

## Appendix A

### ***Instructions for Completing MP&E Violation Reports***

#### Introduction - MP&E Violation Reports

FRA Form F6180.10, "Violation of Locomotive Inspection Act," is the report used for locomotives in violation of CFR Part 229 & 230. FRA Form F6180.69, "Violation Report Supplement," and FRA Form F6180.68, "Violation Report," are the reports used to report freight cars in violation of 49 CFR Part 215. FRA Form F6180.29, "Violation of Safety Appliance Law," and FRA Form F6180.29a, "Violation of Safety Appliance Law Air Brake Supplement," are the reports used to report locomotives or freight cars in violation of 49 CFR Part 231 or 232. Each violation form referenced above is available in Delrina FormFlow.

*Note: While it is permissible to submit violations for locomotives in violation of the Power Brake Regulations on forms F6180.29 and F6180.29a, it is preferred that Form F6180.10 be used. Parts 229 & 230 adequately address most situations and conditions with respect to air brake defects on a locomotive. However, when submitting a violation report because a locomotive has defective safety appliances, inspectors must use FRA Form F6180.29 rather than F6180.10.*

FRA Form F6180.67, "Violation of Federal Railroad Safety Regulations," is used to submit violation reports for the remainder of all FRA regulations, except Hours of Service and Accident Reporting. A new version of Form F6180.67 is now a component of the RISPCv2.2 program. However, it can only be accessed within RISPC. When using RISPC and the violation box is checked "yes" on the F6180.96 inspection report, some of the information will automatically be transferred from the F6180.96 inspection report to the F6180.67 violation report. Separate instructions are available for completing the F6180.67 violation report.

#### The RISPC Program, F6180.96 and F6180.67 Forms

F6180.96 Inspection Report preparation is mandatory for all inspections where a civil penalty action (violation report) is recommended. Inspectors should complete the Remedial Action portion of the inspection report, as soon as the report (railroad copy), is received from the railroad. Federal regulations require railroads to submit notification of Remedial Action to FRA for all violations 30 days after the end of the calendar month in which notice of violation occurred. In this regard, it is recommended that Inspectors update all inspection reports containing violations on a regular basis to help ensure the integrity of FRA's inspection report database. When using the RISPC inspection report program, some of the items will automatically transfer from the F6180.96 inspection report to the F6180.67 violation report.

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### Submission of Photographs as Evidence

Photographs can sometimes be very strong evidence in support of a violation. If photographs are included in the violation, the inspector will attach (mount) each photograph 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 same evidence FRA has in its possession. Copies of digital photographs are acceptable. Photographs which have been altered in any way should not be included as violation evidence. In addition, be certain that the photo clearly depicts the defect and location of the defect(s) in question.

### Statements of Witness or Reports of Interview

Unless a violation is substantiated by an Inspector's personal knowledge or by records FRA requires railroads to maintain, the violation report should be accompanied by Statements of Witness report(s) obtained from railroad employees, railroad officials, or other persons who know the circumstances surrounding the non-complying act or condition. It is preferable to use Witness Statements rather than Reports of Interview in violations.

If Reports of Interview must be attached to violation reports, care must be exercised as this could result in unintentional FRA non-compliance with the requirements of Public Law which prohibit disclosure of railroad employees who report railroad safety violations without their written consent. When using Reports of Interview to help ascertain the facts, policy requires the Inspector must:

- Advise the person that the interview is voluntary;
- Advise the person that the interview will be attached to a violation report and submitted to the railroad or company when a penalty demand is issued; and
- Prior to submission, the interview report must be validated by the person being interviewed. This can be accomplished either by mail or hand delivery.

Each Witness Statement or Report of Interview must contain the time, date, full name, title, and mailing address of the person who was interviewed.

### Copies of Railroad's Records

When applicable, 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.

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### Locomotives F6180.10

FRA Form 6180.10, "Violation of Locomotive Inspection Act," is the report used to report locomotives in violation of 49 CFR Part 229 & 230. This report is not to be used for submission of violations other than those CFR Parts previously mentioned. For locomotives in violation of 49 CFR Part 223, use form F6180.67. For locomotives in violation of 49 CFR Part 231, use form F6180.29.

