping quarters are mandated by the Hours of Service Act. If facilities do not meet these criteria, efforts should be made by the carrier to correct the conditions. Measurements should be made to ensure that the noise levels specified in the regulation are not exceeded at these facilities.

RESPONSIBILITIES AND DUTIES OF OPERATING PRACTICES PERSONNEL

1. DEFINITIONS

- a. The terms "inspector" and "safety specialist" refer to Federal operating practices inspectors.
- b. "OP" is the abbreviation for operating practices.
- c. The "Railroad Safety Specialist" (specialist) is the key advisor to the Regional Director of Railroad Safety on OP matters, and provides technical guidance to OP inspectors or to the supervisory railroad safety inspector.
- d. The "Supervisory Railroad Safety Inspector" (SRSI) is responsible for administrative functions in an assigned district and for the performance of OP and other inspectors in that district.

2. RAILROAD SAFETY SPECIALIST

- a. The OP specialist is responsible for the technical guidance of all OP inspectors in the region. The specialist must, therefore, maintain a high level of specialized knowledge on railroad operating rules and operations. Performs all duties with the advice and guidance of the Regional Director of Railroad Safety. Advice and information on technical matters are obtained from FRA's Office of Safety staff in Washington.
- b. The OP specialist has the following duties:
 - (1) Responsible for the planning, coordination, direction, and review of regional activities relating to railroad operating rules and operations.
 - (2) Coordinates and monitors the work of OP inspectors to promote and achieve the uniform understanding and performance of all instructions pertaining to their duties.
 - (3) Maintains contact with division and general offices of railroads in the region, with railroad employees, with railroad labor organizations, and other rail industry organizations to ensure compliance with the laws, orders, rules, and regulations concerning railroad operating rules and operations.
 - (4) Maintains contact with the Office of Safety's Washington staff to exchange information on railroad operating rules and operations.
 - (5) Provides inspectors with technical support and may conduct inspections and investigations either alone or with an inspector whose technical performance the specialist is monitoring.

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- (6) Personally handles assignments of an unusual nature or directs an inspector to handle such an assignment.
 - (7) Directs the investigation of serious railroad accidents and preparation of accident reports. Reviews accident reports written by inspectors to ensure completeness, accuracy, and reliability.
 - (8) In conjunction with the regional director, decides whether specific complaint investigations are required.
 - (9) Determines inspector priorities and schedules technical investigations conducted by inspectors.
 - (10) Provides the Washington office with documented information on any changes to existing rules or regulations which would improve railroad safety.
 - (11) Gives new employees specialized technical training which includes: a detailed explanation of the purpose of railroad-related laws; the orders, rules, and regulations issued under the authority of these laws; the approved methods for the application of orders, rules, regulations, and the compliance level expected of railroad employees.
 - (12) Reviews reports of alleged violations before they are submitted to the Office of Chief Counsel for prosecution. Insures that the reports are technically accurate and complete in accordance with FRA requirements.
 - (13) Evaluates railroad employee training and testing programs to determine their benefits and effectiveness.
 - (14) Represents the FRA at claims collection proceedings and court proceedings when requested by the regional director.
 - (15) Receives, reviews, and makes recommendations to inspection reports before they are sent to the Washington office.

3. SUPERVISORY RAILROAD SAFETY INSPECTOR

- a. The Supervisory Railroad Safety Inspector (SRSI) performs duties with the advice and guidance of the Regional Director of Railroad Safety. Receives information on technical and administrative matters from the regional director's staff and from Office of Safety headquarters.
- b. The SRSI is responsible for the following duties:
 - (1) Provides the regional director or other staff members with the details of accidents which occur in the district. Investigates or assigns the investigation of accidents as directed.

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- (2) Investigates or assigns the investigation of complaints as directed by the Regional Director of Railroad Safety.
 - (3) Reviews inspectors' reports for accuracy and completeness before forwarding reports to the regional office.
 - (4) Monitors the inspectors' schedules and assigns inspection points in the district to assure uniform coverage. Considers travel costs, inspection frequency, and the various railroad operating activities when assigning inspection points.
 - (5) Reviews leave applications and grants leave, based on availability of other employees to cover work requirements.
 - (6) Annual safety program plans are developed by the regional director, the OP specialist, and other safety specialists.
 - (7) Spends up to 25 percent of total work time conducting inspections.
 - (8) Conducts special investigations and inspections when directed by the regional director.

4. INSPECTOR

- a. The inspector is responsible for impartial and uniform application of laws, rules, regulations, and orders pertaining to railroad operating practices.
- b. The OP inspector is responsible for the following duties:
 - (1) Inspects railroad facilities, operations, and records as required by Federal regulations. Determines how well the carrier complies with applicable laws, rules, regulations, and orders.
 - (2) Observes railroads' testing and training programs to evaluate their effectiveness and contribution to railroad safety.
 - (3) Reviews all timetables and special instructions issued by the railroads, as well as any changes which are made to the railroad operating rules and practices, to see if they comply with Federal rules and regulations, evaluates their effectiveness, and reviews their safety contribution.
 - (4) Makes inspections and observations to determine how well railroad employees comply with applicable laws, rules, regulations, orders, and railroad operating rules.

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- (5) Periodically reviews railroads' records as required by Federal regulation to determine if railroads correctly prepare their records and submit them on time.
 - (6) Conducts investigations of railroad accidents and prepares thorough accident reports which include all pertinent and related information.
 - (7) Investigates complaints of alleged unsafe operations or operating procedures which may violate railroad operating rules or Federal regulations.
 - (8) Must be familiar with railroad operations in an assigned territory. Reviews any changes in train operations caused by maintenance-of-way activities on railroads in the assigned territory to assess the safety of train operation methods. Confers with railroad division and general officers in the territory to promote cooperation and improve railroad safety and compliance with OP-related laws, regulations, and rules.

5. PERSONAL SAFETY

- a. The inspector should be familiar with railroad safety rules before going on railroad property to perform required duties. When on railroad property, the inspector should always watch for moving equipment which could endanger the inspector or anyone accompanying the inspector.
- b. An inspector must never operate any piece of railroad equipment. There is no exception to this rule. An inspector may request that a piece of equipment be moved for investigation, but the inspector must request that a railroad representative do so.

6. INSPECTION AND INVESTIGATION ACTIVITIES

- a. Usually an inspector confines inspections, investigations, and surveillance activities to regularly assigned hours of duty. An inspector may occasionally be required, however, to conduct these activities outside of the scheduled working hours.
- b. When carriers assign inspection personnel, the OP inspector should closely monitor their work to assure conformity with Federal regulations, including regulations that deal with employee protection in the performance of duties.

7. UNIFORM COVERAGE

- a. Unless directed otherwise, an inspector should cover all inspection points within an assigned territory as regularly as possible much of this will be covered in the region's annual inspection plan. The inspector

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must consider the relative importance of inspection points, operational activities at each point, past levels of compliance, and the prevailing accident history at each inspection point. A large terminal, a terminal with a poor accident record, or a terminal with a past history of noncompliance will require more frequent inspection.

- b. The inspector must become familiar with railroad operations at all rail yards, telegraph offices, terminals, train dispatchers' offices, interlocking towers, locomotive and car department facilities, and hump-yard towers in the assigned territory.

8. WORK PRIORITY

- a. Unless otherwise directed, an inspector's duties follow these priorities:

- (1) accident investigation,
- (2) complaint investigation,
- (3) petition investigation, and *waivers/APPLICATIONS*
- (4) compliance investigation or surveillance. - *ATIP*
- (5) *Assessments*
- (6) *Federal Assistance Projects*
- (7) *Regular Inspections*
- (8) *Other Activities*

9. INSPECTION POINTS

- a. Inspectors must keep the Washington office informed of the inspection points in their territory through the OP specialist and the Regional Director of Railroad Safety.
- b. On or before October 1 of each year, Federal inspectors must prepare an updated list of inspection points in their assigned territory and submit this list to the OP specialist and the Regional Director of Railroad Safety. The lists are then sent to the Office of Safety's Washington office.
- c. It is the responsibility of the specialist and the regional director to make sure that inspection point lists are accurate.

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CHAPTER I - REGULAR INSPECTIONS

PART 1 - GENERAL

1. FREQUENCY OF INSPECTION

Inspections should be made more often on larger railroads than on smaller railroads. The frequency of inspections must be governed by the region's annual inspection plan and the inspector's knowledge of problem areas where concentrated enforcement efforts are needed to gain compliance.

2. ADVANCE NOTICE OF INSPECTION

The inspector is not required to, and ordinarily should not, provide a railroad with an advance notice of inspection.

3. MAKING PRESENCE KNOWN

Before beginning a regular or routine inspection, the inspector should notify the appropriate railroad official located at or near the inspection point on arrival. The inspector may invite the official to accompany the inspector during the inspection.

4. CREDENTIALS

Inspectors should promptly offer their credentials for identification to railroad personnel in a courteous manner whenever requested or when this is considered to enhance a cooperative relationship.

5. INTERFERENCE WITH INSPECTIONS

- a. If a railroad representative interferes with or limits an important part of the inspection, the inspector should determine whether the interference or limitation will adversely affect the results. The inspector should promptly report the circumstances to the supervisor or the Regional Director of Railroad Safety.
- b. If an inspector encounters forcible resistance of any nature or is threatened with resistance or assault, the inspector must immediately leave the site and report the circumstances to the supervisor or the Regional Director of Railroad Safety.

6. REFUSAL TO PERMIT INSPECTION

- a. If a railroad representative refuses to permit an inspection on the railroad's premises, the inspector must determine the reason for the refusal. The inspector should then leave the premises and immediately report the circumstances to the supervisor or the Regional Director of Railroad Safety.
- b. Under no circumstances will the inspector engage in a dispute with a railroad representative(s) who refuses to permit an inspection.

7. UNUSUAL PROBLEM OR OCCURRENCE

The inspector must promptly notify the supervisor or the regional director of any unusual problem or occurrence related to accomplishing assigned duties.

8. WAIVER OF LIABILITY

- a. Inspectors must not sign any document which voids their rights or the right of the Federal Government to recover damages for any injury or loss of property while visiting railroad property for inspection or other official business.
- b. Provided that it imposes no condition on the Federal Government or the inspector, a visitor or guest register may be signed.

9. IRREGULARITY DISCLOSED

- a. Any irregularity found during an inspection must be brought to the attention of the railroad official whose jurisdictional responsibilities include the initiation of corrective action.
- b. The inspector should be prepared to show the pertinent section(s) of the law or regulation involved in the noted variance to the appropriate railroad official.
- c. It is important that the inspector determine whether the railroad's proposed corrective action will result in compliance with existing laws and regulations.

10. VIOLATION DISCLOSED

- a. When an inspection discloses an intentional violation of a regulation, the inspector must submit an appropriate report for violation prosecution.
- b. If a inspector is dissatisfied with the corrective action previously proposed by the railroad, or during a followup inspection determines that the railroad failed to implement the required changes, the inspector should be prepared to submit a violation report.

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1. INSPECTOR'S RESPONSIBILITIES

Within their assigned territory, each inspector must conduct periodic inspections and observations to determine the degree of compliance with Sections 217.7, 217.9, 217.11, 217.13, concerning railroad operating rules. Inspections or reviews of each railroad's operational testing program and inspection program must be conducted to determine employee compliance with railroad operating rules. Inspections must also include each railroad's program of employee instruction on operating rules and the adequacy of the recordkeeping required for both programs.

