



**CONFIDENTIAL CLOSE CALL REPORTING SYSTEM
IMPLEMENTING MEMORANDUM OF UNDERSTANDING
AMTRAK**

JANUARY 1, 2016



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Article 1. Parties to Confidential Close Call Reporting System, Implementing Mémorandum of Understanding (C³RS/IMOU) (Parties)

- A. **Federal Railroad Administration (FRA):** an administration in the U.S. Department of Transportation charged with carrying out all railroad safety laws of the United States under Title 49 United States Code (U.S.C.) Section 103 and Title 49 Code of Federal Regulations (CFR) Section 1.89.
- B. **National Railroad Passenger Corporation (Amtrak):** a common carrier railroad.
- C. **Transportation Communications Union International Association of Machinist (TCU/IAM):** the duly recognized collective bargaining representative of the craft of Amtrak train directors, block operators, assistant train directors, and levermen working within the boundaries of the C³RS (Program).
- D. **American Train Dispatchers Association (ATDA):** the duly recognized collective bargaining representative of the craft of train dispatchers, assistant chief train dispatchers, load dispatchers, and power directors working within the boundaries of the Program.

Article 2. Purpose

The Parties are voluntarily entering into this C³RS/IMOU with the intent to improve the safety of railroad operations.

The objectives for close call reporting are:

- The accumulation of confidential data on currently unreported or underreported unsafe events;
- Event analysis of reported data by Peer Review Teams (PRT);
- Identification of corrective actions by the Parties to remedy identified safety hazards;
- Provision of assistance by FRA in its safety oversight role; and
- Publication of general trends and statistics by government agencies.

Article 3. Boundaries of the Program

The boundaries of the Program is the territory dispatched by the Amtrak Chicago Control Center and the Northeast Corridor (NEC) as specified in the current NEC timetable.

Article 3.1. Applicability

The C³RS/IMOU will apply to all Amtrak employees who are represented by the Parties described in Article 1 and governed by the signatories to this C³RS/IMOU, including employees in training or probationary status. Employees must submit an accepted C³RS report, subject to conditions in Article 7.1 of this C³RS/IMOU, to have protection from discipline from Amtrak and/or FRA civil enforcement. Additionally, Amtrak will be exempt from FRA civil enforcement under the same terms as these individuals for accepted C³RS reports. This C³RS/IMOU does not alter or modify any Collective Bargaining Agreement.

Article 3.2 Other Covered Employees – Tenant Host Operations

Not Applicable

Article 4. Definitions

Adverse Consequences means the negative impacts that may result from a human error or systemic failure. *Examples of adverse consequences are included in [Appendix A](#).*

Close Call or a **Reported Close Call** is an opportunity to improve the safety of activities in support of Amtrak railroad operations in a situation or incident that has a potential for more serious *adverse consequences* to railroad safety. The reported close call represents a situation in which an ongoing sequence of events was stopped (except as outlined in Article 6.4) from developing further, preventing the occurrence of potentially serious safety-related consequences. Fatalities and personal injuries do not fall into the category of a close call, and will continue to be reported and handled under the current Amtrak rules and FRA regulations, or any subsequent revisions to Amtrak rules and/or FRA regulations.

Consensus is the voluntary agreement of all representatives.

Corrective Action is an action taken by Amtrak in response to the PRT's recommendations concerning emerging trends and reported safety events.

Discipline is any Amtrak action that would result in a materially adverse employment action like a suspension, termination, demotion, etc.

Event Recorder is a device, designed to resist tampering, that monitors and records data on train movements, direction of motion, occupancy, record of protection, time, distance, video, and voice recordings, etc.

FRA Safety Inspector means an FRA safety inspector, a State inspector participating in railroad safety investigative and surveillance activities under 49 CFR Part 212, or any other official duly authorized by FRA.

Hazardous material is a commodity designated as a hazardous material by 49 CFR Part 172.

Immediate Work Group means members of the same work group involved in the same operational tasks. The determination, however, is not to be based merely on proximity, but on functionality as well. Train directors, block operators, assistant train directors, levermen, train dispatchers, and assistant chief train dispatchers working collaboratively to effect the operation over a given territory or track segment are considered in the same work group.

Need to Know means when government employees and contractors may have access to information only if it is necessary for Program management and programmatic evaluation and analysis. This "need to know" will be administered by the National Aeronautical Space Administration (NASA) and permission granted by the NASA Program manager.

