

Federal Railroad Administration
Disposition of Recommended Civil Penalties for Violations Resulting from
Focused Safety Oversight Inspections on CSX Transportation, Inc.
Conducted January 19-22, 2007

In January 2007, Federal Railroad Administrator Joseph H. Boardman directed the Office of Safety to conduct focused safety oversight inspections on CSX Transportation, Inc. (CSX), across its network. This decision was made following a series of serious CSX train accidents and other incidents that occurred between November 2006 and January 2007.¹

The Federal Railroad Administration's (FRA) focused inspections were conducted from January 19 to 22, 2007, and involved a concerted and highly coordinated effort by Federal rail safety inspectors in each of the agency's five regulatory disciplines or areas of expertise, which include track, operating practices, motive power and equipment, signal and train control, and hazardous materials.

As a result of the focused inspection activities, FRA inspectors recommended that civil penalties be assessed against CSX in response to approximately 200 specific violations of Federal rail and hazardous materials safety regulations. The FRA's Office of Chief Counsel, after a thorough review of the reports of recommended violations that it received, determined that 166 were legally sufficient for the assessment of civil penalties and formally transmitted those alleged violations to CSX.

To date, 141 of the 166 violations have been resolved by FRA and CSX.² In those 141 closed violation cases, FRA assessed CSX an initial civil penalty amount of \$576,000. As authorized by Federal law, FRA held a settlement conference with CSX, where the railroad was afforded an opportunity to provide information in defense against each alleged violation or in mitigation of the civil penalty originally assessed for the violation. Using its statutorily authorized enforcement discretion, FRA considered the information provided by CSX and made an informed judgment whether the initial assessment amount could still be deemed justified and legally sustainable. Ultimately, FRA agreed upon and collected a total of \$349,265 from CSX to close out civil penalty cases comprising these 141 violations. FRA expects to address the remaining 25 violations at the 2008 annual settlement conference with CSX.

1/ January 16, 2007, East Rochester, NY, CSX derailment
January 16, 2007, Brooks, KY, CSX derailment with hazardous material fire
January 15, 2007, Patio, KY, CSX runaway railcars
December 19, 2006, Selkirk, NY, CSX employee struck by train at yard crossing
December 15, 2006, Woodstock, MD, CSX derailment
December 14, 2006, Syracuse, NY, CSX employee fatally struck by train at yard highway-rail grade crossing
December 10, 2006, Cheektowaga, NY, CSX derailment
November 30, 2006, North Baltimore, OH, CSX derailment followed by collision with another train

2/ Twenty-five (25) of the 166 violations remain unresolved. Of the 25, many of the reports citing the violations were submitted by the FRA Office of Safety to the FRA Office of Chief Counsel after May 31, 2007, thereby missing the cut-off date for violations to be considered during the 2007 annual settlement conference with CSX. However, the 25 violations have been formally transmitted to CSX with civil penalty assessments.