



Memorandum

Date: January 28, 2008

Subject: General Technical Bulletin G-08-01; Policy Regarding Intervention When FRA Personnel Observe Railroad Employees Performing Unsafe Acts

Original Signed By:
From: Edward Pritchard
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To: Regional Administrators for Distribution
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CC: RRS-1, RRS-2, RRS-3, RRS-10, RRS-20, and Ted Bundy

Note: This general technical bulletin both annuls and supersedes Technical Bulletin G-07-04.

There are times when Federal Railroad Administration (FRA) personnel observe railroad or company employees performing unsafe acts. The reasons for the unsafe acts can be complicated, such as unintended human error resulting from problems at home, poor training, poor supervision, or a deficient work environment. The unsafe acts may also be intentional violations of Federal or railroad rules, which may or may not be condoned by railroad managers.

In some cases, FRA personnel may know the unsafe act is noncompliant with a particular railroad rule, or may only know something appears to be wrong based on his/her experiences. Regardless of whether the unsafe acts are unintended human error or intentional violations, FRA personnel must take remedial action at the appropriate time to ensure the safety of the individuals and operations involved. To overlook unsafe acts is to compromise the value FRA places on the safety of individuals or operations. When considering the appropriate action, be governed by the following:

1. Report your findings factually. Express concern, but do not become emotional.
2. Where possible, communicate directly with the employees involved and advise them of your concerns. Always be polite and show respect when communicating with anyone from the regulated community. A good method is balancing the feedback, meaning you can advise of things you observed them doing correctly and then mention the unsafe act. Ask the employee(s) if they were aware of the unsafe act, and whether they believe the act was noncompliant with any Federal or railroad rules.
3. Advise a railroad manager of your findings as soon as possible.

4. If the act violates FRA regulations, advise them you are taking official exception to the noncompliance. Under these circumstances you are obliged to list the name(s) and occupation(s) of the employee(s) on your inspection report.
5. If the act violates company rules, you are still obliged to report the circumstances both to a company official and on your inspection report.
 - a. Do not, however, mention an employee's name on a report when the noncompliance involves a company rule rather than a Federal regulation. In these cases, identify the employee(s) by job title.
 - b. Do not get involved in discussions regarding discipline. This is a labor-management issue. However, you may suggest to the railroad manager that learning interventions such as additional training, coaching, or counseling are appropriate. FRA inspectors are not permitted to attend railroad disciplinary hearings, except for fact finding during accident/incident investigations.
6. To report exceptions to railroad rule compliance, use Activity Code 217O and, depending on the subject of the noncompliance, either Code ROR (Railroad Operating Rule) or Code RSR (Railroad Safety Rule) in the "49 CFR/USC" field of the RISPC inspection form.

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