#### **Item**

1. **Report Number:** Enter the appropriate report number. Reports are consecutively numbered and remain with the Inspector throughout the term of employment with FRA. Numbering is unaffected by violation report type, fiscal or calendar year.
2. **Companion Reports:** Enter the related violation report number. This block was originally intended to contain related information on the same locomotive when the locomotive was in violation of Part 229 Subpart B - Inspections and Tests, and Part 229 Subpart C - Safety Requirements. Failure to perform any inspection or tests under Subpart B of Part 229 is considered separate and distinct from, and in addition to, any defects found on the locomotive under Subpart C (*see Appendix B to Part 229, footnote 1*). Over the years, Inspectors have used this block to identify the F6180.96 Inspection Report Number and have combined locomotive violations into one report when Subpart B and C defects are present. This is incorrect. If the locomotive in question does not contain both Subpart B and C defects, this block should be left blank.
3. **Name of Inspector(s):** The name of the Inspector whose number is used should be listed first.
4. **Operating Railroad:** Enter the full corporate name of the railroad which is cited as having violated FRA regulations.
5. **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.
6. **Time of Violation:** Enter the time the violation occurred.
7. **Inspection Point or Location:** Identify the yard, shop or location by name where the violation occurred.
8. **Division:** Identify the railroad division by name. Use "System" for railroads without divisions.
9. **Type of Service:** Check the appropriate box.

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10. **Date and Time of Last Daily Inspection:** Enter the date and time of daily inspection indicated on cab card in the cab of the locomotive.
11. **Date and Location of Last Periodic Inspection:** Enter the date and location of last periodic inspection indicated on F6180.49 in the cab of the locomotive.
12. **Locomotive Initials and Number:** Enter the locomotive initials and number.
13. **Locomotive Service Status:** Check the appropriate box.
14. **Name and Title of Railroad Official Contacted:** Enter name and title of railroad official notified of violation.
15. **Form 8 Issued:** Check the appropriate box.
16. **Violation of 49 CFR Section Number:** Enter the applicable section(s) from Part 229. Where multiple defects are observed, list each section, beginning with the most severe defect observed.
17. **Description of Use Constituting Violation:** Use descriptions that clearly state what constituted the violation. Actual movement or use of the locomotive is not necessary to submit a violation under Part 229. However, Inspectors should use language that clearly describe the railroad's intent to use the locomotive. For example, "Inspected by railroad locomotive mechanical forces and offered for service. "
18. **State All Facts Necessary to Establish Violation:** Write a thorough description of the violation. This should include factual information that clearly articulates the violation in detail, as well as a summary of defects observed on the locomotive. Describe all circumstances surrounding the violation, such as movement, use or prior inspection by railroad mechanical forces. Consider including details that will counter any mitigating factors that railroad attorneys might submit during claims conferences. For example, if the violation is reoccurring and the Inspector has had little or no success in achieving compliance with the railroad or individual, it would be extremely important for the Inspector to include details chronicling negative compliance history.

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 may include comments concerning the type of corrective action taken by the railroad to correct the non-complying condition.

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19. **Additional Information:** This is the catch-all section that may be used to further describe the violation. This section is often used to list supporting documentation such as Inspection Report, Statement of Witness, Photographs, Consists or other pertinent data.

This section should also be used to indicate the name and title of the person (custodian of records), when documents are obtained from railroad and used as part of the violation report package. During claims conferences, railroad attorneys are questioning the methods of how certain railroad documents are obtained by the inspector. A simple sentence identifying the railroad employee that authorized the release of the document used will suffice. For example, "Mr. John Doe, Trainmaster, authorized the release of all railroad records included with this report at 10:55 a.m., October 12, 2000." If multiple persons or documents are involved, simply make the appropriate entries.

20. **Signature of Inspector(s):** At a minimum, the first two copies of the report should bear an original signature of the Inspector(s).
21. **Date of Signature:** Enter the date the report is signed.

### Arrangement of the FRA F6180.10 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(c), Transmittal of Violation, attached to each report, that include photographs as indicated below:

- one original report with photographs;
- one photostatic copy of the report with a duplicate set of photographs; and
- two photostatic 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 photostatic copy of the report with a duplicate set of photographs to FRA's Office of Chief Counsel;
- one photostatic copy, including photographs, to FRA's Office of Safety Assurance and Compliance in Washington, D.C.;
- one photostatic copy, including photographs, for the regional file.