2. INSPECTION PREPARATION - RAILROAD OPERATING RULES

- a. The inspector must have thorough knowledge of provisions of 49 CFR Part 217 to recognize the requirements of the regulations and the issues addressed in these rules.
- b. This regulation requires each railroad to file a copy of its code of operating rules, timetables, and timetable special instructions with the Federal Railroad Administrator. The railroad is also required to have two operational programs: (1) a program of operational tests and inspections to determine the extent of compliance with the railroad's code of operating rules, timetables, and timetable special instructions and (2) a program of instruction on operating rules to ensure that employees understand the meanings and applications of the rules. Copies of both programs and an annual report outlining the number, type, and result of each test and inspection must be filed with the Federal Railroad Administrator.
- c. In establishing the eligibility of inspection activities, the inspector should consider that 49 CFR Part 217 applies to railroads which operate trains or other rolling equipment on standard gage track which is part of the general system of railroad transportation. Part 217 does not apply to any railroad which only operates on track inside an installation which is not part of the general system of railroad transportation or to a rail rapid transit system that operates on track used only for rail rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

3. PHYSICAL ACTIVITIES

- a. Inspectors must determine the location within their assigned territory where carrier files and records are maintained. Inspection or review of these records to determine adequacy and compliance will be considered as a monitoring activity.
- b. The inspector must not actively conduct or participate in railroad testing procedures. The inspector may evaluate the adequacy or effectiveness of an operating rules instruction program by attending an instruction program. Inspection activities must never pre-empt or interfere with a railroad's operational prerogatives.

PART 3 - RAILROAD OPERATING RULES (49 CFR 218)

1. INSPECTOR'S RESPONSIBILITIES

Within their assigned territory each inspector must determine the degree of carrier's compliance with Sections 218 (blue signal), 218.35 (yard limits) and 218.37 (flag protection). The inspector must observe railroad operations at the appropriate locations to determine compliance. Blue signal inspections are conducted at any location where employees engage in activities covered by the regulations and require blue signal protection.

2. UNIFORM COVERAGE

Inspectors should direct their attention to locations in their territory where they are best able to observe railroad operations which require compliance with 49 CFR 218, 218.35, and 218.37. Observations and inspections should be made as uniformly as possible considering the volume of train movement, past levels of compliance, and the accident history at each location. Locations known to have poor accident records or which are noted for noncompliance will require more frequent inspections.

3. BLUE SIGNAL PROTECTION OF WORKMEN

a. Preparation For Inspection

- (1) The inspector must have thorough knowledge of the provisions of 49 CFR 218, Subpart B to determine which areas require blue signal protection. The inspector must recognize that these provisions are minimum requirements and that individual railroads may have additional and/or more stringent requirements. The inspector must review the railroad's published instructions concerning blue signal protection to determine the carrier's compatibility with Federal regulations.
- (2) Blue signal protection provisions only apply to railroads that operate rolling equipment on standard-gage track which is part of a general system of railroad transportation. These provisions do not apply to: (a) a railroad that only operates on track inside an installation which is not part of a general system of railroad transportation or (b) a railroad that only operates on track used exclusively for rail rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

- (3) Blue signal protection provisions apply to employees who are assigned to inspect, test, repair, or service railroad rolling equipment or their components. This includes train brake systems and activities in any of the other categories which require employees to work on, under, or between rolling stock equipment.
- (4) The term "workman" is defined in Section 218.5 to identify the specific types of employees and activities requiring protection. The "note" in this section provides detailed definitions for the terms "servicing" and "testing," as used in the regulation.

b. Physical Observations

- (1) The inspector must note the physical location of displayed blue signals, the position in which switches and derails have been left, and if applicable the location and locking of derails. If an alleged violation is being investigated, photographs provide good supporting evidence of blue signal deficiencies. The effectiveness of the locking devices for entrance/access switches should be considered in determining compliance. Inspectors must consider the separate requirements for employees on main tracks and those on other than main tracks.
- (2) The inspector must observe the procedures employed at locations of remotely controlled switch operations to determine the adequacy of locking devices. Inspectors must also review entries in the written records to determine compliance with the provisions of Section 218.30.

4. YARD LIMITS

a. Preparation For Inspection

- (1) The inspector must have a thorough knowledge of each railroad's operating rules and general orders. Inspectors should obtain copies of current timetables and timetable special instructions, retaining them for future reference.
- (2) The inspector must review these documents to determine if they are compatible with the requirements of the Federal regulation. The following are examples of the types of yard limit inspection determinations and are not intended to limit the areas of inspection:
 - (a) Review operating rules to determine if the railroad has an operating rule in effect which complies with Section 218.35(b)(1), (2), and (3) and Section 218.35(c) of the regulation.

- (22)
- (b) Determine if the timetable, timetable special instructions, and other publications adequately address the use of main track within yard limits by designated class trains.
 - (c) Determine that the railroad published yard limit rules provide for flag protection in areas not protected by block signals.
 - (d) Find out if train speeds within yard limits meet the restrictions outlined in Section 218.35(b)(2).
 - (e) Observe whether movements against the current of traffic within yard limits are properly authorized.

b. Physical Observation

The inspector should observe the physical location of yard limit signs and determine if these locations are the same as those outlined in the timetable, special instructions, or other publications.

5. FLAG PROTECTION

a. Preparation For Inspection

- (1) The inspector must have thorough knowledge of the railroad's operating rules, general orders, timetable, timetable special instructions, or other publications pertaining to flag protection. Copies of current timetables and timetable special instructions should be obtained and retained for future reference.
- (2) The inspector should review carriers' publications to determine their compatibility with the requirements of Federal regulations. The following are examples of flag protection inspections:
 - (a) Review operating rules to determine if the railroad has operating rules in effect which meet the requirements of Section 218.37.
 - (b) Determine if carrier rules cover the dropping of lighted fusees when the train is moving on main track at less than half of the maximum authorized speed.
 - (c) Find out if the carrier's rules cover the dropping of lighted fusees when the train is moving on the main track at more than half of the maximum authorized speed under circumstances where it may be overtaken.

- (23)
- (d) Determine if the carrier's rules include instructions requiring crew members to protect against the following movements on the same track.
 - (e) Determine if the railroad's rules provide for protecting the front of the train against opposing movements.
 - (f) Find out if the carrier's rules specifically forbid a crew member, who is responsible for providing flag protection, to let other duties interfere with the protection of the train.
 - (g) Determine if the rules prescribe specific minimum distances to provide adequate flag protection.

b. Physical Observations

- (1) After the inspector has prepared for a flag protection inspection/observation, arrangements should be made to visit points on the railroad line where flagging regulations apply.
- (2) There may be times when the inspector may choose to ride a train to monitor flag protection requirements.
- (3) Flag protection is not required if:
 - (a) the rear of the train is protected by at least two block signals;
 - (b) the rear of the train is protected by an absolute block;
 - (c) the rear of the train is within interlocking limits;
 - (d) a train order specifies that flag protection is not required; or
 - (e) a railroad operates only one train at a time.

c. Records Inspection

Additional monitoring of flag protection compliance can be achieved by inspecting the railroad's efficiency testing records which are submitted to the Federal Railroad Administration in accordance with the requirements of 49 CFR 217.

6. PROCEDURES - FLAG PROTECTION

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- a. When a train is moving on the main track at less than half of the maximum authorized speed in non-block signal system territory, the inspector must observe if a crew member is dropping off lighted fusees at proper intervals.
- b. When a train is moving on the main track at more than half of the maximum authorized speed in non-block signal system territory where it could be overtaken, the inspector must observe if the crew members responsible for flag protection have exercised proper judgment in the use of fusees.
- c. If a train is stopped on the main track in non-block signal system territory, the inspector should observe whether a crew member immediately goes back, places two torpedoes on the rail at least 100 feet apart, and displays one lighted fusee. The specific distance which the employee must go back is cited in each railroad's operating rules.

The crew member is then permitted to return half of the distance to the train and remain there until the approaching train is stopped or he is recalled. If recalled, the crew member must leave one lighted fusee and leave other lighted fusees at intervals which do not exceed the burning time of the last fusee. This procedure must be repeated until the speed of the train is increased to not less than one-half of the maximum authorized speed.

- d. The inspector must also observe the actions of forward crew members if forward protection is required by the railroad's operating rules. After a train stops, a crew member with flagman's signals should move out the distance required by the rule, place two torpedoes on the rail at least 100 feet apart, and display one lighted fusee.
- e. Inspectors should observe if crew members responsible for providing flag protection are supplied with the proper flagging equipment and if equipment is available for immediate use.

RADIO STANDARDS AND PROCEDURES (49 CFR 220)

1. INSPECTOR'S RESPONSIBILITIES

Within the assigned territory, the inspector conducts periodic inspections and observations to determine the degree of the carrier's compliance with 49 CFR 220.21-220.61 of the Radio Standards and Procedures. Inspections and observations are made of the railroad's use of radio communications during railroad operations. Monitoring of radio procedures may be conducted at any location where railroad employees use radio communications, either transmission and/or reception, during railroad operations.

2. UNIFORM COVERAGE

The inspector should uniformly cover the points in the assigned territory where railroad operations and monitoring for compliance can best be observed. The inspector should also consider the carrier's past compliance record and accident history in determining inspection frequency.

3. MAKING PRESENCE KNOWN AT CARRIER FACILITY

- a. Monitoring of any carrier's radio communications must be performed with a carrier employee's knowledge. (For exception, see No. 6.)
- b. Monitoring must be performed using radio equipment owned or used by the carrier. Under no circumstances may an inspector use FRA or other non-carrier radio monitoring equipment.

4. PREPARATION FOR INSPECTION/OBSERVATION RADIO STANDARDS AND PROCEDURES 49 CFR 220.1-220.61

- a. The inspector must be familiar with the provisions of 49 CFR Part 220, and recognize the areas, circumstances, and operational uses of radio communications covered by the regulation. The inspector must remember that the provisions of the regulation are minimum requirements and that the railroad may have additional or more stringent requirements that do not conflict with Federal regulations. The inspector should:
 - (1) review the railroad's radio communication rules for conformity with the regulations and determine if the rules have been filed with the Federal Railroad Administrator;

- (2) review the carrier's timetable or special instructions to determine:
 - (a) where base stations are installed,
 - (b) where wayside stations may be contacted,
 - (c) if appropriate radio channels are published, and
 - (d) the time periods during which base and wayside radio stations are attended or are in operation;
- (3) determine whether each employee who is authorized to use a radio for railroad operations has been:
 - (a) given a copy of the railroad's operating rules on the use of radio communications in railroad operations, and
 - (b) instructed in the proper use of radio communications as part of the program of instruction prescribed in Section 217.11.
- b. The Radio Standards and Procedures apply only to railroads which operate trains or other rolling equipment on standard gage track that is part of a general system of railroad transportation. The regulation does not apply to:
 - (1) a railroad that operates only on track inside an installation that is not a part of a general system of railroad transportation, or
 - (2) a rapid transit railroad operating on track used only for rapid transit, commuter or other short-haul commuter service, in a metropolitan or suburban area.
- c. The Radio Standards and Procedures apply to any person authorized by the railroad to use its radio facilities in railroad operations.
- d. "Railroad operations," as they apply to the Radio Standards and Procedures, means any movement of a train, engine, on-track equipment or motor car, either singly or in combination with other equipment.
- e. A "train order" is any mandatory directive issued as authority for the conduct of a railroad operation which is transmitted by radio.

5. PHYSICAL OBSERVATIONS

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- a. The inspector should inspect and observe where radio communications are used in railroad operations. An inspection and observation site can be any base station, wayside station, installation, facility, unit of equipment, mobile station, or packset that transmits and/or receives voice communication in connection with railroad operations.
- b. Radio transmissions should be monitored to assure that identification standards are used and to determine if transmission receivers use the proper responses.
- c. Inspectors must monitor the testing of radios and the procedures that are to be used for reporting defective radio equipment.
- d. Special attention should be given to the radio transmission of train orders, since serious consequences may result from noncompliance. Several questions must be asked when reviewing train order transmissions.
 - (1) Did the dispatcher or operator call the receiver and state the intention to transmit a train order?
 - (2) Before the train order was transmitted, did the employee who was to receive and copy the train order give their name, identification, or call sign, and location?
 - (3) Was the employee who received and copied the train order operating the controls of the engine on a moving train?
 - (4) Was the train order received and copied without impairing the safe operation of the train?
 - (5) Was the train order written in the format prescribed in the railroad's operating rules?
 - (6) Was the train order immediately repeated, in its entirety, after being received?
 - (7) Did the dispatcher verify the accuracy of the repeated train order, state the word "complete," time and initials of the employee designated by the railroad.
 - (8) Did the employee copying the train order acknowledge by repeating the word "complete" and the time?

