

**Federal Railroad
Administration**

**Fiscal Year
2009**

Enforcement Report

Federal Railroad Administration Fiscal Year 2009 Enforcement Report

The Federal Railroad Administration (FRA) has for the past 24 years compiled an Annual Civil Penalty Report that summarized the disposition of all cases about which FRA assessed a fine for violations of Federal railroad safety statutes, regulations and orders. By law, FRA is required to enter into negotiated settlements with railroads and other entities subject to its jurisdiction, in order to reach agreement on the collection of civil penalties imposed for failures to comply with specific requirements designed to promote and ensure the safety of the Nation's freight and passenger railroad operations.

This year, FRA is increasing the amount of information available about enforcement activities, and its accessibility to interested parties by posting it on FRA's website (<http://www.fra.dot.gov>).¹ This safety enforcement information will be available annually by December 31 for the preceding fiscal year (FY), October 1 through September 30.

The following information is included in this year's report:

- Summary of all enforcement actions taken by FRA;
- Enforcement actions sorted by type of alleged violation, railroad classification, hazardous materials shippers, and individuals;
- Discussion of the relationship between inspections and enforcement actions, and the number and rate of reportable accidents and incidents, and railroad safety;
- Analysis of locomotive engineer certification cases brought before FRA;
- Administrative hearing cases involving hazardous materials (HAZMAT) violations or enforcement actions against individuals; and
- Line-item listing of all civil penalty cases closed by FRA – Appendix A.

¹ Consistent with Sections 303 and 307 of the Rail Safety Improvement Act of 2008 (RSIA), Public Law No. 110-432, Division A (122 Stat.4848), enacted October 16, 2008. These sections are codified at 49 U.S.C. 20120 and 103, note, respectively.

SUMMARY OF ENFORCEMENT ACTIONS IN FY 2009

All Railroads and HAZMAT Shippers

Number of Inspection Reports: 73,302
 Defects: 283,111
 Units: 3,575,008
 Number of Observations: 306,269
 Number of Reports with a Recommended Violation: 4,565
 Number of Recommended Violation Defects: 10,044
 Number of Inspection Days: 53,515

Railroads Only

Number of Inspection Reports: 67,984
 Defects: 270,189
 Units: 3,453,609
 Number of Observations: 283,048
 Number of Reports with a Recommended Violation: 3,822
 Number of Recommended Violation Defects: 8,679
 Number of Inspection Days: 51,018

SUMMARY OF RAILROAD SAFETY VIOLATIONS BY REGULATORY OVERSIGHT DISCIPLINE

Accident/Incident Reporting

Violation Type	Number of Recommended Violations
Accident Reports Regulations	447
All	447

Grade Crossing Signal System Safety

Violation Type	Number of Recommended Violations
Grade Crossing Signal Safety	354
All	354

Hazardous Materials

Violation Type	Number of Recommended Violations
Hazardous Materials Regulations	2,259
All	2,259

Motive Power and Equipment

Violation Type	Number of Recommended Violations
Freight Car Safety Standards	395
Locomotive Safety Standards	647
Passenger Equipment Safety Standards	144
Passenger Train Emergency Preparedness	23
Rear End Marking Devices	6
Safety Appliance Statutes and Regulations	1,780
Safety Glazing Standards	10
All	3,005

Railroad Operating Practices

Violation Type	Number of Recommended Violations
Alcohol and Drug Use	71
Engineer Qualifications	264
FRA Emergency Order No. 24/26	32
Hours of Service Laws and Regulations	1,079
Railroad Communications	69
Railroad Operating Practices	218
Railroad Operating Rules	352
Railroad Safety Enforcement Procedures	29
Train Horn/Quiet Zone	4
All	2,118

Signal System Safety

Violation Type	Number of Recommended Violations
Signal Inspection Regulations	245
All	245

Other

Violation Type	Number of Recommended Violations
U.S. Code	4
All	4

Track

Violation Type	Number of Recommended Violations
Roadway Worker Protection	123
Track Safety Standards	1,389
All	1,512

FRA INSPECTIONS BY RAILROAD TYPE

Class I

Number of Violation Reports: 50,735
 Defects: 201,963
 Units: 2,832,313
 Number of Observations: 217,534
 Number of Reports with a Recommended Violation: 2,907
 Number of Recommended Violation Defects: 5,817
 Number of Inspection Days: 39,123

Class II

Number of Violation Reports: 5,487
 Defects: 16,510
 Units: 207,581
 Number of Observations: 20,313
 Number of Reports with a Recommended Violation: 479
 Number of Recommended Violation Defects: 911
 Number of Inspection days: 4,344

Class III

Number of Violation Reports: 17,080
 Defects: 64,638
 Units: 535,114
 Number of Observations: 68,422
 Number of Reports with a Recommended Violation: 1,179
 Number of Recommended Violation Defects: 3,316
 Number of Inspection Days: 13,727

INSPECTION AND ENFORCEMENT ACTIONS INDIVIDUAL CLASS I RAILROADS

National Railroad Passenger Corporation

Number of Violation Reports: 2,207
Defects: 3,429
Units: 45,251
Number of Observations: 9,192
Number of Reports with a Recommended Violation: 132
Number of Recommended Violation Defects: 381
Number of Inspection Days: 1,714

BNSF Railway Company

Number of Violation Reports: 9,483
Defects: 36,458
Units: 495,410
Number of Observations: 39,605
Number of Reports with a Recommended Violation: 576
Number of Recommended Violation Defects: 1,166
Number of Inspection Days: 7,743

Canadian National Railway/Grand Trunk Corporation

Number of Violation Reports: 2,651
Defects: 10,176
Units: 147,339
Number of Observations: 10,619
Number of Reports with a Recommended Violation: 217
Number of Recommended Violation Defects: 477
Number of Inspection Days: 2,147

Canadian Pacific Railway/Soo Line Railroad Company

Number of Violation Reports: 1,352
Defects: 5,726
Units: 88,507
Number of Observations: 5,641
Number of Reports with a Recommended Violation: 114
Number of Recommended Violation Defects: 160
Number of Inspection Days: 1,070

CSX Transportation, Inc.

Number of Violation Reports: 11,659
Defects: 48,359
Units: 630,006
Number of Observations: 50,442
Number of Reports with a Recommended Violation: 514
Number of Recommended Violation Defects: 979
Number of Inspection Days: 9,519

The Kansas City Southern Railway Company

Number of Violation Reports: 1,184
Defects: 6,071
Units: 64,522
Number of Observations: 5,209
Number of Reports with a Recommended Violation: 69
Number of Recommended Violation Defects: 133
Number of Inspection Days: 964

Norfolk Southern Railway Company

Number of Violation Reports: 8,232
Defects: 33,943
Units: 596,153
Number of Observations: 36,391
Number of Reports with a Recommended Violation: 338
Number of Recommended Violation Defects: 745
Number of Inspection Days: 7,048

Union Pacific Railroad Company

Number of Violation Reports: 13,967
Defects: 57,801
Units: 765,125
Number of Observations: 60,435
Number of Reports with a Recommended Violation: 947
Number of Recommended Violation Defects: 1,776
Number of Inspection Days: 10,935

During the past fiscal year FRA increased evening, night, and weekend safety inspections by approximately 25 percent. These inspections outside of normal shift (8am-4:30pm) reflect the 24-hour railroad operating environment and provide increased FRA presence during these hours.

ASSESSMENT AND SETTLEMENT SUMMARIES – FY 2009

Summary 1

Assessment and Settlement Summary 1 below reflects the actual number of civil penalties assessed, the initial amount of civil penalties assessed, the number of civil penalty cases settled, and the final amount of civil penalties assessed during Fiscal Year 2009. However, because in many cases a civil penalty is assessed during one fiscal year but settled and closed in the subsequent fiscal year, the assessment and settlement figures in Summary 1, while providing an indication of the enforcement work product during the year, do not correspond. **The settlement figures in Summary 1 do not represent settlements of cases assessed during that fiscal year, but instead are settlements of cases transmitted and assessed during that year or earlier.**

Summary 2

To provide more transparency, Assessment and Settlement Summary 2, below, reflects assessment information for those cases closed during Fiscal Year 2009. **All numbers in Summary 2 reflect the assessments which resulted in Fiscal Year 2009 settlements even though the assessments may have occurred in a prior fiscal year.** This summary will provide the reader with (1) the difference between the initial amount of civil penalties assessed and the settlement amount and (2) the difference between the revised assessment and the final assessment amount.

Note: The number of violations contained in an individual “case” can range from one violation to five or more, depending on a number of factors. The number of cases assessed or settled during a specific period does not provide a platform for realistic comparison. Thus the number of assessments or transmittals is expressed in terms of the number of “violations,” which provides an opportunity for standardized review.

Assessment and Settlement SUMMARY 1

Total number of violations with civil penalties assessed ² in FY 2009:	7130
Total number of violations declined during legal review in FY 2009:	44
Total initial amount of civil penalties assessed for violations in cases settled in FY 2009:	\$24,049,200
Total final civil penalty settlement in FY 2009:	\$15,476,760

² The grand totals in Summary 1 and 2 include numbers for respondents not classified as Class I, II, or III railroads nor shippers nor contractors (e.g., intrastate tourist railroads).

Breakdown of Summary 1 for each Class I railroad individually:

AMTRAK -- NATIONAL RAILROAD PASSENGER CORPORATION

Number of violations with civil penalties assessed: 405

Initial amount of civil penalty assessed: \$989,500

BNSF RAILWAY COMPANY

Number of violations with civil penalties assessed: 1000

Initial amount of civil penalty assessed: \$3,021,000

CANADIAN NATIONAL RAILWAY/GRAND TRUNK CORPORATION

Number of violations with civil penalties assessed: 473

Initial amount of civil penalty assessed: \$1,682,500

CANADIAN PACIFIC RAILWAY/SOO LINE RAILROAD COMPANY

Number of violations with civil penalties assessed: 60

Initial amount of civil penalty assessed: \$210,500

CSX TRANSPORTATION, INC.

Number of violations with civil penalties assessed: 928

Initial amount of civil penalty assessed: \$3,016,000

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

Number of violations with civil penalties assessed: 191

Initial amount of civil penalty assessed: \$539,000

NORFOLK SOUTHERN RAILWAY COMPANY

Number of violations with civil penalties assessed: 559

Initial amount of civil penalty assessed: \$1,649,500

UNION PACIFIC RAILROAD COMPANY

Number of violations with civil penalties assessed: 1671

Initial amount of civil penalty assessed: \$5,433,000

CLASS II Railroads in Aggregate

Number of violations with civil penalties assessed: 202

Initial amount of civil penalty assessed: \$646,500

CLASS III Railroads in Aggregate

Number of violations with civil penalties assessed: 722

Initial amount of civil penalty assessed: \$2,436,000

HAZMAT SHIPPERS in Aggregate

Number of violations with civil penalties assessed: 852

Initial amount of civil penalty assessed: \$3,970,000

CONTRACTORS in Aggregate

Number of violations with civil penalties assessed: 56

Initial amount of civil penalty assessed: \$198,000

Assessment and Settlement SUMMARY 2

Total number of violations with civil penalties assessed:	7343
Total number of violations declined during legal review:	44
Total initial amount of civil penalty assessed:	\$24,049,200
Total final amount of civil penalty assessed:	\$15,476,760
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$1,120,500
Amount of revised assessment after terminations:	\$22,928,700
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$8,572,440
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$7,451,940

Breakdown of Summary 2 for each Class I railroad individually:

AMTRAK -- NATIONAL RAILROAD PASSENGER CORPORATION

Final settlement for Amtrak's FY 2009 claims occurred on October 5, 2009 and thus is not included in this year's report. The \$525,000 settlement amount and related information will appear in FRA's FY 2010 report along with any additional settlements occurring during the remainder of FY 2010.

BNSF RAILWAY COMPANY

Total number of violations with civil penalties assessed:	1171
Total number of violations declined during legal review:	9
Total initial amount of civil penalty assessed:	\$3,413,500
Total final amount of civil penalty assessed:	\$2,093,585

Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$65,000
Amount of revised assessment after terminations:	\$3,348,500
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$1,319,915

CANADIAN NATIONAL RAILWAY/GRAND TRUNK CORPORATION

Total number of violations with civil penalties assessed:	469
Total number of violations declined during legal review:	0
Total initial amount of civil penalty assessed:	\$1,668,000
Total final amount of civil penalty assessed:	\$1,140,090
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$0
Amount of revised assessment after terminations:	\$1,668,000
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$527,910
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$527,910

CANADIAN PACIFIC RAILWAY/SOO LINE RAILROAD COMPANY

Total number of violations with civil penalties assessed:	72
Total number of violations declined during legal review:	0
Total initial amount of civil penalty assessed:	\$258,500
Total final amount of civil penalty assessed:	\$181,200
Amount terminated (generally due to legal defenses	

Presented during settlement negotiations):	\$3,500
Amount of revised assessment after terminations:	\$255,000
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$77,300

CSX TRANSPORTATION, INC.

Total number of violations with civil penalties assessed:	979
Total number of violations declined during legal review:	5
Total initial amount of civil penalty assessed:	\$3,161,500
Total final amount of civil penalty assessed:	\$1,955,670
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$119,500
Amount of revised assessment after terminations:	\$3,042,000
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$1,205,830
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$1,086,330

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

Total number of violations with civil penalties assessed:	289
Total number of violations declined during legal review:	0
Total initial amount of civil penalty assessed:	\$784,500
Total final amount of civil penalty assessed:	\$494,235
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$19,000
Amount of revised assessment after terminations:	\$765,500

Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$ 290,265
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$ 271,265

NORFOLK SOUTHERN RAILWAY COMPANY

Total number of violations with civil penalties assessed:	780
Total number of violations declined during legal review:	4
Total initial amount of civil penalty assessed:	\$2,237,700
Total final amount of civil penalty assessed:	\$1,371,560
Amount terminated (generally due to legal defenses Presented during settlement negotiations):	\$279,000
Amount of revised assessment after terminations:	\$1,958,700
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$ 866,140
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$ 587,140

UNION PACIFIC RAILROAD COMPANY

Total number of violations with civil penalties assessed:	1653
Total number of violations declined during legal review:	3
Total initial amount of civil penalty assessed:	\$5,459,000
Total final amount of civil penalty assessed:	\$3,588,425
Amount terminated (generally due to legal defenses Presented during settlement negotiations):	\$128,500

Amount of revised assessment after terminations:	\$5,330,500
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$1,870,575
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$1,742,075

CLASS II Railroads in Aggregate:

Total number of violations with civil penalties assessed:	145
Total number of violations declined during legal review:	1
Total initial amount of civil penalty assessed:	\$498,000
Total final amount of civil penalty assessed:	\$285,760
Amount terminated (generally due to legal defenses Presented during settlement negotiations):	\$35,000
Amount of revised assessment after terminations:	\$463,000
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$ 212,240
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$ 177,240

CLASS III Railroads in Aggregate:

Total number of violations with civil penalties assessed:	895
Total number of violations declined during legal review:	44
Total initial amount of civil penalty assessed:	\$2,484,000
Total final amount of civil penalty assessed:	\$1,565,945
Amount terminated (generally due to legal defenses Presented during settlement negotiations):	\$189,000

Amount of revised assessment after terminations:	\$2,295,000
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$ 918,055
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$ 729,055

HAZMAT SHIPPERS in aggregate:

Total number of violations with civil penalties assessed:	850
Total number of violations declined during legal review:	16
Total initial amount of civil penalty assessed:	\$3,944,500
Total final amount of civil penalty assessed:	\$2,705,290
Amount terminated (generally due to legal defenses Presented during settlement negotiations):	\$ 271,000
Amount of revised assessment after terminations:	\$3,673,500
Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009:	\$ 1,239,210
Difference between revised assessment and final settlement amount for cases closed in FY2009:	\$ 968,210

CONTRACTORS in Aggregate:

Total number of violations with civil penalties assessed:	32
Total number of violations declined during legal review:	0
Total initial amount of civil penalty assessed:	\$117,000
Total final amount of civil penalty assessed:	\$84,450
Amount terminated (generally due to legal defenses Presented during settlement negotiations):	\$0
Amount of revised assessment after terminations:	\$117,000

Difference between initial civil penalty assessment and final settlement amount for cases closed in FY2009: \$ 32,550

Difference between revised assessment and final settlement amount for cases closed in FY2009: \$ 32,550

ENFORCEMENT ACTIONS AGAINST INDIVIDUALS

Civil penalty cases against INDIVIDUALS in Aggregate:

Number of violations with civil penalties assessed:	2
Initial amount of civil penalty assessed:	\$5,000
Number of civil penalty cases settled:	0
Final amount of civil penalty assessed:	0

Difference between initial amount of civil penalty assessed and final settlement amount for a violation in a case closed in FY 2009 N/A

Other enforcement actions against INDIVIDUALS in Aggregate:

Number of disqualification cases issued:	2
Number of warning letters issued by Office of Chief Counsel:	4
Number of warning letters issued by regional offices of FRA Office of Railroad Safety (regional warning letters):	56

DISCUSSION OF RAILROAD SAFETY-- THE RELATIONSHIP BETWEEN INSPECTIONS, ENFORCEMENT, AND ACCIDENTS OR INCIDENTS

FRA has long sought to ascertain whether safety enforcement measures in general or the imposition of civil penalties in particular is measurably correlated with specific safety performance improvements. Previously, FRA has found that the available data permit some measurement of safety improvements in a functional area covered by an entire rule or an entire safety program; however, the data cannot be used to determine whether detectable safety improvements are directly attributable to discrete civil penalties. Accordingly, FRA relies heavily upon the knowledge and expertise of its field inspectors who are most familiar with the unique attributes of specific railroad operations, geographic territories, facilities, and safety practices. Subjectively, their nuanced perceptions and judgments indicate that the levying of civil penalties does yield observable improvements in safety practices and compliance with the law. It is important to note that civil penalties are by no means FRA's only enforcement tool.