Peer Review Team or **PRT** is a problem-solving team consisting of local representatives for the primary stakeholders to this C³RS/IMOU, including FRA, Amtrak, and labor unions (ATDA, TCU/IAM). Each primary stakeholder that is a labor union will have at least one primary PRT representative who attends PRT meetings and one secondary PRT representative who serves as a back-up to the primary PRT representative. The PRT may also include a NASA representative.

PRT Support Team is a team of Amtrak-appointed representatives that helps the PRT review and implement corrective actions based upon the analysis of close call reports. Labor union or FRA representatives may participate in the PRT Support Team when requested by Amtrak.

Railroad Operations means the movement of equipment over rails.

Real-Time Observation means a direct visual observance by an FRA Safety Inspector or railroad employee observations or testing conducted by management.

Train Accident/Incident Reporting Threshold is the monetary accident reporting threshold defined in 49 CFR § 225.19(c).

Article 5. Confidentiality

NASA must act as the owner of the data Amtrak employee(s) report under this C³RS/IMOU and must protect the confidentiality of this information through its own governance.

After all relevant data about a reported close call event, including the C³RS report and all other information collected by NASA that is relevant to the reported event, have been compiled into a unified document, NASA will develop a de-identified document for further analysis by the PRT. NASA will de-identify this record so that the employee(s)'s identity and any third party reference, including anyone mentioned in the original C³RS report, can no longer be determined through direct or indirect means.

NASA must protect the following information from disclosure when provided in a close call report:

1. The employee close call report form and the content of that form;
2. The name of the employee who submits a close call report;
3. The name of any other employee mentioned in the close call report;
4. The name of the railroad involved in the close call report; and
5. Information that would make it obvious that only a few (fewer than three), easily-identifiable people could have made the close call report, such as exact location and time of a close call, or description of specific, rarely used equipment models.
6. If NASA is unable to protect the confidentiality of the reporter, the report will not be forwarded to the PRT.

The confidentiality of the information collected during this Program will be preserved beyond the cancellation and/or end of this Program.

Article 5.1 Access to Confidential Data

In the interest of providing the best measures for maintaining the confidentiality of the data, all internal NASA program staff will be granted access to confidential internal use data on a “need to know” basis and for the purposes of completing their work assignments. Internal Program staff includes NASA Federal employees and NASA agents. For this Program, NASA agents may include NASA contractors assigned to this Program. The PRT assigned to this Program will have access to de-identified reports and PRT work products.

Article 6. Reporting Procedures

When an employee of Amtrak covered by this C³RS/IMOU observes a safety problem or experiences a close call event, he or she should report the problem or event and describe it in detail to NASA. NASA has developed a close call report form that requests information about the date, time, location, contributing factors, actions taken, and potential consequences of an event, along with any other information necessary to fully describe the event or perceived safety problem. NASA has a process for electronic submission or download of report forms at: <http://c3rs.arc.nasa.gov/report/electronic.html>. A separate close call report form is required for each safety problem or close call event experienced during a tour of duty. The employee will complete the report form, either paper or electronic, and submit it based on the instructions on the form. Amtrak will make forms available at work locations. NASA will mail a receipt to the employee.

If NASA determines the initial report contains insufficient information to determine acceptance, the report may receive provisional acceptance. Final eligibility for receipt issuance will be determined when the NASA rail safety expert obtains more information from the employee. NASA may call the reporting employee for further information and the reporting employee is encouraged to provide information. If, based on evidence, the close call report is accepted as valid by NASA, a receipt is issued to the reporting employee via the United States Postal Service.

Any record of such receipt will not be available in the NASA close call reporting system. If an employee facing discipline has lost or misplaced the receipt, the reporting employee may request a verification letter from NASA. This letter will be provided whenever possible. However, there is no guarantee that NASA can provide a verification letter, since NASA does not store any identifying information about the employee who submitted the report.

Once accepted, NASA will evaluate and de-identify the close call form. NASA will then provide the de-identified information to the PRT for evaluation.

The reporting of close call events is neither intended to circumvent nor meant to be a substitute for any existing Amtrak safety programs or reporting procedures. Rather, it is intended to be an additional tool for improving safety.

Article 6.1 Criteria for Close Call Report Acceptance

Reports will be accepted for any condition or event that an employee perceives as potentially resulting in adverse consequences to the safety of railroad operations. An employee should report any concern about one's own safety or someone else's safety that involves activities supporting railroad operations.

