

**Written Statement of
Clifford Eby
Deputy Administrator
Federal Railroad Administration
U.S. Department of Transportation**

**before the
Subcommittee on Railroads, Pipelines, and Hazardous Materials
Committee on Transportation and Infrastructure
U.S. House of Representatives**

**August 9, 2007
Norwalk, California**

**Federal Railroad Administration
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Chairwoman Brown, Ranking Member Shuster, and other members of the Subcommittee, I am very pleased to be here today, representing Secretary of Transportation Mary E. Peters and Federal Railroad Administrator Joseph H. Boardman, to discuss Federal, State, and local roles in railroad safety. The Federal Railroad Administration's (FRA) statutory mission and primary focus is to promote the safety of America's freight and passenger railroads. FRA sincerely values and appreciates the important and multifaceted contributions of States and localities toward that shared goal—making sure that railroads, wherever they operate in our country, do so safely.

Federal authority over railroad safety is extensive, as 49 U.S.C. § 20103 authorizes the Secretary of Transportation to “prescribe regulations and issue orders for every area of railroad safety” However, States and local communities also play a vital role in assuring railroad safety in many ways, including participation in the enforcement and development of Federal regulations, State regulation of relevant subjects not covered by Federal regulations, State and local enforcement of State and local statutes and regulations, and joint nonregulatory efforts.

My testimony today first provides an overview of FRA's railroad safety program and addresses the railroad industry's safety record. In light of the August 1st disaster in Minneapolis involving the collapse of an interstate highway bridge, I will then address the issue of railroad bridge safety. Finally, I will describe the respective roles of State and local governments and of joint Federal, State, and local government partnerships in advancing all aspects of railroad safety.

I. FRA's Railroad Safety Program

FRA is the agency within the U.S. Department of Transportation (DOT) charged with carrying out the Federal railroad safety laws. These laws provide FRA, as the Secretary's delegate, with very broad authority over every area of railroad safety. In exercising that authority, the agency has issued and enforces a wide range of safety regulations covering a railroad network that employs more than 232,000 workers, moves

more than 42 percent of all intercity freight, and provides passenger rail service to about 550 million persons each year.

FRA's regulations address such topics as track, passenger equipment, locomotives, freight cars, power brakes, locomotive event recorders, signal and train control systems, maintenance of active warning devices at highway-rail grade crossings, accident reporting, alcohol and drug testing, protection of roadway workers, operating rules and practices, locomotive engineer certification, positive train control, the use of locomotive horns at grade crossings, and many other subject areas. This body of regulations is based upon knowledge and experience acquired over more than a century of railroading in America. The regulations specify and stipulate minimum safety standards that railroads must satisfy, and typically exceed. FRA currently has active rulemaking projects on a number of important safety topics, and is continually examining existing regulations to ascertain whether updates or amendments are necessary or desirable. FRA also enforces the Hazardous Materials Regulations, promulgated by DOT's Pipeline and Hazardous Materials Safety Administration, especially as they pertain to rail transportation.

FRA has an authorized inspection staff of about 400 persons Nation-wide, distributed across its eight regions. In addition, 165 inspectors are employed by 28 States that participate in FRA's State participation program who are authorized to perform inspections for compliance with the Federal rail safety laws. Each inspector is an expert in one of five safety disciplines: Track; Signal and Train Control; Motive Power and Equipment; Operating Practices; or Hazardous Materials. FRA also has 18 full-time highway-rail grade crossing safety and trespass prevention specialist positions in the field; these specialists focus on these critically important issues, which account for the overwhelming number of railroad-related deaths. Every year FRA's inspectors conduct tens of thousands of inspections, investigate hundreds of complaints of specific alleged violations of safety laws and regulations, develop recommendations for thousands of enforcement actions, perform full investigations of more than 100 of the most serious railroad accidents, and engage in a range of educational outreach activities on railroad safety issues, including educating the public about highway-rail grade crossing safety and the dangers of trespassing on railroad property. FRA also works closely with DOT's Federal Highway Administration (FHWA) and Federal Motor Carrier Safety Administration (FMCSA) to improve highway-rail crossing safety and with DOT's Federal Transit Administration (FTA) to improve commuter rail safety.