Thus while FRA cannot precisely quantify the impact of civil fines, we do carefully monitor railroad reactions and responses to enforcement activity, and adjust the intensity and duration of focused oversight as necessary. FRA does compile and analyze a very large universe of data derived from reports filed with FRA by the regulated railroads. Previous research has found that data used to identify and track safety trends are typically developed separately from regulatory provisions that ameliorate the conditions that lead to particular accident causes and that have civil penalties associated with them. Results of this research have found no meaningful correlation between specific cause codes and use of a civil penalty to enforce a specific regulatory provision, making statistically valid and reliable comparisons exceedingly difficult and scientifically suspect or perilous.

In addition, isolating FRA civil penalty enforcement from the myriad other factors affecting safety outcomes, such as railroad and rail worker behavior and activity, is not possible. Examining FRA's regulatory regime demands holistic consideration. Specific regulatory provisions in combination sometimes complement one another in minimizing or preventing conditions that contribute to an accident. But the plenitude and variability of regulatory provisions obscure the effect of some and diffuse the effect of any single association that might be made.

REPORT TO CONGRESS – Attached as Appendix B

Attached to this report as Appendix B is a report on "The Federal Railroad Administration's Use of Civil Penalties in the Federal Railroad Safety Program." This report addresses FRA's approach to achieving industry compliance with the Federal railroad safety laws and the hazardous materials transportation safety laws and their implementing regulations and the place of civil penalties in that process, as contemplated by the Explanatory Statement on the Consolidated Appropriations Act, 2008, Division K—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, Pub. L. No. 110-161 (2007). House Appropriations Comm. Print on Consolidated Appropriations Act, 2008. (H.R. 2764; Public Law 110-161), Division K—Transportation, Housing and Urban

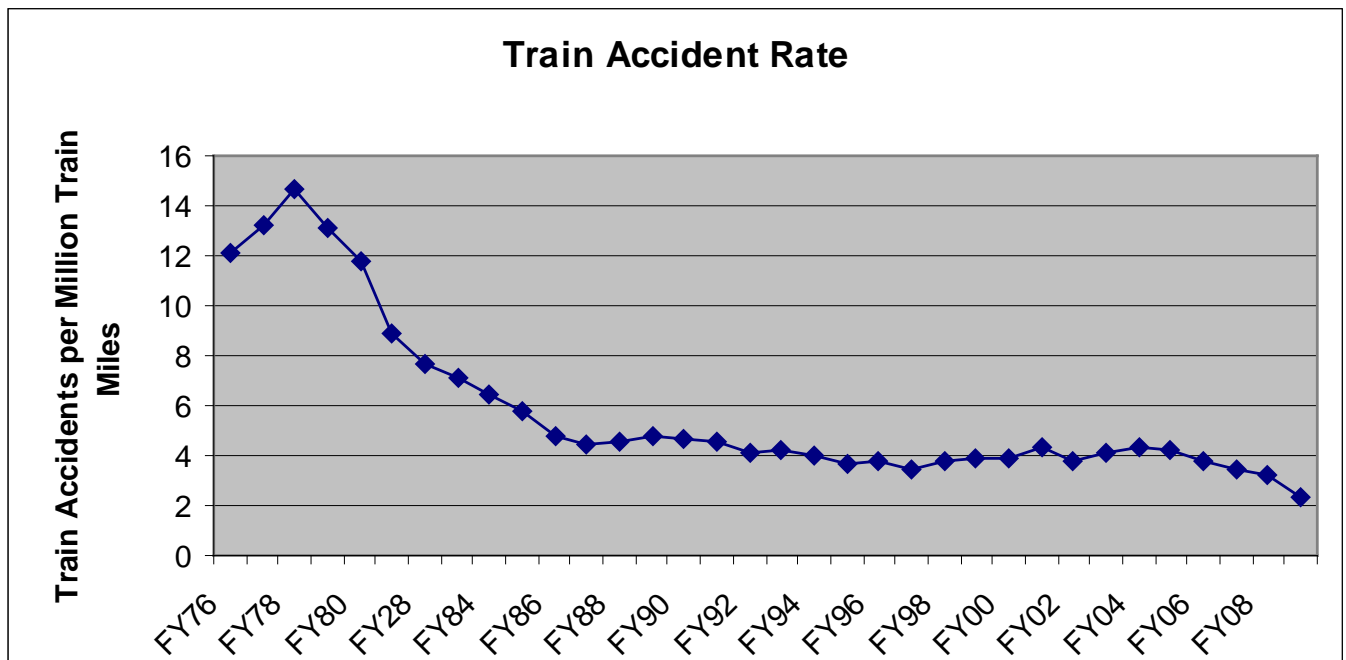
Development, and Related Agencies Appropriations Act, 2008, p. 2367.

This report was submitted to Congress on July 16, 2009 in response to a Congressional mandate that FRA hire an independent consultant to evaluate FRA's use of penalties as an enforcement mechanism. The report concludes that FRA's use of the statutory authority to compromise civil penalty assessments serves the purpose of compliance by ensuring that the enforcement process is proportional in those cases in which penalties are assessed.

As stated in the report,

One fruitful way to take a holistic view of the effects of the safety program is to look at accident rates over the long term. Rates, which are normalized by million train miles traveled, more reliably indicate the true state of railroad safety than do raw accident numbers. As FRA began to promulgate the first versions of major rules such as track safety standards and power brakes in the 1970's, the adverse trend in railroad safety was slowed and then sharply reversed. There are few sharp lines of demarcation because railroads and shippers often began to modify their behavior during the rulemaking process; a new safety rule typically takes effect a considerable time after it is issued; and enforcement can occur only after the effective date of the rule. Nevertheless, each subject FRA regulates shows a response pattern generally similar to the graph shown below for train accident rates, which reflects the strongly positive effects of FRA's railroad safety program, including civil penalty enforcement, even though the data shown do not permit one to draw statistically valid conclusions about the precise effects of civil penalties, or other measures, in isolation. This dramatic improvement in railroad safety over the past 30 years suggests that FRA would be well advised to continue in the future to pursue the various measures and strategies that have guided its safety program in the past. As the results of this study suggest, it is the cumulative impact of these measures, one supporting and amplifying the other, that makes the difference.

Id., p. 41.



**SUMMARY AND ANALYSIS OF
LOCOMOTIVE ENGINEER CERTIFICATION CASES**

Locomotive Engineer Review Board (LERB)

Petitions for relief filed with the LERB -- 84
Decisions issued by the LERB -- 61
(An additional 30 decisions
were issued between
10/01/09 and 12/01/09.)
Average length of time for decision -- 328 days from the date petition filed (261 days from
the date of respondents' response to the appeal)

Administrative Hearings

Appeals to the Administrative Hearing Officer (AHO) -- 6
Decisions issued by the Administrative Hearing Officer -- 13
(An additional 17 decisions were issued
between 10/01/09 and 12/18/09.)
Average length of time for decision -- 18 months
(Note that this figure is in part a function of holding
cases in "abeyance" based on the joint request of
parties due to pending arbitration.)

Appeals to the Administrator

Appeals to the Administrator from the AHO's decision -- 2
Decisions issued by the Administrator -- 2
Average length of time for decision -- 280 days
(4.4 months from close of record to decision)

**SUMMARY AND ANALYSIS OF
ADMINISTRATIVE HEARING CASES RELATED TO HAZMAT VIOLATIONS
OR ENFORCEMENT ACTIONS AGAINST INDIVIDUALS**

Number of hearings requested -- 0
Number of hearing-request cases completed -- 1 (against a HAZMAT shipper; settled)

**NUMBER OF CASES REFERRED TO THE ATTORNEY GENERAL
FOR CIVIL OR CRIMINAL ENFORCEMENT**

Number of cases referred to the Attorney General for civil enforcement --	0
Number of cases referred to the Attorney General for criminal enforcement --	0

**NUMBER AND SUBJECT MATTER OF
COMPLIANCE ORDERS, EMERGENCY ORDERS, OR
PRECURSOR AGREEMENTS**

FRA Emergency Order No. 26, issued 10/1/08, addressing restrictions on railroad operating employees' use of cellular telephones and other distracting electronic and electrical devices. 73 Fed. Reg. 58702 (Oct. 7, 2008).

APPENDIX A – Annual Civil Penalty Report

APPENDIX B – Report on “The Federal Railroad Administration’s Use of Civil Penalties in the Federal Railroad Safety Program” –



**Federal Railroad Administration
OFFICE OF CHIEF COUNSEL
Safety Law Division**

**RAILROAD SAFETY CIVIL PENALTY CASES
CLOSED DURING FISCAL YEAR 2009**

This report summarizes the disposition of all civil penalty cases on which the Federal Railroad Administration (FRA) reached an agreement to collect, or issued an order requiring the payment of, a civil penalty during fiscal year 2009 under the Federal railroad safety statutes and regulations. Cases were closed under most of these statutes by agreements of settlement, and under the hazardous materials transportation laws (HMT) generally by final orders of assessment. Total penalty settlements and final assessments against companies, summarized in this report, were as follows:

Railroad safety statutes (except HMT)	\$11,465,555
HMT	\$4,011,205
Total Civil Penalties	<u>\$15,476,760</u>

FRA collected no civil penalty settlements or final assessments from individuals for alleged violations of the railroad safety laws.

The Federal Railroad Safety Statutes and Regulations

In the 1890s, Congress began regulating the railroad industry for safety purposes by enacting narrowly drawn laws to deal with discrete rail safety issues such as safety appliances and locomotive inspection. Having determined the need for more comprehensive regulation, Congress enacted the Federal Railroad Safety Act of 1970 (FRSA), which granted rulemaking authority over "all areas of railroad safety." FRA has exercised this authority by issuing a wide variety of rail safety regulations. See Parts 209 through 244 of Title 49 of the Code of Federal Regulations. Civil penalties are an important means of enforcing those regulations and the safety statutes.

In 1975, the Hazardous Materials Transportation Act (HMTA) added civil penalties to the criminal penalties already available for hazardous materials violations. HMTA regulations, although issued by the Department of Transportation's (DOT's) Pipeline and Hazardous Materials Safety Administration, are generally enforced by the DOT administration responsible for each mode of transportation, e.g., by FRA in cases involving the transportation or shipment of hazardous materials by rail. In 1994, Congress repealed the FRSA, HMTA, and other Federal railroad safety statutes and recodified them in title 49 of the United States Code, chapters 51 and 201-213.

The Civil Penalty Process

In aid of their efforts to promote safety compliance, inspectors employed by FRA and participating States submit reports alleging violations of Federal safety laws and regulations to the Safety Law Division of the Office of Chief Counsel. This Division reviews the reports for legal sufficiency, aggregates those of one type containing one or more alleged violations into a single case, assesses a penalty for each alleged violation, and transmits the case to the railroad, shipper, individual, or other entity under a penalty demand letter or, if an HMT case, a Notice of Probable Violation. After a respondent in such a case has conducted its own investigation, and unless the respondent decides to simply pay the full amount of the initial assessment, negotiations are held, during which the respondent presents defenses or arguments in mitigation and offers of settlement or final assessment are exchanged. In these negotiations, FRA focuses on applying the statutory assessment criteria to the facts of each case. When an agreement is reached, payment is generally due within 30 days of its execution. A more detailed statement of this process and FRA's enforcement policies is included in 49 CFR Part 209, Appendix A. Where settlement cannot be reached, cases are referred to the Department of Justice for litigation. The Attorney General, with FRA's active participation, brings suit in the appropriate Federal court.

HMT cases are normally concluded by issuance of an order of assessment predicated on a finding of a knowing violation. Where an HMT case cannot be resolved informally, a respondent is entitled to a formal hearing on FRA's allegations before a hearing officer designated by the Chief Counsel and then to an appeal to the Federal Railroad Administrator prior to judicial litigation.

FRA ordinarily closes the vast majority of its civil penalty cases without need for litigation, which is consistent with the rail safety statutory scheme that promotes compromise based on specified settlement criteria. The negotiation process takes into account the strengths and weaknesses of each case and the overall goals of the safety program. We believe that collection of these penalties, while just one of many compliance tools FRA uses, contributes significantly to improving regulatory compliance and achieving safety program goals.

**Mark H. Tessler
Assistant Chief Counsel
for Safety**

Abbreviations Used in this Report

The type of violation alleged in each civil penalty case can be identified using the following codes, one of which appears as a suffix to each case number:

AD	ALCOHOL AND DRUG USE REGULATIONS
AR	ACCIDENT REPORTS REGULATIONS
BW	BRIDGE WORKER SAFETY STANDARDS
EO	FRA EMERGENCY ORDER NO. 24/26
EP	RAILROAD SAFETY ENFORCEMENT PROCEDURES
EQ	ENGINEER QUALIFICATIONS REGULATIONS
FCS	FREIGHT CAR SAFETY STANDARDS
GC	GRADE CROSSING SIGNAL SAFETY REGULATIONS
GS	SAFETY GLAZING STANDARDS
HMT	HAZARDOUS MATERIALS REGULATIONS
HS	HOURS OF SERVICE LAWS
HSR	HOURS OF SERVICE RECORD KEEPING REGULATIONS
LI	LOCOMOTIVE SAFETY STANDARDS AND STATUTES
PEP	PASSENGER TRAIN EMERGENCY PREPAREDNESS REGULATIONS
PEQ	PASSENGER EQUIPMENT SAFETY STANDARDS
REM	REAR END MARKING DEVICES REGULATIONS
ROP	RAILROAD OPERATING PRACTICES
ROR	RAILROAD OPERATING RULES
RSP	RAILROAD COMMUNICATIONS REGULATIONS
RW	ROADWAY WORKER PROTECTION REGULATIONS
SA	SAFETY APPLIANCE STATUTES AND REGULATIONS
SI	SIGNAL INSPECTION REGULATIONS AND STATUTES
TH	TRAIN HORN/QUIET ZONE
TS	TRACK SAFETY STANDARDS

Railroads and other respondents are identified by a code (see the legend provided), which appears as the letters at the beginning of the case number. Hazardous materials and emergency order cases involving shippers are identified by a case number beginning with the letter "Z." Cases involving contractors are identified by a case number beginning with the letter "X". The column labeled "POCA" shows the initial penalty assessed in the case. The column labeled "PRCA" shows the total amount of the initial assessment for alleged violations on which FRA concluded it would probably be able to sustain its burden of proof if the case were litigated. PRCA is equal to POCA, therefore, except in two situations. First, if FRA concluded that one or more of the violations initially alleged could likely not be sustained, such violations are considered terminated. Second, if FRA decided that the violation could be sustained but that the initial penalty assessment for the violation was incorrect, the penalty amount is corrected, and the violation is described as "partially terminated." Cases against individuals (who are liable for civil penalties for willful violations) are identified by the prefix "Indpen" and are listed separately. The "comments" column shows the violation number of terminated or partially terminated violations.