Each close call report must contain sufficiently detailed information about an event so NASA can evaluate it. An interviewer may call the employee(s) to obtain more information about the event. If in doubt, the interviewer will err on the side of accepting the report. NASA will conduct the first screening and the PRT the second screening. The PRT determines if the close call report is valid.

The following types of reports must be rejected during the initial screening process:

1. Any train accident/incident that meets the Train Accident/Incident Reporting Threshold;
2. Any reported event that caused or is alleged to have caused any injury, illness, or medical treatment of any kind to any person (including passengers) involved in the event;
3. Reports unrelated to the safety of activities performed in support of railroad operations;
4. Acts of sabotage and other willful violations/acts or criminal offenses, including use of alcohol and prohibited controlled substances; and
5. An event resulting in an identifiable release of a hazardous material.

The following types of reports may be rejected during the initial screening process:

1. Reports that do not include sufficient information when the reporting employee(s) does not accept a follow-up call when contacted; and
2. Personal grievances, such as a rejected time slip or perception of unfairness by a supervisor.

Article 6.2 Conditions Under Which a Reporting Employee is Not Protected from Railroad Discipline, Railroad Revocation of Certification, or Other FRA Civil Enforcement

Amtrak employees included in this C³RS/IMOU receive no protection from railroad discipline, railroad revocation of certification, or other FRA civil enforcement when one or more of the following conditions occur:

1. The employee's action or lack of action was intended to damage Amtrak or another entity's operations or equipment or to injure other individuals, or intentionally placed others in danger (for example, sabotage);
2. The employee's action or lack of action involved a criminal offense;

3. The employee's behavior involved alcohol use, substance abuse, or inappropriate use of controlled substances;
4. The report is rejected under Article 6.1;
5. The event resulted in any type of FRA accident/incident that meets or exceeds the Train Accident/Incident Reporting Threshold;
6. The event caused or is alleged to have caused any fatality, injury, illness, or medical treatment of any kind to any person (including passengers) involved in the event;
7. The event resulted in an identifiable release of a hazardous material; or
8. The event is a Real Time Observation by a railroad employee or an FRA Safety Inspector, including operational testing conducted by an Amtrak supervisor or management.

FRA will also afford the same protection from civil enforcement action to Amtrak, as that afforded to an Amtrak employee covered by this C³RS/IMOU, for any incident for which an accepted close call report is filed. Likewise, if an employee report falls under one of the exceptions listed in Article 6.2 and the employee is not afforded protection, Amtrak will also not receive protection from FRA civil enforcement action.

Article 6.3 Time Limits to File Report and Receive Protection from Amtrak Discipline, Railroad Revocation of Certification, and Other FRA Civil Enforcement

To receive protection from Amtrak discipline, revocation of certification, and/or other FRA civil enforcement, an employee with knowledge of the incident must submit a written (either paper or electronic) close call report to NASA within 3 business days (Monday–Friday), of the event. For example, an event that occurs at 3:00 a.m. on a Tuesday must be reported by 11:59 p.m. of that Friday. If the event occurs on Saturday at 3:00 a.m. it must be reported by 11:59 p.m. on Wednesday. Saturday and Sunday or Federally observed holidays are not included in the calculation of business days.

Article 6.4 Special Criteria for Known Event Reporting

This article does not modify Amtrak's incident investigation or Drug and Alcohol Testing policy, or supersede any non-FRA Federal or State regulatory requirements (e.g., regulatory requirements promulgated by the Occupational Safety and Health Administration (OSHA). Employees involved will provide written statements of incident when requested by Amtrak management. This article does not include or cover events that are part of real time observations by a railroad employee or FRA Safety Inspector, including operational testing conducted by an Amtrak supervisor or management.

Events below the FRA Train Accident/Incident Reporting Threshold that do not involve a fatality, injury, illness, or medical treatment, but would require managerial notification and/or protection under Amtrak policy or operating rules, must be considered eligible close call events. Examples of close call events that must be reported immediately to management/supervisor include, but are not limited to: failure to provide sufficient protection or improperly relayed instructions.

To facilitate analysis of such events, the employee will provide notification of the event to Amtrak without undue delay. The C³RS written report will be completed and mailed to NASA within the time limits set forth in Article 6.3.

Amtrak agrees it will not initiate any discipline, written warnings, or written counseling for an event reported to and accepted as a close call in accordance with this C³RS/IMOU and as determined by the PRT.