FRA carefully monitors the railroad industry's safety performance, and the agency uses the extensive data gathered through routine oversight to guide its accident prevention efforts. FRA strives to continually make better use of the wealth of available data to achieve the agency's strategic goals. FRA, often in coordination with DOT's Research and Innovative Technology Administration (RITA), also sponsors collaborative research with the railroad industry to develop and introduce innovative technologies to improve railroad safety. Finally, under the leadership of the U.S. Department of

Homeland Security, FRA plays an active role in supporting Federal efforts to secure the Nation's railroad transportation system.

II. The Railroad Industry's Safety Record

The railroad industry's overall safety record is generally positive, and most safety trends are moving in the right direction. While not even a single death or injury is acceptable, progress is continually being made in the effort to improve railroad safety. An analysis of FRA's database of railroad reports of accidents and incidents that have occurred over the nearly three decades from 1978 through 2006 dramatically demonstrates this improvement. See 49 C.F.R. Part 225. (The worst year for rail safety in recent decades was 1978, and 2006 is the last complete year for which preliminary data are available.) Between 1978 and 2006, the total number of rail-related accidents and incidents has fallen from 90,653 to 13,171, an all-time low representing a decline of 85 percent. Between 1978 and 2006, total rail-related fatalities have declined from 1,646 to 911, a reduction of 45 percent. From 1978 to 2006, total employee cases (fatal and nonfatal) have dropped from 65,193 to 5,174, a decline of 92 percent; the record low was 5,065. In the same period, total employee deaths have fallen from 122 in 1978 to 16 in 2006, a decrease of 87 percent.

Contributing to this generally improving safety record has been a 74-percent decline in train accidents since 1978 (a total of 2,903 train accidents in 2006, compared to 10,991 in 1978), even though rail traffic has increased. (From 1978 to 2006, overall train-miles (including passenger and smaller freight carriers) were up by 7.8 percent, but train-miles for Class I railroads have increased 29.9 percent. Additionally, Class I railroad ton-miles were up by 106.5 percent.) Further, the year 2006 saw only 28 train accidents out of the 2,903 reported in which a hazardous material was released, with a total of only 69 hazardous material cars releasing some amount of product, despite about 1.7 million shipments of hazardous materials by rail.

In other words, over the last almost three decades, the number and rate of train accidents, total deaths arising from rail operations, employee fatalities and injuries, and hazardous materials releases all have fallen dramatically. In most categories, these improvements have been most rapid in the 1980s, and tapered off in the late 1990s. Causes of the improvements have included a much more profitable economic climate for freight railroads following deregulation in 1980 under the Staggers Act (which led to substantially greater investment in plant and equipment), enhanced safety awareness and safety program implementation on the part of railroads and their employees, and FRA's safety monitoring and standard setting. (Most of FRA's safety rules were issued during this period.)

In addition, rail remains an extremely safe mode of transportation for passengers. Since 1978, more than 11.2 billion passengers have traveled by rail, based on reports filed with FRA each month. The number of rail passengers has steadily increased over the years, and since 2000 has averaged more than 500 million per year. Although 12 passengers died in train collisions and derailments in 2005, none did in 2006. On a

passenger-mile basis, with an average about 15.5 billion passenger-miles per year since the year 2000, rail travel is about as safe as scheduled airlines and intercity bus transportation and is far safer than private motor vehicle travel. Rail passenger accidents—while always to be avoided—have a very high passenger survival rate.