FRA Civil Penalty Cases against Individuals
Closed in Fiscal Year 2009

<u>FRA No.</u>	<u>Initial Penalty Demanded</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>
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None

Federal Railroad Administration
Safety Cases Closed in FY 2009

<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
AA 2008-1(SA)	1	\$5,000	\$5,000	\$2,500	02/05/2009	
AA 2008-2(SA)	1	\$2,500	\$2,500	\$1,250	02/05/2009	
ABS 2007-1(TS)	2	\$10,000	\$10,000	\$7,200	09/11/2009	
ABS 2007-2(TS)	2	\$6,000	\$6,000	\$4,320	09/11/2009	
ABS 2008-1(TS)	1	\$5,000	\$5,000	\$3,700	09/11/2009	
ABS 2008-2(LI)	3	\$6,000	\$6,000	\$4,560	09/11/2009	
ALS 2009-1(FCS)	1	\$2,500	\$2,500	\$2,500	06/30/2009	
ALS 2009-2(SA)	1	\$2,500	\$2,500	\$2,500	07/20/2009	
AM 2008-1(LI)	1	\$5,000	\$5,000	\$3,350	05/06/2009	
AM 2008-2(SA)	1	\$5,000	\$5,000	\$3,200	05/06/2009	
AOK 2008-1(TS)	2	\$7,500	\$7,500	\$7,500	06/21/2009	
AOK 2008-2(TS)	1	\$2,500	\$2,500	\$2,500	06/21/2009	
AOK 2009-1(TS)	1	\$5,000	\$5,000	\$5,000	06/01/2009	
AOK 2009-2(TS)	2	\$5,000	\$5,000	\$5,000	06/08/2009	
ARR 2008-6(SA)	1	\$2,500	\$2,500	\$1,600	04/23/2009	
ARZC 2007-1(GC)	1	\$2,500	\$2,500	\$1,800	04/20/2009	
AVR 2009-1(GC)	2	\$2,000	\$2,000	\$2,000	02/18/2009	
AVR 2009-2(EQ)	1	\$1,000	\$1,000	\$650	02/18/2009	
AWRR 2008-1(SA)	1	\$5,000	\$5,000	\$3,550	09/11/2009	
AWRR 2008-2(SA)	4	\$10,000	\$10,000	\$6,900	09/11/2009	
AZER 2007-1(TS)	5	\$14,500	\$14,500	\$9,715	12/10/2008	
AZER 2007-2(TS)	2	\$10,000	\$10,000	\$6,700	12/10/2008	
AZER 2007-3(LI)	1	\$2,500	\$2,500	\$1,625	12/10/2008	
BB 2007-1(SA)	1	\$2,500	\$2,500	\$1,625	01/14/2009	
BB 2007-2(EQ)	1	\$1,000	\$1,000	\$550	01/14/2009	
BB 2007-3(TS)	1	\$5,000	\$5,000	\$3,250	01/14/2009	
BB 2008-1(TS)	1	\$1,000	\$1,000	\$650	01/14/2009	
BB 2008-2(SA)	1	\$2,500	\$2,500	\$1,625	01/14/2009	
BNSF 2004-27(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2005-48(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-102(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-103(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-13(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-176(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-190(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-223(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-254(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-259(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-275(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-321(AR)	3	\$7,500	\$7,500	\$2,970	09/11/2009	
BNSF 2006-333(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-338(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-356(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-357(SI)	1	\$5,000	\$5,000	\$3,450	09/30/2009	
BNSF 2006-375(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-376(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-377(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-378(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-379(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	

Federal Railroad Administration
Safety Cases Closed in FY 2009

<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
BNSF 2006-380(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-381(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-382(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-383(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-384(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-385(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-386(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-387(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-388(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-389(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-390(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-391(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-392(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-393(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-394(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-395(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-396(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-397(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-398(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-399(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-44(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2006-68(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-77(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2006-99(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2007-132(AR)	2	\$5,000	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2007-225(ROP)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
BNSF 2007-231(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2007-243(SA)	3	\$12,500	\$12,500	\$7,750	09/30/2009	
BNSF 2007-250(SA)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2007-253(TS)	14	\$65,000	\$65,000	\$43,000	09/30/2009	
BNSF 2007-257(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2007-263(SA)	4	\$12,500	\$12,500	\$7,750	09/30/2009	
BNSF 2007-264(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-270(TS)	4	\$5,500	\$5,500	\$3,500	09/30/2009	
BNSF 2007-274(TS)	6	\$20,000	\$20,000	\$13,250	09/30/2009	
BNSF 2007-275(FCS)	2	\$5,000	\$5,000	\$3,130	09/30/2009	
BNSF 2007-277(HS)	1	\$1,000	\$1,000	\$600	09/30/2009	
BNSF 2007-278(SA)	2	\$22,000	\$22,000	\$13,500	09/30/2009	
BNSF 2007-279(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-286(HMT)	1	\$3,000	\$3,000	\$1,915	09/30/2009	
BNSF 2007-287(SA)	4	\$15,000	\$15,000	\$9,250	09/30/2009	
BNSF 2007-295(TS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
BNSF 2007-297(TS)	3	\$10,000	\$10,000	\$6,600	09/30/2009	
BNSF 2007-299(HSR)	1	\$1,000	\$1,000	\$625	09/30/2009	
BNSF 2007-308(TS)	4	\$11,000	\$11,000	\$6,975	09/30/2009	
BNSF 2007-311(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-313(FCS)	2	\$5,000	\$5,000	\$3,130	09/30/2009	
BNSF 2007-314(SI)	6	\$7,500	\$7,500	\$4,750	09/30/2009	
BNSF 2007-320(LI)	1	\$2,500	\$2,500	\$1,500	09/30/2009	

Federal Railroad Administration
Safety Cases Closed in FY 2009

<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
BNSF 2007-322(SA)	8	\$40,000	\$40,000	\$26,000	09/30/2009	
BNSF 2007-325(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-330(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-332(RW)	2	\$4,000	\$4,000	\$2,600	09/30/2009	
BNSF 2007-333(TS)	11	\$55,000	\$55,000	\$36,750	09/30/2009	
BNSF 2007-334(TS)	4	\$11,000	\$11,000	\$7,250	09/30/2009	
BNSF 2007-335(FCS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
BNSF 2007-337(GC)	2	\$5,000	\$5,000	\$3,300	09/30/2009	
BNSF 2007-338(GC)	4	\$10,000	\$10,000	\$6,550	09/30/2009	
BNSF 2007-342(SI)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
BNSF 2007-35(AR)	1	\$2,500	\$2,500	\$1,015	09/11/2009	
BNSF 2007-350(FCS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2007-351(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-352(LI)	14	\$18,500	\$18,500	\$12,140	09/30/2009	
BNSF 2007-353(FCS)	3	\$12,500	\$12,500	\$8,175	09/30/2009	
BNSF 2007-355(HMT)	1	\$5,000	\$5,000	\$2,800	09/30/2009	
BNSF 2007-356(RSP)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
BNSF 2007-361(FCS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
BNSF 2007-363(TS)	4	\$17,500	\$17,500	\$11,500	09/30/2009	
BNSF 2007-364(TS)	2	\$7,500	\$7,500	\$4,800	09/30/2009	
BNSF 2007-366(FCS)	1	\$5,000	\$0	\$0	09/30/2009	Case Terminated.
BNSF 2007-367(RW)	1	\$1,000	\$1,000	\$640	09/30/2009	
BNSF 2007-369(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	
BNSF 2007-370(HMT)	1	\$2,000	\$2,000	\$1,275	09/30/2009	
BNSF 2007-373(ROR)	4	\$20,000	\$20,000	\$12,400	09/30/2009	
BNSF 2007-374(ROR)	4	\$20,000	\$20,000	\$12,400	09/30/2009	
BNSF 2007-375(ROR)	4	\$20,000	\$20,000	\$12,400	09/30/2009	
BNSF 2007-377(SI)	4	\$12,000	\$12,000	\$8,600	09/30/2009	
BNSF 2007-379(TS)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
BNSF 2007-381(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-382(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-383(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-384(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-385(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-386(AR)	2	\$5,000	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2007-387(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-388(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-389(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-390(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-391(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-392(AR)	2	\$5,000	\$0	\$0	09/11/2009	
BNSF 2007-393(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-394(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-395(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-396(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-397(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-398(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-399(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-400(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	

Federal Railroad Administration
Safety Cases Closed in FY 2009

<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
BNSF 2007-401(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-402(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-403(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-404(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-405(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-406(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-407(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-408(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-409(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-410(AR)	2	\$5,000	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2007-411(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-412(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-413(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2007-414(AR)	2	\$5,000	\$0	\$0	09/11/2009	Case Terminated.
BNSF 2007-415(AR)	2	\$5,000	\$5,000	\$2,000	09/11/2009	
BNSF 2008-10(EQ)	1	\$1,000	\$1,000	\$675	09/30/2009	
BNSF 2008-100(SA)	3	\$15,000	\$15,000	\$9,600	09/30/2009	
BNSF 2008-101(SA)	3	\$15,000	\$15,000	\$9,250	09/30/2009	
BNSF 2008-102(TS)	6	\$30,000	\$30,000	\$19,450	09/30/2009	
BNSF 2008-103(TS)	2	\$7,500	\$7,500	\$4,875	09/30/2009	
BNSF 2008-104(HMT)	2	\$15,000	\$15,000	\$9,500	09/30/2009	
BNSF 2008-105(SA)	4	\$12,500	\$12,500	\$7,875	09/30/2009	
BNSF 2008-106(SA)	4	\$10,000	\$10,000	\$6,350	09/30/2009	
BNSF 2008-107(FCS)	1	\$5,000	\$5,000	\$3,285	09/30/2009	
BNSF 2008-108(ROP)	2	\$7,500	\$7,500	\$4,900	09/30/2009	
BNSF 2008-109(RSP)	1	\$1,000	\$1,000	\$655	09/30/2009	
BNSF 2008-110(LI)	4	\$10,000	\$10,000	\$6,350	09/30/2009	
BNSF 2008-111(HMT)	1	\$4,000	\$4,000	\$2,575	09/30/2009	
BNSF 2008-112(SA)	4	\$10,000	\$10,000	\$6,350	09/30/2009	
BNSF 2008-113(SA)	4	\$12,500	\$12,500	\$7,875	09/30/2009	
BNSF 2008-114(SA)	4	\$10,000	\$10,000	\$6,350	09/30/2009	
BNSF 2008-115(HMT)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2008-116(RW)	1	\$1,000	\$1,000	\$640	09/30/2009	
BNSF 2008-117(EQ)	2	\$5,000	\$5,000	\$3,375	09/30/2009	
BNSF 2008-118(GC)	2	\$10,000	\$10,000	\$6,850	09/30/2009	
BNSF 2008-119(SI)	3	\$3,000	\$3,000	\$2,150	09/30/2009	
BNSF 2008-12(EQ)	1	\$1,000	\$1,000	\$655	09/30/2009	
BNSF 2008-120(SA)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
BNSF 2008-121(SA)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2008-122(RSP)	2	\$6,000	\$6,000	\$3,775	09/30/2009	
BNSF 2008-124(RSP)	1	\$1,000	\$1,000	\$665	09/30/2009	
BNSF 2008-125(TS)	2	\$5,000	\$5,000	\$3,275	09/30/2009	
BNSF 2008-126(TS)	13	\$39,000	\$39,000	\$24,560	09/30/2009	
BNSF 2008-127(SA)	1	\$2,500	\$2,500	\$1,665	09/30/2009	
BNSF 2008-128(SI)	3	\$7,500	\$7,500	\$5,300	09/30/2009	
BNSF 2008-129(GC)	1	\$5,000	\$5,000	\$3,275	09/30/2009	
BNSF 2008-13(EQ)	1	\$1,000	\$1,000	\$675	09/30/2009	
BNSF 2008-130(RSP)	1	\$1,000	\$1,000	\$660	09/30/2009	
BNSF 2008-131(TH)	1	\$5,000	\$5,000	\$3,100	09/30/2009	