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*Note: A fifth copy is held by the Inspector and should be retained a reasonable amount of time, usually 1 to 2 years.*

When the violation report (FRA Form F6180.10) contains attachments, the package should be arranged in the following order:

1. Form F6180.72(c).
2. Narrative Memorandum.
3. Form FRA F6180.10 including any continuation sheets.
4. Inspection Report.
5. Statements of Witness. *(If applicable)*
6. Evidence and exhibits that support the factual statements in the violation.
7. Photographs mounted as described above.
8. Other documentation to support alleged railroad non-compliance.

For identification purposes, each attachment to the violation report package must have the Inspector's initials and the violation report number either typed or legibly handwritten in the upper right-hand corner of each sheet. For example, RJC-457.

### Freight Cars F6180.69

**FRA Form F6180.69**, "Violation Report Supplement," is the first of a two-part report used to report freight cars in violation of 49 CFR Part 215. This report contains "common event" information such as: train number, location, date of violation, number of cars in train, etc. One "Violation Report Supplement" may be used with several F6180.68 - Violation Reports, if circumstances warrant. For example, if an Inspector inspects a train and observes five cars in violation of Part 215, the Inspector would complete one F6180.69 report and five F6180.68 reports.

#### **Item**

1. **Name of Inspector(s):** The name of the Inspector whose number is used should be listed first.
2. **Violation Report Numbers:** Enter the appropriate report number(s). Reports are consecutively numbered and remain with the inspector throughout the term of employment with FRA. Numbering is unaffected by violation report type, fiscal or calendar year.
3. **Inspection Report No.:** Enter the number of the inspection report (F6180.96), containing the information pertaining to this violation. For example, RJC-99.

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4. **Operating Railroad:** Enter the full corporate name of the railroad which is cited as having violated FRA regulations.
5. **Station:** Enter the city and state where the violation occurred.
6. **Place of Inspection:** Identify the yard, shop or location by name where the violation occurred.
7. **Division:** Identify the railroad division by name. Use “System” for railroads without divisions.
8. **Date of Violation(s):** 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.
9. **Service Constituting Violation:** Check the appropriate box.
10. **Description of Movement or Location of Car(s) at Time of Violation:** Use descriptions that clearly state the movement or location of car(s) at time of violation. Actual movement or use of the car(s) is not necessary to submit a violation under Part 215. However, good candidates for a violation under Part 215 generally fall into the following three categories: cars in outbound train ready for departure (previously received pre-departure inspection); cars released or removed from a repair track; and cars in inbound trains or recently set-out from inbound/run-through trains.  

Inspectors must be very judicious and weigh the circumstances carefully when considering Freight Car Safety Standard Violations on inbound trains. Inspectors must present sufficient evidence to show that the defect(s) did not occur en route. The Inspector must present evidence that proves the defect(s) existed when the car in question received its last pre-departure inspection. For example, excessive wear on components and rust from an old crack or break are generally good telltale signs that characterize an old defect. Providing this type of information in the violation report lends credibility to the Inspector’s assertion that the defect(s) did not develop en route.
11. **Train Number:** Enter full train symbol or train number.
12. **Locomotive Number:** Enter train lead locomotive initials and number. Also indicate the number of trailing locomotives. For example, UP 2203 + 4. If locomotives are not attached to train enter “Unknown” or “Locomotives not attached.”

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13. **Number of Cars in Consist:** Enter the number of cars in the consist and check the appropriate box.
14. **Time Period of Inspector Observation:** Enter the time from beginning to end, the period of time in which the inspection or observation occurred.  
  
*Note: The actual time of violation will be recorded on Form F6180.68.*
15. **Notification of Violation:** Enter name and title of railroad official notified of violation.
16. **Railroad Response:** Describe any agreement or disagreement with respect to findings and notification of violation and note remedial action taken by the railroad.
17. **Additional Information:** Write a thorough description of the violation(s). This should include factual information that clearly articulates the violation in detail, as well as a summary of defects observed in the train. Describe all circumstances surrounding the violation, such as movement, use or prior inspection by railroad mechanical forces. Consider including details that will counter any mitigating factors that railroad attorneys might submit during claims conferences. For example, if the violation is reoccurring and the Inspector has had little or no success in achieving compliance with the railroad or individual, it would be extremely important for the Inspector to include details about compliance history.

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 may include comments concerning the type of corrective action taken by the railroad to correct the non-complying condition.

Attachments listed and attached to the F6180.69 should be documents associated with the entire train or inspection pertaining to the violation. For example, inspection report, train consist, etc.

**Signature of Inspector(s):** At a minimum, the first two copies of the report should bear an original signature of the Inspector(s).