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- (9) Was the information contained in the train order acted on by someone other than the receiver?
- (10) Were the approved phonetic alphabet and numeric pronunciations used when necessary?
(49 CFR 220, Appendix A and Appendix B)

6. RADIO STANDARDS AND PROCEDURES

(29)

- a. An FRA inspector may listen to a carrier's radio communications:

- (1) only for purposes of radio rules enforcement,
- (2) only in the physical presence of a carrier-authorized sender or a carrier-authorized receiver of the radio communication, and
- (3) only with that person's knowledge.

A carrier-authorized receiver is not only the specific person to whom the sender relays the message, but any person authorized by the carrier to listen to the radio communication and who is listening to the communication. For practical purposes, a carrier-authorized receiver is any carrier employee. An inspector may listen to a carrier's radio communications while in the train dispatcher's office, in the cab of a locomotive, or in any other carrier facility.

Listening to a carrier's radio communications at a point away from the sender, receiver, or other carrier-authorized employee is an illegal "interception" under the provisions of the Communications Act of 1934 (47 U.S.C. 505). Any person found in violation of the Act is subject to criminal and civil liability. All evidence obtained by illegal interception is inadmissible in legal proceedings.

The monitoring of a carrier's radio communications may be done out of the physical presence of the sender, receiver, or other carrier employee only if the inspector has obtained prior permission from the carrier. Ideally, permission should be obtained in writing.

- b. An FRA inspector may make a recording of a carrier radio communication which is overheard on the carrier's radio equipment:

- (1) only for radio rules enforcement, and
- (2) only when in the physical presence of a carrier-authorized sender or a carrier-authorized receiver;
- (3) recording devices may never be concealed while in use.

- (30)
- c. Inspectors may listen to tape recordings of radio communications made by the carrier as a matter of record, if the inspector is in the presence of an employee who has been authorized by the carrier to listen to the radio communications and with the employee's consent. That employee need not have heard or participated in the original communication. Carrier recordings may be monitored for accident investigations, as well as for radio rules enforcement.

PART 5

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REAR-END MARKING DEVICES (49 CFR 221)

1. INSPECTOR'S RESPONSIBILITIES

Within an assigned territory, the inspector will conduct periodic inspections to determine the degree of carriers' compliance with Sections 221.13 to 221.17. The inspection/observation will be conducted at any location where railroad operations require the display of marking devices. Inspectors are encouraged to monitor rear-end marking devices when they are performing other routine assigned duties, and to submit appropriate reports.

2. PREPARATION FOR INSPECTION/OBSERVATION - REAR-END MARKING DEVICES

- a. The inspector must be familiar with the provisions of 49 CFR Part 221 (Rear End Marking Devices - Passenger, Commuter and Freight trains) to recognize the areas, circumstances, and operational usages of the marking devices covered by the regulation. These provisions are minimum requirements and the railroads may have additional or stronger requirements as long as they do not conflict with the Federal regulation. A state may continue to enforce any law, rule, regulation, order, or standard that was in effect on July 8, 1976 regarding lighted marking devices on the rear car of freight trains, provided there is no conflict with the Federal regulation.
- b. The requirements for rear-end marking devices apply to passenger, commuter, and freight trains that operate on a standard gage main track which is part of the general system of railroad transportation.
- c. This requirement does not apply to:
 - (1) A railroad which only operates trains consisting of historical or antiquated equipment and for excursion, educational, or recreational purposes;
 - (2) A train which only operates on track inside an installation that is not part of the general railroad system of transportation;
 - (3) A rapid transit railroad which operates on track used exclusively for rapid transit passenger service in a metropolitan or suburban area; or
 - (4) A railroad which operates only one train at any given time.

d. Other items to be considered are listed below.

- (1) The definition of a "train" excludes yard movements.
- (2) Only one marking device of approved design needs to be displayed on the rear of the train. The approved device may also fulfill the requirements of the carrier's operating rules.
- (3) The marking device must be displayed continuously during the period between one hour before sunset and one hour after sunrise, and during all other hours when weather conditions so restrict visibility that the end silhouette of a standard box car cannot be seen from 1/2 mile on tangent track by a person having 20/20 corrected vision.
- (4) The centroid of the marking device must be located at a minimum of 48 inches above the top of the rail.
- (5) Displayed marking devices must be inspected by the train crew at each crew change point to assure that they are in proper operating condition.
- (6) Whenever a marking device becomes inoperative in route, the train may be moved to the next forward location where the device can be repaired or replaced.
- (7) The marking device must have the approval of the Administrator.

3. PHYSICAL OBSERVATIONS

The inspector must arrange to inspect, observe, or monitor areas where marking devices are required for train operations.

RAILROAD REPORTING OF ACCIDENTS/INCIDENTS

REGULAR INSPECTIONS

1. INSPECTOR'S RESPONSIBILITIES

- a. Within their assigned territories, inspectors will conduct periodic inspections of each carrier's accident/incident records to determine compliance with the FRA's railroad accident/incident reporting rules. It is the inspector's responsibility to assure that every carrier has reported and is reporting all covered accidents/incidents. To ensure fair and equitable treatment to all carriers each inspector should allow enough time to conduct a thorough and careful examination of records.
- b. When conducting an inspection of a carrier's accident/incident records, the inspector should analyze the carrier's accident history for train accidents, train incidents and non-train incidents, as well as for employee casualties.

The inspector should search for trends in accident causes, locations, or common characteristics to establish an accident profile. This information can be used to develop counter-measures and an accident prevention program.

For example, numerous side collisions in yards or run-through switches could indicate violations of the carrier's operating rule which states that an employee must be at the lead end of a pushing movement. The inspector should bring this to the attention of responsible carrier officers so that enforcement can lead to a reduction in accidents.

Relatively minor accidents which occur frequently are significant and attempts must be made to eliminate them. Minor yard derailments can result in needless damage to track and equipment.

2. FREQUENCY OF INSPECTIONS

The records of larger carriers should be inspected at least twice each year and records of the smaller carriers should be inspected at least once a year.

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3. PREPARATION FOR INSPECTION

At each inspection point, the inspector should meet with the carrier's reporting officer to answer any questions about the FRA's accident/incident reporting rules and to gain access to the records which must be inspected.

4. CARRIER'S MONTHLY REPORTS - INSPECTION PROCEDURES

- a. The inspector should begin the inspection by examining copies of Form FRA F6180.55 (if available) submitted to the FRA since the last inspection. This examination will determine if the carrier has been submitting monthly reports as required.
- b. After examining the carrier's available Form FRA F 6180.55 reports, the inspector will select a period to be covered by the inspection. During the inspection the inspector will retain the carrier's copies of the accident/incident report forms used during that period. Using these references, the inspector should examine all of the carrier's accident/incident records for that period to determine whether all reportable accidents/incidents were reported to the FRA as required.

5. EXTENT OF INSPECTION COVERAGE

- a. The inspection of accident/incident records should cover entire regions or carrier systems. An inspection should not cover less than a single division.
- b. Inspections should cover records for train accidents, train incidents, and non-train incidents.
- c. After May 1 of each year, regular inspections should cover only the carrier's records for the current calendar year.

6. AGE OF RECORDS INSPECTED

The inspector should not examine accident/incident records for the two months immediately preceding the current month.

7. TIME PERIOD COVERED BY INSPECTION

- a. A regional or system-wide inspection of a large carrier's records should cover a period of at least one month.
- b. An inspection of a smaller carrier's records should cover a period of at least two months.

8. CLAIMS DEPARTMENT RECORDS

If the carrier has a claims department, the inspector must examine that department's records of railroad accidents/incidents.

9. COPYING RECORDS

- a. Under Section 40 of the Accident Reports Act, an inspector can require a carrier to produce any or all documents relating to an accident/incident and the carrier is required to provide the inspector with all reasonable facilities.
- b. If a carrier indicates that records will not be duplicated and the inspector feels the records are necessary, references should be made to Section 40 of the Accident Reports Act.
- c. Instead of duplicate copies, the inspector may obtain the desired information by taking comprehensive, verbatim extracts from the records. Every record made this way must be clearly identified in case it is subpoenaed.

10. NOTICE OF INSPECTION ON CARRIER'S RECORDS

After completing a regular inspection, the inspector should make the following notation on the file copy of the carrier's Form FRA F6180.55 report:

FRA inspector's initials	Date of inspection
-----------------------------	-----------------------

EXAMPLE: "FRA - JLB	12/14/79
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11. IRREGULARITY DISCLOSED

Irregularities found during an inspection of a carrier's accident/incident records must be brought to the attention of the carrier's reporting officer for corrective action. Because of the importance of obtaining full and correct data for railroad accident/incident analyses, it is essential that the inspector make every effort to ensure that the carrier's accident/incident reports are filled out properly.

12. VIOLATION DISCLOSED

- a. When a regular inspection discloses a violation or apparent violation of the FRA's accident/incident reporting rules, the inspector should record all necessary details in the inspection report, identify the incident, and investigate the circumstances involved as soon as possible.

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- b. If an investigation must be conducted outside of the inspector's assigned territory, all information on the case, including copies of pertinent records, will be forwarded to the supervisor for handling. If an investigation will be conducted in another region, the regional director will forward the data necessary for the investigation to the appropriate region.
 - c. When the investigation in another region or territory has been completed, investigation reports will be forwarded to the inspector who first reported the violation or apparent violation. The inspector must analyze all related information and take appropriate action.

13. CARRIER'S LOGS OF EMPLOYEE CASUALTIES & ILLNESSES

- a. All railroads must maintain logs and certain records of reportable occupational injuries and illnesses. The requirements for maintaining these logs and records are specified in Sections 225.25 and 225.27 of the regulation and in the "FRA Guide for Preparing Accident/Incident Reports."
- b. If an inspector discovers that a log is not maintained, an annual summary is not posted, and/or supplementary records are not maintained, the matter should be handled with the appropriate railroad official for corrective action.

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REGULAR INSPECTIONS

1. INSPECTOR'S RESPONSIBILITIES

- a. In their assigned territories, each inspector will conduct periodic inspections of carriers' records to determine if:
- (1) the carrier has permitted or is permitting employees, covered by the Hours of Service Act, to remain on duty for a period longer than that provided in the act;
 - (2) the carrier has reported all instances of excess service to the FRA, as required;
 - (3) the reasons given by carriers in their reports of excess service constitute valid reasons under the provisions of the Act; and
 - (4) the carrier is keeping hours of service records, as required.
- b. When examining records which come under the jurisdiction of the Hours of Service Act, the inspector should constantly be aware of the potential for secondary uses of the information contained in the records.

There is very valuable information available in the dispatcher's train sheets which an inspector can use. Information concerning unusual incidents can reveal train delays caused by sticking brakes which could indicate a practice of improper train brake tests being performed at a terminal. An examination of the times of departures and arrivals can provide evidence of train operations at excess speed. "Train delays" attributed to "false restrictive" signal indications could be a sign of a deteriorating signal system.

Whenever an inspector finds information concerning areas assigned primarily to other disciplines, this information should be forwarded through the appropriate channels for action. In this way, the operating practices inspector can continue to perform effective monitoring in all aspects of railroad operations.

2. UNIFORM COVERAGE

- a. Inspectors should cover all hours of service inspection points assigned to them as uniformly as possible.