Federal Railroad Administration
Safety Cases Closed in FY 2009

<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
BNSF 2008-132(TS)	5	\$17,500	\$17,500	\$11,350	09/30/2009	
BNSF 2008-133(SA)	3	\$12,000	\$12,000	\$7,950	09/30/2009	
BNSF 2008-134(SA)	2	\$7,500	\$7,500	\$4,800	09/30/2009	
BNSF 2008-135(TS)	3	\$6,000	\$6,000	\$3,815	09/30/2009	
BNSF 2008-136(RSP)	1	\$1,000	\$1,000	\$675	09/30/2009	
BNSF 2008-137(EP)	1	\$1,000	\$1,000	\$650	09/30/2009	
BNSF 2008-138(LI)	14	\$18,500	\$18,500	\$12,600	09/30/2009	
BNSF 2008-139(LI)	17	\$17,000	\$17,000	\$11,500	09/30/2009	
BNSF 2008-140(RW)	2	\$7,000	\$7,000	\$4,800	09/30/2009	
BNSF 2008-141(TS)	4	\$11,000	\$11,000	\$7,350	09/30/2009	
BNSF 2008-142(RSP)	1	\$1,000	\$1,000	\$675	09/30/2009	
BNSF 2008-143(SA)	9	\$45,000	\$45,000	\$28,575	09/30/2009	
BNSF 2008-144(LI)	2	\$5,000	\$5,000	\$3,075	09/30/2009	
BNSF 2008-145(FCS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
BNSF 2008-146(RW)	1	\$1,000	\$1,000	\$640	09/30/2009	
BNSF 2008-147(HS)	2	\$2,000	\$2,000	\$1,250	09/30/2009	
BNSF 2008-148(SA)	3	\$9,500	\$9,500	\$5,830	09/30/2009	
BNSF 2008-149(SA)	3	\$15,000	\$15,000	\$9,675	09/30/2009	
BNSF 2008-15(EQ)	1	\$1,000	\$1,000	\$640	09/30/2009	
BNSF 2008-150(SA)	3	\$12,500	\$12,500	\$8,125	09/30/2009	
BNSF 2008-151(FCS)	1	\$2,500	\$2,500	\$1,575	09/30/2009	
BNSF 2008-152(ROP)	1	\$5,000	\$5,000	\$2,900	09/30/2009	
BNSF 2008-153(LI)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
BNSF 2008-154(TS)	7	\$27,500	\$27,500	\$17,050	09/30/2009	Terminated Violation(s)#: 4
BNSF 2008-155(FCS)	4	\$20,000	\$20,000	\$12,850	09/30/2009	
BNSF 2008-156(SI)	1	\$1,000	\$1,000	\$700	09/30/2009	
BNSF 2008-157(SA)	1	\$2,500	\$2,500	\$1,645	09/30/2009	
BNSF 2008-158(FCS)	2	\$7,500	\$7,500	\$4,825	09/30/2009	
BNSF 2008-159(TS)	2	\$5,000	\$5,000	\$3,310	09/30/2009	
BNSF 2008-16(EQ)	1	\$5,000	\$5,000	\$3,235	09/30/2009	
BNSF 2008-160(SA)	2	\$10,000	\$10,000	\$6,350	09/30/2009	
BNSF 2008-161(LI)	1	\$2,500	\$2,500	\$1,715	09/30/2009	
BNSF 2008-162(TS)	1	\$5,000	\$5,000	\$3,145	09/30/2009	
BNSF 2008-164(TS)	3	\$4,500	\$4,500	\$2,885	09/30/2009	
BNSF 2008-165(SA)	2	\$10,000	\$10,000	\$6,500	09/30/2009	
BNSF 2008-166(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2008-167(SI)	1	\$2,500	\$2,500	\$1,775	09/30/2009	
BNSF 2008-168(SA)	3	\$10,000	\$10,000	\$6,900	09/30/2009	
BNSF 2008-169(LI)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
BNSF 2008-170(HMT)	1	\$2,000	\$2,000	\$1,325	09/30/2009	
BNSF 2008-171(HMT)	2	\$10,000	\$10,000	\$6,200	09/30/2009	
BNSF 2008-176(SI)	1	\$1,000	\$1,000	\$640	09/30/2009	
BNSF 2008-177(TS)	3	\$5,500	\$5,500	\$3,450	09/30/2009	
BNSF 2008-178(TS)	4	\$16,000	\$16,000	\$10,150	09/30/2009	
BNSF 2008-179(SA)	2	\$7,500	\$7,500	\$4,950	09/30/2009	
BNSF 2008-18(EQ)	1	\$1,000	\$1,000	\$655	09/30/2009	
BNSF 2008-180(GC)	3	\$7,500	\$7,500	\$5,035	09/30/2009	
BNSF 2008-181(FCS)	1	\$5,000	\$5,000	\$3,130	09/30/2009	
BNSF 2008-182(SA)	5	\$17,500	\$17,500	\$11,375	09/30/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
BNSF 2008-183(ROP)	1	\$5,000	\$5,000	\$3,325	09/30/2009	
BNSF 2008-184(FCS)	1	\$5,000	\$5,000	\$3,130	09/30/2009	
BNSF 2008-185(SA)	4	\$20,000	\$20,000	\$13,000	09/30/2009	
BNSF 2008-186(TS)	2	\$2,000	\$2,000	\$1,300	09/30/2009	
BNSF 2008-187(TS)	1	\$5,000	\$5,000	\$3,225	09/30/2009	
BNSF 2008-188(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-189(TS)	3	\$15,000	\$15,000	\$9,350	09/30/2009	
BNSF 2008-190(AR)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
BNSF 2008-191(HMT)	1	\$2,000	\$2,000	\$1,300	09/30/2009	
BNSF 2008-192(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-193(SA)	2	\$10,000	\$10,000	\$6,500	09/30/2009	
BNSF 2008-195(SA)	2	\$7,500	\$7,500	\$4,500	09/30/2009	
BNSF 2008-196(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2008-197(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2008-198(SA)	4	\$10,000	\$10,000	\$6,500	09/30/2009	
BNSF 2008-20(TS)	4	\$9,500	\$9,500	\$6,300	09/30/2009	
BNSF 2008-201(RSP)	2	\$10,000	\$10,000	\$6,200	09/30/2009	
BNSF 2008-202(SA)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2008-203(RSP)	1	\$5,000	\$5,000	\$2,835	09/30/2009	
BNSF 2008-204(SI)	2	\$2,000	\$2,000	\$1,300	09/30/2009	
BNSF 2008-205(GC)	2	\$7,500	\$7,500	\$4,950	09/30/2009	
BNSF 2008-206(SA)	3	\$15,000	\$15,000	\$9,600	09/30/2009	
BNSF 2008-207(TS)	3	\$10,000	\$10,000	\$6,450	09/30/2009	
BNSF 2008-208(TS)	2	\$10,000	\$10,000	\$6,450	09/30/2009	
BNSF 2008-209(HMT)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-213(TS)	3	\$12,500	\$12,500	\$8,000	09/30/2009	
BNSF 2008-214(TS)	2	\$6,000	\$6,000	\$3,700	09/30/2009	
BNSF 2008-216(ROP)	2	\$7,000	\$7,000	\$4,600	09/30/2009	
BNSF 2008-217(SA)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2008-218(GC)	1	\$2,500	\$2,500	\$1,745	09/30/2009	
BNSF 2008-219(SA)	3	\$15,000	\$15,000	\$9,750	09/30/2009	
BNSF 2008-22(LI)	10	\$20,500	\$20,500	\$13,525	09/30/2009	
BNSF 2008-220(SA)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
BNSF 2008-221(TS)	14	\$40,000	\$40,000	\$25,760	09/30/2009	
BNSF 2008-222(TS)	4	\$15,000	\$15,000	\$9,450	09/30/2009	
BNSF 2008-224(TS)	4	\$11,000	\$11,000	\$7,175	09/30/2009	
BNSF 2008-226(HMT)	1	\$1,000	\$1,000	\$600	09/30/2009	
BNSF 2008-227(HS)	1	\$1,000	\$1,000	\$650	09/30/2009	
BNSF 2008-228(HMT)	1	\$7,500	\$7,500	\$3,950	09/30/2009	
BNSF 2008-23(SA)	5	\$12,500	\$12,500	\$7,675	09/30/2009	
BNSF 2008-230(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-231(SA)	3	\$7,500	\$7,500	\$4,875	09/30/2009	
BNSF 2008-234(SA)	2	\$7,500	\$7,500	\$4,850	09/30/2009	
BNSF 2008-235(GC)	2	\$7,500	\$7,500	\$4,700	09/30/2009	
BNSF 2008-237(SA)	4	\$15,000	\$15,000	\$9,600	09/30/2009	
BNSF 2008-238(LI)	3	\$7,500	\$7,500	\$5,100	09/30/2009	
BNSF 2008-239(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-241(GC)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
BNSF 2008-242(FCS)	3	\$10,000	\$10,000	\$6,450	09/30/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
BNSF 2008-243(TS)	12	\$30,000	\$30,000	\$19,000	09/30/2009	
BNSF 2008-245(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-247(GC)	3	\$7,000	\$7,000	\$4,400	09/30/2009	
BNSF 2008-249(SA)	1	\$5,000	\$5,000	\$3,150	09/30/2009	
BNSF 2008-25(LI)	6	\$6,000	\$6,000	\$3,900	09/30/2009	
BNSF 2008-250(SA)	3	\$17,500	\$17,500	\$11,450	09/30/2009	
BNSF 2008-251(LI)	2	\$2,000	\$2,000	\$1,325	09/30/2009	
BNSF 2008-252(SA)	2	\$7,500	\$7,500	\$4,950	09/30/2009	
BNSF 2008-253(TS)	26	\$65,000	\$65,000	\$39,000	09/30/2009	
BNSF 2008-254(TS)	2	\$3,500	\$3,500	\$2,275	09/30/2009	
BNSF 2008-256(SA)	4	\$20,000	\$20,000	\$12,600	09/30/2009	
BNSF 2008-257(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-259(TS)	7	\$14,500	\$14,500	\$9,050	09/30/2009	
BNSF 2008-260(TS)	7	\$17,500	\$17,500	\$10,800	09/30/2009	
BNSF 2008-262(SA)	1	\$2,500	\$2,500	\$1,675	09/30/2009	
BNSF 2008-264(EP)	2	\$2,000	\$2,000	\$1,275	09/30/2009	
BNSF 2008-266(LI)	1	\$1,000	\$1,000	\$670	09/30/2009	
BNSF 2008-267(TS)	1	\$2,500	\$2,500	\$1,675	09/30/2009	
BNSF 2008-270(SA)	1	\$10,000	\$10,000	\$6,700	09/30/2009	
BNSF 2008-271(LI)	1	\$1,000	\$1,000	\$670	09/30/2009	
BNSF 2008-272(ROR)	2	\$50,000	\$50,000	\$32,200	09/30/2009	
BNSF 2008-274(HSR)	1	\$1,000	\$1,000	\$625	09/30/2009	
BNSF 2008-278(SA)	4	\$20,000	\$20,000	\$13,000	09/30/2009	
BNSF 2008-280(SA)	5	\$22,500	\$22,500	\$15,750	09/30/2009	
BNSF 2008-281(SA)	5	\$22,500	\$22,500	\$14,725	09/30/2009	
BNSF 2008-282(SA)	3	\$15,000	\$15,000	\$9,750	09/30/2009	
BNSF 2008-284(EP)	1	\$1,000	\$1,000	\$650	09/30/2009	
BNSF 2008-285(LI)	1	\$2,500	\$2,500	\$1,675	09/30/2009	
BNSF 2008-286(TS)	2	\$7,500	\$7,500	\$5,100	09/30/2009	
BNSF 2008-287(RSP)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
BNSF 2008-289(FCS)	1	\$5,000	\$5,000	\$3,130	09/30/2009	
BNSF 2008-29(RSP)	2	\$10,000	\$10,000	\$6,200	09/30/2009	
BNSF 2008-290(HMT)	4	\$12,500	\$10,000	\$6,375	09/30/2009	
BNSF 2008-291(SA)	2	\$10,000	\$10,000	\$6,400	09/30/2009	
BNSF 2008-30(TS)	6	\$18,500	\$18,500	\$11,700	09/30/2009	
BNSF 2008-31(TS)	4	\$16,000	\$16,000	\$10,500	09/30/2009	
BNSF 2008-32(TS)	7	\$17,000	\$17,000	\$11,450	09/30/2009	
BNSF 2008-33(TS)	3	\$7,500	\$7,500	\$5,250	09/30/2009	
BNSF 2008-34(TS)	21	\$22,500	\$22,500	\$14,375	09/30/2009	
BNSF 2008-35(FCS)	2	\$10,000	\$10,000	\$6,345	09/30/2009	
BNSF 2008-38(SI)	2	\$6,000	\$6,000	\$4,200	09/30/2009	
BNSF 2008-39(SA)	2	\$5,000	\$5,000	\$3,150	09/30/2009	
BNSF 2008-40(HS)	1	\$1,000	\$1,000	\$650	09/30/2009	
BNSF 2008-41(FCS)	5	\$15,000	\$15,000	\$9,650	09/30/2009	
BNSF 2008-43(FCS)	5	\$17,500	\$17,500	\$11,200	09/30/2009	
BNSF 2008-45(HMT)	1	\$2,000	\$2,000	\$1,300	09/30/2009	
BNSF 2008-46(HSR)	1	\$1,000	\$1,000	\$625	09/30/2009	
BNSF 2008-48(TS)	1	\$5,000	\$5,000	\$3,230	09/30/2009	
BNSF 2008-49(TS)	1	\$5,000	\$5,000	\$3,100	09/30/2009	

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BNSF 2008-50(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2008-51(FCS)	1	\$5,000	\$5,000	\$3,065	09/30/2009	
BNSF 2008-53(TS)	1	\$2,500	\$2,500	\$1,575	09/30/2009	
BNSF 2008-55(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2008-56(SA)	1	\$5,000	\$5,000	\$3,150	09/30/2009	
BNSF 2008-57(SA)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
BNSF 2008-58(SI)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
BNSF 2008-59(GC)	2	\$5,000	\$5,000	\$3,260	09/30/2009	
BNSF 2008-60(GS)	1	\$1,000	\$1,000	\$635	09/30/2009	
BNSF 2008-61(ROR)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2008-62(SA)	5	\$12,500	\$12,500	\$7,175	09/30/2009	
BNSF 2008-64(SA)	2	\$10,000	\$10,000	\$6,375	09/30/2009	
BNSF 2008-65(RSP)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2008-66(TS)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
BNSF 2008-67(LI)	13	\$19,000	\$19,000	\$12,650	09/30/2009	
BNSF 2008-68(SA)	3	\$10,000	\$10,000	\$6,350	09/30/2009	
BNSF 2008-70(HMT)	2	\$8,500	\$8,500	\$5,400	09/30/2009	
BNSF 2008-71(LI)	2	\$5,000	\$5,000	\$3,335	09/30/2009	
BNSF 2008-72(EQ)	3	\$7,000	\$7,000	\$4,700	09/30/2009	
BNSF 2008-73(GC)	3	\$15,000	\$10,000	\$8,000	09/30/2009	Terminated Violation(s)#: 1
BNSF 2008-74(TS)	2	\$6,000	\$6,000	\$3,950	09/30/2009	
BNSF 2008-75(TS)	2	\$3,500	\$3,500	\$2,310	09/30/2009	
BNSF 2008-76(TS)	1	\$5,000	\$5,000	\$3,400	09/30/2009	
BNSF 2008-77(SA)	4	\$12,500	\$12,500	\$8,150	09/30/2009	
BNSF 2008-78(LI)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
BNSF 2008-79(HMT)	1	\$7,500	\$7,500	\$4,875	09/30/2009	
BNSF 2008-80(HMT)	1	\$2,000	\$2,000	\$1,235	09/30/2009	
BNSF 2008-81(HMT)	1	\$4,000	\$4,000	\$2,535	09/30/2009	
BNSF 2008-82(TS)	4	\$8,500	\$8,500	\$5,500	09/30/2009	
BNSF 2008-83(TS)	1	\$2,500	\$2,500	\$1,640	09/30/2009	
BNSF 2008-84(TS)	101	\$192,500	\$192,500	\$123,950	09/30/2009	
BNSF 2008-85(TS)	36	\$87,500	\$87,500	\$58,625	09/30/2009	
BNSF 2008-86(TS)	1	\$5,000	\$5,000	\$3,275	09/30/2009	
BNSF 2008-87(TS)	2	\$10,000	\$10,000	\$6,800	09/30/2009	
BNSF 2008-88(RSP)	2	\$10,000	\$10,000	\$6,200	09/30/2009	
BNSF 2008-89(RSP)	2	\$10,000	\$10,000	\$6,200	09/30/2009	
BNSF 2008-9(EQ)	1	\$5,000	\$5,000	\$3,235	09/30/2009	
BNSF 2008-90(SA)	3	\$12,500	\$12,500	\$8,450	09/30/2009	
BNSF 2008-91(SA)	2	\$5,000	\$5,000	\$3,150	09/30/2009	
BNSF 2008-92(HMT)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
BNSF 2008-93(HMT)	1	\$4,000	\$4,000	\$2,550	09/30/2009	
BNSF 2008-94(TS)	1	\$1,000	\$1,000	\$650	09/30/2009	
BNSF 2008-95(TS)	2	\$6,000	\$6,000	\$4,000	09/30/2009	
BNSF 2008-96(TS)	1	\$1,000	\$1,000	\$635	09/30/2009	
BNSF 2008-97(TS)	3	\$4,500	\$4,500	\$2,925	09/30/2009	
BNSF 2008-98(TS)	30	\$75,000	\$75,000	\$50,250	09/30/2009	
BNSF 2008-99(HMT)	1	\$6,000	\$6,000	\$4,000	09/30/2009	
BNSF 2009-1(SA)	2	\$10,000	\$10,000	\$6,200	09/30/2009	
BNSF 2009-11(TS)	2	\$3,500	\$3,500	\$2,345	09/30/2009	