**Date of Signature:** Enter the date the report is signed.

Freight Cars F6180.68

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**FRA Form F6180.68**, “Violation Report,” is the second of a two-part report used to report freight cars in violation of 49 CFR Part 215. This report contains unique information pertaining to the car in violation of Part 215. A separate Form F6180.68 “Violation Report” must be completed for each car in violation of Part 215.

### **Item**

1. **Name of Inspector(s):** The name of the Inspector whose number is used should be listed first.
2. **Violation Report Number:** Enter the appropriate report number. Reports are consecutively numbered and remain with the Inspector throughout the term of employment with FRA. Numbering is unaffected by violation report type, fiscal or calendar year.
3. **Interchange Railroad Violation Report Number:** When citing violations on two railroads at an interchange inspection point, enter the violation report number of the opposite railroad. If not applicable leave blank or enter N/A.

*Note: When submitting violation(s) on two railroads at an interchange inspection point, two fully documented violation packages must be prepared, one for the delivering railroad and one for the receiving railroad.*

4. **Operating Railroad:** Enter the full corporate name of the railroad which is cited as having violated FRA regulations.
5. **Car Initials and Number:** Enter the car initials and number.
6. **Car Description**
  - a: Enter the full car description found in the RISPC look-up table.
  - b: Check the appropriate box.
  - c: Check the appropriate box.
  - d: If placarded car, indicate UN number, if not enter N/A.
7. **Item Number:** This number must correspond with item on F6180.96 Inspection Report. For example, if the car in question is item number 3 on the inspection report, enter 3 on the violation report.
8. **Component Description:** Enter the component description as it appears in the CFR. For example, if the violation pertained to a roller bearing with a missing cap screw, the proper entry would be “Defective roller bearing.” It would also be appropriate to indicate the location. For example, “L1, R1,” etc.

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9. **Defect Description:** Enter a detailed description of the defective component. For example, “One of three roller bearing cap screws missing.”
10. **49 CFR Section:** Enter the rule and sub-rule exactly as it appears in the CFR. For example, if a roller bearing has a missing cap screw the proper entry would be “215.115(a)(2)(ii).”
11. **Car Marked for Repair with Bad Order Tag:** Check the appropriate box. If checked yes provide a detailed description under Item 14 explaining the circumstances as to why the car was tagged Bad Order and in violation.
12. **Track Number:** Enter the track number on which a defective car(s) is located.
13. **Time:**
  - a: Enter the time inspection began.
  - b: Enter the time of violation.
14. **Additional Information:** Provide information (if applicable), unique to the particular car in violation of Federal regulations. Most of the information describing the circumstances surrounding the violation in general terms should have been entered under Item 18 on Form F6180.69, “Violation Report Supplement.”

**Signature of Inspector(s):** At a minimum, the first two copies of the report should bear an original signature of the Inspector(s).

**Date of Signature:** Enter the date the report is signed.

### Arrangement of the FRA F6180.68 & 69 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(c), Transmittal of Violation, attached to each report, that include photographs as indicated below:

- one original report with photographs;
- one photostatic copy of the report with a duplicate set of photographs; and
- two photostatic copies, including photographs.

*Note: Form F6180.72(c) is required for each Form F6180.68 report.*

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

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- the original report with photographs, to FRA's Office of Chief Counsel;
- one photostatic copy of the report with a duplicate set of photographs to FRA's Office of Chief Counsel;
- one photostatic copy, including photographs, to FRA's Office of Safety Assurance and Compliance in Washington D.C.; and
- one photostatic copy, including photographs, for the regional file.

*Note: A fifth copy is held by the Inspector and should be retained a reasonable amount of time, usually one to two years.*

When the violation report (FRA Form F6180.69 & F6180.68) contains attachments, the package should be arranged in the following order:

1. Form FRA F6180.72(c). *(One for each F6180.68)*
2. Narrative Memorandum.
3. Form FRA F6180.69.
4. Statement of Witness. *(If applicable)*
5. Inspection Report.
6. Train Consist.
7. Other documents to support alleged railroad non-compliance.
8. Form F6180.68
9. Evidence and exhibits that support the factual statements in the violation.
10. Photographs mounted as described above.
11. Repair Bills or Records.

For identification purposes, each attachment to the violation report package must have the Inspector's initials and the violation report number either typed or legibly handwritten in the upper right-hand corner of each sheet. For example, RJC-457.

