

**Chapter 5**

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## Field Reporting – Violation Procedures and Forms

Violation reports are a basic and vital link between the FRA's Office of Safety Assurance and Compliance, and FRA's Office of Chief Counsel. It is through this exchange of information and documentation that instances of non-compliance with Federal safety regulations are ultimately brought to the railroad's attention in the form of the civil penalty process. This combined effort culminates in annual "Claims Collection Conferences" with all railroads that become involved in the civil penalty process.

Within the Operating Practices discipline, there are three separate forms used in the preparation of violation reports. These three forms and the specific purposes for which they are utilized are explained below:

### Form FRA F6180.33, "Violation of Hours of Service Law"

This standard violation report form is to be used for submitting violations of the statutory requirements of the Federal Hours of Service Laws involving one or more employees involved in a singular incident of excess service.

### Form FRA F6180.61, "Violation of Accident/Incident Reporting Rules"

This standard violation report form is to be used for submitting singular instances of violations of Part 225, "Railroad Accident Reporting," for failure to report accident/incidents. Note: recordkeeping violations are recorded on Form FRA F6180.67.

### Form FRA F6180.67, "Violation of Operating Practices Regulations"

This standard violation report form is to be used for submitting singular instances of violations of the following regulations:

Subject	49 CFR Part Assigned	Discipline(s)
Roadway Worker	214	Track & OP
Railroad Operating Rules	217	OP
(*) Blue Signal Protection	218	MP&E & OP
Utility Employees	218	OP
Yard Limits	218	OP
Flag Protection	218	OP
Hump Operations	218	OP
Tampering	218	OP
Protection of Occupied Camp Cars	218	Track

Control of Alcohol and Drug Use	219	OP
Railroad Communications	220	OP
(#) Rear End Marking Devices	221	MP&E & OP
Railroad Accident/Incident Reporting -	225	OP

#### Recordkeeping Only

Subject Discipline(s)	49 CFR Part Assigned	
(@) Hours Of Service -	228	OP & S&TC
Records & Reporting Only		
(+) Hours of Service - Construction Of Employee Sleeping Quarters	228	OP & Track
Qualification and Certification of Locomotive Engineers	240	OP

\* Certain specific portions of CFR Part 218, "Blue Signal Protection" are assigned to the MP&E discipline, and others to the Operating Practices discipline. See instructions for completion of FRA Form F6180.67, which is used for violation preparation by both disciplines for violations under this regulation.

# CFR Part 221, "Rear-end Marking Devices," is the responsibility of the MP&E discipline for inspection and routine monitoring activities. This assignment to MP&E, however, does not preclude inspectors from the Operating Practices discipline from reporting deficiencies and filing violations for non-compliance with Part 221 when discovered while conducting work in the Operating Practices discipline. See instructions for completion of FRA Form F6180.67, which is used for violation preparation by both disciplines for violations under this regulation.

@ CFR Part 228, Subpart B, "Hours of Service-Records and Reporting Only," is split between the Operating Practices and the Signal & Train Control disciplines based upon the type of service performed. The Operating Practices discipline has responsibility for train and engine service, train dispatchers and operators. The Signal and Train Control discipline has jurisdiction over signalman's hours of service. See instructions for completion of FRA Form F6180.67, which is used for violation preparation by both disciplines for violations under this regulation.

+ CFR Part 228, Subpart C, "Construction of Employee Sleeping Quarters," is the responsibility of the Track and Operating Practices disciplines. The Track discipline, however, has jurisdiction of the "Guidelines for Clean, Safe and Sanitary Railroad Provided Camp Cars." See instructions for completion of FRA Form F6180.67, which is used for violation preparation by both disciplines for violations under this regulation.

## Inspector's Decision-Making to Submit a Violation Report

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 violation reports is counterproductive to FRA's efforts. There may be occasions when a railroad'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 railroad, the offender and the railroad's responsible officer must be promptly 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 railroad concerning corrective action to prevent a recurrence.

FRA inspectors may detect violations of safety laws during regular inspections. Violations may also be discovered when investigating complaints, or when investigating accidents. In deciding whether enforcement action is the best method of addressing non-compliance and, if so, what enforcement action to use, inspectors consider these factors (set forth in 49 CFR Part 209, Appendix A). See Chapter 4 of this manual. It is not mandatory that a violation report be filed as a result of a complaint investigation.

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. When an inspector discovers a violation and he/she determines that the best method of gaining compliance with the applicable regulation is the issuance of a civil penalty, the inspector shall submit a recommendation for the assessment of a civil penalty against that person (e.g., the railroad, the offeror of the hazardous material shipment, etc.) on the appropriate Violation Report Form (i.e., FRA 6180.33, FRA F6180.61, or FRA F6180.67).

## **General Guidance and Instructions for All Violation Reports**

### **Prompt Notification of Violations**

When an inspector has determined that a violation of Federal safety regulations or statutes has occurred, the violation must be reported to the violator or his appropriate representative at the earliest possible time by serving a copy of a completed FRA Form F6180.96, "Inspection Report" on that person. When practical, the inspector shall obtain the signature of the responsible official. As required, the signed inspection report must be retained for future transmittal with the original violation report to the Office of Chief Counsel.

### **Avoiding Declination of Enforcement**

Upon receipt and examination of a violation report package by the FRA Office of Chief Counsel, a comprehensive review of the file is conducted with special attention given to the availability of sufficient evidence being present to support a successful prosecution of the civil penalties against the railroad or person involved. When insufficient evidence is made available, the FRA Office of Chief Counsel must issue a "declination of enforcement" letter, and return the violation for further evidence. To avoid this counterproductive effort, "Statements of Witness" must be provided whenever the physical evidence being submitted is insufficient to support the successful prosecution of the case.

### **Examination by the Railroad**

Since all material submitted with a violation report is available for examination by the railroad, 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 name or identity, nor his or her job description or work area must not be revealed or implied anywhere within the violation report

package. A report recommending prosecution must never contain a statement indicating that it resulted from a complaint investigation, or refer to a witness as a complainant. 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. 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.