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BNSF 2009-12(TS)	1	\$1,000	\$1,000	\$670	09/30/2009	
BNSF 2009-14(TS)	14	\$55,000	\$55,000	\$35,350	09/30/2009	
BNSF 2009-15(TS)	1	\$2,500	\$2,500	\$1,675	09/30/2009	
BNSF 2009-17(HMT)	1	\$4,000	\$4,000	\$2,635	09/30/2009	
BNSF 2009-19(SA)	3	\$15,000	\$15,000	\$9,600	09/30/2009	
BNSF 2009-2(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2009-20(SA)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
BNSF 2009-21(SA)	4	\$17,500	\$17,500	\$11,200	09/30/2009	
BNSF 2009-24(LI)	3	\$7,500	\$7,500	\$5,100	09/30/2009	
BNSF 2009-25(LI)	5	\$6,500	\$6,500	\$4,300	09/30/2009	
BNSF 2009-26(LI)	7	\$15,500	\$15,500	\$10,325	09/30/2009	
BNSF 2009-27(LI)	8	\$8,000	\$8,000	\$5,225	09/30/2009	
BNSF 2009-28(SA)	1	\$2,500	\$2,500	\$1,575	09/30/2009	
BNSF 2009-3(TS)	3	\$6,000	\$6,000	\$4,200	09/30/2009	
BNSF 2009-30(SA)	2	\$7,500	\$7,500	\$4,800	09/30/2009	
BNSF 2009-31(SI)	1	\$1,000	\$1,000	\$700	09/30/2009	
BNSF 2009-32(GC)	2	\$10,000	\$10,000	\$7,000	09/30/2009	
BNSF 2009-33(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2009-37(TS)	7	\$13,000	\$13,000	\$8,450	09/30/2009	
BNSF 2009-38(HMT)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2009-39(SA)	2	\$10,000	\$10,000	\$6,400	09/30/2009	
BNSF 2009-40(TS)	1	\$1,000	\$1,000	\$670	09/30/2009	
BNSF 2009-41(EQ)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
BNSF 2009-43(SA)	1	\$2,500	\$2,500	\$1,575	09/30/2009	
BNSF 2009-45(FCS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2009-46(TS)	1	\$1,000	\$1,000	\$700	09/30/2009	
BNSF 2009-47(SA)	1	\$2,500	\$2,500	\$875	09/30/2009	
BNSF 2009-48(FCS)	1	\$5,000	\$5,000	\$3,115	09/30/2009	
BNSF 2009-5(RSP)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2009-50(GC)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
BNSF 2009-51(SI)	1	\$2,500	\$2,500	\$1,775	09/30/2009	
BNSF 2009-54(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BNSF 2009-55(FCS)	1	\$5,000	\$5,000	\$3,115	09/30/2009	
BNSF 2009-56(SI)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
BNSF 2009-59(TS)	3	\$9,000	\$9,000	\$6,050	09/30/2009	
BNSF 2009-6(SA)	2	\$7,500	\$7,500	\$4,800	09/30/2009	
BNSF 2009-60(TS)	1	\$5,000	\$5,000	\$3,075	09/30/2009	
BNSF 2009-64(SA)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
BNSF 2009-71(RW)	1	\$1,000	\$1,000	\$640	09/30/2009	
BNSF 2009-8(LI)	14	\$14,000	\$14,000	\$9,150	09/30/2009	
BNSF 2009-9(EQ)	1	\$5,000	\$5,000	\$3,235	09/30/2009	
BNSO 2008-2(PEQ)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
BSOR 2005-1(AR)	1	\$1,000	\$1,000	\$550	01/09/2009	
CARR 2009-1(TS)	5	\$25,000	\$25,000	\$16,000	09/30/2009	
CARR 2009-2(RW)	1	\$2,000	\$2,000	\$1,100	09/30/2009	
CBRW 2008-2(HMT)	1	\$3,000	\$3,000	\$3,000	12/12/2008	
CBRW 2008-3(HMT)	1	\$5,000	\$5,000	\$5,000	12/12/2008	
CC 2008-1(SA)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
CERA 2007-1(LI)	1	\$2,500	\$2,500	\$1,800	04/20/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
CFE 2008-1(SA)	1	\$2,500	\$2,500	\$1,500	04/20/2009	
CFE 2008-2(TS)	1	\$5,000	\$5,000	\$4,000	04/20/2009	
CFNR 2002-1(SA)	2	\$5,000	\$0	\$0	03/30/2009	CASE TERMINATED.
CFNR 2007-1(SI)	1	\$2,500	\$2,500	\$1,800	07/01/2009	
CIND 2007-1(GC)	1	\$2,500	\$2,500	\$1,850	04/20/2009	
CIND 2008-1(RW)	1	\$1,000	\$1,000	\$740	04/20/2009	
CN 2007-104(FCS)	1	\$2,000	\$2,000	\$1,200	09/30/2009	
CN 2008-1(SA)	5	\$25,000	\$25,000	\$16,850	09/30/2009	
CN 2008-10(GC)	13	\$65,000	\$65,000	\$45,500	09/30/2009	
CN 2008-100(FCS)	1	\$2,000	\$2,000	\$1,300	09/30/2009	
CN 2008-101(SA)	18	\$90,000	\$90,000	\$59,350	09/30/2009	
CN 2008-102(SA)	5	\$22,500	\$22,500	\$15,625	09/30/2009	
CN 2008-103(AR)	1	\$1,000	\$1,000	\$650	09/30/2009	
CN 2008-104(HMT)	2	\$8,000	\$8,000	\$5,200	09/30/2009	
CN 2008-105(SA)	4	\$15,000	\$15,000	\$10,400	09/30/2009	
CN 2008-106(FCS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-107(GC)	1	\$5,000	\$5,000	\$3,450	09/30/2009	
CN 2008-108(LI)	1	\$3,000	\$3,000	\$2,100	09/30/2009	
CN 2008-109(SA)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
CN 2008-110(TS)	8	\$37,500	\$37,500	\$24,725	09/30/2009	
CN 2008-111(TS)	3	\$15,000	\$15,000	\$9,900	09/30/2009	
CN 2008-112(SA)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-113(RW)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-114(HMT)	2	\$9,000	\$9,000	\$6,950	09/30/2009	
CN 2008-115(SA)	2	\$10,000	\$10,000	\$6,900	09/30/2009	
CN 2008-116(SA)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
CN 2008-117(LI)	2	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-118(HMT)	2	\$4,500	\$4,500	\$2,925	09/30/2009	
CN 2008-119(ROP)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-12(HMT)	8	\$32,000	\$32,000	\$22,350	09/30/2009	
CN 2008-120(SI)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
CN 2008-121(SA)	4	\$20,000	\$20,000	\$14,000	09/30/2009	
CN 2008-122(SA)	4	\$20,000	\$20,000	\$14,000	09/30/2009	
CN 2008-123(SA)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
CN 2008-124(HMT)	1	\$2,000	\$2,000	\$1,300	09/30/2009	
CN 2008-125(SA)	5	\$20,000	\$20,000	\$13,550	09/30/2009	
CN 2008-126(SA)	1	\$5,000	\$5,000	\$3,400	09/30/2009	
CN 2008-127(HMT)	3	\$6,500	\$6,500	\$4,385	09/30/2009	
CN 2008-128(LI)	9	\$23,000	\$23,000	\$15,565	09/30/2009	
CN 2008-129(GC)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
CN 2008-13(SA)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CN 2008-130(SI)	1	\$1,000	\$1,000	\$670	09/30/2009	
CN 2008-131(HS)	1	\$1,000	\$1,000	\$700	09/30/2009	
CN 2008-132(SA)	4	\$20,000	\$20,000	\$13,600	09/30/2009	
CN 2008-133(SA)	3	\$15,000	\$15,000	\$10,200	09/30/2009	
CN 2008-134(SA)	4	\$17,500	\$17,500	\$11,950	09/30/2009	
CN 2008-136(ROP)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-137(ROR)	1	\$5,000	\$5,000	\$3,350	09/30/2009	
CN 2008-138(HSR)	2	\$2,000	\$2,000	\$1,300	09/30/2009	

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CN 2008-139(HMT)	1	\$6,000	\$6,000	\$4,500	09/30/2009	
CN 2008-14(GC)	2	\$7,500	\$7,500	\$5,350	09/30/2009	
CN 2008-140(ROP)	1	\$5,000	\$5,000	\$3,750	09/30/2009	
CN 2008-141(SA)	4	\$17,500	\$17,500	\$12,075	09/30/2009	
CN 2008-142(SA)	3	\$12,500	\$12,500	\$8,600	09/30/2009	
CN 2008-143(SA)	7	\$35,000	\$35,000	\$24,000	09/30/2009	
CN 2008-144(HMT)	9	\$40,000	\$40,000	\$28,970	09/30/2009	
CN 2008-145(ROP)	2	\$12,500	\$12,500	\$8,625	09/30/2009	
CN 2008-146(SA)	4	\$17,500	\$17,500	\$12,100	09/30/2009	
CN 2008-147(RW)	1	\$2,000	\$2,000	\$1,300	09/30/2009	
CN 2008-148(FCS)	11	\$25,000	\$25,000	\$16,250	09/30/2009	
CN 2008-149(SA)	5	\$12,500	\$12,500	\$8,250	09/30/2009	
CN 2008-15(HMT)	9	\$30,500	\$30,500	\$21,785	09/30/2009	
CN 2008-150(SA)	4	\$20,000	\$20,000	\$14,000	09/30/2009	
CN 2008-151(SA)	5	\$20,000	\$20,000	\$13,625	09/30/2009	
CN 2008-152(SA)	5	\$15,000	\$15,000	\$10,350	09/30/2009	
CN 2008-153(SA)	4	\$17,500	\$17,500	\$12,100	09/30/2009	
CN 2008-154(ROP)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-155(LI)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-156(SA)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
CN 2008-157(SA)	1	\$5,000	\$5,000	\$3,400	09/30/2009	
CN 2008-158(SA)	2	\$10,000	\$10,000	\$6,650	09/30/2009	
CN 2008-16(FCS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-17(HMT)	5	\$19,500	\$19,500	\$13,730	09/30/2009	
CN 2008-18(HSR)	1	\$1,000	\$1,000	\$550	09/30/2009	
CN 2008-19(SA)	3	\$7,500	\$7,500	\$5,175	09/30/2009	
CN 2008-2(SA)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
CN 2008-20(TS)	2	\$7,500	\$7,500	\$5,250	09/30/2009	
CN 2008-21(HMT)	2	\$8,000	\$8,000	\$5,900	09/30/2009	
CN 2008-24(HMT)	3	\$8,000	\$8,000	\$5,500	09/30/2009	
CN 2008-25(SI)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
CN 2008-26(LI)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
CN 2008-27(GC)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
CN 2008-28(HMT)	4	\$19,000	\$19,000	\$14,800	09/30/2009	
CN 2008-29(HMT)	1	\$7,500	\$7,500	\$5,100	09/30/2009	
CN 2008-3(LI)	2	\$5,000	\$5,000	\$3,300	09/30/2009	
CN 2008-30(RSP)	1	\$1,000	\$1,000	\$670	09/30/2009	
CN 2008-31(TS)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
CN 2008-32(SA)	2	\$7,500	\$7,500	\$5,150	09/30/2009	
CN 2008-33(FCS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-34(HMT)	4	\$10,000	\$10,000	\$6,700	09/30/2009	
CN 2008-35(SA)	3	\$7,500	\$7,500	\$4,950	09/30/2009	
CN 2008-36(SA)	3	\$7,500	\$7,500	\$5,100	09/30/2009	
CN 2008-37(SA)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
CN 2008-38(HS)	1	\$1,000	\$1,000	\$700	09/30/2009	
CN 2008-39(AR)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
CN 2008-4(TS)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
CN 2008-40(LI)	2	\$4,000	\$4,000	\$2,600	09/30/2009	
CN 2008-41(GC)	1	\$5,000	\$5,000	\$3,600	09/30/2009	

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CN 2008-42(TS)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CN 2008-43(FCS)	6	\$15,000	\$15,000	\$9,750	09/30/2009	
CN 2008-44(SA)	22	\$55,000	\$55,000	\$37,400	09/30/2009	
CN 2008-45(SA)	4	\$10,000	\$10,000	\$6,850	09/30/2009	
CN 2008-46(GC)	1	\$5,000	\$5,000	\$3,450	09/30/2009	
CN 2008-47(FCS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-49(HSR)	1	\$1,000	\$1,000	\$550	09/30/2009	
CN 2008-5(SA)	2	\$7,500	\$7,500	\$5,100	09/30/2009	
CN 2008-50(HS)	1	\$1,000	\$1,000	\$680	09/30/2009	
CN 2008-51(HMT)	3	\$17,500	\$17,500	\$12,575	09/30/2009	
CN 2008-52(SA)	3	\$10,000	\$10,000	\$6,850	09/30/2009	
CN 2008-53(SA)	2	\$10,000	\$10,000	\$6,500	09/30/2009	
CN 2008-54(TS)	1	\$5,000	\$5,000	\$3,350	09/30/2009	
CN 2008-55(HMT)	5	\$18,500	\$18,500	\$13,270	09/30/2009	
CN 2008-56(SA)	3	\$10,000	\$10,000	\$6,800	09/30/2009	
CN 2008-57(SA)	3	\$10,000	\$10,000	\$6,900	09/30/2009	
CN 2008-58(TS)	9	\$13,000	\$13,000	\$8,450	09/30/2009	
CN 2008-59(HSR)	1	\$1,000	\$1,000	\$650	09/30/2009	
CN 2008-6(SA)	4	\$10,000	\$10,000	\$6,825	09/30/2009	
CN 2008-61(RW)	2	\$2,000	\$2,000	\$1,360	09/30/2009	
CN 2008-62(SA)	4	\$14,000	\$14,000	\$9,300	09/30/2009	
CN 2008-63(SA)	4	\$11,500	\$11,500	\$7,550	09/30/2009	
CN 2008-64(ROR)	9	\$45,000	\$45,000	\$28,800	09/30/2009	
CN 2008-65(HS)	1	\$1,000	\$1,000	\$730	09/30/2009	
CN 2008-66(FCS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-67(EQ)	1	\$1,000	\$1,000	\$675	09/30/2009	
CN 2008-68(LI)	5	\$12,500	\$12,500	\$8,225	09/30/2009	
CN 2008-69(SA)	5	\$12,500	\$12,500	\$8,650	09/30/2009	
CN 2008-7(SA)	3	\$15,000	\$15,000	\$10,200	09/30/2009	
CN 2008-70(SA)	4	\$10,000	\$10,000	\$6,900	09/30/2009	
CN 2008-71(SA)	3	\$7,500	\$7,500	\$5,175	09/30/2009	
CN 2008-73(TS)	7	\$7,000	\$7,000	\$4,830	09/30/2009	
CN 2008-74(TS)	3	\$12,500	\$12,500	\$8,225	09/30/2009	
CN 2008-75(TS)	2	\$6,000	\$6,000	\$4,320	09/30/2009	
CN 2008-76(HMT)	1	\$4,000	\$4,000	\$3,200	09/30/2009	
CN 2008-77(REM)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
CN 2008-78(SA)	3	\$12,500	\$12,500	\$8,125	09/30/2009	
CN 2008-79(LI)	2	\$6,000	\$6,000	\$4,150	09/30/2009	
CN 2008-8(SA)	9	\$22,500	\$22,500	\$15,025	09/30/2009	
CN 2008-80(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-81(SA)	3	\$7,500	\$7,500	\$5,025	09/30/2009	
CN 2008-82(PEP)	1	\$2,500	\$2,500	\$1,675	09/30/2009	
CN 2008-83(LI)	1	\$1,000	\$1,000	\$650	09/30/2009	
CN 2008-84(SI)	1	\$1,000	\$1,000	\$650	09/30/2009	
CN 2008-85(GC)	1	\$2,500	\$2,500	\$1,850	09/30/2009	
CN 2008-86(LI)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CN 2008-87(LI)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-88(SA)	4	\$15,000	\$15,000	\$9,950	09/30/2009	
CN 2008-89(SA)	3	\$12,500	\$12,500	\$8,275	09/30/2009	