As indicated previously, not all of the major safety indicators are positive. Grade crossing collisions and railroad trespassing cause virtually all of the deaths associated with railroading. Taken together, grade crossing and rail trespassing deaths accounted for 97 percent of the 911 total rail-related deaths in 2006. In recent years, grade crossing deaths were the greatest single group of rail-related deaths; in 1978, for example, 1,064 people died in grade crossing accidents, compared to 403 who died in rail trespass incidents. Since 1997, rail trespasser deaths have replaced grade crossing fatalities as the largest category of rail-related deaths; in 2006, 368 persons lost their lives in grade crossing accidents, and 520 persons died while on railroad property without authorization. Further, significant train accidents continue to occur, and the train accident rate per million train-miles has not declined at an acceptable pace in recent years. After increasing to 4.39 in 2004, the train accident rate declined to 4.11 in 2005 and 3.58 in 2006. The latter is near the all-time low despite significant increases in the volume of train traffic.

The causes of train accidents (e.g., derailments and train-to-train collisions) are generally grouped into five categories: human factors; track and structures; equipment; signal and train control; and miscellaneous. The great majority of train accidents are caused by human factors and track. In recent years, most of the serious events involving train collisions or derailments resulting in release of hazardous material, or harm to rail passengers, have resulted from human factor or track causes. Accordingly, FRA's National Rail Safety Action Plan, initiated in May 2005, focuses heavily on human factors and track as the major target areas for improving the train accident rate.

III. Railroad Bridges

A railroad bridge is a bridge that carries one or more railroad tracks. There are approximately 100,000 railroad bridges across the country. Nearly all of these bridges are owned and maintained by the individual railroads, and a significant number of them were constructed in the 1930s or before. The aging of the railroad bridge infrastructure, combined with a record-level of rail traffic and heavier carloads, will require major commitments from the railroads to increase their levels of bridge inspection and maintenance. FRA has recognized the immediate and long-term implications of that situation, and is increasing the focus of its safety resources to ensure the protection of railroad passengers and employees, and the public. The primary objective is to minimize or eliminate the possibility of bridge failure accidents. FRA is also developing a strategy to ensure the long-term viability of bridges and other structures as vital links in the Nation's transportation network.

FRA has issued a statement of agency policy on bridge safety, with guidelines included as part of the Federal Track Safety Standards. While FRA's track, signal, bridge worker safety, and other safety regulations apply to railroad bridges and train operations over those bridges, no Federal rail safety regulations apply to the structure of railroad bridges themselves. FRA does not plan to issue bridge regulations, given the excellent safety record of railroad bridges and the fact that most railroads already exceed the minimum safety standards that FRA could incorporate in a regulation. However, we plan to closely monitor the need for bridge regulation moving forward.

In May 2007, FRA's Administrator traveled to Charlotte, North Carolina, to attend a meeting of the American Railway Engineering and Maintenance of Way Association Committee on Steel Structures, which serves as a highly technical organization for the rail industry. As a result of that meeting, the Administrator organized a Bridge Roundtable as part of a meeting of FRA's Railroad Safety Advisory Committee in Washington, D.C., on June 26.

The Bridge Roundtable looked at the following four main areas:

- long-term bridge safety strategy, a strategic look ahead for 30 years on the questions of what will be demanded of railroad bridges and whether the industry can generate the funds needed to maintain and replace them;
- immediate bridge safety concerns, such as whether existing personnel, equipment, and other resources are available today to provide appropriate maintenance and inspection needs;
- the future of research and technology to better identify potential problems in existing bridges and develop advanced engineering solutions; and
- the issues of how FRA might best serve its role to protect the public, rail passengers, and rail employees from bridge failures and whether there should be a role for DOT to assist in avoiding a potential future transportation crisis.

We are developing policies and programs in each of those subject areas, with substantial agreement and support from all of the affected groups.

IV. The Roles of State and Local Governments and of Joint Federal, State, and Local Partnerships in Railroad Safety

A. Preemption of State Rail Safety and Security Standards under 49 U.S.C. § 20106 (Section 20106)

In establishing a rail safety preemption provision in 1970, and in subsequent amendments to that provision, including the amendment contained in enrolled bill H.R. 1, which the President signed into law on August 3 of this year, Congress has struck a delicate balance, favoring National uniformity of railroad safety and security regulations, while preserving an appropriate role for the States. FRA believes that balance was correctly achieved.