## **Decision-Making by Office of Chief Counsel to Determine Amount of Civil Penalty**

Inspectors should bear in mind that the FRA's Office of Chief Counsel is required by law to take into account certain factors in determining the amount of civil penalties to be assessed for a particular violation. These factors are as follows:

The nature, circumstances, extent, and gravity of the violation committed; and, with respect to the person who committed such violation;

The degree of culpability;

Any history of prior offenses;

Effect on ability to continue to do business; and

Such other matters as justice may require.

The violation report package must contain as much information as possible bearing on the proper application of these factors.

## **Identification of Attachments and Supportive Material**

Each attachment to the violation report, including copies of supporting data, must include a means of identification and a sequential number in the upper right corner. This identification is helpful to reviewing personnel or if the report should inadvertently become separated during processing. Examples: F6180.33 JEB-101; F6180.61 JEB-102; F6180.67 JEB-103.

## **True Representation of the Evidence Submitted**

The inspector must never tamper with the physical evidence prior to taking photographs to be later submitted with a violation report package. Photographs taken of the evidence must be as it was found by the inspector. If clarity of photographs is insufficient, additional proper evidence for showing the physical condition may include a signed witness statement, a railroad record, etc.

## **Accuracy of Completed Violation Report Forms**

Violation reports must be prepared in a clear and concise manner, stating only those facts, which pertain to the violation. They must be free of spelling and grammar errors. All narrative information must be listed in chronological order.

## **Legible Copies of Supportive Material**

Supporting documents must be readable. Illegible copies must be supplemented by or replaced with hand-made copies, which are marked "COPY" to indicate that they are not original documents. Railroad codes, abbreviations, and symbols that cannot 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 railroad document, the inspector's initials and the inspection date should appear next to the annotation. If a copy is made by hand, a statement must appear on the copy: COPIES BY (inspector's initials) FROM THE ORIGINAL ON FILE AT THE OFFICE OF (title) AT (location) MADE ON (date).

Information to include in the "Synopsis" provided with FRA Form F6180.33, and, in the "Details of Violation" on FRA Form F6180.61 and FRA Form 6180.67. This section will be prepared in such a manner so as to provide all details of the specific incident in question. Inspectors will endeavor to include a complete chronology of events, which will be supported by enclosed documentation. The narrative should "stand alone," in that, all relevant data and evidence contained in the attachments will be referred to in the "Synopsis" and "Details of Violation." Specific dates, times, locations and individuals involved should be included in the information contained in the report narrative.

Inspectors shall refrain from making specific comments that are unsubstantiated or represent solely their personal opinions. Report the name, title, and affiliation of any person contacted by the inspector in connection with the violation (except complainants who have not signed a witness statement), and include a summary of all conversations between the inspector and any such person. In particular, report any oral admissions concerning the violation made by any representative of the person committing such violation. Report such conversations in an objective manner without interjecting your opinions on the representative's character or veracity.

## **Considerations on Knowledge of the Law, and Knowledge of the Facts constituting the violation**

Inspectors should bear in mind the distinction between knowledge of the law, and, knowledge of the facts constituting the violation. Knowledge of the law is presumed in the case of a corporate respondent, but an individual must be shown to have had knowledge of the regulation(s) involved, or to have recklessly disregarded the law. Each violation report must also contain evidence demonstrating that the respondent had knowledge of all the facts that constitute the violations. It is sufficient to show either that: (1) the respondent had actual knowledge of the facts, or (2) had the respondent exercised reasonable care under the circumstances, respondent would have known of the facts. Recommendations for prosecution against different respondents must be submitted as separate reports.

## **Statements of Witness**

If all elements of the violation cannot be proven by the inspector's personal observations, by the person being investigated, or by documentary or physical evidence, there must be a witness to the violation. This means that at least one witness with knowledge of the violation who is willing to testify and who specifically authorizes the use of his/her signed statement in an enforcement proceeding. Where one or more elements of a claim are based on such a witness statement (which must be on the prescribed form), the transmittal sheet for the violation report must be marked with an "X" on the "witness statement" line.

## **Assembly, Review, Approval and Transmittal of Violation Report Packages**

The inspector is responsible for preparing the original and four additional copies of the entire violation report package. The inspector will retain one of these copies for their file. The original and three copies are then provided to the regional Operating Practices Specialist for review of technical accuracy, proper grammar, and completeness. Once satisfied the violation report package is technically correct, and contains sufficient evidence to enable successful prosecution, the regional Operating Practices Specialist initials Transmittal Form F6180.72b. It is then forwarded to the FRA's Office of Chief Counsel (original and one copy), one copy transmitted to the FRA's Office of Safety Assurance and Compliance, and one copy kept in the regional file.

## **Instructions for Completing a Violation Report Package for a Violation of the Federal Hours of Service Law**

**(Use Form FRA F6180.33)**

Supportive Material and Inspector Considerations:

### **Inspector's Synopsis**

The inspector's "synopsis" is required with the Federal Hours of Service Law violation report package for reason that Form F6180.33 does not contain a place on the form for the inspector to provide a narrative description of the circumstances involved in excess service instances. The synopsis prepared by the inspector and submitted with the violation report must be concise and factual. It must fully describe the circumstances of alleged excess service and the events contributing to the excess service. Dates must be specified, as well as the times and places that duty periods began and ended. Any discrepancy between the railroad's records and employees' statements must be explained.

The synopsis must contain enough information so that the reader is able to clearly understand the circumstances that constituted the violation.

The synopsis must include information whether a report of excess service, F6180.3 (Hours of Service Report-Railroads), was submitted by the railroad. NOTE: If a FRA Form F6180.3 was not submitted by the railroad for the instance of excess service, a separate violation report package using FRA Form FRA 6180.67 must be used (See instructions for "Completing Violation Report FRA F6180.67, "Violation of Operating Practices Regulations").

The synopsis must include a statement that the employee(s) involved did or did not receive the statutory off-duty period before and after the excess service, rather than copies of time returns for previous service.

The synopsis must name all of the employees involved in the violation.

### **Copies of Hours of Duty Records**

The inspector must obtain legible copies of hours of duty records that are related to the excess service, and must submit them 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. In the event signed hours of duty records for the employee(s) involved cannot be obtained, or the signed time return(s) obtained do not clearly support a violation, the inspector

must obtain a properly completed "Statement of Witness" from at least one of the employee's involved.