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CN 2008-9(FCS)	3	\$12,500	\$12,500	\$8,125	09/30/2009	
CN 2008-90(HMT)	6	\$28,500	\$28,500	\$20,300	09/30/2009	
CN 2008-91(HMT)	6	\$23,500	\$23,500	\$16,650	09/30/2009	
CN 2008-92(SA)	4	\$12,500	\$12,500	\$8,500	09/30/2009	
CN 2008-93(LI)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-94(HMT)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-95(SA)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CN 2008-96(SA)	3	\$12,500	\$12,500	\$8,600	09/30/2009	
CN 2008-97(FCS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CN 2008-98(SA)	6	\$25,000	\$25,000	\$17,225	09/30/2009	
CN 2008-99(PEP)	6	\$30,000	\$30,000	\$21,600	09/30/2009	
CORP 2006-10(LI)	2	\$5,000	\$2,500	\$1,675	07/02/2009	Terminated Violation#: 2
CORP 2006-11(SI)	1	\$5,000	\$5,000	\$2,750	03/09/2009	
CORP 2006-13(SA)	1	\$5,000	\$5,000	\$3,750	03/09/2009	
CORP 2006-14(SI)	1	\$1,000	\$1,000	\$600	03/09/2009	
CORP 2006-2(SA)	1	\$5,000	\$1,500	\$1,000	03/09/2009	
CORP 2006-9(RSP)	1	\$1,000	\$1,000	\$610	07/02/2009	
CORP 2007-1(TS)	3	\$15,000	\$15,000	\$7,500	07/05/2009	
CORP 2007-10(SA)	1	\$2,500	\$2,500	\$1,500	03/09/2009	
CORP 2007-11(HSR)	1	\$1,000	\$1,000	\$550	03/09/2009	
CORP 2007-12(SA)	1	\$2,500	\$2,500	\$1,750	05/08/2009	
CORP 2007-13(TS)	1	\$1,000	\$1,000	\$650	03/09/2009	
CORP 2007-15(SI)	1	\$5,000	\$2,500	\$1,700	05/08/2009	Violation# 1 - wrong penalty assessed.
CORP 2007-16(SA)	1	\$2,500	\$2,500	\$1,750	05/08/2009	
CORP 2007-17(TS)	2	\$10,000	\$10,000	\$6,000	05/08/2009	
CORP 2007-18(GC)	2	\$7,500	\$7,500	\$5,000	05/08/2009	
CORP 2007-19(HS)	1	\$2,000	\$2,000	\$610	05/08/2009	
CORP 2007-2(TS)	3	\$10,000	\$10,000	\$5,000	07/05/2009	
CORP 2007-3(TS)	1	\$1,000	\$1,000	\$750	07/05/2009	
CORP 2007-4(LI)	1	\$5,000	\$5,000	\$3,350	05/08/2009	
CORP 2007-5(LI)	1	\$2,500	\$2,500	\$1,300	03/09/2009	
CORP 2007-6(TS)	2	\$10,000	\$10,000	\$5,750	03/09/2009	
CORP 2007-7(TS)	1	\$2,500	\$2,500	\$1,500	03/09/2009	
CORP 2007-8(GC)	1	\$5,000	\$5,000	\$2,750	03/09/2009	
CORP 2007-9(TS)	1	\$2,500	\$2,500	\$1,500	03/09/2009	
CORP 2008-1(SA)	1	\$2,500	\$2,500	\$1,750	05/08/2009	
CORP 2008-10(SA)	2	\$10,000	\$10,000	\$7,300	07/05/2009	
CORP 2008-2(TS)	1	\$5,000	\$5,000	\$3,600	07/05/2009	
CORP 2008-3(TS)	1	\$5,000	\$5,000	\$3,600	07/05/2009	
CORP 2008-6(RW)	1	\$1,000	\$1,000	\$700	05/08/2009	
CORP 2008-7(SI)	1	\$1,000	\$1,000	\$650	05/08/2009	
CORP 2008-8(SA)	1	\$2,500	\$2,500	\$1,250	05/08/2009	
CORP 2008-9(TS)	1	\$1,000	\$1,000	\$720	05/08/2009	
CP 2008-10(GC)	1	\$5,000	\$5,000	\$5,000	07/06/2009	
CP 2008-11(TS)	1	\$5,000	\$5,000	\$3,200	07/06/2009	
CP 2008-12(SA)	1	\$2,500	\$2,500	\$1,700	07/06/2009	
CP 2008-14(EP)	1	\$1,000	\$0	\$0	05/22/2009	Case Terminated.
CP 2008-19(SA)	1	\$5,000	\$5,000	\$3,000	07/06/2009	
CP 2008-20(SA)	1	\$5,000	\$5,000	\$3,000	07/06/2009	

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CP 2008-21(HMT)	1	\$5,000	\$5,000	\$3,000	07/06/2009	
CP 2008-22(SA)	1	\$5,000	\$5,000	\$3,000	07/06/2009	
CP 2008-23(RSP)	1	\$1,000	\$1,000	\$550	07/06/2009	
CP 2008-7(SA)	2	\$7,500	\$7,500	\$5,000	07/06/2009	
CP 2008-8(HMT)	3	\$6,000	\$6,000	\$3,500	07/06/2009	
CP 2008-9(TS)	1	\$2,500	\$0	\$0	05/22/2009	Case Terminated.
CP 2009-1(HS)	1	\$1,000	\$1,000	\$650	07/06/2009	
CP 2009-2(SA)	1	\$2,500	\$2,500	\$1,700	07/06/2009	
CP 2009-3(SA)	1	\$2,500	\$2,500	\$1,700	07/06/2009	
CP 2009-4(EO)	1	\$2,500	\$2,500	\$2,000	07/06/2009	
CP 2009-5(GC)	1	\$5,000	\$5,000	\$3,000	07/06/2009	
CR 2008-10(HS)	10	\$10,000	\$10,000	\$6,500	08/04/2009	
CR 2008-11(HS)	10	\$10,000	\$10,000	\$6,500	08/04/2009	
CR 2008-12(HS)	4	\$4,000	\$4,000	\$2,600	08/04/2009	
CR 2008-13(SA)	1	\$5,000	\$5,000	\$2,500	08/04/2009	
CR 2008-14(GC)	1	\$2,500	\$2,500	\$1,250	08/04/2009	
CR 2008-15(LI)	2	\$2,000	\$2,000	\$1,300	08/04/2009	
CR 2008-16(SA)	1	\$2,500	\$2,500	\$1,875	08/04/2009	
CR 2008-21(HMT)	5	\$25,000	\$25,000	\$12,500	08/04/2009	
CR 2008-22(SI)	1	\$2,500	\$2,500	\$1,875	08/04/2009	
CR 2008-23(HS)	5	\$5,000	\$5,000	\$3,250	08/04/2009	
CR 2008-24(HSR)	1	\$1,000	\$1,000	\$650	08/04/2009	
CR 2008-25(SI)	2	\$7,500	\$7,500	\$7,500	08/04/2009	
CR 2008-26(ROR)	5	\$25,000	\$25,000	\$15,000	08/04/2009	
CR 2008-27(ROR)	5	\$20,000	\$20,000	\$5,600	08/04/2009	Terminated Violation(s)#: 3
CR 2008-28(ROR)	5	\$12,500	\$7,500	\$4,500	08/04/2009	Terminated Violation(s)#: 1 and 4
CR 2008-29(ROR)	5	\$12,500	\$12,500	\$4,100	08/04/2009	Terminated Violation(s)#: 4
CR 2008-3(HMT)	5	\$30,500	\$30,500	\$24,200	08/04/2009	
CR 2008-30(RW)	1	\$5,000	\$5,000	\$2,500	08/04/2009	
CR 2008-31(SA)	2	\$10,000	\$10,000	\$5,750	08/04/2009	
CR 2008-32(HSR)	1	\$1,000	\$1,000	\$1,000	08/04/2009	
CR 2008-33(ROR)	1	\$2,500	\$2,500	\$1,500	08/04/2009	
CR 2008-34(AR)	1	\$2,500	\$0	\$0	08/04/2009	Case Terminated.
CR 2008-35(ROR)	1	\$5,000	\$5,000	\$550	08/04/2009	
CR 2008-4(HS)	6	\$6,000	\$6,000	\$3,900	08/04/2009	
CR 2008-5(HS)	10	\$10,000	\$10,000	\$6,500	08/04/2009	
CR 2008-6(HS)	10	\$10,000	\$10,000	\$6,500	08/04/2009	
CR 2008-7(HS)	10	\$10,000	\$10,000	\$6,500	08/04/2009	
CR 2008-8(HS)	4	\$4,000	\$4,000	\$2,600	08/04/2009	
CR 2008-9(HS)	10	\$10,000	\$10,000	\$6,500	08/04/2009	
CR 2009-2(SA)	1	\$5,000	\$5,000	\$3,250	08/04/2009	
CR 2009-3(HMT)	2	\$11,500	\$11,500	\$8,625	08/04/2009	
CR 2009-4(SA)	1	\$5,000	\$5,000	\$3,250	08/04/2009	
CR 2009-5(RW)	2	\$5,000	\$5,000	\$5,000	08/04/2009	
CR 2009-6(HS)	3	\$3,000	\$3,000	\$1,950	08/04/2009	
CRRX 2008-1(EQ)	1	\$1,000	\$1,000	\$1,000	06/18/2009	
CSCD 2007-2(TS)	1	\$1,000	\$1,000	\$700	09/11/2009	
CSCD 2008-1(TS)	1	\$2,500	\$2,500	\$1,600	09/11/2009	
CSCD 2008-2(TS)	3	\$12,500	\$12,500	\$8,000	09/11/2009	

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CSX 2007-242(TS)	2	\$7,500	\$7,500	\$4,875	09/30/2009	
CSX 2007-295(LI)	8	\$18,500	\$16,000	\$9,700	09/30/2009	Terminated Violation(s)#: 3
CSX 2007-309(AR)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
CSX 2007-340(HSR)	1	\$1,000	\$1,000	\$650	09/30/2009	
CSX 2007-342(AR)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
CSX 2007-350(HMT)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
CSX 2007-351(GC)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CSX 2007-359(FCS)	2	\$7,500	\$7,500	\$4,800	09/30/2009	
CSX 2007-368(FCS)	2	\$5,000	\$5,000	\$2,900	09/30/2009	
CSX 2007-378(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2007-380(ROP)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
CSX 2007-385(AR)	7	\$27,500	\$25,000	\$15,750	09/30/2009	Terminated Violation(s)#: 7
CSX 2007-386(HMT)	1	\$4,000	\$4,000	\$2,500	09/30/2009	
CSX 2007-391(FCS)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
CSX 2007-398(HMT)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
CSX 2007-404(HSR)	2	\$2,000	\$2,000	\$1,150	09/30/2009	
CSX 2007-415(FCS)	5	\$12,500	\$12,500	\$7,750	09/30/2009	
CSX 2007-416(HMT)	3	\$15,500	\$15,500	\$9,750	09/30/2009	
CSX 2007-420(AR)	6	\$15,000	\$15,000	\$9,500	09/30/2009	
CSX 2007-421(TS)	1	\$5,000	\$5,000	\$3,300	09/30/2009	
CSX 2007-423(HSR)	1	\$1,000	\$1,000	\$575	09/30/2009	
CSX 2008-100(SA)	5	\$15,000	\$15,000	\$9,000	09/30/2009	
CSX 2008-101(SA)	5	\$12,500	\$12,500	\$7,500	09/30/2009	
CSX 2008-102(SA)	5	\$12,500	\$12,500	\$7,500	09/30/2009	
CSX 2008-103(SA)	7	\$25,000	\$17,500	\$11,250	09/30/2009	Partially Terminated Violation: 2 from 5000 to 2500 Terminated Violation(s)#: 3
CSX 2008-104(SA)	2	\$5,000	\$5,000	\$3,000	09/30/2009	
CSX 2008-105(ROP)	1	\$5,000	\$5,000	\$3,050	09/30/2009	
CSX 2008-106(HSR)	2	\$2,000	\$2,000	\$1,350	09/30/2009	
CSX 2008-107(HMT)	1	\$4,000	\$4,000	\$2,550	09/30/2009	
CSX 2008-108(SA)	5	\$25,000	\$25,000	\$15,850	09/30/2009	
CSX 2008-109(SA)	5	\$22,500	\$22,500	\$14,175	09/30/2009	
CSX 2008-110(SA)	5	\$25,000	\$25,000	\$15,750	09/30/2009	
CSX 2008-111(SA)	5	\$22,500	\$22,500	\$14,300	09/30/2009	
CSX 2008-112(SA)	4	\$17,500	\$17,500	\$11,200	09/30/2009	
CSX 2008-113(SA)	4	\$20,000	\$20,000	\$13,300	09/30/2009	
CSX 2008-114(SA)	4	\$15,000	\$15,000	\$9,750	09/30/2009	
CSX 2008-115(FCS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-116(HSR)	5	\$5,000	\$5,000	\$3,100	09/30/2009	
CSX 2008-117(LI)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
CSX 2008-118(LI)	8	\$18,000	\$15,000	\$9,400	09/30/2009	Terminated Violation(s)#: 5, 6
CSX 2008-119(LI)	3	\$10,000	\$10,000	\$7,650	09/30/2009	
CSX 2008-120(SA)	4	\$12,500	\$12,500	\$8,000	09/30/2009	
CSX 2008-121(SA)	5	\$25,000	\$25,000	\$16,000	09/30/2009	
CSX 2008-122(LI)	3	\$7,500	\$7,500	\$5,400	09/30/2009	
CSX 2008-123(RW)	2	\$4,000	\$4,000	\$2,700	09/30/2009	
CSX 2008-124(EQ)	10	\$10,000	\$10,000	\$6,300	09/30/2009	

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CSX 2008-125(AD)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CSX 2008-127(SA)	5	\$25,000	\$25,000	\$16,500	09/30/2009	
CSX 2008-128(LI)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-129(TS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
CSX 2008-130(TS)	2	\$6,000	\$6,000	\$3,700	09/30/2009	
CSX 2008-132(TS)	3	\$10,000	\$10,000	\$6,400	09/30/2009	
CSX 2008-133(HMT)	2	\$14,000	\$14,000	\$8,900	09/30/2009	
CSX 2008-134(TS)	2	\$7,500	\$7,500	\$4,950	09/30/2009	
CSX 2008-135(SA)	5	\$20,000	\$20,000	\$12,700	09/30/2009	
CSX 2008-136(SA)	4	\$15,000	\$15,000	\$9,700	09/30/2009	
CSX 2008-137(SA)	5	\$20,000	\$20,000	\$13,025	09/30/2009	
CSX 2008-138(FCS)	6	\$15,000	\$15,000	\$9,700	09/30/2009	
CSX 2008-139(FCS)	5	\$13,500	\$13,500	\$9,600	09/30/2009	
CSX 2008-14(FCS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-140(HMT)	1	\$7,500	\$7,500	\$4,650	09/30/2009	
CSX 2008-141(GC)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CSX 2008-142(LI)	5	\$12,500	\$12,500	\$9,000	09/30/2009	
CSX 2008-143(TS)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
CSX 2008-144(HMT)	2	\$9,500	\$9,500	\$5,950	09/30/2009	
CSX 2008-146(ROP)	3	\$15,000	\$0	\$0	09/30/2009	Case Terminated.
CSX 2008-147(ROR)	3	\$15,000	\$5,000	\$3,250	09/30/2009	Terminated Violation(s)#: 2, 3
CSX 2008-149(SA)	5	\$17,500	\$17,500	\$11,575	09/30/2009	
CSX 2008-150(SA)	5	\$15,000	\$15,000	\$9,750	09/30/2009	
CSX 2008-151(SA)	4	\$17,500	\$17,500	\$11,450	09/30/2009	
CSX 2008-152(SA)	4	\$17,500	\$17,500	\$11,450	09/30/2009	
CSX 2008-153(SA)	4	\$15,000	\$15,000	\$9,800	09/30/2009	
CSX 2008-154(LI)	3	\$7,500	\$5,000	\$3,250	09/30/2009	Terminated Violation(s)#: 2
CSX 2008-155(LI)	3	\$12,500	\$12,500	\$9,000	09/30/2009	
CSX 2008-156(TS)	1	\$2,500	\$2,500	\$1,575	09/30/2009	
CSX 2008-157(AR)	9	\$22,500	\$20,000	\$12,400	09/30/2009	Terminated Violation(s)#: 4
CSX 2008-158(LI)	2	\$7,500	\$7,500	\$5,200	09/30/2009	
CSX 2008-159(GC)	2	\$7,500	\$7,500	\$5,400	09/30/2009	
CSX 2008-160(SA)	4	\$12,500	\$12,500	\$8,150	09/30/2009	
CSX 2008-161(SA)	4	\$12,500	\$12,500	\$8,150	09/30/2009	
CSX 2008-163(LI)	2	\$3,500	\$3,500	\$2,250	09/30/2009	
CSX 2008-164(LI)	1	\$2,500	\$2,500	\$1,250	09/30/2009	
CSX 2008-165(SA)	3	\$7,500	\$7,500	\$4,900	09/30/2009	
CSX 2008-166(FCS)	2	\$5,000	\$5,000	\$3,150	09/30/2009	
CSX 2008-167(HMT)	2	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2008-168(ROR)	2	\$10,000	\$0	\$0	09/30/2009	Case Terminated.
CSX 2008-169(LI)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CSX 2008-17(SA)	4	\$17,500	\$15,000	\$9,625	09/30/2009	Terminated Violation(s)#: 1
CSX 2008-170(TS)	25	\$62,500	\$62,500	\$34,730	09/30/2009	
CSX 2008-171(TS)	30	\$75,000	\$75,000	\$45,000	09/30/2009	
CSX 2008-172(TS)	2	\$6,000	\$6,000	\$3,900	09/30/2009	
CSX 2008-173(SA)	3	\$15,000	\$15,000	\$9,500	09/30/2009	
CSX 2008-174(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2008-175(TS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CSX 2008-176(SA)	3	\$12,500	\$12,500	\$7,900	09/30/2009	