- (38)
- b. As a general rule, the records of a large railroad division should be inspected at least twice a year. If the past level of compliance has been poor or there has been a marked increase in accidents in that region, more frequent inspections should be made.

3. PREPARATION FOR INSPECTION

- a. At each inspection point, the inspector must arrange to meet the appropriate railroad representatives and/or railroad labor organization representatives to answer questions about the Hours of Service Act and to provide them with information about any unsatisfactory hours of service conditions.
- b. The inspector should arrange to examine the following items through the proper railroad official:
 - (1) The hours-of-duty records of employees covered by the Hours of Service Act.
 - (2) Copies of the carrier's monthly reports of excess service; train delay records, train sheets, and station records of train movements, if they are available.
- c. The inspector should obtain a copy of the carrier's current timetable for use as a reference during the course of the inspection.

4. TIME PERIOD COVERED BY THE INSPECTION

- a. With the larger carriers, several factors may prevent the possibility of an inspection covering a period of longer than two to four weeks. Inspections should be made frequently enough to cover two months of records per calendar year.
- b. An inspection on a smaller carrier should cover at least two months of records.
- c. A regular inspection should not include a review of the records for the current month or the month immediately preceding the inspection.

5. CARRIER'S MONTHLY REPORTS OF EXCESS SERVICE

- a. The inspector should begin an inspection by examining copies of the monthly excess service reports that the carrier submitted to FRA since the last inspection. This will determine whether the monthly reports (Form FRA F6180.3) are accurate and if the carrier has avoided or minimized excess service reports.

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b. The information shown in each monthly excess service report should be carefully analyzed to see if there is sufficient information for the Washington office to determine the exact cause of the excess service and if there was a violation of the Hours of Service Act.

c. When excess service is performed by an employee, such as an operator or train dispatcher, the carrier's monthly report of excess service should contain an adequate explanation. The following sample is not acceptable:

"Operator failed to report; no relief operator available."

The report should detail the reason(s) for the operator's failure to report.

When there is an inadequate explanation, the inspector should explore the circumstances to determine whether the carrier attempted to obtain the services of a relief operator or if a relief operator was available despite the carrier's claim to the contrary.

d. If no excess service was performed during the month, there is no need to file Form FRA F6180.3.

6. DAILY TIME RETURNS

a. After completing an inspection of the carrier's monthly excess service reports, the inspector should carefully examine the daily hours of service records submitted to the carrier by employees who are covered by provisions of the act. The inspector should determine if the records:

- (1) contain all the information required by the applicable sections 49 CFR Part 228,
- (2) reflect any instance of excess service that were not reported by the carrier in the monthly report made to the FRA, and
- (3) indicate any non-statutory release-from-duty periods.

b. There are generally three types of time returns. One includes train and engine employees' daily time returns. The other types are operator and signalmen time reports. The last two may be prepared and submitted on a daily, weekly, bi-weekly, or monthly basis.

c. The provisions of 49 CFR Section 228.9, require that the records be kept and be available for inspection and copying during regular business hours for two years.

- (40)
- d. The location of the records required by the Hours of Service regulations may vary from one carrier to another. The inspector must learn the practices of each carrier within the assigned territory.

7. TRAIN AND ENGINE EMPLOYEES' DAILY TIME RETURNS

- a. When reviewing records, the inspector should observe the length of time on duty, the length of time off duty prior to the service being examined, dates, deadheading periods, and the points where release periods were taken. Determine whether these points are designated terminals or other proper release points. Note whether the release period is the required minimum of four hours. Unless otherwise provided by the act, continuous or aggregate service should not be more than 12 hours.

If the time off duty prior to the trip or service being examined is less than eight hours, locate the previous time return and total all of the service hours that the employee performed during the 24-hour period involved.

If deadheading to a duty assignment is reported on a separate time return, it must be correlated with the record of the service.

- b. In some instances, on-duty and off-duty points are cited by carrier symbols or station numbers. The inspector must obtain a copy of the carrier's code of symbols or numbers before reviewing the records.
- c. Special notice should be made of the "Details of Service" portion of the time return. Be sure that the times reported for the train's departure from the originating station and its arrival at the final station are compatible with the on-duty and off-duty times reported by the employee(s), and with the dispatcher's train sheets.
- d. Most train and engine employees' daily time returns contain preparation instructions. These instructions are a carry-over from an Interstate Commerce Commission (ICC) order issued in May 1921. 49 CFR Part 228 addresses the preparation of employee time returns and supersedes the ICC order.

Before taking exception to the manner in which forms are completed, the inspector should make sure that the item is also required by 49 CFR Part 228.

- e. Switchtenders, inside and outside hostlers, and yardmasters often use train or engine employees daily time returns.

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8. TRAIN DELAY RECORDS

- a. With respect to employees such as enginemen, trainmen, and switchmen, the back side of daily time returns in use on many carriers is used for reporting train delays of 10 minutes or more experienced at a single location by train and engine crews. That side of daily time returns should be examined to determine whether conductors or enginemen are properly reporting delays of 10 minutes or more.
- b. If the examination reveals that delays are not being reported by conductors or enginemen on daily time returns, but by other means, no exception should be taken because the regulations are silent as to how train delays must be recorded.

9. OPERATOR'S TIME RETURNS

- a. When reviewing the records, the inspector should make sure that the service performed from day to day does not total more than the allowable maximum for each 24-hour period.

Example: John Smith 1/1/75 3 pm to 11 pm
 " " 1/2/75 7 am to 3 pm

Facility - More than 1 shift employed

This example shows a violation of the law since John Smith remained on duty for 16 aggregate hours - during one 24-hour period from 3 pm on January 1, 1975 until January 2, 1975. Smith could have worked one additional hour between 11 pm on January 1, 1975 and 3 pm on January 2, 1975 to avoid a violation.

The law does not stipulate the length of off-duty time for employees in this craft.

- b. A release of one hour or more is considered sufficient to break the continuity of service, providing the employee is free of all responsibility.

10. DISPATCHER'S RECORD OF TRAIN MOVEMENTS

- a. The records and train sheets are usually kept in the dispatcher's office and should be examined at appropriate intervals to determine if they comply with the requirements 49 CFR Part 228. The examination should also determine whether the train dispatcher has been permitted or required to perform excess service and if this has been properly reported by the carrier in its monthly report to the FRA.
- b. Train dispatchers' hours of service are recorded on the "Dispatcher's Train sheet." The dispatcher's signature and times on and off duty must be entered. Information other than this is required by 49 CFR 228.17. The inspector should determine if all of the required information is entered on the train sheet.

- (42)
- c. The inspector must determine which dispatchers are working extra. Most train dispatchers are promoted from their job as an operator. Inspectors should cross-reference the "extra" dispatchers with the appropriate operator's "Hours of Service Report" to ensure that excess service is not performed.
 - d. The number of shifts employed in a train dispatcher's office determines the Hours Of Service restrictions applicable to the facility.
 - e. All orders transmitted by train dispatchers are recorded in a train order book. Inspectors should familiarize themselves with the train order books to determine if train orders being transmitted are in accordance with the carrier's operating rules. A check of the "train dispatcher transfer" could also reveal violations.

11. STATION RECORD OF TRAIN MOVEMENTS

Station records covered by the provisions of 49 CFR Part 228 should be examined for compliance with the regulation.

12. COPYING RECORDS

An inspector may copy any of the carrier's hours of service records. Under no circumstances should an inspector remove these records from the carrier's property.

13. NOTING INSPECTION ON CARRIER'S RECORDS

After completing a regular inspection, the inspector should mark the appropriate file copy of a carrier's monthly report of excess service (Form FRA F6180.3 with the FRA inspector's initials, the date, and the period covered. FRA JDC 8/21/80 for period 5/1/80 through 6/30/80.

14. IRREGULARITY DISCLOSED

Irregularities discovered during an inspection of hours of service records should be brought to the attention of a responsible carrier official for correction.

15. VIOLATION DISCLOSED

- a. Whenever a regular inspection indicates a violation or an apparent violation of the Hours of Service Act, the inspector should promptly investigate the circumstances. If unable to do so, the inspector should provide the FRA supervisor with a brief report of the circumstances of the alleged violation indicated by the carrier's records, and make the investigation as soon as possible.

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- b. If the investigation or part of the investigation takes place outside of an inspector's assigned territory, the inspector must forward all information to the supervisor for further handling.

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CHAPTER 2

PART 1 - COMPLAINT INVESTIGATIONS

1. RECEIPT OF COMPLAINT

- a. Complaints received in the Washington office are assigned a control number by the Office of Safety Programs (RRS-10) before being sent to the region for investigation.
- b. All oral or written complaints submitted by a complainant directly to an inspector or a supervisor must be promptly transmitted to the regional director. If the regional director feels that an investigation is warranted, the regional director will obtain a control number from the Office of Safety Programs and assign the complaint for investigation.

2. COMPLAINT INVESTIGATION ASSIGNMENT

- a. After receiving a complaint investigation assignment, the inspector must complete it promptly.
- b. Complaint investigation assignments are generally initiated by complaints filed by employees or rail labor organizations. The inspector assigned to a complaint investigation is usually given the complainant's name and that of potentially helpful contacts. The inspector must not reveal the identity of a complainant to anyone outside of FRA, unless the complainant authorizes disclosure in writing. There is no exception to this rule.
- c. The function of the assigned inspector is to determine the facts, and report the findings and an analysis. Whenever possible, this should be done without telling the carrier that a complaint is being investigated.
- d. The inspector should exercise good judgment when making contacts with individual railroad employees during the course of a complaint investigation. Unless authorized, the inspector must not divulge information, records, or any other data about the complaint to anyone outside of the FRA.

3. DETERMINING COMPLAINT MERIT

- a. After conducting appropriate interviews and examining pertinent records, the inspector should be able to determine whether the complaint is bona fide.

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- b. If the inspector feels that the complaint is without merit, the inspector should promptly submit a comprehensive report of the investigation to the regional director through the supervisor. The inspector must include detailed reasons in the report for believing why the complaint is without merit.
 - c. If the investigation reveals that the subject matter of the complaint constitutes a violation of the law or regulations, the inspector should submit a violation report documented in accordance with Chapter 3 of this manual. The inspector should notify the carrier's supervisory personnel to assure that corrective action is taken.
 - d. If the inspector feels that the circumstances of the complaint cannot be sufficiently documented to support a legal action against the carrier, the inspector may contact the carrier to assure corrective action without filing a violation report. The investigation report must detail the inspector's reasons for taking this action.

4. CONDUCTING COMPLAINT INVESTIGATION - HOURS OF SERVICE

- a. When investigating an hours of service complaint, the inspector should first obtain a copy of the employee's time return. In the case of excess service being performed by a train crew, only the engineer and conductor must be interviewed. If one of them refuses to cooperate or if there is conflicting testimony, another member of the crew should be interviewed.
- b. Interviews should be conducted in private whenever possible. When required, a written and signed statement should be taken as stated in Instruction 315 of the General Manual. The inspector must always include a comprehensive report of every interview that is conducted when the investigation report is submitted. If the investigation results in a violation report and the statement of a witness could be unfavorable, the inspector should include a separate statement concerning the witness' reliability or credibility. There should be nothing in the violation report which could be damaging to the employee if the memorandum were made available to the carrier.
- c. When a complaint involves hours of service conditions at a particular place or location, the inspector should visit the scene and observe the routine in the area as referred in the complaint. When unusual circumstances or conditions result in excess service and a violation report submitted, the inspector should further investigate the carrier's operation.

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5. CONDUCTING COMPLAINT INVESTIGATIONS- ACCIDENT/INCIDENT

- a. When investigating a complaint covered by the FRA's accident/incident reporting rules, the inspector should first interview the complainant to obtain detailed information about the circumstances of the complaint.
- b. After interviewing the complainant to determine the validity of the complaint, the inspector should find out whether the accident/incident was reported. If it was reported, the investigation should be concluded and a report submitted to the regional director. If it was not reported, all pertinent records should be examined, additional witnesses interviewed, and a report should be submitted with an accompanying violation report.