## **Interview of Employees and Officials**

A violation report must be accompanied by reports of personal interviews (or witness statements if hours of duty record does not support violation) 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 must be interviewed.

## **Pertinent Messages or Instructions**

A copy of any written message or instruction concerning the excess service should be included with the violation report.

If an hours of duty record relating to the violation appears to be inaccurate or to have been falsified, the inspector must 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.

If employees such as operators or dispatchers are involved, it must be indicated whether they handled mandatory directives by telephone, radio or by other electronic means.

## **Employees Available For Relief Service**

Every violation report package should 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 railroad 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.

## **Designated Terminal**

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 Federal Hours of Service Law, as amended.

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 (if the designated terminal location is disputed).

The inspector's statement should include: a summary of the railroad'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.

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 railroad to provide a means of transportation, such as a taxi or railroad automobile, in the absence of available public transportation.

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.

## Instructions for Completion of Form FRA F6180.33

The following instructions shall be strictly followed in the preparation and issuance of Form FRA F6180.33:

Front Side of Form:

1. Character of Violation: The inspector is to select and enter the most appropriate statement from the following statements that describes the type of Federal Hours of Service Law violation:
  - (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.

Example: "Continuously on duty in excess of 12 hours"

2. Inspector's No.: Enter the inspector's violation report number. Each report number shall state the inspector's consecutive report number. The consecutively numbered report remains with the writer throughout the term of employment with the FRA. Numbering is unaffected by fiscal or calendar year.

Example: "123"

3. Railroad: Enter the railroad's full corporate name.

Example: "Union Pacific Railroad Company"

4. Place: Enter the city and state of the inspector's assigned duty location (i.e., inspector's headquarters).

Example: "Chicago, Illinois"

5. **Officer:** The officer's name and title entered in this item must be responsible for the geographical territory and/or the employee(s) involved in this Federal Hours of Service Law violation. This should be the railroad's division superintendent, superintendent, or designated supervisory employee at the railroad's headquarters who handles hours of service matters.

Example: "Jeffrey L. Hammond, Division Superintendent"

6. **Date:** The date is the date which the inspector completes FRA Form F6180.33.

Example: "March 27, 1997"

7. **Train No.:** Enter the full train number, train symbol, yard job number, or other proper designation for the consist being operated by crewmembers involved in the excess service. This designation must be shown as it appears on the employee(s) time return, or on information from the dispatcher's record of train movements (train sheet). If the Federal Hours of Service Law violation involves a dispatcher, operator, or other employee for whom a train designation is not appropriate, enter "N/A."

Example: "CHCKC-29"

8. **Engine No.:** The initial and number of the designated locomotive for the consist being operated by train, engine and/or yard crew members involved in the excess service is to be shown. If the Federal Hours of Service Law violation involves a dispatcher, operator, or other employee for whom a controlling locomotive is not appropriate, enter "N/A".

Example: "CNW 8550"

9. **From:** The city or station name and state are to be entered for the location where the train, engine and/or yard employee(s) originally went on duty for this tour of duty.

Example: "Salem, Illinois"

10. **To:** The city or station name and state are to be entered for the final destination location to where the train, engine and/or yard employee(s) were intended to operate to during this tour of duty.

Example: "Dolton, Illinois"

11. **Signature of Inspector:** The inspector's name must be typed or printed, and, the inspector's signature signed in blue ink to enable the original copy to be distinguished.

Example: John J. Inspector

12. **Name and Address of Employee:** The name (first name or initial, middle initial and last name), and the home address (street address, city, state and zip code), are to be entered for each employee for whom this violation report is being submitted. The term "employee" in this context would include "worker on duty-volunteer" and "worker on duty-contractor."

Example: "John L. McGrew

1313 West 33rd Terrace

Salem, Illinois 99999"

13. Occupation: Enter the occupation for each employee for whom this violation report is being submitted.
- Example: "Engr."
14. On Duty: This item on the form calls for the entry of three separate lines of information, place, date and time on-duty for each employee for whom this violation report is being submitted. Do not use "ditto" marks.
- Place: Enter the city or station name and state for the location where the train, engine, yard, dispatcher, operator, or other covered service employee(s) originally went on duty for this tour of duty.
- Date: Enter the month, day and year (e.g., January 15, 1997), of when the train, engine, yard, dispatcher, operator, or other covered service employee(s) originally went on duty for this tour of duty.
- Time: Enter the time (e.g., 6:30 a.m.), the train, engine, yard, dispatcher, operator, or other covered service employee(s) went on duty for this tour of duty. Military time may be used, if that is that is the form of time used by the railroad on the hours of duty record.
- Example: "Birmingham, Alabama
- January 6, 1997
- 1:30 a.m."
15. Off Duty: This item on the form calls for the entry of three separate lines of information, place, date and time off-duty for each employee for whom this violation report is being submitted. Do not use "ditto" marks.
- Place: Enter the city or station name and state for the location where the train, engine, yard, dispatcher, operator, or other covered service employee(s) were relieved from duty for this tour of duty.
- Date: Enter the month, day and year (e.g., January 15, 1997), of when the train, engine, yard, dispatcher, operator, or other covered service employee(s) were relieved from duty for this tour of duty.
- Time: Enter the time (e.g., 12:30 p.m.), the train, engine and/or yard service employee(s) were relieved from duty for this tour of duty.
- Example: "Maringo, Alabama
- January 7, 1997
- 2 p.m."
16. Total Time on Duty: Enter the total number of hours and minutes on duty during this tour of duty for each employee for whom this violation report is being submitted. Do not use "ditto" marks.
- Example: "13' 15"
17. Total Time Off Duty: Enter the total number of hours and minutes that the employee was off duty prior to commencing this tour of duty, for each employee for whom this violation report is being submitted. Do not use "ditto" marks.

Example: "20' 35"

Note: When the violation involves an interim (release) period for rest at any site other than a designated terminal, the inspector must include a notation on the bottom of the front of the report.

Example: "Includes interim period of release of 4 hours or more (10 a.m. to 3 p.m.) for rest at Twodot, Montana."