Under Section 20106, States are free to regulate until the Secretary of Transportation (with respect to railroad safety matters) and the Secretary of Homeland Security (with respect to railroad security matters) has issued a regulation or order covering the subject matters. California and other States have availed themselves of this option. Once there are Federal requirements covering a particular subject, a State may adopt or continue in effect an additional or more stringent law, regulation or order only if it is necessary to eliminate or reduce an essentially local safety or security hazard, is not incompatible with Federal law, and does not unreasonably burden interstate commerce. California and other States have employed the “local safety or security hazard” exception. State-wide regulation under the guise of an essentially local safety or security hazard is not permitted, as Congress also made clear in the legislative history of Section 20106 that an essentially local safety hazard would not be State-wide in nature and would not result in State-wide standards superimposed on National standards covering the same subject matter.

The existing provision works well to allow States to address subjects not encompassed within Federal regulations, or conditions that are truly local in nature, and this has worked specifically to the benefit of California as the following example illustrates. FRA has a regulation, codified at 49 C.F.R. Part 217 (Part 217), which, among other things, requires each railroad that operates trains or other rolling equipment on standard gage track that is part of the general railroad system of transportation in the United States to have operating rules, to file those operating rules with FRA or to keep a copy of those rules and make it available at the railroad’s system headquarters for FRA inspection, and to test the railroad’s employees on its operating rules. A court held that FRA regulations did not preempt a California regulation that required each of certain railroads in the State to comply substantively with the railroad’s own operating rules concerning the proper make-up of trains that traverse steep grades. The court found that there is no FRA train make-up rule for trains that travel steep grades and while railroads’ internal rules govern their trains’ configurations, FRA takes no compliance-related action should the railroads fail to comply with these rules. (The two purposes of Part 217 are to collect information necessary for the formulation of uniform operating rules and to inform the railroads’ employees of the meaning and application of the companies’ operating rules so as to reduce noncompliance with the railroads’ operating rules. FRA has relatively few rules that require a railroad to comply with its own operating rules; e.g., FRA’s alcohol and drug regulations (49 C.F.R. Part 219), which, among other things, “Federalize” a provision of railroads’ “Rule G” barring the use or possession of alcohol while on duty and prohibiting the reporting for duty under the influence of alcohol.)

B. State and Local Enforcement of State and Local Laws Governing Subjects Not Covered by Federal Regulations

There are a number of enforcement issues left to the control of State and local governments that are important to railroad safety, especially to many aspects of crossing

safety. In May 2005, FRA issued Safety Advisory 2005-03, which describes the respective roles of the Federal and State governments and of the railroads in highway-rail grade crossing safety. The advisory specifically reminds railroads of their responsibilities, among other things, to cooperate fully with local law enforcement authorities during their investigations of highway-rail grade crossing collisions, which are, in fact, traffic accidents. The advisory also offers FRA's technical assistance to local authorities in the investigation of such accidents where information or expertise within FRA's control is required to conduct or complete such investigations. FRA has distributed this advisory extensively through National law enforcement organizations, including direct contacts with local agencies.

Issues such as the selection of appropriate traffic control devices, licensing of motor vehicle drivers, and enforcement of State regulations, if any, regarding appropriate sight distances at grade crossings, are matters of State law that are important to highway-rail grade crossing safety. FRA has committed to developing and disseminating model State legislation regarding sight distances, as recommended by DOT's Office of the Inspector General.

Likewise, the prohibition of trespass on railroad property and of vandalism of railroad property and other property that affects railroad safety is primarily a matter of State law that has a significant impact on railroad safety. As noted above, trespassing is the leading cause of death associated with the railroad industry, so this is an area where States can (and need to) make a tremendous contribution to railroad safety. In 1997, in consultation with State and local governments, FRA developed and distributed model State legislation to assist States in defining and addressing these issues. To further assist the States in reducing the incidence of trespassing on railroad property, FRA expects to complete and release a trespasser demographic study before the end of the current calendar year.