6. COMPLETION OF COMPLAINT INVESTIGATION

- a. After completing a complaint investigation, the inspector should promptly submit a comprehensive investigation report to the supervisor. The violation report and all documentary evidence obtained to support the findings should be sent to the supervisor at a later date if it cannot be prepared in time to accompany the complaint investigation report.
- b. The supervisor must carefully review the inspector's report including any violation report to ensure that it is accurate, complete, and appropriate. If it is not, the supervisor should discuss the matter with the inspector and return the report for revision or correction. Violation reports are then forwarded to an operating practices specialist for technical review and preparation for transmittal to the FRA's Office of Chief Counsel for prosecution.
- c. The supervisor, inspector, and specialist share equal responsibility for the accuracy, completeness, timeliness, and appropriateness of complaint investigation reports.

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1. GENERAL INSTRUCTIONS FOR REPORTING OPERATING PRACTICES INSPECTIONS

- a. Operating practices inspections will be reported on the operating practices inspection report form, FRA F6180.65. If additional space is required, use the report continuation sheet, Form FRA F6180.65, to receive proper handling at Washington headquarters. Several important items on the report are the railroad's initials (5), location codes (8), and the inspector's identification number (1). These items must be correctly entered for proper processing of the report.
- b. Inspectors must submit the completed F6180.65 report within 10 days of the inspection. The report date is the date of the inspection and not the date that the report is completed. One copy of the report will be forwarded to the carrier. One copy will be maintained in the inspector's files and two copies must be submitted to the regional headquarters for review. The regional office will forward one copy to Washington headquarters (RRS-10) after the report is reviewed by the operating practices specialist.
- c. It is mandatory that any inspection report showing a violation item receive the following handling:
 - (1) The inspection report must clearly indicate that a civil penalty will be recommended.
 - (2) The original copy of the report must be submitted with the violation report.
- d. Instructions For Completing The Operating Practices Inspection Report
 1. Inspector's Signature - Self explanatory.
 - Payroll ID No. - Enter the five-digit payroll identification number. Enter only one payroll number per report.
 2. Report Number - Each report will receive a separate, sequential number reverting to the number "1" at the beginning of each fiscal year (October 1). Do not use other report numbers on this report form.

3. Region - Enter the region's identification number. (48)
4. Railroad Representative Enter the name and title of the railroad representative contacted. Enter "NO CONTACT" if applicable.
5. Railroad And Code - Enter the name of the railroad and the railroad's code as listed in the "FRA Guide for Preparing Accident/Incident Reports."
6. Inspection Date - Enter the date of the inspection in the following way: October 1, 1980 is 10-01-80.
7. Inspection Point - (a) Enter the name of the specific location, (b) Enter the city, and the state. The standard abbreviation of the state's name is acceptable.
8. Location - Enter the two-digit state code and the four-digit city code (GSA Geographical Codes). Prefix county codes with the letter "C".
9. Railroad Division - Enter the name of the railroad division or the word "SYSTEM" for smaller railroads.
10. Inspection Areas - Identify the regulation(s) investigated by inserting A "X" under "49 CFR PART." at the Regional Director's option, the number of units inspected may be inserted rather than using the "X" to identify inspection areas. The narrative under "Remarks" must include a description of the inspection(s) identified in this section. The narrative must be entered after the deficiency entries.
11. Deficiencies - This section is used to identify deviations from operating practices regulations.
- a. ITEM - Each deficiency entry receives a separate item number.
- b. 49 CFR PART - Enter the applicable Part of Title 49 of the Code of Federal Regulations.
- c. RULE - Enter the rule number.

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- d. SUBRULE - Enter the subrule(s).
- e. VIOLATION If a violation report will be submitted, mark this block with "X."
- f. SUBJECT - Enter the type of regulation reported:

<u>49 CFR - PART</u>	<u>DESCRIPTION</u>
217	Operating Rules
218	Blue Signal
218.35	Yard Limits
218.37	Flag Protection
220	Radio rules
221	Marking Device
225	Accident/Incident
228	Hours Of Service

- g. REMARKS - Enter a description of the deficiency and the way it was handled. After the deficiency entries, enter the inspection narrative required by item 10.

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OPERATING PRACTICES INSPECTION UNITS
PART 217-RAILROAD OPERATING RULES

Training Programs

Each:

1. Operating rules training program records inspections.
2. Operating rules training class observation/monitoring session.

Operational Testing and Observation Program

Each:

1. Operational testing and observation records inspection. (Includes filings, program content and records of tests and observations)
2. Carrier operational testing and observation inspection. (Each monitoring session with carrier representatives.)
3. Rule/speed (radar) observation/inspection or on-board observation trip.

PART 218 BLUE SIGNAL PROTECTION

Each:

1. Main track protection inspection.
2. Other than main track inspection. (Included use of alternate methods 218.29c.)
3. Locomotive servicing area.
4. Car shop repair track area.

Remotely Controlled Switches

Each:

1. Inspection of lining and locking procedures, and recordkeeping for remotely controlled switches, including Hump Yard Operations.

PART 218.35-YARD LIMITS

Yard limits inspection. (Includes signs, designations, and rules in effect.)

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PART 218.37-FLAG PROTECTION

Each flag protection inspection. Includes flag protection equipping and compliance with operating rules in addition to "rule in effect."

PART 220-RADIO STANDARDS AND PROCEDURES

Each radio compliance monitoring session.

PART 221-REAR END MARKING DEVICES

Each Caboose Service Track Inspection.
Each equipping and/or display inspection for compliance.

PART 225-RAILROAD ACCIDENTS/INCIDENTS

1. Each accident/incident inspection.

HOURS OF SERVICE

Each:

1. "Hours of Duty" records inspection for:
 - a. Train and engine employees.
 - b. Dispatchers/operators.
 - c. Signalmen.
2. "Dispatchers Records of Train Movements" inspection.
3. "Monthly Reports of Excess Service" inspection.
4. "Sleeping Quarters" inspection.

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List of Approved Operating Practice Inspection Deficiencies for Section
14 (B&C) of Form F 6180-65

<u>14(b)</u>	<u>14(c)</u>	<u>SUBJECT OF ENTRY</u>
PART 217 - RAILROAD OPERATING RULES		
217	7	FILING OF OPERATING RULES
217	9	PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS; RECORDKEEPING
217	11	PROGRAM OF INSTRUCTION ON OPERATING RULES
217	13	ANNUAL REPORT
RAILROAD RULES OBSERVATIONS		
ROR	(RULE NUMBER)	<u>RAILROAD</u> <u>OPERATING</u> <u>RULE</u>
RSR	(RULE NUMBER)	<u>RAILROAD</u> <u>SAFETY</u> <u>RULE</u>
TSI	(INSTRUCTION #)	<u>TIMETABLE</u> <u>SPECIAL</u> <u>INSTRUCTION</u>
RSI	(INSTRUCTION #)	<u>RAILROAD</u> <u>SPECIAL</u> <u>INSTRUCTION</u>
PART 218 - RAILROAD OPERATING RULES		
BLUE SIGNAL PROTECTION OF WORKMEN		
218	23	BLUE SIGNAL DISPLAY
218	25	WORKMAN ON A MAIN TRACK
218	27	WORKMEN ON TRACK OTHER THAN MAIN TRACK
218	29	ALTERNATE METHODS OF PROTECTION
218	30	REMOTELY CONTROLLED SWITCHES
PROTECTION OF TRAINS AND ENGINES		
218	35	YARD LIMITS
218	37	FLAG PROTECTION

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PART 218 - Blue Signal Protection of Workmen
Hump Operations

- 218 39(a) Notification to operator that protection is required.
- 39(b) Operator lines switch against movement and applies blocking device to the control for that switch.
- 39(c) Operator notifies the employee that the required protection has been provided.
- 41 Penalty for failure to issue an operating rule or to comply with its operating rule.

Part 219 - Control of Alcohol and Drug Use

- | | | |
|-----|-----|--|
| 219 | 101 | Prohibition |
| 219 | 201 | Events for Which Testing Required |
| 219 | 203 | Responsibilities of Railroad and Employees |
| 219 | 205 | Sample Collection and Handling |
| 219 | 207 | Fatality |
| 219 | 209 | Reports of Tests and Refusals |
| 219 | 213 | Unlawful Refusals; Consequences |
| 219 | 301 | Testing For Reasonable Cause |
| 219 | 309 | Presumption of Impairment; Notice |
| 219 | 401 | Requirement for Policies |
| 219 | 407 | Alternate Policy |
| 219 | 501 | Pre-Employment Drug Screens |

Effective March 1, 1986

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|-----|-----|-----------------------|
| 219 | 503 | Notification; Records |
| 219 | 505 | Refusals |

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PART 220 - RADIO STANDARDS AND PROCEDURES

220	21	RAILROAD OPERATING RULES: RADIO COMMUNICATION
220	23	PUBLICATION OF RADIO INFORMATION
220	25	INSTRUCTION OF EMPLOYEES
220	27	IDENTIFICATION
220	29	STATEMENT OF LETTERS AND NUMBERS
220	31	INITIATING A TRANSMISSION
220	33	RECEIVING A TRANSMISSION
220	35	ENDING A TRANSMISSION
220	37	VOICE TEST
220	39	CONTINUOUS MONITORING
220	41	NOTIFICATION ON FAILURE OF TRAIN RADIO
220	43	COMMUNICATION CONSISTENT FCC RULES
220	45	COMMUNICATION MUST BE COMPLETE
220	47	EMERGENCIES
220	49	SWITCHING, BACKING, OR PUSHING
220	51	SIGNAL INDICATIONS
220	61	TRANSMISSION OF TRAIN ORDERS BY RADIO

PART 221 - REAR END MARKING DEVICES - PASSENGER, COMMUTER AND FREIGHT TRAINS

221	13	MARKING DEVICE DISPLAY
221	15	MARKING DEVICES

PART 225 - RAILROAD ACCIDENTS/INCIDENTS

225	9	TELEPHONE REPORTS OF CERTAIN ACCIDENTS/INCIDENTS
225	11	REPORTING OF ACCIDENTS/INCIDENTS

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SIGNALMEN - PL 94-348

HSA	SEC 3Aa 1	Carrier required or permitted an employee engaged in installing, repairing, or maintaining signal systems to be or remain on duty after 12 hours in consecutive service without at least 10 consecutive hours off duty.
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HSA	SEC 3Aa 2	Carrier required or permitted an employee engaged in installing, repairing, or maintaining signal systems to be or remain on duty when he has not had at least 8 consecutive hours off duty during the preceeding 24 hours.
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SLEEPING QUARTERS

HSA	SEC 2a3	Noise levels for sleeping quarters.
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HSA	SEC 2a3	Sleeping quarters inspection for "clean, safe, and sanitary."
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225	23	JOINT OPERATIONS
225	25	RECORDKEEPING
225	27	RETENTION OF RECORDS
PART 228 - HOURS OF SERVICE		
228	9	RAILROAD RECORDS; GENERAL
228	11	HOURS OF DUTY RECORDS
228	17	DISPATCHER'S RECORD OF TRAIN MOVEMENTS
228	19	MONTHLY REPORTS OF EXCESS SERVICE

HOURS OF SERVICE ACT
(NECESSARY FOR EXCESS SERVICE)

HSA	SEC 2a 1	Carrier required or permitted an employee (train-engine-yard-including hostlers) to continue or go on duty before receiving 10 consecutive hours off duty after being on duty for 12 consecutive hours.
HSA	SEC 2a 2	Carrier required or permitted an employee (train-engine-yard-including hostlers) to continue or go on duty when the employee had not received at least 8 consecutive hours off duty during the preceding 24 hours.
HSA	SEC 3a 1	Operator, dispatcher, etc. required or permitted to be or remain on duty for more than nine hours, whether consecutive or in the aggregate in a 24-hour period in a tower, office, station, or other place where two or more shifts are employed.
HSA	SEC 3a 2	Operator, dispatcher, etc. required or permitted to be or remain on duty for more than 12 hours, whether consecutive or in the aggregate in any station, or place where only one shift is employed.