Reverse Side of Form:

18. Cars Handled in Trains in Connection With Which Employee Worked: Always enter the following standard statement: "Railroad named is subject to FRA jurisdiction under the provisions of Appendix A, Title 49 Code of Federal Regulations Part 209."

Example: "Railroad named is subject to FRA jurisdiction under the provisions of Appendix A, Title 49 Code of Federal Regulations Part 209."

Note: The statement for entry above previously read, "Railroad named is a common railroad engaged in interstate commerce." This language was changed to read as shown above to address all railroads defined in "The Extent and Exercise of FRA's Safety Jurisdiction," as found in Appendix A, Title 49 CFR Part 209. There is no longer any requirement to list the train, car initials, etc. on this portion of the form.

19. Regular Office Hours of Dispatchers or Operators: Enter the assigned hours if the violation concerns a dispatcher or operator's hours of service. For all other covered service employees, leave blank.

Example: "8 A.M. TO 5 P.M.

3 P.M. TO 11:59 P.M.

11:59 P.M. TO 8 A.M."

The above example shows the regular assigned working hours for a dispatcher or operator office where a singular dispatcher or operator is employed three shifts each day. In cases of large dispatching centers, the information shown in the above block must be confined to the specific dispatcher or operator district (i.e., desk) that was involved in the Federal Hours of Service Law violation.

20. Cause of Excess Service: Under the heading "Cause of Excess Service," the inspector must indicate which of the following causes is applicable.

\_\_\_\_\_ Cause(s) of Excess Service Options:

- (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.

## Extensions to Cause(s) of Excess Service Options

In addition, when applicable, one of the following must be added as an extension to one of the above "causes" to fully 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 when that service is commingled with service covered by the statute.

Example: "Employee was required to remain continuously on duty for a period in excess of that provided by statute due to failure to consider as time on duty, any time spent performing service not covered by statute when that service is commingled with service covered by the statute."

The above example combines Cause(s) of Excess Service Option (1), with Extensions to Cause(s) of Excess Service Option (5), to fully describe the circumstances of the excess service violation. A possible reason for using this type of example would be when train and engine service employees have commingled service due to attendance at a required rules class.

21. List of Data Attached: In the space provided, list the documents being submitted to support this violation package. In listing data copied from railroad's records, show name, title, and official address of the custodian of each record.

Example:

1. Inspector's Synopsis
2. Copies of hours of duty records (Custodian: Bill Hurst, Mgr. Payroll Accounting, P.O. Box 78352, San Francisco, CA)
3. Statement of Witness
4. Reports of Interview
5. Dispatcher's Record of Train Movements (Custodian: Paul Winn, Chief Dispatcher, 3636 West 10th Street, Dallas, TX 76115)
6. "Employees Available for Relief Service," (Custodian: Sandra Elliott, Crew Dispatcher, 3636 West 10th Street, Dallas, TX 76115)
7. FRA Form F6180.3, "Hours of Service Report - Railroads" (Custodian: Becky Jones, Mgr. Operating Practices, P.O. Box 99333, San Francisco, CA 94120)

8. Original copy of FRA Form F6180.96, "Inspection Report," JBK-136, dated March 27, 1997.

## **Arrangement of Federal Hours of Service Law Violation Report Package**

The report is to be assembled by the inspector in the following manner:

- a. Completed Form FRA F6180.33, "Violation of Hours of Service Law"
- b. Inspector's synopsis of violation,
- c. Copies of hours of duty records,
- d. Statements and/or interviews of employees and officials
- e. Copies of any pertinent messages, instructions, and substantiating records,
- f. A list of crews or employees available for relief service, or a statement from a railroad official that other qualified employees were available to relieve employees who performed excess service,
- g. A copy of the railroad's report of excess service, Form FRA F6180.3, if submitted.
- h. The original copy of the inspector's signed and completed Form FRA F6180.96, "Inspection Report," and
- i. Any other documentation that supports this violation.

For identification purposes, each attachment to the violation report package must have the violation report number typed in the upper right-hand corner of each sheet. Example: F6180.33 JEB-174.

NOTE: The memorandum of transmittal, FRA Form F6180.72 (b) is not an attachment to or a part of the violation report package.

## **Form FRA 6180.3, "Hours of Service Report - Railroads"**

This form is to be used by railroads to report instances of excess hours of service in accordance with Part 228.19. A copy of the completed form submitted to the FRA generally is retained by the railroad at the division or general headquarters.

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 railroad 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. If a railroad has a waiver that permits an employee to work up to 16 hours, any service in excess of 12 hours must still be reported on this form.

If a FRA Form F6180.3 was not submitted by the railroad for the instance of excess service, a separate violation report package using FRA Form FRA 6180.67 must be used (See instructions for "Completing Violation Report FRA F6180.67, "Violation of Operating Practices Regulations").



# **Instructions for Completing a Violation Report Package for a Violation of Title 49 CFR Part 225, "Railroad Accident Reporting"**

(Use Form FRA F6180.61)

## **Supportive Material and Inspector Considerations**

### **Obtaining Copies of Railroad's Accident/Incident Records**

When processing a "failure to report" violation case, the inspector must contact the Accident/Incident Reporting Officer for the railroad involved and attempt to obtain a copy of the railroad's report to FRA for the reportable accident/incident involved. If the railroad indicates that they are unable to provide a copy of the requested report for reason that they had not reported the case, the inspector must be governed as follows:

In the case of a casualty to person, obtain a copy of the railroad's FRA Form F6180.55, "Railroad Injury and Illness Summary" and FRA Form F6180.55a, "Railroad Injury and Illness Summary (continuation sheet)" for the month and year in which the reportable casualty to person should have been reported. These forms must be submitted with the violation report package as evidence that the railroad did not report the case.

The inspector should request the railroad's reporting officer to provide a "late report" of the case in question on the respective accident/incident reporting form (i.e., FRA Form F6180.55a, and FRA Form F6180.54, and/or FRA Form F6180.57, if applicable) to FRA, together with a letter of explanation containing reason for the late reporting of the case. The inspector should request a copy of the late report and a copy of the letter explaining the reason for the late reporting. The inspector should submit this substantiating evidence with the violation report package, if possible.

### **Statements of Witness/Reports of Interview**

A violation report should be accompanied by Statements of Witness or Reports of Interview obtained through interviews with employees, railroad officials, or other persons who know the circumstances surrounding an unreported accident/incident.