C. State Participation in Enforcement of Federal Railroad Safety Laws and Regulations

Another statutory provision, originally enacted in 1970 and now found at 49 U.S.C. § 20105, provides a mechanism for States to participate in investigative activities under the Federal railroad safety laws and to recommend enforcement action under those laws. Accordingly, every State has the opportunity to employ rail safety inspectors in all of the railroad safety disciplines in which FRA has inspectors and, through its inspectors, to participate directly in inspection activity and enforcement of the Federal railroad safety regulations. In addition, participating States that recommend that FRA seek injunctive relief or impose civil penalties for specific violations of the safety laws, may seek those remedies themselves if FRA has not taken action within specified periods. However, States that are not certified participants in the Federal program for State participation may not cite a railroad or shipper for violations of Federal regulations. There are currently 28 States actively participating in FRA's program, including California, and, as previously mentioned, 165 State inspectors Nation-wide involved in the enforcement of the Federal

railroad safety laws and regulations. (Please see Appendix A for a breakdown of State inspectors by State and railroad safety discipline.) California is one of the most active States in enforcing Federal regulations. In 2006, FRA transmitted civil penalty cases containing 634 violation reports written by State inspectors from all over the country.

In most ways, an FRA-certified State inspector has the same role and authority as a certified Federal inspector. In the area of their certification, a State inspector may inspect railroads for compliance, issue FRA inspection reports noting defects, and recommend the assessment of civil penalties for violations. If the State inspector's area of certification covers enforcement of the Hazardous Materials Regulations, and if the inspector is authorized by State law to inspect shippers of hazardous materials by rail for compliance, the inspector may also conduct such inspections, issue notices of defects, and recommend civil penalties for violations. A State inspector may cite violations of the railroad safety regulations using the same forms as an FRA inspector, submit those violation reports for technical and legal review in the same manner, and participate in civil penalty negotiating sessions led by FRA attorneys (or, in the event of litigation, serve as witnesses) just as an FRA inspector does. FRA has regulations in 49 C.F.R. Part 212 establishing the procedures for State participation in the enforcement program, and setting the minimum qualifications for certified State inspectors in each of the disciplines.

A State's authority to certify inspectors to participate in each of the railroad safety disciplines is governed and limited only by applicable State law, as State inspectors may only participate in areas assigned by State law to the State agency that employs them. State inspectors are employed by, and funded entirely by, their respective State governments, and may be given other duties and assignments that their agencies deem necessary, including enforcement of State laws that are not preempted by Federal law.

D. Opportunities for State Participation in the Federal Regulatory Process

In addition to the States' role in enforcing Federal and State railroad safety laws and regulations, as discussed above, States also have opportunities for input into FRA's railroad safety regulatory agenda, and a role in the development of Federal regulations.

First, States may, like any other party, petition for rulemaking pursuant to 49 C.F.R. Part 211, to request that FRA adopt regulations on a particular subject and to propose what the regulations should say. If a State does not believe that FRA's regulations adequately or appropriately address a particular safety issue, or if a State believes that it has a good idea for addressing an issue more effectively, this would provide the means for requesting the rules that State believes are necessary, rather than attempting to regulate the issue at the State level by claiming the existence of an essentially local safety hazard.

States also have the opportunity to participate in the development of Federal regulations once a decision is made to address a particular issue, through FRA's Railroad Safety Advisory Committee (RSAC). State interests are represented in the RSAC by the

American Association of State Highway and Transportation Officials and by the Association of State Rail Safety Managers, which represents all of the States currently involved in FRA's State participation program. In addition, some States participate directly in working groups charged with crafting recommendations to the Administrator concerning certain regulations.