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CHAPTER 3 - VIOLATION REPORTING

PART 1 - RAILROAD OPERATING PRACTICES

1. PREPARATION

- a. After review by the operating practices specialist, the Regional Director of Railroad Safety is required to submit, in duplicate, all violation reports complete with documentation, directly to the FRA's Office of Chief Counsel in Washington.
- b. In addition, the regional director is required to furnish a copy of the violation report to the Chief of the Office of Safety Programs in Washington.

2. ARRANGEMENT

- a. A violation report must include Form FRA F6180.67, Form FRA F6180.65, and any supporting data. The inspector must prepare four copies with the original and one copy for the region, and one copy for the inspector's file. This is in addition to the required violation report sent to Washington.
- b. A violation report should include the following items in the following order:
 - (1). Form FRA F6180.67, "Violation of Operating Practices Regulations."
 - (2). Form FRA F6180.65 (12/80), "Operating Practices Inspection Report," if required.
 - (3). Other documentation to support alleged carrier non-compliance.
 - (a). For identification purposes, each attachment to the violation report must have the violation report number typed in the upper right-hand corner of each sheet. Example: 6180.67 JEB 174.
 - (b). When the violation report is the result of a complaint investigation, the assigned control or complaint file number must not be referenced in the violation report, the attached inspection report, the interview reports, or any supporting documentation that is submitted. The name of the

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complainant, the complainant's job area, or the fact that the violation resulted from a complaint must never be stated or referenced in any portion of the violation report or its attachments.

The memorandum of transmittal is not an attachment to or a part of the violation report.

(c) Information blocks that are not relevant to the subject should be left blank.

- c. The FRA F6180.67 violation report form is submitted to report violations of the following regulations:

<u>SUBJECT</u>	<u>49 CFR PART</u>
Railroad Operating Rules	217
Blue Signal Protection	218
Yard Limits	218.35
Flag Protection	218.37
Radio Standards And Procedures	220
Rear End Marking Devices	221
Railroad Accident/Incident Reporting - Recordkeeping Only	225
Hours Of Service - Recordkeeping Only	228

3. INSTRUCTIONS FOR COMPLETION OF THE FRA F6180.67
"VIOLATION OF OPERATING PRACTICES REGULATIONS."

1. Subject Insert the full title of the regulation violated.
2. Violation of 49 CFR: Enter the Part of Title 49 of the Code of Federal Regulations that has been violated.
3. Report No. - Each violation of the operating practices regulations that is filed using the F6180.67 report, must carry the same sequential numbering system beginning with the first report and continuing indefinitely.

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4. Form FRA F6180.65 - Enter the number of the F6180.65 inspection report submitted with the violation report.
 5. Railroad - Enter the full corporate name of the railroad which is cited as having violated operating practices regulations. Also enter the railroads initials in the same way as they are entered on the inspection report.
 6. Name Of Inspector(s) - Enter the name(s) of the inspector(s) submitting the violation report and the payroll identification number of the principal inspector.
 7. Location - Enter the city, state, and GSA geographical codes.
 8. Date Of Violation - Self explanatory.
 9. Time Of Violation - Self explanatory.
 10. Operation/Facility - Enter the type of operation which is in violation or the name of the facility where the violation occurred.
 11. Division - Enter the name of the railroad division where the violation occurred.
 12. Track - Enter the track number.
 13. Locomotive Initials And Numbers - Self explanatory.
 14. Train - Enter the train number.
 15. Violation Description Write a short summary of what action constituted the violation.
 16. Details Of Violation - Write a thorough description of the violation and attach any continuation sheet on a separate page, entitled "DETAILS OF VIOLATION - CONTINUED."

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17. Date Report Prepared - Self explanatory.
 18. Signature Of Inspector(s) - Self explanatory.
 19. Carrier Notification - Enter the name and
title of the railroad
official who was
notified of the violation,
and the date and
time that the notification
was given.



U.S. Department of Transportation
Federal Railroad Administration

**VIOLATION OF
OPERATING PRACTICES REGULATIONS**

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1. SUBJECT		2. VIOLATION OF 49 CFR:		3. RPT. NO.	4. F6180.65 RPT.	
		PART	RULE			SUBRULES
5. RAILROAD INT: <input type="text"/>		6. NAME OF INSPECTOR(S)			ID NO. <input type="text"/>	
7. LOCATION - CITY: <input type="text"/>		GSA CODES <input type="text"/>		8. DATE OF VIOLATION		9. TIME OF VIOLATION
STATE: <input type="text"/>		<input type="text"/>		MONTH DAY YEAR		
10. OPERATION/FACILITY		11. DIVISION			12. TRACK	
		13. LOCOMOTIVE INITIALS AND NUMBERS			14. TRAIN DESIGNATION	
15. VIOLATION DESCRIPTION						
16. DETAILS OF VIOLATION						
17. DATE REPORT PREPARED		18. SIGNATURE OF INSPECTOR(S)		19. CARRIER NOTIFICATION		
				TIME: NAME: TITLE: DATE:		

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PART 2 - RAILROAD REPORTING OF ACCIDENTS/INCIDENTS VIOLATION
FAILURE TO REPORT ACCIDENT/INCIDENT

1. PREPARATION

The regional director is required to submit all violation reports, in duplicate, to the FRA's Office of Chief Counsel in Washington, D.C. The regional director is also required to send a synopsis of the circumstances on which the report is based to the Office of Safety Programs (RRS-10).

2. REPORT FORMAT

- a. A violation report, including Form FRA F6180.61 and the supporting data, must be prepared with four copies. The original and one copy is sent to the FRA's Office of Chief Counsel, one copy is kept in the region, and one copy is retained for inspector's file.
- b. A violation report should include the following items in the following order:
 1. Form FRA F6180.65,
 2. synopsis of the violation,
 3. all interview statements,
 4. copies of the carrier's accident/incident records,
 5. copies of pertinent medical reports,
 6. copies of claims settlement records, and
 7. any other supportive documentation.

3. PREPARATION OF VIOLATION REPORT FORM FRA F6180.61

Entries should be made following these instructions:

<u>Item</u>	<u>Instructions</u>
1.	Enter the full corporate name of the railroad and the mailing address of the carrier's reporting officer who is responsible for submitting the required accident/incident reports to the FRA.

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2. Enter the name of the division on which the unreported or improperly reported case occurred. For railroads with no division designations, show the "district," another appropriate designation, or enter N/A.
 3. Enter the inspector's violation report number. One series of numbers must be used for all accident/incident violation reports.
 4. Enter the place where the accident/incident occurred; identify the name and/or geographical location such as a car repair shop, departure yard, track number, milepost, number, general office building, etc. Include the name of the town and the state.
 5. Enter the time of the accident/incident. When an occupational illness is reported enter the time of the initial diagnosis.
 6. Show the month, day, and year of the accident/initial or occupational illness initial diagnosis. Example:
January 3, 1984 - 01/03/84.
 7. Check one or more boxes to indicate the type(s) of accident(s)/incident(s). Check all boxes that apply. Check the "Other" box when reporting the violation of a requirement that is in the "FRA Guide for Preparing Accident/Incident Reports," but not in FRA's reporting rules (49 CFR 225).
 - 8A. Identify the section and subsection of the FRA reporting rule which has been violated.
 - 8B. If applicable, cite the page and item number of a violation of the "FRA Guide for Preparing Accident/Incident Reports."
 9. If no injury or occupational illness is involved, enter "N/A" after the heading and go on to item 10.

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- 9A. Enter the first name, middle initial, and last name of any person who was killed, injured, or developed an occupational illness.
- 9B. Check the box that identifies the person named in 9A.
- 9C. If an employee is named in 9A, state the employee's specific occupation.
- 9D. Describe the illness or injury, and the treatment received by the person named in 9A.
- 9E. Check all items that show the results of any injury or occupational illness.
- 9F. Describe any employee injury or illness that resulted in restriction of work or motion. If not applicable, enter "N/A."
- 9G. Write all required information if the case involves an employee injury or illness. If an employee was not involved or if no medical release was issued enter "N/A."
- 9H. If "remarks" are entered on the employee's medical release, enter them here. If no remarks were made on the medical release or if no release was issued, enter "N/A."
- 9I. Enter the name, title, and location of the physician or registered professional who provided medical treatment to the person named in 9A. If no medical treatment was provided, enter "N/A."
10. Enter all details that will enable FRA's Office of Chief Counsel to fully understand how the accident/incident occurred and why it was reported. If additional space is required, use a blank sheet of white paper and attach it to the form.

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Include the name, title, and mailing address of the carrier's official who was notified of the accident/incident, and the time and date of the notification.

Since all material submitted with a violation report is available for examination by the carrier, the inspector should use discretion in preparing the synopsis and other report materials. The inspector must not use strong language, state unfounded opinions, or disparaging remarks. The name of a complainant or the fact that the report was initiated by a complaint must never be mentioned or implied in the report or its attachments.

A list of all attached documents submitted in support of the violation report may be included in the synopsis, or the list may be included as an attachment. The name, title, and mailing address of the custodian of each document must be included.

- 11. Type or print your name and enter your signature.
- 12. Enter the date of your signature.

4. INTERVIEW STATEMENTS

- a. A violation report must be accompanied by statements obtained through interviews with employees, carrier officials, or other persons who know the circumstances surrounding an unreported accident/incident. The interviews should be conducted in accordance with Instruction 315 in the General Manual. Statements made during interviews by employees, officials, or other persons relating to unreported accidents/incidents do not need to be signed by the employee, official, or other person.
- b. Each interview report should contain the time, date, full name, title, and mailing address of the person who was interviewed.

5. COPIES OF CARRIER'S RECORDS

- a. The violation report must be accompanied by legible copies of the carrier's accident/incident records, containing information that will provide the FRA's Office of Chief Counsel with a clear understanding of how the accident/incident occurred, why it was reportable, and why the carrier did not report it.
- b. This information may be submitted in the form of duplicated copies of the carrier's accident/incident records or through comprehensive, word-for-word extracts taken from the carrier's accident/incident records.

6. COPIES OF MEDICAL RECORDS

In the case of an unreported injury or employee occupational illness, the violation report must be accompanied by copies of the carrier's medical records and contain information on the nature of the injury or illness, the medical treatment received, the medical prognosis, and the medical release for return to duty.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

VIOLATION OF ACCIDENT/INCIDENT
REPORTING RULES

An inspection of this carrier's records disclosed the following accident/incident which should have been reported under Federal Railroad Administration Regulations (49 CFR PART 225).