### Safety Appliances (Locomotives & Freight Cars) F6180.29

**FRA Form F6180.29** "Violation of Safety Appliance Law," is the report used to report locomotives or freight cars in violation of 49 CFR Part 231. If air brakes are the subject of the violation, FRA Form F6180.29a "Violation of Safety Appliance Law Air Brake Supplement," must also be prepared and submitted in conjunction with FRA Form F6180.29. Each locomotive or car in violation of the Safety Appliance Regulations must be prepared on a separate F6180.29 and F6180.29a, if applicable.

*Note: The Safety Appliance Act made it unlawful for any common carrier (now referred to as railroad), to use on its line, any locomotive or car without operative air brakes,*

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*automatic couplers, grab irons, handholds, ladders and sill steps. The regulations pertaining to Safety Appliances also set minimum and maximum heights for couplers on locomotives and cars. For the purposes of these instructions, the term "Safety Appliance" is used synonymously with all the aforementioned components.*

**Report Number:** Enter the appropriate report number. Reports are consecutively numbered and remain with the Inspector throughout the term of employment with FRA. Numbering is unaffected by violation report type, fiscal or calendar year.

**Name of Inspector(s):** The name of the Inspector whose number is used should be listed first.

**Operating Railroad:** Enter the full corporate name of the railroad which is cited as having violated FRA regulations.

**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.

**Time of Violation:** Enter the time the violation occurred.

**Station:** Enter the city and state where the violation occurred.

**Division:** Identify the railroad division by name. Use "System" for railroads without divisions.

**Track Number:** Enter the track number locomotive or car is located on when in violation.

**Yard:** Enter the yard or siding name from current railroad timetable. If yard has no name use city name followed by "Train Yard." For example, a train yard located in Broken Arrow, OK would be identified as "Broken Arrow Train Yard."

**Locomotive Initials & Number:** Enter train lead locomotive initials and number. Also indicate the number of trailing locomotives. For example, UP 2203 + 4.

**Train Number:** Enter full train symbol or train number.

**Repair Facilities Available:** Indicate whether or not repair facilities are available. If repair facilities available are a wheel truck or fixed repair track use the following description; "Repairs of the character required could have been made with the facilities available." If repair facilities are not available indicate "None."

*Note: If "None" is entered be certain to explain in detail under Remarks and Sketches why*

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*the locomotive or car is in violation of Federal Regulations. The laws and regulations related to Safety Appliances require defective Safety Appliances to be repaired when found to be defective. However, the law does allow for the movement of defective Safety Appliances to the nearest location where the necessary repairs can be made if repairs cannot be made in a safe and reasonable manner at the location where they are originally found defective. Prevailing case law suggests that neither knowledge of the defect(s) nor convenience mitigates a railroad's responsibility for compliance with the Safety Appliance Laws and Regulations. The key here is whether or not repairs can be made at the location where the equipment is originally found defective in a safe and reasonable manner. If repairs of the type needed are routinely made by a wheel truck at a particular location, then FRA will generally consider that location a location where those repairs can be made. Conversely, FRA does not expect a railroad to conduct repairs at a location that exposes its employees to unnecessary danger or risk of personal injury. Therefore, Inspectors are reminded to consider these facts and weigh the circumstances carefully when determining "safe and reasonable." (For a listing of factors to consider when determining whether a location is one where repairs can be made, see the new Power Brake Regulations at §232.15(f).)*

**Equipment Used in Violation of Law:** The following fields pertain to the exact nature of the Safety Appliance used in violation of the law.

**Description:** When possible, use descriptions consistent with the Safety Appliance Regulations. For example, "Drop-end high-side gondola car" or "Tank car with side platforms." In the case of cars of Special Construction, use descriptions found in the equipment register. For example, "Articulated Car," "Auto Carrier," "Container Car," etc.

**Initial & Number:** Enter the locomotive or car initials and number.

**Name and Type or Description of Appliance:** Enter descriptions consistent with Safety Appliance Regulations. For example, "Sill step," "Handbrake," or "End Handhold."

**Location:** Enter a description that explains the location of the appliance. For example, "Facing side of car to the left" or "Facing end of car to the left." It is also appropriate to use AAR descriptions to locate a particular appliance on a locomotive or freight car. For example, "Left front bottom switching step," or "AR sill step."