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CSX 2008-177(LI)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CSX 2008-178(HMT)	7	\$40,000	\$40,000	\$25,400	09/30/2009	
CSX 2008-179(TS)	1	\$5,000	\$5,000	\$3,125	09/30/2009	
CSX 2008-180(SA)	5	\$22,500	\$22,500	\$15,450	09/30/2009	
CSX 2008-181(ROP)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
CSX 2008-182(SA)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
CSX 2008-183(RSP)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
CSX 2008-184(RW)	1	\$1,000	\$1,000	\$625	09/30/2009	
CSX 2008-185(LI)	1	\$5,000	\$5,000	\$3,350	09/30/2009	
CSX 2008-186(HSR)	1	\$1,000	\$1,000	\$575	09/30/2009	
CSX 2008-187(FCS)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
CSX 2008-188(HMT)	3	\$10,000	\$10,000	\$6,400	09/30/2009	
CSX 2008-190(LI)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CSX 2008-191(HMT)	2	\$10,000	\$10,000	\$6,400	09/30/2009	
CSX 2008-192(SA)	2	\$7,500	\$7,500	\$4,650	09/30/2009	
CSX 2008-193(TS)	1	\$16,000	\$16,000	\$10,950	09/30/2009	
CSX 2008-20(GC)	1	\$2,500	\$2,500	\$1,800	09/30/2009	
CSX 2008-201(TS)	1	\$1,000	\$1,000	\$650	09/30/2009	
CSX 2008-202(HSR)	8	\$8,000	\$8,000	\$5,700	09/30/2009	
CSX 2008-203(FCS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-204(HMT)	6	\$40,000	\$25,000	\$16,300	09/30/2009	Terminated Violation(s)#: 2, 3
CSX 2008-205(SI)	1	\$5,000	\$5,000	\$3,800	09/30/2009	
CSX 2008-206(TH)	6	\$30,000	\$30,000	\$16,100	09/30/2009	
CSX 2008-208(SA)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-210(TS)	2	\$5,000	\$5,000	\$3,075	09/30/2009	
CSX 2008-211(RW)	2	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2008-212(FCS)	9	\$27,500	\$27,500	\$19,150	09/30/2009	
CSX 2008-213(HMT)	3	\$14,500	\$14,500	\$9,050	09/30/2009	
CSX 2008-214(HMT)	5	\$37,500	\$37,500	\$23,800	09/30/2009	
CSX 2008-215(RW)	1	\$1,000	\$1,000	\$550	09/30/2009	
CSX 2008-216(LI)	4	\$10,000	\$10,000	\$7,000	09/30/2009	
CSX 2008-217(TS)	2	\$7,500	\$7,500	\$4,750	09/30/2009	
CSX 2008-218(HSR)	10	\$10,000	\$10,000	\$6,300	09/30/2009	
CSX 2008-219(HSR)	8	\$8,000	\$8,000	\$5,100	09/30/2009	
CSX 2008-220(SA)	5	\$20,000	\$20,000	\$12,500	09/30/2009	
CSX 2008-221(SA)	5	\$22,500	\$22,500	\$13,700	09/30/2009	
CSX 2008-222(SA)	2	\$7,500	\$7,500	\$4,950	09/30/2009	
CSX 2008-223(SI)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-224(TS)	1	\$5,000	\$5,000	\$3,350	09/30/2009	
CSX 2008-225(TS)	3	\$6,000	\$6,000	\$3,750	09/30/2009	
CSX 2008-226(HMT)	3	\$11,000	\$7,000	\$4,400	09/30/2009	Terminated Violation(s)#: 1
CSX 2008-227(FCS)	1	\$5,000	\$5,000	\$3,300	09/30/2009	
CSX 2008-228(SA)	2	\$10,000	\$10,000	\$6,300	09/30/2009	
CSX 2008-229(HSR)	1	\$1,000	\$1,000	\$660	09/30/2009	
CSX 2008-23(FCS)	2	\$7,500	\$7,500	\$5,900	09/30/2009	
CSX 2008-230(AR)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated
CSX 2008-231(SA)	5	\$19,500	\$19,500	\$13,050	09/30/2009	
CSX 2008-232(SA)	1	\$5,000	\$5,000	\$3,025	09/30/2009	
CSX 2008-233(SA)	4	\$20,000	\$20,000	\$12,750	09/30/2009	

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CSX 2008-236(LI)	5	\$10,500	\$10,500	\$6,350	09/30/2009	
CSX 2008-237(LI)	1	\$1,000	\$1,000	\$585	09/30/2009	
CSX 2008-238(SA)	2	\$5,000	\$5,000	\$3,350	09/30/2009	
CSX 2008-240(LI)	4	\$10,000	\$10,000	\$6,150	09/30/2009	
CSX 2008-241(ROR)	4	\$10,000	\$10,000	\$6,900	09/30/2009	
CSX 2008-242(SA)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-244(ROR)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
CSX 2008-245(FCS)	3	\$7,500	\$7,500	\$1,950	09/30/2009	
CSX 2008-246(HMT)	4	\$24,500	\$24,500	\$15,500	09/30/2009	
CSX 2008-247(SA)	4	\$20,000	\$20,000	\$13,350	09/30/2009	
CSX 2008-248(ROR)	1	\$5,000	\$5,000	\$3,800	09/30/2009	
CSX 2008-249(FCS)	5	\$11,000	\$11,000	\$6,900	09/30/2009	
CSX 2008-250(SA)	5	\$12,500	\$12,500	\$8,000	09/30/2009	
CSX 2008-251(FCS)	6	\$13,500	\$13,500	\$9,000	09/30/2009	
CSX 2008-252(SA)	5	\$20,000	\$20,000	\$13,375	09/30/2009	
CSX 2008-253(GC)	1	\$5,000	\$5,000	\$3,900	09/30/2009	
CSX 2008-254(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2008-255(SA)	2	\$5,000	\$5,000	\$3,100	09/30/2009	
CSX 2008-257(RW)	1	\$1,000	\$1,000	\$550	09/30/2009	
CSX 2008-259(TS)	2	\$10,000	\$10,000	\$6,600	09/30/2009	
CSX 2008-260(FCS)	1	\$2,000	\$2,000	\$1,400	09/30/2009	
CSX 2008-262(SI)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-263(SA)	5	\$20,000	\$20,000	\$12,600	09/30/2009	
CSX 2008-264(TS)	2	\$6,000	\$6,000	\$3,750	09/30/2009	
CSX 2008-268(LI)	3	\$7,500	\$7,500	\$4,650	09/30/2009	
CSX 2008-269(SA)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
CSX 2008-270(SA)	3	\$10,000	\$10,000	\$6,525	09/30/2009	
CSX 2008-271(TS)	2	\$10,000	\$10,000	\$6,425	09/30/2009	
CSX 2008-272(TS)	1	\$5,000	\$5,000	\$3,275	09/30/2009	
CSX 2008-275(SA)	2	\$7,500	\$7,500	\$5,000	09/30/2009	
CSX 2008-277(HS)	2	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2008-278(HS)	1	\$1,000	\$1,000	\$675	09/30/2009	
CSX 2008-279(GC)	1	\$5,000	\$5,000	\$3,900	09/30/2009	
CSX 2008-280(ROR)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
CSX 2008-281(SI)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CSX 2008-282(GC)	1	\$5,000	\$5,000	\$3,900	09/30/2009	
CSX 2008-284(ROP)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
CSX 2008-285(HSR)	1	\$1,000	\$1,000	\$660	09/30/2009	
CSX 2008-286(SA)	7	\$22,500	\$17,500	\$12,375	09/30/2009	Terminated Violation(s)#: 2
CSX 2008-287(SA)	6	\$25,000	\$25,000	\$16,925	09/30/2009	
CSX 2008-288(EQ)	10	\$10,000	\$10,000	\$6,300	09/30/2009	
CSX 2008-289(SA)	1	\$2,000	\$2,000	\$1,350	09/30/2009	
CSX 2008-29(SA)	4	\$12,500	\$12,500	\$8,250	09/30/2009	
CSX 2008-290(HMT)	1	\$10,000	\$6,000	\$3,900	09/30/2009	Partially Terminated Violation(s)#: 1
CSX 2008-291(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CSX 2008-292(ROP)	1	\$9,500	\$9,500	\$7,000	09/30/2009	
CSX 2008-293(TS)	3	\$12,500	\$12,500	\$8,300	09/30/2009	
CSX 2008-294(FCS)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CSX 2008-295(SA)	2	\$7,500	\$7,500	\$4,800	09/30/2009	

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CSX 2008-296(RW)	2	\$6,000	\$6,000	\$4,200	09/30/2009	
CSX 2008-297(SA)	6	\$25,000	\$22,500	\$14,500	09/30/2009	Partially Terminated Violation(s)#: 4
CSX 2008-298(AR)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
CSX 2008-299(HSR)	9	\$9,000	\$9,000	\$5,650	09/30/2009	
CSX 2008-30(TS)	3	\$15,000	\$15,000	\$9,900	09/30/2009	
CSX 2008-300(RSP)	1	\$2,500	\$2,500	\$550	09/30/2009	
CSX 2008-301(SI)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-303(HSR)	2	\$2,000	\$2,000	\$1,200	09/30/2009	
CSX 2008-304(HS)	1	\$1,000	\$1,000	\$600	09/30/2009	
CSX 2008-32(ROP)	1	\$2,000	\$2,000	\$1,400	09/30/2009	
CSX 2008-38(SA)	1	\$5,000	\$5,000	\$3,350	09/30/2009	
CSX 2008-39(SA)	3	\$12,500	\$12,500	\$8,250	09/30/2009	
CSX 2008-43(TS)	2	\$7,500	\$7,500	\$4,875	09/30/2009	
CSX 2008-45(HMT)	6	\$25,500	\$25,500	\$16,200	09/30/2009	
CSX 2008-47(EQ)	4	\$10,000	\$10,000	\$6,400	09/30/2009	
CSX 2008-49(SA)	4	\$15,000	\$15,000	\$9,900	09/30/2009	
CSX 2008-54(AR)	1	\$1,000	\$1,000	\$625	09/30/2009	
CSX 2008-6(TS)	31	\$81,000	\$81,000	\$51,340	09/30/2009	
CSX 2008-60(AR)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
CSX 2008-61(EQ)	4	\$20,000	\$20,000	\$13,100	09/30/2009	
CSX 2008-65(TS)	4	\$20,000	\$20,000	\$13,200	09/30/2009	
CSX 2008-66(SA)	3	\$12,500	\$12,500	\$8,300	09/30/2009	
CSX 2008-68(GC)	2	\$7,500	\$7,500	\$5,100	09/30/2009	
CSX 2008-69(ROP)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
CSX 2008-70(FCS)	7	\$16,500	\$14,000	\$9,800	09/30/2009	Terminated Violation(s)#: 3
CSX 2008-71(HSR)	5	\$5,000	\$5,000	\$3,100	09/30/2009	
CSX 2008-72(HS)	1	\$1,000	\$1,000	\$660	09/30/2009	
CSX 2008-73(SA)	4	\$20,000	\$20,000	\$13,200	09/30/2009	
CSX 2008-74(SA)	3	\$10,000	\$10,000	\$6,200	09/30/2009	
CSX 2008-75(SA)	3	\$12,500	\$12,500	\$7,875	09/30/2009	
CSX 2008-76(SA)	4	\$17,500	\$17,500	\$11,075	09/30/2009	
CSX 2008-77(SA)	2	\$7,500	\$7,500	\$4,750	09/30/2009	
CSX 2008-78(HS)	1	\$1,000	\$1,000	\$610	09/30/2009	
CSX 2008-79(SA)	2	\$5,000	\$5,000	\$2,700	09/30/2009	
CSX 2008-80(REM)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
CSX 2008-81(FCS)	5	\$15,000	\$15,000	\$10,350	09/30/2009	
CSX 2008-82(TS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-83(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2008-84(SA)	6	\$25,000	\$17,500	\$11,725	09/30/2009	Terminated Violation(s)#: 3 Partially Terminated Violation(s)#: 6 from 5000 to 2500
CSX 2008-85(SA)	4	\$25,000	\$25,000	\$16,000	09/30/2009	
CSX 2008-86(SA)	3	\$15,000	\$15,000	\$9,900	09/30/2009	
CSX 2008-89(TS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2008-90(SI)	1	\$1,000	\$1,000	\$625	09/30/2009	
CSX 2008-91(SA)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
CSX 2008-93(FCS)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CSX 2008-94(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	