Each report of interview should contain the time, date, full name, title, and mailing address of the person who was interviewed.

### **Copies of Railroad's Records**

The violation report must be accompanied by legible copies of the railroad'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 railroad did not report it.

This information may be submitted in the form of duplicated copies of the railroad's accident/incident records or through comprehensive, word-for-word extracts taken from the railroad's accident/incident records.

## Copies of Medical Records

In the case of an unreported injury or employee occupational illness, the violation report should be accompanied by copies of the railroad'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, if needed as evidence to substantiate the violation. Note that reports of interview are not considered to be evidence; however, signed Statements of Witness are considered evidence in proving a case.

## Instructions for Completion of Form FRA F6180.61

The following instructions are to be followed in the preparation and issuance of Form FRA F6180.61:

1. **Name of Railroad:** Enter the full corporate name of the railroad and the mailing address where the railroad's reporting officer is located (responsible for submitting the required accident/incident reports to the FRA).

Example: "CSX Transportation, Inc.

500 Water Street, Jacksonville, FL 32202"

2. **Division:** Enter the name of the division, service unit, business unit, district, region, or other equivalent of the operating division on which the unreported or improperly reported case occurred. For railroads with no division, service unit, etc., show the appropriate designation, or, enter N/A.

Example: "Corbin"

3. **Report No.:** Enter the inspector's next sequential violation report number. Each report number shall include the inspector's initials and a consecutive report number. The consecutively numbered report remains with the writer throughout the term of employment with the FRA. Numbering is unaffected by fiscal or calendar year. For example: 124.

Example: "124"

4. **Place of Accident/Incident:** 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.

Example: "Track No. 27, North Yard, Fort Worth, TX"

5. **Time:** Enter the time of the accident/incident. In the event this is an unreported occupational illness, enter "N/A" if time of the initial diagnosis is not available.

Example: "2:30 p.m."

6. **Date:** Show the month, day, and year of the accident/incident or occupational illness initial diagnosis. Example: March 27, 1997 = 03/27/97.

Example: Month                      Day                      Year



## Worker on Duty-Employee (Class A)"

9B. Type of Person: Do not check any boxes in Item 9B due to obsolete descriptions.

Note: Because of revised Part 225 regulations effective January 1, 1997, there are revised and additional type person codes and designations that are not indicated in Item 9B, "Type of Person" of FRA Form F6180.61. Until FRA Form F6180.61 is revised to reflect these new codes, supplemental instructions are effective for entry of Type Person Descriptions and Codes into Item 9A, "Name of Person."

Example: (No boxes checked)

9C. Occupation (If employee): If an employee is named in 9A, state the employee's specific occupation. The term "employee" in this context would include "worker on duty-volunteer" and "worker on duty-contractor."

Example: "Conductor"

9D. Nature of Occupational Illness or Injury and Treatment: Describe the illness or injury, and the treatment received by the person named in 9A.

Example: "Right shoulder sprain; contusion right elbow, and right lumbosacral strain. Prescription medication prescribed."

9E. Employee's Occupational Illness or Injury Resulted In: Check each box for all items that show the reason for reportability of the injury to any person, or, occupational illness to an employee (i.e., Worker on duty-Employee, Employee off duty, Worker on duty-Volunteer, or, Worker on duty - Contractor).

Example: Medical Treatment

9F. Description of Injured Employee's Restriction of Work or Motion: Describe any employee injury or illness that resulted in restriction of work or motion. If not applicable, enter "N/A."

Example: "Employee sustained two days of restricted duty consisting of sitting in with the train dispatcher."

9G. Medical Release to Duty: Write all required information if the case involves an employee injury or occupational illness. If an employee was not involved, or if no medical release was issued, enter "N/A."

Example: "Issued: 6/15/97  
Effective: 6/15/97"

9H. Remarks on Medical Release: 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."

Example: "May continue work. Given Indocin 75 mgs., BID, and will return to doctor's office and begin physical therapy on 6/17/97."

9I. Name, Title and Location of Physician or Registered Professional Who Provided Medical Treatment: 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."

Example: "Barry L. Fischer, M.D., 205 W. Randolph Street, Chicago, Illinois"

10. Details of How Accident/Incident Occurred and What Made it Reportable: Enter all details that will enable FRA's Office of Chief Counsel to fully understand how the accident/incident occurred and why it should have been reported.

Example: "At 6:03 a.m., June 14, 1997, Conductor Gloria D. Smith while on duty and performing her regularly assigned duties, was passing between Coaches BN 7282 and BN 7339 for purpose of collecting tickets, when train lurched, slamming the coach door on her right elbow. Conductor Smith reported the injury to her trainmaster, and was instructed to go to Dr. Barry L. Fischer's office. Ms. Smith went to Dr. Fischer's office on June 15, 1997, and was examined by the nurse, who found swelling at the tip of her right elbow bone. (Continued on next page)"

If additional space is required, use a blank sheet of white paper and attach it to the form. The heading of this continuation sheet should read, "10. Details of How Accident/Incident Occurred and What Made it Reportable, Continued." F6180.67 plus the inspector's initials and violation report number should appear in the top right hand corner. Example: F6180.61 JEB-174. Include the name, title, and mailing address of the railroad's official who was notified of the accident/incident, and the time and date of the notification. The name, title, and mailing address of the custodian of each document must also be included.

11. Signature of Inspector: Type or print your name, and enter your signature in blue ink to assist in distinguishing the original copy of violation report.

Example: /signed in blue ink  
Mary R. Inspector

12. Date of Signature: Enter the date of your signature.

Example: March 27, 1997

Arrangement of Part 225, "Railroad Accident Reporting" Violation Report Package: The report is to be assembled by the inspector in the following manner:

- a. Completed Form FRA F6180.61 - "Violation of Accident/Incident Reporting Rules"
- b. "Details of Violation (Continued), if necessary, prepared on a separate piece of white paper. For identification purposes, the "Detail of Violation(s) Continued" and any other attachment to the report package must have the violation report form number and the inspector's initials and violation report typed in the top right-hand corner of each sheet. Example: F6180.61 CEK-175.
- c. List of Attachments. List all attachments to this report package.
- d. The original copy of the inspector's signed and completed Form FRA F6180.96, "Inspection Report."
- e. The original copy of any Statements of Witness obtained in relation to this case.
- f. Copies of all reports of interview
- g. Copies of all railroad accident/incident records appropriate to the case
- h. Copies of all medical reports pertinent to the case

- i. Copies of appropriate claims settlement records, and
- j. any other supportive documentation.

For identification purposes, each attachment to the violation report package must have the violation report number typed in the upper right-hand corner of each sheet. Example: F6180.61 JEB-174.

Insert F6180.61 (completed example)

## **Instructions for Completing a Violation Report Package for a Violation of Railroad Operating Practices Regulations**

(Use Form FRA F6180.67)

### **Supportive Material and Inspector Considerations**

FRA Form F6180.67, "Operating Practices Regulations," is used to submit violation reports for all regulations within the operating practices discipline, except for the statutory requirements of the Federal Hours of Service Law (use FRA Form F6180.33), and Part 225 "Railroad Accident Reporting," failure to report (use FRA Form F6180.61).

### **Use of FRA Form F6180.67**

This form serves as the violation reporting vehicle for all of the following Title 49 CFR regulations, whether they are under the exclusive responsibility of the Operating Practices discipline, or not:

#### Part 217 - Railroad Operating Rules

- (1) 217.7 - Operating Rules

An inspector cannot recommend a violation for civil penalties against a railroad or a railroad employee for a violation of a railroad-operating rule. It is expected, however, that the inspector would file a deficiency on FRA Form F6180.96, "Inspection Report" for such an observation.

- (2) 217.9 - Program of operational tests and inspections; recordkeeping
- (3) 217.11 - Program of instruction on operating rules; recordkeeping; electronic recordkeeping

#### Part 218 - Blue Signal Protection

- (1) 218.22 - Utility Employee
- (2) 218.35 - Yard Limits
- (3) 218.37 - Flag Protection
- (4) 218.39 - Hump Operations

Part 219 - Control of Alcohol and Drug Use

Part 220 - Radio Communication

Part 221 - Rear End Marking Devices

Part 225 - Railroad Accident Reporting - Recordkeeping Only

Part 228 - Hours of Service - Recordkeeping only

Part 228 - Hours of Service - Sleeping Quarters

Part 240 - Qualification and Certification of Locomotive Engineers

## **Submission of Photographs as Evidence**

Photographs that actually show the violation are very strong evidence. The inspector will attach the photographs to a piece of paper and explain what each photograph shows. Two copies of each mounted photograph must be submitted to FRA's Office of Chief Counsel so that when one copy is furnished to the respondent, the respondent will have the very same evidence FRA has in its possession.

## **Statements of Witness and/or Reports of Interview**

A violation report should be accompanied by Statements of Witness or Reports of Interview, obtained through interviews with employees, railroad officials, or other persons who know the circumstances surrounding the non-complying act or condition.

Each report must contain the time, date, full name, title, and mailing address of the person who was interviewed.

## **Copies of Railroad's Records**

The violation report must be accompanied by legible copies of the railroad's applicable records, containing information that will provide the FRA's Office of Chief Counsel with substantiating documentation and a clear understanding of the violation of Federal safety regulations.

This information may be submitted in the form of duplicated copies of the railroad's records or through comprehensive, word-for-word extracts taken from the railroad's records.

## **Instructions for Completion of Form FRA F6180.67**

The following instructions shall be strictly followed in the issuance of Form FRA F6180.67:

1. **Subject:** Enter the full title of the regulation violated. This entry should be the same as the title of the applicable CFR Part and Subpart (if applicable), (e.g., "Hours of Service of Railroad Employees - Subpart B" for violations involving Monthly Reports of Excess Service").

Example: Qualification and Certification of Locomotive Engineers - Subpart B.

- 2. Violation of 49 CFR: Enter the Part, Rule, and Subrule of Title 49 of the Code of Federal Regulations that has been violated.

Example:           Part                   Rule                   Subrules  
                           240                   229                   (e)

- 3. RPT Number: Enter the inspector's violation report number. Each report number shall include the inspector's initials and a consecutive report number. The consecutively numbered report remains with the writer throughout the term of employment with the FRA. Numbering is unaffected by fiscal or calendar year.

Example: JRI-125

- 4. Form FRA F6180.65: Enter the number of the F6180.96 inspection report submitted with the violation report. Note: Due to the revision and renumbering of the previous inspection report, FRA F6180.65, the label for this item is incorrect on FRA Form F6180.67.

Example: 75

- 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. Leave this section blank if the violation is against a person other than a railroad.

Example: Consolidated Rail Corporation CR

- 6. Name of Inspector(s): Enter the name(s) of the inspector(s) submitting the violation report and the payroll identification number of the primary inspector.

Example: John R. Inspector 77350

- 7. Location: Enter the city, state and GSA geographical code for the location where the violation occurred.

2
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0
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9
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0
---

Example: Louisville

2
---

1

## Kentucky

8. **Date of Violation:** Enter the date of the violation. The date of the violation is the actual date of the triggering event and not necessarily the day the violation was discovered. For example: On July 20, an inspector discovers a railroad failed to report a personal injury that occurred in March of that same year. The injury to a worker on duty-employee consisting of a fractured leg, and was clearly reportable at the time of the injury in March. The first day of violation of Part 225.11 was 30 days following the month in which the reportable injury occurred, or May 1. Therefore, the "date of violation" for entry into this field would be May 1 of the year, instead of the July 20 date when the inspector discovered the violation.

Example:	Month	Day	Year
	05	01	97

9. **Time of Violation:** Enter the time the violation occurred. If unknown, leave blank.

Example: 4:30 a.m.

10. **Operation/Facility:** When the violation is against a person other than a railroad, enter the full corporate name and address of the responsible party where the violation occurred. If the violation is against a railroad, enter the type of operation, which is in violation, or the name of the facility where the violation occurred.

Example: Elkhart Freight Department Yard

11. **Division:** Enter the name of the division, service unit, business unit, district, region, or other equivalent of the operating division on which the violation occurred. For railroads with no division, service unit, etc., show the appropriate designation, or, enter N/A.

Example: Chicago

12. **Track:** Enter the track number.

Example: Track No. 27

13. **Locomotive Initials and Numbers:** Enter the locomotive initials and numbers, if applicable.

Example: NS 3150

14. **Train Designation:** Enter the full train number, train symbol, yard job number, or other proper designation for the consist being operated by crewmembers involved in the excess service. If no train or other on-track equipment involved, enter "N/A."

Example: ELPR-27

15. **Violation Description:** Write a short description of what act merits a penalty recommendation.

Example: Railroad required a locomotive engineer to operate a train over territory the engineer was not qualified. The Trainmaster ordered the locomotive engineer of Train ELPR-27 to operate over East Sub Route to the Belt Railway of Chicago (BRC).

16. Details of Violation: Write a thorough description of the violation, and attach a continuation sheet if needed. The continuation sheet must be prefaced, "Detail of Violation(s), Continued." The inspector may quote a portion of the applicable regulation if this will assist the reader's understanding of the nature of the violation. The narrative should include comments concerning the type of corrective action taken by the railroad to correct the non-complying condition.

17. Date Report Prepared: Enter the date the report was prepared.

Example: March 27, 1997

18. Signature of Inspector(s): The inspector's name must be typed or printed, and, the inspector's signature signed in blue ink to enable the original copy to be distinguished from copies.

Example: /signed in blue ink  
Mary R. Inspector

19. Railroad Notification: Enter the name and title of the railroad official that was notified of the violation, and the date and time that the notification was made.

Example: Time: 9:30 a.m.

Name: John Johnson

Title: Division Superintendent

Date: March 27, 1997

## Arrangement of the FRA F6180.67 Violation Report Package

The Violation Report Package will include a copy of the Inspection Report and supporting data. The inspector will prepare and submit to the Regional office an original and three copies of the report, with Form FRA F6180.72(b), Transmittal of Violation, attached to each report, that include photographs as indicated below:

one original report with photographs;

one xerographic copy of the report with a duplicate set of photographs; and

two xerographic copies, including photographs.

After review by the Regional Office, the region will distribute the four reports received as follows:

the original report with photographs, to FRA's Office of Chief Counsel

one xerographic copy of the report with a duplicate set of photographs to FRA's Office of Chief Counsel; and

one xerographic copy, including photographs, to FRA's Office of Safety Assurance and Compliance in Washington D.C.

one xerographic copy, including photographs, for the regional file.

The violation report package (FRA Form F6180.67) must include the following items and be arranged in the following order:

- (1) Form FRA F6180.67, "Violation of Operating Practices Regulations."
- (2) Detail of Violations (Continuation sheet on white paper), if needed
- (3) List of Attachments
- (4) Form FRA F6180.96, "Inspection Report."
- (5) Form FRA F6180.96 Continuation sheet, if necessary
- (6) Statements of Witness
- (7) Reports of Interviews
- (8) Evidence and exhibits that support the factual statements in the violation.
- (9) Photographs mounted as described above.
- (10) Other documentation to support alleged railroad non-compliance.

For identification purposes, each attachment to the violation report package must have the violation report number typed in the upper right-hand corner of each sheet.

Example: F6180.67 JEB-174.

Insert F6180.67 (completed example)

Insert F6180.67 (completed example)

Insert F6180.67 (completed example)

Insert F6180.67 (completed example)

## **Instructions for Completing "Transmittal of Violation Report" for Violations Submitted by Operating Practices Discipline**

### **Instructions for Completion of Form FRA F6180.72b**

The following instructions shall be strictly followed in the issuance of Form FRA F6180.67:

**Date:** Inspector should leave the date blank. The date will be filled in after review of the violation package by the regional operating practices specialist, and the Regional Administrator, and when the violation report package is forwarded to Washington headquarters.

From: Director of Railroad Safety -- Region \_\_\_\_\_. Enter the numeric designation of the FRA region that is submitting this violation report package.

1. Top Priority (X) \_\_\_ State Report (X) \_\_\_ Individual Viol (X) \_\_\_\_. The inspector should leave this line blank. If the inspector has a case that is a top priority, or, individual violation, the inspector should consult with his/her specialist.
2. Violation Type (AR, AD, HS, HSR, RSP, ROP, ROR, REM) \_\_\_\_\_. The violation type codes listed on this header line are all still effective, however, there has been one addition, "EQ" (i.e., Employee Qualifications), due to Part 240 becoming effective since this form was created. The following is a complete listing of codes and their descriptions:

- AR - Accident Reporting
- AD - Alcohol and Drug
- EQ - Employee Qualification
- HS - Hours of Service (Statutory Requirements)
- HSR - Hours of Service (Part 228 Recordkeeping)
- RSP - Railroad Safety Practices
- ROP - Railroad Operating Practices
- ROR - Railroad Operating Rules
- REM - Rear End Marker

The inspector must select and enter the proper code for the violation type in the space provided.

3. Inspector \_\_\_\_\_ ID No. \_\_\_\_\_: The inspector must fill in their first name, middle initial (if any), and last name, and, inspector's identification number.
4. Violation Report No. \_\_\_\_\_: Enter the violation report number, prefaced by your initials. Example: JEB-174.
5. Railroad \_\_\_\_\_ Code \_\_\_\_\_: Fill in the full corporate name of the railroad receiving the violation, and the railroad code.
6. Choose Only One:
  - \_\_\_\_\_ (X) All Violations Are Neither Intentional Nor Hazardous
  - \_\_\_\_\_ (X) All Violations Are Intentional
  - \_\_\_\_\_ (X) All Violations Are Hazardous (RSP Only)
  - \_\_\_\_\_ (X) Maximum Penalty Requested For All Violations

7. 49 C.F.R. Section(s) Violated (Do Not Complete if HS Violation):

Quote the part, section and subsection from the CFR. Be as detailed as possible, e.g., indicate 219 in part, 301 in section and b31c in subsection, not just b or b3.