**Description of Defect:** Use any of the following three adjectives to describe a defective Safety Appliance: inoperative, ineffective or insecure. For example, "Insecure end-handhold account of one of two fasteners missing," or "Ineffective end-handhold account of 14" of its 16" clear length crushed against the car."

**If Coupler Involved...:** Check only if applicable. Leave blank otherwise. This information

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pertains to couplers that DO NOT operate automatically. The Safety Appliance Act requires all couplers to close automatically upon impact and also open without the aid of an individual going in between equipment. This section would be applicable in the case of an inoperative uncoupling lever.

**If Height of Drawbar...:** Provide requested information only if applicable. Leave blank otherwise. Proper coupler height refers to both locomotives and cars.

**Was Defect Old or New:** Check the appropriate box.

**Was Car Marked for Repair or Bad Ordered:** Check the appropriate box.

**How Long Had Car Been at Place of Violation:** Enter the amount of time the equipment in violation of Federal Regulations had been at the location identified above. For example, if the equipment observed in violation had just arrived in a train enter “Just arrived.” If the equipment in violation has been there for about two hours from the time of initial observation and then departs in a train enter “Approximately two hours to my knowledge.”

**Initials, Number and Description of Adjoining Cars, A & B End:** Enter the initials, number and description of equipment on either end of equipment in violation of Federal Regulations. For example if the equipment in violation is a car, enter the car initials, number and car type on A & B end, “UTLX 777821 Tank car.” If the equipment in violation is the last car in the train enter “Last car in train.”

**Did Car Contain Livestock or Perishable Freight:** Check the appropriate box. The Safety Appliance Law does allow for the movement of cars with defective Safety Appliances when loaded with livestock or perishable freight. This provision does not apply to Refrigerated Cars.

**Remarks and Sketches:** Write a thorough description of the violation(s). This should include factual information that clearly articulates the violation in detail, as well as a summary of defects observed in the train. Describe all circumstances surrounding the violation, such as movement, use or prior inspection by railroad mechanical forces. Consider including details that will counter any mitigating factors that railroad attorneys might submit during claims conferences. For example, if the violation is reoccurring and the Inspector has had little or no success in achieving compliance with the railroad or individual, it would be extremely important for the Inspector to include details chronicling compliance history.

The Inspector may quote a portion of the applicable regulation if this will assist the reader’s understanding of the nature of the violation. Unlike violations submitted under Part 215, 229 or 230, current Safety Appliance Law requires movement of the defective locomotive or car

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to be in violation of the Safety Appliance or Power Brake Regulations. Use statements in the narrative section that affirm movement of the defective locomotive or car based on personal observations.

It is also necessary to include the name, title and time of railroad official notified of violation in this section. Do not include sketches in this section. Use a separate sheet of paper properly labeled and identified for all photographs or sketches.

**Date of Report:** Enter the date the report is signed.

**Signature of Inspector(s):** At a minimum, the first two copies of the report should bear an original signature of the Inspector(s).

### **Power Brakes and Air Brake Tests F6180.29a**

**FRA Form F6180.29a**, “Violation of Safety Appliance Law Air Brake Supplement,” is the report used to report freight cars in violation of 49 CFR Part 232. It is also used to report violations pertaining to improper air brake tests. This report must be used in conjunction with F6180.29.

**Continuation of Inspector Report Number:** Enter same report number from accompanying F6180.29.

**Name of Inspector(s):** The name of the Inspector whose number is used should be listed first.

**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.

**Number of Cars (Include Locomotive Units):** Enter the sum total of locomotives and cars in the train.

**Air Brakes Operated:** Enter the sum total of locomotives and cars with operative air brakes in the train.

**Cut-Out:** Enter the sum total of locomotives and cars with cut-out brakes.

**Non-air Cars:** Leave blank, does not apply.

**In-op:** Enter the sum total of locomotives and cars with inoperative air brakes in the train.

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**Percentage Operated:** Calculate the percentage of operative brakes by dividing the sum total of inoperative and cut-out brakes into the sum total of locomotives and cars in the train. For articulated cars, each unit in the set counts as one car.

**Locomotive Units - Consist and Association of Brakes on Cars in Train:** The information required under this section pertains to the operational status of each locomotive and car air brake relative to its location in the train. The sum of the numbers entered across the matrix should equal the total number of locomotives and cars in the train under the "Total" column at the far right. Under the first column "Locomotive Units," enter the total number of locomotives in the consist with respect to the status of each locomotive's air brakes. For example, if there are four locomotives in the train and all trucks are cut-in and operative, enter "4" in the first row titled "Air." If on the other hand, one truck is cut-out on one locomotive, enter "3" in the row titled "Air" and "1" in the row titled "Cut-out." In the latter example, it would be appropriate to further explain the circumstances of the locomotive with the truck cut-out.