1. Name of Railroad		2. Division		3. Report No.	
4. Place of Accident/Incident		5. Time		6. Date Month	Day
7. Type of Accident/Incident <input type="checkbox"/> Highway Grade Crossing <input type="checkbox"/> Occupational Illness		8. Regulations Violated A. FRA Rules		B. FRA Guide	
<input type="checkbox"/> Rail Equipment		<input type="checkbox"/> Injury			
<input type="checkbox"/> Other (Specify Under Details)					
9. DEATH, INJURY OR OCCUPATIONAL ILLNESS					
A. Name of Person		B. Type of Person <input type="checkbox"/> Employee On Duty <input type="checkbox"/> Employee Off Duty		C. Occupation (If employee)	
		<input type="checkbox"/> Passenger <input type="checkbox"/> Trespasser <input type="checkbox"/> Non-Trespasser			
D. Nature of Occupational Illness or Injury and Treatment					
E. Employee's Occupational Illness or Injury Resulted In <input type="checkbox"/> Lost Workdays <input type="checkbox"/> Restriction of Work or Motion					
<input type="checkbox"/> Death <input type="checkbox"/> Medical Treatment					
<input type="checkbox"/> Transfer to Another Job <input type="checkbox"/> Termination of Employment <input type="checkbox"/> Loss of Consciousness					
F. Description of Injured Employee's Restriction of Work or Motion					
G. Medical Release to Duty Issued: Effective:		H. Remarks on Medical Release			
I. Name, Title and Location of Physician or Registered Professional Who Provided Medical Treatment					
10. Details of How Accident/Incident Occurred and What Made it Reportable					
11. Signature of Inspector				12. Date of Signature	

PART 3 - HOURS OF SERVICE ACT VIOLATION REPORTS

1. PREPARATION

- a. The regional director is required to transmit Hours of Service Act violation reports, in duplicate, directly to the FRA's Office of Chief Counsel in Washington. In addition, the regional director is required to furnish the Director of the Office of Safety Programs (RRS-10) with a synopsis of the circumstances on which the report is based. An inspector should make enough copies of a violation report and the supporting data, as must be submitted to the various FRA offices.
- b. Each attachment to the violation report, including copies of supporting data, should include a means of identification and a sequential number in the upper right corner that corresponds to the entries in the "List of Data Attached." This identification is helpful to reviewing personnel or if the report should inadvertently become separated during processing. Example:
6180-33 JEB 101
- c. Supporting data must be readable. Illegible copies should be supplemented by or replaced with hand-made copies which are marked "COPY" to indicate that they are not original documents. Carrier codes, abbreviations, and symbols that can not be readily understood (such as station numbers, job codes, etc.) should be translated, preferably with the notation next to the item. Whenever an inspector annotates a photocopy of a carrier document, the inspector's initials and the inspection date should appear next to the annotation. If a copy is made by hand, a statement should appear on the copy: COPIES BY (inspector's initials) FROM THE ORIGINAL ON FILE AT THE OFFICE OF (title) AT (location) MADE ON (date).
- d. Violation reports resulting from a complaint investigation must not indicate or imply that a complaint was involved in either the report form or the substantiating data.

2. ARRANGEMENT

Four copies of violation report, Form FRA F6180.33, and the supporting data must be prepared with two copies transmitted to the FRA's Office of Chief Counsel, one kept in the region, and one retained for the inspector's files.

The report should be prepared by the inspector as follows:

- a. Form FRA F6180.33 - "Violation Report,"
- b. synopsis of violation,
- c. copies of time returns,
- d. Form FRA F6180.28 - "Transcript of Dispatcher's Record of Movement of Trains," if pertinent,
- e. statements of employees and officials,
- f. copies of any pertinent messages, instructions, and substantiating records,
- g. a list of crews or employees available for relief service, or a statement from a carrier official that other qualified employees were available to relieve employees who performed excess service, and
- h. a copy of the carrier's report of excess service, Form FRA F6180.3, if submitted.

3. FORM FRA F6180.33

- a. Under "Character of Violation," the inspector should enter one of these statements:
 - (1) continuously on duty in excess of 12 hours,
 - (2) on duty in broken service more than 12 hours,
 - (3) off duty for a period less than that required, or
 - (4) on duty in excess of 9 (or 12) hours in a 24-hour period.
 - (a) The first three items pertain to excess service performed by employees such as enginemen, trainmen, yardmen, hostlers, and signalmen.
 - (b) The fourth item relates to excess service performed by employees such as train dispatchers and operators.
- b. The inspector's number will be a sequential number starting with the first Hours of Service Act violation report submitted and should continue indefinitely.

- c. Under the heading "Railroad," the inspector should write the carrier's full corporate name.
- d. Enter the name of the inspector's headquarters.
- e. The officer is the railroad's reporting officer. The date is the date of the occurrence.
- f. Under the heading "Train No." the number should be shown as it appears in the "Dispatcher's Record of Train Movements." Extra trains should be identified.
- g. Under the heading "Engine No." the initial and number of the controlling locomotive unit should be shown in the case of a multiple-unit locomotive.
- h. The point of departure and the point of destination should be entered.
- i. The inspector's name should be typed or printed, and the signature should be entered.
- j. The name, address, occupation, and full information on each employee's time on duty and off duty should be entered. This includes the place, date, time, and total number of hours.
- k. When the violation involves an interim (release) period for rest at any site other than a designated terminal, the inspector should include a notation on the bottom of the front of the report.

Example: "Includes interim period of five hours (10:00 am to 3:00 pm) for rest at Twodot, Montana."

- l. On the reverse side of the form under the heading "Cars Handled in Trains in Connection With Which Employee Worked," only the following should be entered: "Railroad named is a common carrier engaged in interstate commerce."
- m. Under "Regular Office Hours of Dispatcher or Operators" enter the assigned hours if the violation concerns a dispatcher or operator's hours of service.
- n. Under the heading "Cause of Excess Service," the inspector should indicate which of the following causes is applicable.

- (1) Employee was permitted or required to remain continuously on duty for a period in excess of that provided by statute.
 - (2) Employee was permitted or required to return to duty after 12 hours of continuous service without at least 10 consecutive hours off duty.
 - (3) Employee was permitted or required to continue on duty without at least eight consecutive hours off duty during the preceding 24 hours.
 - (4) Employee was permitted or required to continue on duty in broken service in excess of that provided by statute.
- o. Whenever applicable, one of the following should be added to the "cause" section to explain the reason for the excess service:
- (1) due to failure to consider as time-on-duty, a release period provided at a place other than a designated terminal;
 - (2) due to failure to consider as time-on-duty, the time spent in deadhead transportation to a duty assignment;
 - (3) due to failure to consider as time-on-duty, a release period less than that prescribed;
 - (4) due to considering as time-off-duty, the time spent in deadhead transportation from a duty assignment to a point of final release; or
 - (5) due to failure to consider as time-on-duty, any time spent performing service not covered by statute or commingled with service covered by the statute.

4. INSPECTOR'S SYNOPSIS

- a. The synopsis which must be submitted with the violation report should be concise and factual. It should fully describe the circumstances of alleged excess service and the events contributing to the excess service. Dates should be specified, as well as the times and places that duty-periods began and ended. Any discrepancy between the carrier's records and employees' statements should be explained.

- b. Since all material submitted with a violation report is available for examination by the carrier, the inspector must use discretion in preparing accompanying materials. The inspector must not use unnecessary or strong language, state unfounded opinions, express disparaging remarks, etc. If the violation report is the result of a complaint, the complainant's identity and work area should not be revealed or implied in the violation report.
- c. A copy of the synopsis must be furnished to the Office of Safety Programs (RRS-10) in Washington, D.C. The synopsis must contain enough information so that the reader is able to understand the circumstances that constituted the violation.
- d. The report should include whether or not a report of excess service, F6180.3, was submitted by the carrier.
- e. A statement that an employee was given statutory release from duty periods before and after the excess service is necessary, rather than copies of time returns for previous service.
- f. The report must name all of the employees involved on the violation.

5. COPIES OF HOURS OF DUTY RECORDS

Copies of daily time returns that are related to the excess service must be submitted with the violation report. When the excess service relates to off-duty periods, copies of the hours-of-duty records for preceding or following tours of duty must also be submitted.

6. FORM FRA F6180.28 - "TRANSCRIPT OF DISPATCHER'S RECORD OF TRAIN MOVEMENTS"

The information required on this form is self explanatory. The part of the form used for indicating the passage, arrival, or departure of trains at stations should only be filled out for initial and terminal stations or for a station where an excessive delay occurred.

7. INTERVIEWS OF EMPLOYEES AND OFFICIALS

A violation report must be accompanied by reports of personal interviews with the employees who performed excess service and with any other employee, supervisor, or officer who has pertinent information. In the case of excess service performed by a train crew, only the engineer and conductor must be interviewed. If one of them refuses to cooperate or if there is conflicting

testimony, another member of the crew should be interviewed. Interviews should be conducted as stated in Instruction 315 of the General Manual.

8. PERTINENT MESSAGES OR INSTRUCTIONS

- a. A copy of any written message or instruction concerning the excess service should be included with the violation report.
- b. If an hours of service record relating to the violation appears to be inaccurate or to have been falsified, the inspector should submit copies of payroll data, train movement graphs, train air brake test records, or any other records that can substantiate the inaccuracy or falsification of the record.
- c. If employees such as operators or dispatchers are involved, it must be indicated whether they handled "orders" by telephone, telegraph, etc.

9. EMPLOYEES AVAILABLE FOR RELIEF SERVICE

Every violation report must be accompanied by either a list of qualified employees who were available for relief service but were not called, or by a statement from a carrier official that there were other qualified employees available to relieve the employees who performed excess service. Local working agreements related to employee availability, jurisdictional agreement, or monetary penalties are not to be taken into consideration. The lack of available relief personnel does not necessarily justify excess service.

10. DESIGNATED TERMINAL

- a. When the excess service relates directly to a release period of at least four hours at a terminal, the violation report must be accompanied by a statement from the inspector providing information on whether the terminal is a "designated terminal" as defined by the Hours of Service Act, as amended.
- b. A designated terminal is the home or away-from-home terminal for the assignment of the particular crew. It is, therefore, important to provide copies of any collective bargaining agreement or assignment bulletin that defines these terminals.
- c. The inspector's statement should include: a summary of the carrier's operations at the terminal; information on all regular or extra crew assignments beginning or ending at the terminal; and facilities available at the terminal for food and lodging.

- d. In the event that no suitable facilities were available at the terminal for food and lodging, the inspector should include the following information: a description of the nearest food and lodging facilities available; the availability of transportation to these facilities; the length of time required to arrange transportation; and any information on whether employees requested the carrier to provide a means of transportation, such as a taxi or carrier automobile, in the absence of available public transportation.
- e. Where release periods are provided at points other than the home or away-from-home terminals, the report should indicate whether any of the statutory exceptions to the designated terminal requirement were satisfied.

11. FORM FRA 6180.3, "RAILROAD'S REPORT OF EXCESS SERVICE"

- a. This form is to be used by carriers to report instances of excess hours of service in accordance with Part 228.19 of Title 49 of the Code of Federal Regulations. A copy of the completed form submitted to the FRA generally is retained by the carrier at the division or general headquarters.
- b. Every instance of service in excess of the statutory limit must be reported, even though the service may be justified by an emergency, an act of God, etc. The carrier is responsible for reporting all instances of excess service, not merely reporting violations or conceded violations. Each instance of excess service reported to the FRA must be accompanied by an explanation on Form FRA 6180.3.

VIOLATION OF HOURS OF SERVICE LAW

TO

NOTE - Employee's occupation may be abbreviated. Violations occurring at different stations should be reported on separate sheets.

PLACE
DATE
TIME

**CARS HANDLED IN TRAINS IN CONNECTION WITH WHICH
EMPLOYEE WORKED**

To show interstate traffic in which employees were engaged, where employees are required to return to duty without having had the statutory period off duty, show interstate cars in all trains on which they perform service.

TRAIN AND ENGINE NO.	CAR INITIALS	CAR NO.	CONTENTS	FROM	TO

REGULAR OFFICE HOURS OF DISPATCHERS OR OPERATORS

FIRST TRICK	M. TO	M.:	M.:	M. TO	M.
SECOND TRICK	M. TO	M.:	M.:	M. TO	M.
THIRD TRICK	M. TO	M.:	M.:	M. TO	M.

CAUSE OF EXCESS SERVICES

LIST OF DATA ATTACHED

NOTE - In listing data copied from carrier's records and proof of interstate traffic, Show name, title, and official address of custodian of each record.

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

MONTH AND YEAR

SHEET NO.