NASA will provide a receipt for the written close call report as proof of an accepted report. The employee must allow Amtrak to review the receipt, when requested.

Article 7. Purpose for Protection from Railroad Discipline, Revocation of Certification, or Other FRA Civil Enforcement

The main purpose of this Program is for the Parties to learn more about the safety risks they face. An important element of the Program is the shielding of employee(s) from Amtrak discipline, revocation of certification, or other FRA civil enforcement potentially arising from events reported under this system. An additional concern is the need to also shield Amtrak from FRA civil enforcement potentially arising from events reported under this system.

Confidential close call reporting protects the identity of the person disclosing information. The PRT is able to use the information to learn about systemic problems and to educate all Parties. The reporting of close calls will foster an environment that enables the Parties involved to understand systemic failures and implement improvements.

Article 7.1 Conditions Under Which a Reporting Employee is Protected from Amtrak Discipline, Revocation of Certification, or Other FRA Civil Enforcement

Except as provided for in Article 6.2, Amtrak employees covered by this C³RS/IMOU who report close calls or who are involved in close call events under Article 6 that are reported by Immediate Work Group members will be protected from railroad discipline, revocation of certification, or other FRA civil enforcement.

If an employee is unaware that a close call event has occurred and was properly reported by any other Immediate Work Group member, upon notification, the employee may then complete and submit a close call report following Article 6.3 and receive the same protections as the Immediate Work Group member who reported the close call. All employees who submit a close call report will be protected from railroad discipline, revocation of certification, or other FRA civil enforcement provided the reports are submitted under Article 6 and Article 6.3.

An employee who has received protection from railroad discipline, revocation of certification, or other FRA civil enforcement by submitting a close call report will not be required to appear as a witness in an investigation of an employee who did not file a close call report.

FRA will not require Amtrak to revoke the certification of the protected employee if the event meets both of the following two conditions:

1. The employee's action or lack of action was not intended to cause damage and/or injury to Amtrak operations, equipment, property, or personnel; or to any other entities' property, equipment, or personnel; or to a person; and
2. The employee reports the close call event within the time limits set forth in Article 6.3, and the report is accepted as provided in Article 6.1.

Employee protection from railroad discipline, revocation of certification, or other FRA civil enforcement requires that the same above two conditions apply.

Employees who file an accepted close call report are protected from railroad discipline, revocation of certification, or other FRA civil enforcement arising from the retrospective discovery of events involving violations of operating practices/departamental rules and procedures involving the event reported, including failure to report the event to management as required by any railroad rule. This includes the retrospective (as opposed to real-time) use or review of event recorder data.

Amtrak and FRA are prohibited from using any information contained in a close call report to pursue or defend any disciplinary or enforcement actions.

All Parties to this C³RS/IMOU understand that this data is also protected, and must not be used for any purpose other than PRT analysis and development of corrective actions.

Article 7.2 Conditions under Which Amtrak is Protected from FRA Civil Enforcement

FRA will also afford the same protection from civil enforcement action to Amtrak, as that afforded to an Amtrak employee covered by this C³RS/IMOU, for any event for which an accepted close call report is filed. Likewise, if an employee report falls under one of the exceptions listed in Article 6.2 and the employee is not afforded protection, Amtrak will also not receive protection from FRA civil enforcement action.

Article 7.3 Conditions That are Required for Real-Time Observations

When a real-time observation is made by a railroad employee, manager or supervisor under Article 6.2, Item 8, the observed employee must be informed of the observation as soon as possible, but not to exceed two hours from the time of the observation of event.

An event may also be considered a real-time observation upon notification by an observing FRA Safety Inspector to the observed employee(s) or the railroad as soon as possible after observing the violation of FRA regulations or Amtrak's operating procedures or practices. The FRA Safety Inspector will document the time, date, location, and a description of the observation on a FRA Inspection Report (6180.96 Report). The FRA Safety Inspector will provide a copy of the Inspection Report to the appropriate railroad officer preferably on the same day, but no later than 24 hours after the observation.

Article 8. How Employee(s) Notify Amtrak or FRA of Protection from Railroad Discipline, Revocation of Certification, or Other FRA Civil Enforcement

When Amtrak initiates an investigation of an unsafe event or condition and an employee(s) indicates that the event or condition has been reported consistent with this C³RS/IMOU, the time limits for pursuing discipline will be put in abeyance if necessary, pending a confirmation receipt from NASA.

When a receipt is available for review, the employee must present it to the railroad manager. If the Amtrak manager can determine the receipt applies to the event, the investigation will be closed. If the Parties do not agree that the receipt is applicable to the event, the employee(s) will present a copy of the receipt to the PRT, who will then accept or reject the receipt as proof of an accepted report of the event in question.

If the PRT accepts the receipt, charges and/or assessed discipline, including any revocation of certification, will be dismissed and all lost time will be paid. If the PRT rejects the receipt, the PRT will advise the Amtrak manager, union representative and the time limits for initiating disciplinary proceedings will commence. In such cases, no Party may use nor reference the close call report in the subsequent disciplinary proceedings.

Upon receiving notice of FRA civil enforcement for an event covered by an accepted close call report, the employee(s) will present the receipt to the FRA for assistance in resolving the notice consistent with this C³RS/IMOU.

Article 9. Use of Data

All Parties to this C³RS/IMOU agree to use the information they acquire only for positive purposes to improve railroad safety. This could include new or modified training, assessing risk and allocating resources to address those risks, and learning why these close calls are taking place.

Article 10. Reserved

Article 11. Stakeholders

The primary organizations that will be involved in the Program are:

- FRA's Office of Railroad Safety,
- NASA,
- Amtrak,
- TCU/IAM,
- ATDA,
- PRT,
- PRT Support Team.

Article 12. Stakeholders' Responsibilities in Support of the C³RS/IMOU

The rights, roles, and responsibilities set forth in this C³RS/IMOU apply only to Parties, the Parties' employees, and Stakeholders participating in the Program under this C³RS/IMOU.

Article 12.1 FRA's Responsibilities in Support of the C³RS/IMOU

FRA will oversee the scope and quality of the work. Experience gained from other modes has indicated that the willingness of persons to submit a close call report depends to a large degree on preserving the confidentiality of Amtrak, the reporting employee(s), and immediate co-workers named in those reports. FRA will not seek, and NASA will not release to FRA, any information that might reveal the identity of such persons, organizations, locations or events mentioned in close call reports.

Specific FRA responsibilities include the following activities:

- Fund the Program if Congress appropriates funds for the Program. The duration of the Program is dependent upon continued congressional funding. As provided in Article 14, any party may terminate their participation in the Program at any time.
- FRA may assign personnel to assist the PRT to analyze and summarize emerging trends and recommend corrective actions.
- Work with NASA to ensure that NASA's responsibilities outlined in Articles 5 and 5.1 are fulfilled.

Article 12.2 NASA Responsibilities in Support of the C³RS/IMOU

NASA's responsibility in support of the C³RS/IMOU is to manage the C³RS and protect the confidentiality of the data. FRA will work with NASA to ensure its responsibilities outlined in Article 5 and 5.1 are fulfilled. NASA's responsibility to protect the confidential information as outlined in this C³RS/IMOU will be governed by a separate Interagency Agreement (IA) between FRA and NASA providing for the development of a railroad safety reporting system. The performance of this C³RS/IMOU is contingent upon the finalization and execution of the IA between FRA and NASA.

Article 12.3 Amtrak's Responsibilities in Support of the C³RS/IMOU

Amtrak must not have any access to nor seek any NASA data that might reveal the identity of employees or individuals mentioned in a close call report. By participating in the Program, Amtrak will:

- Commit to the support and use of the C³RS at all levels of the organization;
- Consult on the high-level implementation plan with all Amtrak's Senior Operating Staff;
- Ensure Amtrak's PRT Support Team assists the PRT to analyze and summarize emerging trends as well as to recommend corrective actions;
- Ensure Amtrak senior management and supervisors cannot preempt their respective representative's decision-making discretion for an event reported;
- Use the information collected from the Program for the purpose of improving safety. Amtrak agrees not to use the information reported for the purpose of disciplining ,

decertifying, or disqualifying of employee(s) except for those circumstances covered in Article 6.1 and 6.2;

- Use the PRT recommended corrective actions to evaluate and implement corrective actions in a timely manner as recommended by a consensus of the PRT and the PRT Support Team;
- Develop a communications plan for sharing findings with its employees in order to help achieve success in this Program;
- Fund labor representative's participation on the PRT at the rate of one basic day at the current governing rate of the crafts represented per day worked, or make whole the labor representative for lost earnings, whichever is greater. When needed, travel expenses will be reimbursed or paid by Amtrak; and
- If necessary, ensure the Amtrak PRT Support Team assists the Lessons Learned Team (DOT Volpe) to acquire information and data needed for developing C³RS reporting trends and conducting program evaluation. Detailed specifications on data needed for such analyses will be presented to Amtrak's representative on the Support Team in the C³RS Data Request Document.

Article 12.4 Labor Union(s) Responsibilities in Support of the C³RS/IMOU

By participating in the Program, labor unions signatory to this C³RS/IMOU must have the following responsibilities:

- Commit to and promote the use of the Program at all levels of the organization,
- Appoint representatives to participate on the PRT, and
- Participate on the PRT to analyze and summarize emerging trends and recommend corrective actions.

Article 12.5 Peer Review Team's Responsibilities in Support of the C³RS/IMOU

The PRT's primary responsibility will be to accept for review de-identified close call reports from NASA, and to identify and analyze multiple reports in order to:

- Identify and analyze emerging patterns or trends in close calls, relate those to corrective actions taken by Amtrak, and advise and assist with the implementation of corrective actions;
- Create, review, and discuss a summary report comprised of the individual close call reports, emerging trends, identified root causes, and suggested corrective actions; and
- Assess the association between emerging patterns or trends in close calls and relate those to corrective actions taken by Amtrak.

The PRT will function using, but not limited to, the following guidelines:

- PRT representatives will represent their constituency’s perspectives when reviewing or forming a comprehensive view of close call events;
- The PRT will develop a handbook for PRT governance and succession planning. The PRT can change the handbook as conditions warrant;
- The PRT will meet on a required basis, after agreeing to a schedule that considers the availability of PRT members. The PRT may adjust the meeting frequency as needed;
- The PRT conducts business only when a quorum is present. A quorum is defined within the PRT handbook;
- The members of the PRT are encouraged to consult with their peers or industry experts for guidance on complex or sensitive matters – where more information is desired to make an informed decision. The use of subject matter experts is encouraged;
- The PRT will conduct its own event analysis driven by the NASA report;
- Each representative is empowered to offer possible sources of risk, error recovery mechanisms, and corrective actions. Diverse perspectives are expected and encouraged. The PRT’s opinions reflect a collaborative decision-making process among all PRT representatives;
- The PRT makes its decisions using consensus when assigning root causes and proposing corrective actions. It does not require that all members believe that a particular decision is the best one. Instead, all representatives’ positions are given a proper hearing and are addressed, and a decision is one that all can accept;
- If there is a dispute concerning the application of this C³RS/IMOU, the Parties to this C³RS/IMOU are encouraged to use interest based problem solving techniques to resolve the matter internally. PRTs may contact the FRA C³RS implementation team for assistance if the matter cannot be resolved internally;
- The PRT will protect the confidentiality of the reporting employee(s). The PRT will not disclose any information that would make it possible to identify the reporting employee(s) mentioned in the close call report to any person or entity. All Parties also agree to protect the confidentiality of any and all data, analysis, findings and recommendations related to this C³RS/IMOU. The confidentiality of this information will survive in perpetuity.

Article 12.6 PRT Support of Team Roles and Responsibilities

The PRT Support Team’s responsibilities include:

- Support the PRT during implementation of PRT recommendations;
- Provide continuing Program support;

- Evaluate and implement corrective actions the PRT recommends in a timely manner;
- Review PRT decisions and provide feedback to the PRT, parties, and other stakeholders;
- Report corrective actions Amtrak implements to the PRT or report why no action was taken; and
- Report on the measured effectiveness of corrective actions to the PRT.

Article 13. Modifications

Modifications to this C³RS/IMOU may be proposed at any time during the period of performance by any Party, and must become effective upon written approval by all Parties.

Article 14. Program Duration/Employee Protections

This C³RS/IMOU will be in effect until cancelled as outlined below. Cancellation of participation is subject to the following restrictions:

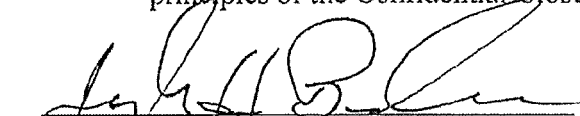
- Parties to this C³RS/IMOU may cancel their respective participation with a 45-day written notice to all Parties;
- The termination or modification of the Program will not adversely affect anyone who acted in compliance with the terms of the Program in effect at the time of that action; (i.e., if the C³RS/IMOU is terminated, all reports and investigations that were in progress will be handled under the provisions of the Program until they are completed). Employee(s) reporting close call events under this Program will remain protected from Amtrak discipline, revocation of certification/disqualification, or other FRA civil enforcement for reported events,
- Should any party serve the appropriate cancellation notice, all Parties commit to meet within the 45-day period to seek resolution to avoid cancellation; and
- The confidentiality provided under this C³RS/IMOU survives its cancellation.

Article 15. Record Keeping

To ensure compliance, all records and documents relating to this Program, including any documentation from the PRT, must be kept in a manner prescribed by Amtrak.

Article 16. C³RS/IMOU Signatures

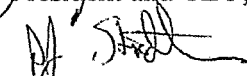
The Parties below approve this Implementing Memorandum of Agreement and the principles of the Confidential Close Call Reporting System.



Joseph H. Boardman
President and CEO, Amtrak

3/16/16

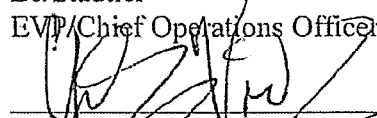
Date



DJ Stadler
EVP/Chief Operations Officer, Amtrak

1/19/2016

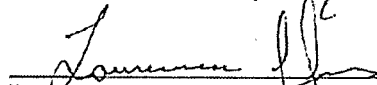
Date



Charles E. Woodcock III
VP Labor Relations, Amtrak

3/11/16

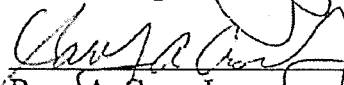
Date



Lawrence J. Jones
National Rep. TCU/IAM

1/22/16

Date



Barry A. Cross Jr.
General Chairman, ATDA

1/22/16

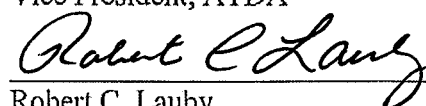
Date



John Salvey
Vice President, ATDA

1/22/16

Date



Robert C. Lauby
FRA Associate Administrator for Railroad Safety/
Chief Safety Officer

3/29/16

Date

Appendix A

If you experience an event or condition that could result in one of the following Adverse Consequences, please consider submitting a close call report to C³RS. Adverse Consequences include, but are not limited to the following examples.

Adverse Consequence	
<ul style="list-style-type: none"> • Collision • Derailment • Personal Injury • Equipment damage • Failure to protect 	<ul style="list-style-type: none"> • Harm to the environment • Release of hazardous materials • Entering a work zone without authority • Exceeding the limits of an authority • Failure to report information that could have placed crew member or passenger(s) in danger

The following activities and conditions are examples that could lead to Adverse Consequences and would be valuable to report to C³RS. The list of ideas is intended to spark your imagination about what you can report. You may come up with other safety concerns to report. Once again, this list is not exhaustive.

Type	Activity
Attention	<ul style="list-style-type: none"> • Mechanical employee(s)/volunteer(s) leaves derail activated. • Distraction in locomotive from radio, train control system display, or warning. • Crew member focuses on train control and misses sign/signal or trespasser. • Train dispatcher focuses on other matters and misses an inaccurate repeat of a mandatory directive. • Train dispatcher listens to a request to protect crossing at MP 24.0, but applies blocking device protection to a different location
Communications	<ul style="list-style-type: none"> • Too few radio frequencies. • Radio signal weak or inadequate. • Misunderstood verbal instructions. • Understood instructions but wrote down wrong location (transposed numbers). • Too many people trying to communicate on same channel. • Communications unrelated to work activity. • Noise or static makes communication difficult to hear. • Failure to perform a proper job safety briefing (SJB). • Turnover incomplete or in error.
Coordination	<ul style="list-style-type: none"> • Failure to coordinate joint activities (e.g., shoving movement, multiple crews working under one authority). • Contractor/industry leaves equipment in the foul without notifying anyone. • Made incorrect assumption about what another crew member or train dispatcher did. • Multiple crew members attempting to control same movement.
Perception	<ul style="list-style-type: none"> • Missed seeing position of switch due to weather conditions or inadequate lighting. • Misinterpreted switch target position as properly lined switch. • Associated the wrong switch target with a switch. • Associated the wrong signal with a track authority to proceed. • Misread a track warrant.