The same logic applies to the information requested for the cars in the train. Make the appropriate entries across the matrix and be certain the number under the "Total" column is the sum of all locomotives and cars in the train.

**Location in Train of Non-air Cars, Cars with Cut-out or Inoperative Air Brakes:** The information required under this section pertains to car in the train only. Enter the car initials, car number and numerical position of the car(s) in the train with inoperative air brakes.

*Note: If the violation pertains to an improper air brake test, it is permissible to leave all fields following "Date of Violation" blank or enter "Unknown." However, if the violation pertains to inoperative or ineffective air brakes, Inspectors must enter the appropriate information.*

**Train Brake Test:** The information required under this section is self explanatory. Enter the appropriate information across the matrix. Check only one field under "Repair Facilities" and "Test Required."

**State Facts which Determine Type of Test Required:** Enter the appropriate statement concerning what constituted the violation. For example, in the case of brakes cut-out, inoperative or failure to perform an Initial Terminal Brake Test, the correct entry would be "Train originally made up at this point."

**Section and Sub-section of Order Violated:** Enter the appropriate 49 CFR rule and subrule.

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**Was Yard Test Plant Available for Use:** If ground or house air was available or not available, check the appropriate box.

**Was It Used:** Check the appropriate box if applicable.

**In Date Test:** Leave blank, no longer applicable.

**State all Facts...:** Do not duplicate information that may be contained on Form F6180.29. Information contained in this section should pertain to any railroad employee that may have been situated in the immediate vicinity of the violation. If possible, indicate the name, title, physical location and role of each railroad employee with respect to the violation. The Inspector may quote a portion of the applicable regulation if this will assist the reader's understanding of the nature of the violation. As a reminder, current Safety Appliance and Power Brake Regulations require movement in a defective state in order to be considered a violation. Be certain to include a statement of observing movement based on personal observations.

**Date of Report:** Enter the date the report is signed.

**Signature of Inspector(s):** At a minimum, the first two copies of the report should bear an original signature of the Inspector(s).

### Arrangement of the FRA F6180.29 & 29a 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(c), Transmittal of Violation, attached to each report, that include photographs as indicated below:

- one original report with photographs;
- one photostatic copy of the report with a duplicate set of photographs; and
- two photostatic 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 photostatic copy of the report with a duplicate set of photographs to FRA's Office of Chief Counsel;
  - one photostatic copy, including photographs, to FRA's Office of Safety Assurance and Compliance in Washington, D.C.; and

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- one photostatic copy, including photographs, for the regional file.

*Note: A fifth copy is held by the Inspector and should be retained a reasonable amount of time, usually one to two years.*

When the violation report (FRA Form F6180.29 or FRA F6180.29a) contains attachments, the package should be arranged in the following order:

1. Form FRA F6180.72(c).
2. Narrative Memorandum.
3. Form FRA F6180.29.
4. Form F6180.29a (*Used when air brakes are involved*).
5. Statement of Witness (*If applicable*).
6. Inspection Report.
7. Train Consist.
8. Other documents to support alleged railroad non-compliance.
9. Evidence and exhibits that support the factual statements in the violation.
10. Photographs mounted as described above.
11. Repair Records or Bills

For identification purposes, each attachment to the violation report package must have the Inspector's initials and the violation report number either typed or legibly handwritten in the upper right-hand corner of each sheet. For example, RJC-457.

### Instructions for Completing a Violation Report Package for Violations of Federal Railroad Safety Regulations

Supportive Material and Inspector Considerations: FRA Form F6180.67, "Violation of Federal Railroad Safety Regulations," is used to submit violation reports for all regulations within the Hazardous Materials, Operating Practices, Signal and Train Control, and Track disciplines [*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)*]. It is also used for Motive Power and Equipment discipline violations except for Parts 215, 229, 230, 231 and 232, which have specific forms for those purposes.

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

The following instructions shall be strictly followed when completing Form FRA F 6180.67.

1. **Subject:** Enter the subject of the regulation violated.