HOURS OF SERVICE REPORT - RAILROADS*(Employees on duty in excess of that permitted by the Hours of Service Law)*

NAME OF ROAD

DIVISION

TRAIN OR ENGINE NUMBER *(If train or engine crew)*NAME OF OFFICE OR STATION *(If operator or dispatcher)*REPORTING OFFICER *(Signature & title)*

CHECK IF APPLICABLE:

☐ 9 HOUR OFFICE☐ 12 HOUR OFFICE

ADDRESS

NAME OF EMPLOYEE	OCCUPATION	* CONSECUTIVE TIME OFF DUTY IN PRECEDING 24-HOUR PERIOD		ON DUTY		OFF DUTY		TOTAL TIME ON DUTY		TIME OFF DUTY UNTIL NEXT SERVICE PERIOD	
		HRS.	MINS.	DATE	TIME	DATE	TIME	HRS.	MINS.	HRS.	MINS.
				</							

Time spent in deadhead transportation to a duty assignment is time on duty. Where more than one on duty period is involved, all times must be shown.

*Must not include any time spent deadheading.

CAUSE:

DEPARTMENT OF TRANSPORTATION FEDERAL RAILROAD ADMINISTRATION BUREAU OF RAILROAD SAFETY				NAME OF CARRIER			
Transcript of Dispatcher's Record of Movement of Trains				NAME OF DIVISION			
RECORD OF WEATHER							
PLACE		M	M	M	M	M	M
DISPATCHERS ON DUTY					FROM	TO	
					M	M	
					M	M	
					M	M	
					M	M	
PLACE				TIMETABLE NO.		DATE	
BOUND					BOUND		
			TRAIN ENGINE ENGINEMAN CONDUCTOR TIME ENGINE CREW WENT ON DUTY TIME TRAIN CREW WENT ON DUTY CARS				
M	M	M	DISTANCE	STATIONS	OFFICE DESIGNATION	M	M
M	M	M				M	M
			CARS				
MEMORANDUM OF EXTRAORDINARY OR UNUSUAL OCCURRENCES							

Chapter 4 - OP Evaluations

Part 1 - Operating Practices Accident Priority System

1. INTRODUCTION

The Operating Practices Accident Priority system is designed to complement train accident prevention efforts of Operating Practices personnel. The system combines train accident information collected under 49 CFR Part 225 and data processing capabilities possessed by Washington headquarters to provide a systematic approach to Operating Practices train accident prevention.

2. PROCEDURES

Quarterly Accident listings are analyzed to determine problem divisions where concentrated human-factor-caused train accident prevention efforts would be most effective. Selection of problem divisions must be based on the listing of accidents and in-depth knowledge possessed by the OP staff. Following selection of problem divisions, request the accident print-out for that division specifying particular time periods. If after studying of the accident causes, a determination is made to concentrate train accident prevention efforts on a particular division, the Operating Practices Safety Specialist will complete a Specialist's Evaluation Report. Causes and locations of accidents should be analyzed to determine operating rules and locations involved in a high percentage of the accidents. After determination of a particular carrier operating rules or instructions that could have prevented the majority of accidents and the locations of these accidents, the Operating Practices Inspector will complete the evaluation report targeting those rules and locations identified by the Specialist's evaluation report.

The completed evaluation report together with the Inspector's work plan is to be submitted to his Regional Supervisor and Specialist for review and appropriate comment. Further handling to be carried out in accordance with the instructions of the Regional Director.

In follow-up meetings held with the carrier, accident prevention should be stressed as being the primary purpose of the evaluation report. Recommendations made to the carrier relative to improving testing and training programs should be supported by the information contained in the evaluation report. Therefore, the evaluation report should contain specifics and avoid dealing in generalities.

The evaluation conducted by the inspector should target those operating rules and locations covered by the specialist's evaluation. Determinations in relation to training should be that the rules are adequately covered by the carrier training and that employees understand the rule's application. Testing programs should be evaluated for coverage and adequacy in relation to operating rule(s) identified.

After completing the evaluation, the inspector should develop recommendations for improving compliance with the particular operating rules identified and rules compliance in general. The inspector during the evaluation should maintain close scrutiny of accidents currently occurring to develop possible problem areas not covered by the evaluation of accident records available from headquarters.

Copies of submissions by the carrier in compliance with 49 CFR Part 217 are available by contacting the OP Division, Office of Standards and Procedures at (202) 426-9178.

After completion of the evaluations, an informational copy should be forwarded to Washington headquarters, RRS-10.

3. INFORMATION GUIDELINES

a. ACCIDENT DATA BY RAILROAD DIVISION

This print-out of train accidents will provide a summary of the types of accidents occurring for each railroad by divisions where applicable. This listing, while general in nature, provides quarterly train accident statistics by cause for each railroad division. This print-out is automatically provided to your region quarterly.

ACCIDENT DATA BY RAILROAD DIVISION RAILROAD=CS

TABLE OF CAUSECD BY DIVISION

CAUSECD	DIVISION		
FREQUENCY PERCENT	COLORADO NORTHERN	COLORADO SOUTHERN	TOTAL
EQUIPMENT	0 0.00	1 9.09	1 9.09
-----+-----			
HUMAN FACTORS	0 0.00	1 9.09	1 9.09
-----+-----			
MISCELLANEOUS	1 9.09	4 36.34	5 45.45
-----+-----			
TRACK	1 9.09	3 27.27	4 36.36
-----+-----			
TOTAL	2 18.18	9 81.82	11 100.00

b. ACCIDENT DATA BY STATE, RAILROAD AND DIVISION

This print-out lists the numbers of accidents for each railroad division by state within your region. The information allows identification of problem railroad divisions within each state. This print-out is automatically provided to your region quarterly.

FOURTH QUARTER 1980
REGION=1 STATE=33 RAILROAD=BM

TABLE OF CAUSECD BY DIVISION

CAUSECD	DIVISION		
FREQUENCY	BOSTON	NEW ENGL AND	TOTAL
EQUIP	1	0	1
MISC	2	0	2
TRACK	0	3	3
TOTAL	3	3	6

c. HUMAN FACTOR ACCIDENT LISTING

This listing, by railroad division, displays details for each human-factor-caused accident for time period requested. Accidents are detailed by report number, station, state, damages, equipment, method of operation, etc. If multiple consists are involved in a collision, separate accident summary lines are printed for each consist. Requests for division accident print-outs may be submitted by telephone directly to J.W. Remines, Office of Standards and Procedures, (202) 426-9178.

REPORTING RR SECOND RR TRACK MAINT	DIVISION NEAREST STATION STATE	DATE MILEPOST CONSIST	EQP DMG TRK DMG HAZMAT?	KILLED INJURED TYPE TRK	LOCOS CARS SPEED	CAUSE TYPE ACCIDENT METHOD OF OPERATION
UP 0180KS204	KANSAS	800102	1,700	---	2	561 Switch improperly lined
UP 0180KS204	KANSAS CITY		4,189	---	41	Derailment
	KANSAS	YARD/ SWITCHING	NO	4	4	YARD RULES RADIO

4. EVALUATION REPORTING

a. Specialists Evaluation Report

This report is completed by the Regional Operating Practices Specialist. The specialist evaluates the accidents currently occurring on the division to pinpoint locations, method of operation, operating rules, special instructions, and type of employees involved in the majority of the accidents. The region then forwards the completed evaluation, accident listings and other instructions to the OP inspector for guidance in the preparation of the Operating Practices Evaluation.

The "Specialists Evaluation" is designed to maximize inspector effectiveness in performing the evaluation. The evaluation serves as specific guidance to the inspector. The specialist must exercise care to prevent generalities in preparation of the evaluation.

b. Operating Practices Field Evaluation

The inspector completes the report based on comprehensive investigation and evaluation. The questions are to be answered based on this investigation. While documentation provided by the carrier is helpful, this information must be authenticated as actually occurring. Areas in which this is particularly pertinent would be the actual training given, employee compliance with operating rules, quality of testing and conformity of programs with carrier Part 217 submissions. The report is general in nature and may be expanded in narrative form and referenced in the evaluation report.

Recommendations must be based upon the expertise of the OP inspector. These recommendations should be directed to carrier officials to improve the safety of the division. The recommendations and carrier actions should be forwarded to the region for whatever follow-up action is deemed necessary by the Regional Director and his staff.

SPECIALIST EVALUATION REPORT

Accident statistics indicate that on the _____
Division of the _____ Railroad the occurrence
of "Human Factor" caused train accidents is unusually high.
Please complete the attached Operating Practices Field
Evaluation with emphasis on subjects as listed below:

A. Location(s): _____

B. Operation(s) _____

C. Operating Rule(s) _____

D. Other Rules & Special Instruction(s) _____

E. Craft(s): _____

OPERATING PRACTICES FIELD EVALUATION

RAILROAD _____

DATE EVALUATION COMPLETED _____

DIVISION _____

LOCATION _____

A. OPERATING RULES TRAINING PROGRAM

49 CFR PART 217.11

1. Length of training given new employees:

- (a) Enginemen _____
- (b) Trainmen _____
- (c) Yardmen _____
- (d) Agents & Operators _____
- (e) Train Dispatchers _____

2. Does above training involve:

- (a) Formal classroom instruction? _____
- (b) Visual aids? _____
- (c) Adequate instruction regarding safety? _____
- (d) Adequate instruction relative to operating rules? _____
- (e) Written examination relative to operating rules? _____
- (f) Other mechanical training aids (Explain)? _____

Type of Aid

Enginemen: _____
Trainmen: _____
Yardmen: _____
Agents & Operators: _____
Train Dispatchers: _____

3. If no formal training is provided, explain carrier's training:

4. Periodic re-examinations on Operating Rules:

- (a) Are mandatory re-examinations conducted on operating rules? _____
- (b) At what intervals? _____
- (c) Are these examinations written? _____
- (d) Are these examinations graded by carrier supervisors? _____
- (e) What passing scores does carrier require for: _____

Enginemen? _____
Trainmen? _____
Yardmen? _____
Agents & Operators? _____
Train Dispatchers? _____

- (f) When was the last periodic examination conducted? _____
(g) Does carrier have written promotional exams, and, if so, what are score requirements for different crafts? _____

5. If carrier does not require periodic re-examinations, explain its program: _____

6. Employee knowledge of Operating Rules (Show number of employees interviewed:)

- a. Enginemen _____
b. Trainmen _____
c. Yardmen _____
d. Agents & Operators _____
e. Train Dispatchers _____
f. Extent of knowledge of carrier's operating rules (Explain). _____

7. Employees monitored in performance of their duties:

- | | <u>No.</u> | <u>Place</u> |
|----|--|--------------------------|
| a. | _____ | Enginemen at _____ |
| b. | _____ | Trainmen at _____ |
| c. | _____ | Yardmaster at _____ |
| d. | _____ | Agents & Operators _____ |
| e. | _____ | Train Dispatchers _____ |
| f. | Brief evaluation of employees' performance, including compliance with Operating Rules: _____

_____ | |

8. Inspector's Evaluation of Training Program and Recommendations:

B. OPERATING RULES TESTING PROGRAM
49 CFR PART 217.9

1. Does the carrier have a formal efficiency testing program?

2. Does it pertain to all operating crafts? _____

3. Does carrier set monthly test quotas for divisions
and division supervisors? (Explain.) _____

4. Are tests conducted at various times during day and
night? _____

5. Are tests conducted a good quality? (Detail those
made which you witnessed.) _____

6. Does carrier assess adequate discipline in event of non-compliance?

7. What discipline has carrier assessed in the past 6-months?

8. Attach a summary of division efficiency test records for a 6-month
period.
9. Inspector evaluation of Testing Program and recommendations:

C. SUMMARY

1. Has the carrier been informed of your recommendations:

2. What actions, to your knowledge, has the carrier taken:

3. What is your recommendation for further action that should be taken: _____

SIGNATURE

DATE: