



Memorandum

U.S. Department
of Transportation

Federal Railroad
Administration

Date: JAN 08 2008

Subject: General Technical Bulletin No. G-07-04-Policy Regarding Intervention When
Inspectors Observe Railroad Employees Performing Unsafe Acts

From: *Michael J. Loggia*
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To: Regional Administrators for Distribution
Staff Directors for Distribution
CC: RRS-1, RRS-2, RRS-3, RRS-10, RRS-20, and Ted Bundy

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

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

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

3. Advise a railroad manager of your findings as soon as possible.
4. If the act violates FRA regulations, advise them you are taking official exception to the noncompliance. Under these circumstances you are obliged to list the name(s) and occupation(s) of the employee(s) on your inspection report.
5. If the act violates company rules but not FRA regulations, you are still obliged to report the circumstances both to a company official and on your inspection report.
 - a. Do not, however, mention an employee's name on a report when the noncompliance involves a company rule rather than a Federal regulation. In these cases, identify the employee(s) by job title.
 - b. You may advise the railroad manager that learning interventions such as additional training, coaching, or counseling are appropriate, but do not get involved in discussions regarding discipline. This is a labor-management issue. FRA inspectors are not permitted to attend railroad disciplinary hearings, except for fact finding during accident/incident investigations.
6. To report exceptions to railroad rule compliance, use Activity Code 2170 and, depending on the subject of the noncompliance, either Code ROR (Railroad Operating Rule) or Code RSR (Railroad Safety Rule) in the "49 CFR/USC" field of the RISPC inspection form.

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