Rule compliance	<ul style="list-style-type: none"> • Large number of signal indications cause confusion on proper route. • Train dispatcher reads a train identification and routes an electrified train toward non-electrified territory • Rule wording is inadequate to specify safe employee(s)/volunteer(s) behavior. • Associated the wrong instructions with the wrong crew member. • Associated the wrong signal with a track authority to proceed. • Explanation or training did not explain how to apply rules. • Conflict between multiple rules with confusion about which one should apply. • Difficult to remember so many rules. • Realization that a rule was broken several hours after occurrence (i.e., train dispatcher working a busy desk issues dozens of crossing protection warnings but recalls later on that s/he failed to issue to a specific train)
Speed	<ul style="list-style-type: none"> • Information not received about speed restrictions • Train dispatcher failure to apply blocking devices for speed restrictions prior to verifying receipt of restriction by train crew • Information available but not read or understood (e.g., speed restricted rail car like empty bulkhead flat). • Signal aspect missed or misinterpreted. • All information delivered but operational change occurs, like changing tracks after passing advance (yellow) flags. • Excess speed due to slowing too late. • Failure to provide an important speed restriction to crew member.
Type	Conditions
Design of infrastructure or equipment	<ul style="list-style-type: none"> • Control design makes it easy to apply too little or too much force. • Signals obstructed by other objects or vegetation. • Yard design makes switch position difficult to see. • Locomotive Control Stand handle or switch placement & similar shape make it easy to select wrong control. • Audible warnings are too loud or distracting. • Locomotive control displays are cluttered or confusing. • Numbering of signal and switch appliances is duplicated in close proximity to other appliances with the same sequences
Equipment use	<ul style="list-style-type: none"> • Lack of proper or working equipment to accomplish task. • Track flags are missing (i.e., train dispatcher and engineering foreman fail to specify either placement or existence of flags).
Paperwork	<ul style="list-style-type: none"> • Missing information for proper control of train. • Failure of train dispatcher to include all information required for relieving train dispatcher • Failure of train dispatcher to specify proper limits in a mandatory directive • Paperwork not organized around the way people read (i.e., restrictions must be in order as the line designates, from east to west, or north to south, etc.) • Missing information from another department to work safely • Paperwork is accurate but not received by those who should receive it (i.e., train dispatcher fails to verify receipt or holding of orders by train crews) • Excessive information on paperwork makes it impossible to read in time allotted.

Scheduling	<ul style="list-style-type: none"> • Unable to plan rest due to poor schedule or line up. • Schedule accurate but train dispatcher or crew member misinformed of pending assignment.
Supervision	<ul style="list-style-type: none"> • Operational event, train derailment or weather causes chaotic operations. • Incomplete instructions to perform work properly. • Train dispatcher or crew member complete work assignment based on their understanding but incorrectly without supervision.
Time Pressure	<ul style="list-style-type: none"> • Train dispatcher or crew member rush to meet customer or supervisor expectations. • Time lacking to complete safety related work (e.g., job safety briefing.)
Training	<ul style="list-style-type: none"> • Employee(s)/volunteer(s) not trained or training not effective to execute work properly. • Training complete but required action not completed due to new or unusual equipment configuration. • Classroom training adequate but not enough practice to execute work.
Reporting	<ul style="list-style-type: none"> • Train dispatcher fails to report train or other important conditions to adjoining train dispatching district • Train dispatcher fails to relay critical information to one of many parties during an incident • Train dispatcher fails to relay a report of a defective crossing to police and engineering department • Train dispatcher fails to protect and report a rough ride condition to the engineering department etc.
Workplace conditions	<ul style="list-style-type: none"> • Lighting at desk/cab normally available is out and results in train dispatcher or crew member working in dark. • Slippery rail equipment surface leads to near slip/trip/fall. • Uneven walking surface on right-of-way or track. • Glare from sun or lighting makes it difficult to see. • High noise level makes communication difficult.
Workplace design	<ul style="list-style-type: none"> • Close track centers on multiple tracks make it easy for crew member to inadvertently leave equipment in the foul. • Missed a yard switch due to many switches close together and poor visibility due to employee(s)/volunteer(s) location on locomotive or during RCL operation.
Workplace design (Passenger Operations only)	<ul style="list-style-type: none"> • Insufficient clearance for equipment on or near track. • Multiple platform heights. • Train longer than platform requiring multiple station stops. • Doors don't open when required. • Doors opened on wrong side of train, away from platform. • Train longer than platform and all doors opened.