- 8. Assessment of \_\_\_\_\_ Day(s) for Each Violation
- 9. REM Only: Sec. 221.13(a), REM --                      Sec. 221.16 –  
                   \_\_\_\_\_ (X) Not Present                      \_\_\_\_\_ (X) Failure to Obtain Protection  
                   \_\_\_\_\_ (X) Present/Inoperative        \_\_\_\_\_ (X) Improper Protection  
                   \_\_\_\_\_ (X) Improperly Located

10. HS Only:            Number of Violations Covered by this Report \_\_\_\_\_

11. AD Only:            Number of /Employees to whom this Report Applies \_\_\_\_\_

12. Location of Violation(s): State \_\_\_\_\_ GSA Code \_\_\_\_\_  
City/County \_\_\_\_\_ GSA Code \_\_\_\_\_

Enter state and city or county name and code as appropriate.

13. Date of First Violation: Year/Month/Day \_\_\_\_/\_\_\_\_/\_\_\_\_

14. Complaint File Number \_\_\_\_\_

If violation is the result of a complaint investigation, enter the appropriate file number here; otherwise, this line will be left blank.

15. Witness Statement (X) \_\_\_\_\_

Enter an "X" in the blank if a witness statement is included in the violation report.

16. Specialist Concurrence \_\_\_\_\_ (Initials)

To be left blank for the regional specialist.

17. Related Violation Report(s) \_\_\_\_\_

This line should contain the inclusive numbers of violation reports arising from the same inspection. However, what constitutes a related violation can vary by type of case. The purpose of including this information is to ensure that reports that should logically be grouped together in the same case are for purposes of negotiation. In other words, if reports 50 through 58 all covered the same train ride, this line would read "50 through 58."

18. Enforcement Previously Declined (X) \_\_\_\_\_

19. Date Received by RCC: Year/Month/Day \_\_\_\_/\_\_\_\_/\_\_\_\_

(Insert violation transmittal form .72b-blank)

# Hours of Service Waiver Investigation Report

Date: \_\_\_\_\_ File No. \_\_\_\_\_

Subject: Field Investigation: Hours of Service Waiver Request for \_\_\_\_\_

From: Edward W. Pritchard  
Director, Office of Safety Assurance and Compliance  
To: Regional Administrator

Please arrange to have an inspector conduct an investigation into the above referenced waiver petition. Items listed below should serve to direct the investigation and facilitate submission of final report findings.

- 1. What is the railroad's justification for requesting the waiver?
- 2. Total miles of track operated:

Specify points between which trains are operated:

Specify any branch lines by name and points between which trains are operated:

- 3. FRA track class on each line:
- 4. Maximum authorized operating speed:
- 5. Is the maximum authorized speed clearly defined by the railroad?
- 6. How are trains operated on the main track?

- Train orders:
- DTC
- TWC
- Yard limit
- Timetable
- Other (specify) \_\_\_\_\_

Note: If trains orders/TWC or DTC are used, review train order/warrant authority book and dispatcher train movement record to ensure orders/warrants issued are in compliance with railroad rules.

- 7. What is the average number of trains operated in a 24-hour period?
- 8. Specify frequency and days of the week the trains are operated.
- 9. Specify between what points trains are operated.

10. What is the average tour of duty for crews operating trains?
11. Does the railroad operate any passenger trains, including excursion and dinner trains?
12. Railroads possessing hours of service waiver must comply with a provision that prohibits railroad crews from engaging in passenger service beyond the 12th hour. Verify compliance with this provision.
13. Specify location where this railroad performs interchange and with whom.
14. Does this railroad operate over trackage of another railroad, if so, which one (s)?
15. If permitted/required to operate over another railroad, are these movements made on a main track, inside or outside yard limits? Also specify the distance traveled on the other railroad.
16. Does another railroad have trackage rights over this railroad? Indicate whom and what distance.
17. Review hazardous materials records of loads for one year. Break down by type and total carloads.
18. Railroads possessing hours of service waiver must comply with a provision that prohibits railroad crews from handling hazardous materials (except for combustibles) after 12 hours. Verify compliance with this provision.
19. Total number of employees subject to the Federal hours of service laws.
20. Review excess service records for a one-year period and determine if the railroad properly reported the excess service.
21. Review railroad's accident/incident records for a one-year period and determine if the railroad properly reported the cases.
22. Are railroad employees concerned about any unsafe conditions? Do any employees object to FRA granting this waiver petition?
23. Does the railroad have in effect operating rules governing employees and train operations? Determine if the railroad is maintaining a copy of the rules at Division/System headquarters.
24. Does the railroad have a program of rules instruction? Determine if the program is on file at Division/System headquarters.
  - (a) are mandatory re-examinations conducted?
  - (b) at what intervals?
  - (c) are the examinations written?
  - (d) are they graded by railroad supervision?
  - (e) what is the passing grade?
  - (f) how are failures handled?
  - (g) when was the last examination conducted?

25. Does the railroad have a formal efficiency-testing program? Determine if the program is on file at system headquarters.
- (a) does it pertain to all operating crafts?
  - (b) are monthly quotas set for supervisors?
  - (c) are tests conducted at various times during day and night?
  - (d) do tests appear to be of good quality? Detail any you witness.
  - (e) has the railroad-assessed discipline in the past 6-months?
  - (f) inspector's evaluation of the testing program and any recommendations:
26. Did the railroad submit an engineer certification program? Determine if the program is on file with FRA.
27. What is the length of training given to new employees?
- (a) Engineers:
  - (b) Trainmen:
  - (c) Dispatchers/Operators:
  - (d) Signalmen:
28. Does the training program involve?
- (a) classroom:
  - (b) visual aids:
  - (c) instruction regarding safety:
  - (d) mechanical training:
29. Inspector's evaluation of overall training programs and recommendations:
30. Briefly describe any other pertinent details, which might have a bearing on safety if this waiver were granted:
31. Does this railroad have any outstanding violations in the following areas?  
 MP&E\_\_\_ HAZ/MAT\_\_\_ OP\_\_\_ TRACK\_\_\_ S&TC\_\_\_

Inspector's opinion: Granting this waiver will:

- ( ) Reduce protection and safety
- ( ) Provide adequate protection for existing operating conditions without materially reducing safety.
- ( ) Maintain the existing protection and safety.

( ) Increase protection and safety.

State reasons:

Inspector's final recommendations as to granting this waiver application and rationale for recommendation:

Inspector's signature:

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