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Example:       **ENGINEER CERTIFICATION**

2.    **Violation of 49 CFR:** Enter the Part, Rule, and Subrule of Title 49 of the Code of Federal Regulations that has been violated (if not already generated by the RISPC program).

Example:       **PART           RULE           SUBRULES**  
                  **240           229           (e)**

**Note:** If a violation report is being submitted for multiple instances of rule non-compliance, such as is common with reports regarding the Track Safety Standards, type “See Below” in this section and precede Block 15 (Violation Narrative) with a listing of the rules covered by this report.

3.    **RPT Number:** Enter the **Inspector’s violation report number**. The consecutively numbered report remains with the Inspector throughout the term of employment with the FRA. Numbering is unaffected by fiscal or calendar year.

Example:       **35**

4.    **F F6180.96 RPT.:** Enter the number of the F6180.96 inspection report submitted with the violation report (if not already generated by the RISPC program).

Example::      **110**

5.    **Railroad:** Enter the full corporate name of the railroad which is cited as having violated FRA regulations and also the railroad’s initials in the same way as they are entered on the inspection report (if not already generated by the RISPC program).

Example: **CSX TRANSPORTATION       CSX**

6.    **Name of Inspector(s):** - Enter the name(s) of the inspector(s) submitting the violation report and the 5 digit inspection I.D. number of the primary inspector (if not already generated by the RISPC program).

Example:       **John R. Inspector   99999**

7.    **Location:** Enter the city, state and GSA geographical code for the location where the violation occurred (if not already generated by the RISPC program).

Example: **Louisville**    2 0 9 0  
                                  2 1

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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.

Example: **09/10/2000**

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

Example: **6:30 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: **Osborne Yard**

11. **Division:** Enter the code for the name of the division, service unit, business unit, district, region, or other equivalent geographic boundary where the violation occurred (if not already generated by the RISPC program). For railroads with no division, service unit, etc., show the appropriate designation, or, enter N/A.

Example: **LOUISV**

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

Example: **Track No. 2**

13. **Locomotive Initials and Numbers:** Enter the locomotive initials and numbers, or N/A, whichever is applicable.

Example: **CSX 3150**

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

Example: **NTLI-274**

15. **Violation Narrative:** Write a thorough description of the violation. The Inspector may quote a portion of the applicable regulation if this will assist the reader's

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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.

The RISPC program should automatically generate continuation sheets if needed. If continuation sheets must be manually produced, each continuation sheet must be prefaced, "Violation Narrative, Report No. xxx, Continued."

16. **Date Report Prepared:** Enter the date the report was prepared.

Example: **9/13/00**

17. **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 to be distinguished from copies.

Example:     /signed in blue ink  
                  **John R. Inspector**

18. **Carrier Notification:** Enter the name and title of the railroad official who was notified of the violation, and the date and time that the notification was made.

Example:     **TIME:           8:30 a.m.**  
                  **NAME:           John Johnson**  
                  **TITLE:          Division Superintendent**  
                  **DATE:           9/10/00**

### 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 the appropriate Form FRA F6180.72, Transmittal of Violation Report. If the report includes photographs, prepare duplicates and copies of photographs as follows:

- one original report with photographs;
- one photostatic copy of the report with a duplicate set of photographs; and
- two photostatic copies, including photographs.

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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 photostatic copy of the report with a duplicate set of photographs to FRA's Office of Chief Counsel;
- one photostatic copy, including photographs, to FRA's Office of Safety Assurance and Compliance in Washington, D.C.; and
- one photostatic copy, including photographs, for the regional file.

NOTE: The Inspector should also retain a copy for a reasonable amount of time, usually one to two years.

When the violation report (FRA Form F6180.67) contains attachments, the package should be arranged in the following order:

1. Form FRA F6180.67 including any continuation sheets.
2. Form FRA F6180.96, "Inspection Report," including any continuation sheets.
3. Statements of Witness
4. Evidence and exhibits that support the factual statements in the violation.
5. Photographs mounted as described above.
6. Other documentation to support alleged railroad non-compliance.

For identification purposes, each attachment to the violation report package must have the inspector's initials and the violation report number typed in the upper right-hand corner of each sheet. Any documentation attached should be annotated on the document in the upper right-hand corner as to date, time and location the document was received, and should indicate the name and title of the person (custodian of records) the document was received from.

Example:        ***JRI - 35        09-10-00    9:15 a.m.***  
                     ***New Orleans, LA    John Johnson - CSX Shop Mgr.***