Taken together, these approaches mean that States have ample opportunity to get their ideas included in uniform National railroad safety regulations and do not need any ability to regulate independently beyond that which they already enjoy. Railroad conditions are substantially similar throughout the Nation. A good idea to improve railroad safety in California is almost always a good idea for improving railroad safety Nation-wide. States like California that want to play a larger role in regulating railroad safety should do so through the National regulatory process that Congress has established, and not independently. Balkanizing regulation of railroad safety would likely roll back many of the safety gains attained in the last 30 years, while costing more than the present regulatory regime. That would ill serve the National interest.

E. Joint Federal, State, and Local Nonregulatory Activities to Enhance Railroad Safety

Outside the sphere of day-to-day enforcement and rulemaking, FRA, its sister agencies in DOT, the States, and local authorities have worked together, and continue to work together, in many ways to save lives and prevent injuries arising from railroad operations. FRA, FHWA, FMCSA, and the States have a long history of coordinated, cooperative action to prevent highway-rail and other crossing accidents, which can pose a risk not only to motorists but also to railroad operations. A prominent example of such action is FHWA's "Section 130" grant program for crossing hazard elimination and crossing warning device upgrades. Let me describe more instances of such joint, nonregulatory activities.

First, FRA is working with several States that have suffered the highest toll of grade crossing collisions to develop State-specific crossing safety plans. FRA, FHWA, and the State of Louisiana have already developed and put in place, a State-specific crossing safety plan for Louisiana. FRA and FHWA are currently working with the State of Texas to develop a crossing safety plan for that State, which should be completed by the end of fiscal year (FY) 2007. FRA has had initial discussions with the Illinois Commerce Commission, which has agreed to participate in the development of a plan for that State. Formal planning meetings with Illinois agencies will begin before the end of FY 2007. Based on experiences with the previous plans, it is anticipated that the Illinois plan will be completed by the end of FY 2008. FRA will approach the appropriate State agencies in California and Ohio no later than the second quarter in FY 2008 to solicit support for the development of plans in these States. The State agency in Indiana will be approached when the State plan for Illinois is completed, which should be toward the end of FY 2008 or the beginning of FY 2009.

Second, under DOT's Grade Crossing Safety Action Plan issued in June 2004, FRA is working with the States and rail transit operators to develop, publish, and make available a compilation of pedestrian warning devices in use at grade crossings of all types, including pedestrian-only crossings over railroad tracks. FRA's activities in this area are intended not to establish safety standards, but instead to provide a tool to be used by local authorities when addressing pedestrian safety issues at crossings, as local authorities are best placed to make the decisions necessary to enhance safety. FRA has worked to gather information on any signs, signals, pavement markings, or other devices used to enhance the safety of pedestrians at grade crossings. State DOTs and rail transit operators have made several submissions, which have included background information and illustrations. These are presented in the draft compilation so that the larger grade crossing safety community might benefit from the work of others in this important area. A draft of the compilation of pedestrian warning devices has been completed and been fully reviewed within FRA. The compilation should be published and available before the end of FY 2007.

Joint nonregulatory activities take place not only to promote crossing safety, but also to promote commuter rail safety. In the wake of the Glendale, California, incident on January 26, 2005, which resulted in 11 passenger train fatalities, FRA, along with DOT's FTA, worked with the Southern California Regional Rail Authority (Metrolink) and the American Public Transportation Association to facilitate the incorporation of crash energy management features in rail equipment to be purchased by Metrolink. FRA and FTA formed the ad hoc Crash Energy Management Working Group in May 2005, which included government engineers from DOT's Volpe National Transportation Systems Center (part of RITA), passenger railroads, rail labor organizations, and equipment suppliers. The Working Group produced a detailed technical specification for crush zones in passenger cars for Metrolink to include in its procurement specification, as well as for other passenger railroads to include in future procurements of their own. Development of the new Metrolink equipment is now underway.

Further, FTA and FRA also work together to ensure the safety of new passenger railroads (new starts) and projects involving the modernization and extension of existing passenger railroads in States and localities across the Nation. Each year, FTA alone provides hundreds of millions of dollars in funding for commuter rail projects and the procurement of new commuter rail vehicles. Current projects include the new Northstar passenger railroad in Minneapolis, the East Side Access project that will connect the Long Island Rail Road's (LIRR) Main and Port Washington lines in Queens to a new LIRR terminal beneath Grand Central Terminal in Manhattan, and new vehicle procurements at the Southeastern Pennsylvania Transportation Authority. FTA, in partnership with FRA, monitors and oversees project design, construction, testing, start-up, and acceptance.

CONCLUSION

FRA's approach to enhancing the safety of rail transportation is multifaceted.

FRA personnel strive daily to implement comprehensive initiatives for safety assurance and hazard mitigation in order to make rail operations safer for the public and the rail transportation industry. FRA works cooperatively with State and local governments to advance railroad safety and is committed to doing so in the future. We look forward to further discussions with the Subcommittee on reauthorization of the Federal railroad safety program, to bringing about the enactment of the Administration's railroad safety bill, and to ensuring that any modification of the preemption provision appropriately preserves the National uniformity necessary to make our Nation's railroad system even safer. Thank you.

Attachment

Appendix A

**State Rail Safety Inspector Counts*
July 31, 2007**

| STATE | FRA REGION | TRACK | MP&E | OP | HM | S&TC | XING | TOTAL |
|--------------|---------------|-------|------|----|----|------|------|-------|
| AL | 3 | 1 | 2 | 0 | 0 | 0 | 0 | 3 |
| AZ | 7 | 1 | 1 | 1 | 1 | 1 | 0 | 5 |
| CA | 7 | 9 | 7 | 11 | 3 | 3 | 0 | 33 |
| FL | 3 | 2 | 1 | 2 | 1 | 1 | 0 | 7 |
| IA | 6 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| ID | 8 | 0 | 0 | 0 | 2 | 0 | 0 | 2 |
| IL | 4 | 2 | 0 | 1 | 2 | 3 | 0 | 8 |
| MD | 2 | 1 | 2 | 1 | 0 | 0 | 0 | 4 |
| ME | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| MO | 6 | 2 | 0 | 1 | 0 | 0 | 2 | 5 |
| MT | 8 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| NC | 3 | 1 | 1 | 0 | 0 | 1 | 0 | 3 |
| NE | 6 | 1 | 1 | 0 | 0 | 0 | 0 | 2 |
| NH | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| NJ | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| NM | 5 | 0 | 0 | 1 | 0 | 0 | 1 | 2 |
| NV | 7 | 1 | 1 | 1 | 1 | 0 | 0 | 4 |
| NY | 1 | 3 | 4 | 0 | 0 | 0 | 0 | 7 |
| OH | 2 | 3 | 2 | 4 | 3 | 1 | 2 | 15 |
| OR | 8 | 2 | 2 | 1 | 1 | 0 | 1 | 7 |
| PA | 2 | 3 | 2 | 1 | 1 | 0 | 0 | 7 |
| SC | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 2 |
| TN | 3 | 3 | 1 | 2 | 1 | 1 | 0 | 8 |
| TX | 5 | 3 | 2 | 5 | 2 | 1 | 0 | 13 |
| UT | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| VA | 2 | 2 | 2 | 1 | 0 | 0 | 0 | 5 |
| WA | 8 | 1 | 0 | 1 | 1 | 0 | 1 | 4 |
| WV | 2 | 2 | 2 | 2 | 1 | 3 | 0 | 10 |
| TOTAL | | 50 | 36 | 36 | 21 | 15 | 7 | 165 |

* Mississippi has not had an inspector for about two years, but plans to reenter the program.

Abbreviations:

- MP&E—Motive Power and Equipment
- OP—Operating Practices
- HM—Hazardous Materials
- S&TC—Signal and Train Control
- XING—Crossing Safety and Trespass Prevention