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CSX 2008-95(SA)	5	\$12,500	\$12,500	\$7,500	09/30/2009	
CSX 2008-96(SA)	5	\$17,500	\$15,000	\$9,750	09/30/2009	Partially Terminated Violation(s)#: 1
CSX 2008-97(SA)	4	\$10,000	\$10,000	\$6,000	09/30/2009	
CSX 2008-98(SA)	4	\$10,000	\$10,000	\$6,000	09/30/2009	
CSX 2008-99(SA)	4	\$10,000	\$10,000	\$6,000	09/30/2009	
CSX 2009-1(HMT)	3	\$17,500	\$17,500	\$11,000	09/30/2009	
CSX 2009-10(HMT)	9	\$21,500	\$21,500	\$13,500	09/30/2009	
CSX 2009-100(SA)	4	\$17,500	\$17,500	\$11,250	09/30/2009	
CSX 2009-101(SA)	3	\$15,000	\$15,000	\$9,600	09/30/2009	
CSX 2009-102(FCS)	2	\$7,500	\$7,500	\$5,000	09/30/2009	
CSX 2009-11(SA)	4	\$15,000	\$15,000	\$9,800	09/30/2009	
CSX 2009-12(HMT)	9	\$48,500	\$47,500	\$30,000	09/30/2009	Partially Terminated Violation(s)#: 9
CSX 2009-13(AR)	4	\$10,000	\$10,000	\$6,300	09/30/2009	
CSX 2009-17(SA)	2	\$10,000	\$10,000	\$6,400	09/30/2009	
CSX 2009-18(EP)	1	\$1,000	\$1,000	\$670	09/30/2009	
CSX 2009-19(LI)	2	\$4,000	\$4,000	\$2,500	09/30/2009	
CSX 2009-2(FCS)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
CSX 2009-20(SA)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
CSX 2009-21(AD)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
CSX 2009-22(HS)	1	\$1,000	\$1,000	\$700	09/30/2009	
CSX 2009-23(SA)	5	\$15,000	\$15,000	\$9,500	09/30/2009	
CSX 2009-24(GC)	1	\$5,000	\$5,000	\$3,900	09/30/2009	
CSX 2009-25(REM)	1	\$5,000	\$5,000	\$2,900	09/30/2009	
CSX 2009-26(ROP)	1	\$2,500	\$0	\$0	09/30/2009	Case Terminated.
CSX 2009-27(EQ)	10	\$10,000	\$10,000	\$6,300	09/30/2009	
CSX 2009-28(SA)	3	\$15,000	\$15,000	\$9,600	09/30/2009	
CSX 2009-3(SA)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
CSX 2009-30(FCS)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
CSX 2009-31(SI)	2	\$5,000	\$5,000	\$3,300	09/30/2009	
CSX 2009-32(TS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2009-33(FCS)	2	\$5,000	\$5,000	\$3,000	09/30/2009	
CSX 2009-34(FCS)	3	\$7,000	\$7,000	\$3,850	09/30/2009	
CSX 2009-35(TS)	1	\$5,000	\$5,000	\$3,150	09/30/2009	
CSX 2009-36(SA)	5	\$12,500	\$12,500	\$8,200	09/30/2009	
CSX 2009-37(TS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CSX 2009-38(TS)	1	\$1,000	\$1,000	\$660	09/30/2009	
CSX 2009-39(SA)	2	\$5,000	\$5,000	\$3,300	09/30/2009	
CSX 2009-4(LI)	3	\$4,500	\$4,500	\$2,600	09/30/2009	
CSX 2009-41(LI)	1	\$1,000	\$1,000	\$650	09/30/2009	
CSX 2009-44(HMT)	3	\$13,000	\$13,000	\$8,250	09/30/2009	
CSX 2009-45(SI)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
CSX 2009-46(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CSX 2009-47(SI)	1	\$1,000	\$1,000	\$700	09/30/2009	
CSX 2009-51(HMT)	4	\$8,000	\$8,000	\$5,000	09/30/2009	
CSX 2009-53(SA)	5	\$17,500	\$17,500	\$11,500	09/30/2009	
CSX 2009-54(SA)	5	\$22,500	\$22,500	\$14,500	09/30/2009	
CSX 2009-57(ROP)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
CSX 2009-59(FCS)	5	\$17,500	\$17,500	\$11,700	09/30/2009	

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CSX 2009-6(SA)	3	\$15,000	\$15,000	\$9,700	09/30/2009	
CSX 2009-60(FCS)	2	\$7,500	\$7,500	\$4,900	09/30/2009	
CSX 2009-62(TS)	2	\$6,000	\$6,000	\$3,750	09/30/2009	
CSX 2009-63(TS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CSX 2009-64(FCS)	2	\$5,000	\$5,000	\$3,300	09/30/2009	
CSX 2009-7(TS)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
CSX 2009-77(AR)	1	\$2,500	\$2,500	\$550	09/30/2009	
CSX 2009-78(TS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
CSX 2009-79(TS)	1	\$5,000	\$5,000	\$3,300	09/30/2009	
CSX 2009-80(HMT)	1	\$2,000	\$2,000	\$1,250	09/30/2009	
CSX 2009-81(ROR)	3	\$7,500	\$7,500	\$4,300	09/30/2009	
CSX 2009-82(SA)	1	\$5,000	\$5,000	\$3,150	09/30/2009	
CSX 2009-84(GC)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
CSX 2009-86(SA)	3	\$10,000	\$10,000	\$6,300	09/30/2009	
CSX 2009-88(HMT)	8	\$14,500	\$14,500	\$9,150	09/30/2009	
CSX 2009-9(LI)	8	\$14,500	\$14,500	\$9,000	09/30/2009	
CSX 2009-90(SI)	3	\$7,000	\$7,000	\$4,900	09/30/2009	
CSX 2009-91(ROR)	1	\$9,500	\$9,500	\$6,300	09/30/2009	
CSX 2009-93(SA)	4	\$12,500	\$12,500	\$8,250	09/30/2009	
CSX 2009-95(TS)	2	\$10,000	\$10,000	\$6,525	09/30/2009	
CSX 2009-97(HMT)	3	\$9,000	\$9,000	\$5,750	09/30/2009	
CSX 2009-98(SA)	1	\$5,000	\$5,000	\$3,150	09/30/2009	
CUOH 2005-1(LI)	2	\$4,000	\$4,000	\$2,000	02/05/2009	
CUOH 2006-1(AR)	2	\$5,000	\$5,000	\$2,750	04/30/2009	
CUOH 2008-1(LI)	1	\$2,500	\$2,500	\$1,375	04/30/2009	
CUOH 2008-2(LI)	2	\$5,000	\$5,000	\$2,750	04/30/2009	
DGNO 2007-4(HMT)	1	\$8,000	\$8,000	\$4,875	05/19/2009	
DGNO 2008-1(SA)	1	\$5,000	\$5,000	\$2,500	07/02/2009	
DGNO 2008-2(TS)	6	\$15,000	\$15,000	\$10,350	07/02/2009	
DLWR 2006-1(SA)	1	\$5,000	\$5,000	\$1,000	01/27/2009	
DME 2007-11(TS)	1	\$5,000	\$5,000	\$3,750	01/05/2009	
DME 2007-12(HS)	1	\$2,000	\$2,000	\$1,500	01/05/2009	
DME 2008-1(HSR)	1	\$1,000	\$1,000	\$750	01/05/2009	
DME 2008-2(GC)	1	\$5,000	\$5,000	\$3,750	01/05/2009	
DME 2008-3(GC)	1	\$5,000	\$5,000	\$3,750	01/05/2009	
DME 2008-4(ROP)	1	\$5,000	\$5,000	\$3,750	01/05/2009	
DME 2008-5(SA)	1	\$5,000	\$5,000	\$3,750	01/05/2009	
DME 2008-6(GC)	2	\$10,000	\$10,000	\$7,500	01/05/2009	
DME 2008-7(SA)	2	\$10,000	\$10,000	\$7,500	01/05/2009	
DME 2008-8(TS)	1	\$5,000	\$5,000	\$3,750	08/27/2009	
DME 2009-1(GC)	1	\$5,000	\$5,000	\$3,750	08/27/2009	
DME 2009-10(SA)	1	\$2,500	\$2,500	\$1,875	08/27/2009	
DME 2009-2(TS)	2	\$10,000	\$10,000	\$7,500	08/27/2009	
DME 2009-3(LI)	2	\$5,000	\$5,000	\$3,750	08/27/2009	
DME 2009-4(SA)	1	\$5,000	\$5,000	\$3,750	08/27/2009	
DME 2009-5(HMT)	1	\$2,000	\$2,000	\$1,500	08/27/2009	
DME 2009-6(GC)	1	\$5,000	\$5,000	\$3,750	08/27/2009	
DME 2009-7(HMT)	7	\$17,500	\$17,500	\$13,125	08/27/2009	
DME 2009-8(HMT)	1	\$2,000	\$2,000	\$1,500	08/27/2009	

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DME 2009-9(TS)	1	\$5,000	\$5,000	\$3,750	08/27/2009	
DMVW 2008-2(TS)	1	\$1,000	\$1,000	\$1,000	03/23/2009	
DMVW 2009-1(RW)	1	\$3,000	\$3,000	\$3,000	05/05/2009	
DSRC 2002-1(TS)	1	\$1,000	\$1,000	\$500	04/01/2009	
DSRC 2005-1(AR)	1	\$2,500	\$2,500	\$2,100	04/01/2009	
DSRC 2007-1(LI)	1	\$2,500	\$2,500	\$2,400	04/01/2009	
EIRR 2006-1(GC)	1	\$2,500	\$2,500	\$1,700	09/11/2009	
EIRR 2006-2(GC)	2	\$5,000	\$5,000	\$3,400	09/11/2009	
EIRR 2006-3(GC)	3	\$7,500	\$7,500	\$5,450	09/11/2009	
EIRR 2006-4(GC)	6	\$11,500	\$11,500	\$8,510	09/11/2009	
EIRR 2007-1(ROR)	1	\$5,000	\$5,000	\$3,800	09/11/2009	
EIRR 2007-2(HSR)	1	\$1,000	\$1,000	\$740	09/11/2009	
EIRR 2007-3(GC)	5	\$6,500	\$6,500	\$4,870	09/11/2009	
EIRR 2007-4(GC)	4	\$4,000	\$4,000	\$2,900	09/11/2009	
EIRR 2007-6(HMT)	1	\$6,000	\$6,000	\$3,840	09/11/2009	
EIRR 2007-7(GC)	1	\$2,500	\$2,500	\$1,900	09/11/2009	
EJE 2008-4(EQ)	1	\$1,000	\$0	\$0	06/11/2009	Case Terminated.
EJR 2008-1(HMT)	1	\$2,500	\$2,500	\$1,500	02/12/2009	
EJR 2008-2(HMT)	5	\$9,000	\$9,000	\$5,000	05/19/2009	
ELS 2008-1(LI)	1	\$4,500	\$4,500	\$4,500	10/14/2008	
ELS 2008-2(SA)	2	\$10,000	\$10,000	\$1,100	02/27/2009	
ERAIL 2008-1(SA)	1	\$5,000	\$5,000	\$5,000	04/20/2009	
ERAIL 2008-2(TS)	2	\$6,000	\$6,000	\$6,000	03/10/2009	
ERAIL 2008-3(TS)	2	\$3,500	\$3,500	\$3,500	03/10/2009	
ERC 2007-1(SA)	1	\$5,000	\$5,000	\$4,000	01/22/2009	
EVWR 2008-1(GC)	1	\$5,000	\$5,000	\$5,000	10/30/2008	
EWG 2008-1(EQ)	1	\$2,500	\$2,500	\$1,600	01/22/2009	
EWG 2008-2(HSR)	1	\$1,000	\$1,000	\$750	01/22/2009	
EWG 2008-3(TS)	3	\$12,500	\$12,500	\$9,000	01/22/2009	
FCRD 2008-2(FCS)	1	\$2,500	\$2,500	\$2,500	11/17/2008	
FIR 2006-1(SA)	1	\$2,500	\$2,500	\$1,500	01/27/2009	
FMRC 2007-1(SA)	1	\$5,000	\$5,000	\$4,000	01/27/2009	
FWWR 2006-1(GC)	1	\$5,000	\$5,000	\$1,500	04/01/2009	
FWWR 2007-1(SA)	1	\$5,000	\$5,000	\$4,500	04/01/2009	
FWWR 2007-2(GC)	1	\$5,000	\$5,000	\$1,500	04/01/2009	
FWWR 2007-3(GC)	1	\$5,000	\$5,000	\$1,500	04/01/2009	
FWWR 2007-4(GC)	2	\$10,000	\$10,000	\$3,000	04/01/2009	
FWWR 2007-5(SA)	1	\$5,000	\$5,000	\$3,500	04/01/2009	
FWWR 2008-1(TS)	2	\$10,000	\$10,000	\$6,500	04/01/2009	
FWWR 2008-2(SA)	2	\$7,500	\$7,500	\$4,250	04/01/2009	
FWWR 2008-3(SA)	1	\$5,000	\$5,000	\$2,750	04/01/2009	
GFRR 2007-1(TS)	7	\$14,500	\$14,500	\$8,990	01/30/2009	
GFRR 2008-1(TS)	1	\$1,000	\$1,000	\$600	01/30/2009	
GFRR 2008-2(LI)	1	\$1,500	\$1,500	\$1,500	01/08/2009	
GFRR 2009-1(SA)	1	\$2,500	\$2,500	\$1,700	04/22/2009	
GFRR 2009-2(LI)	1	\$1,000	\$1,000	\$700	04/22/2009	
GLC 2007-1(HMT)	1	\$6,000	\$6,000	\$4,000	04/13/2009	
GNRR 2003-1(LI)	2	\$5,000	\$0	\$0	06/13/2009	Case Terminated.
GRNW 2004-1(SA)	1	\$2,500	\$2,500	\$1,700	09/11/2009	

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GRNW 2007-1(SI)	1	\$1,000	\$1,000	\$735	09/11/2009	
GRNW 2007-3(AR)	3	\$7,500	\$7,500	\$5,325	09/11/2009	
GRNW 2007-4(HSR)	1	\$1,000	\$1,000	\$770	09/11/2009	
GRNW 2008-1(GC)	3	\$3,000	\$3,000	\$2,280	09/11/2009	
GSM 2002-1(ROP)	1	\$5,000	\$0	\$0	04/21/2009	CASE TERMINATED.
GWR 2006-1(GC)	5	\$12,500	\$12,500	\$8,500	01/31/2009	
GWR 2007-1(LI)	1	\$2,500	\$2,500	\$1,500	01/31/2009	
GWR 2007-2(TS)	2	\$7,500	\$7,500	\$4,525	01/31/2009	
GWR 2007-3(ROP)	1	\$5,000	\$5,000	\$3,100	01/31/2009	
GWR 2007-4(GC)	1	\$5,000	\$5,000	\$3,400	01/31/2009	
GWR 2008-1(LI)	1	\$1,000	\$1,000	\$620	01/31/2009	
HESR 2007-1(AD)	1	\$5,000	\$5,000	\$2,900	09/11/2009	
HESR 2007-2(TS)	1	\$2,500	\$2,500	\$1,650	03/09/2009	
HESR 2007-3(AR)	1	\$2,500	\$0	\$0	08/17/2009	Case Terminated.
HESR 2008-1(GC)	1	\$5,000	\$5,000	\$3,500	09/11/2009	
HESR 2008-2(SA)	1	\$2,500	\$2,500	\$1,750	09/11/2009	
HESR 2008-3(RSP)	1	\$2,500	\$0	\$0	05/30/2009	Case Terminated.
HESR 2008-4(EQ)	1	\$2,000	\$2,000	\$1,200	09/11/2009	
IAIS 2008-2(GC)	2	\$10,000	\$10,000	\$10,000	11/25/2008	
IAIS 2008-3(HMT)	5	\$24,000	\$24,000	\$24,000	10/31/2008	
IAIS 2009-2(SA)	1	\$5,000	\$5,000	\$5,000	06/12/2009	
IC 2008-1(SA)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
ICE 2006-12(SI)	1	\$1,000	\$1,000	\$700	12/04/2008	
ICE 2006-8(SA)	2	\$5,000	\$5,000	\$3,600	12/04/2008	
ICE 2007-1(HMT)	2	\$10,000	\$10,000	\$6,500	12/04/2008	
ICE 2007-10(SA)	1	\$5,000	\$5,000	\$3,750	12/04/2008	
ICE 2007-11(TS)	1	\$2,500	\$2,500	\$1,750	12/04/2008	
ICE 2007-12(AD)	2	\$10,000	\$10,000	\$5,000	12/04/2008	
ICE 2007-2(LI)	1	\$1,500	\$1,500	\$1,200	12/04/2008	
ICE 2007-3(SA)	1	\$2,500	\$2,500	\$2,000	12/04/2008	
ICE 2007-4(TS)	2	\$10,000	\$10,000	\$7,300	12/04/2008	
ICE 2007-5(TS)	1	\$5,000	\$5,000	\$4,000	12/04/2008	
ICE 2007-6(SA)	1	\$5,000	\$5,000	\$3,350	12/04/2008	
ICE 2007-7(HMT)	1	\$4,000	\$4,000	\$2,800	12/04/2008	
ICE 2007-8(GC)	1	\$5,000	\$5,000	\$4,000	12/04/2008	
ICE 2007-9(RW)	1	\$1,000	\$1,000	\$800	12/04/2008	
ICE 2008-1(GC)	1	\$5,000	\$5,000	\$4,000	12/04/2008	
ICE 2008-2(SA)	1	\$2,500	\$2,500	\$1,600	12/04/2008	
ICE 2008-3(SA)	1	\$2,500	\$2,500	\$1,600	12/04/2008	
ICE 2008-4(SA)	1	\$5,000	\$5,000	\$3,250	12/04/2008	
IMRR 2008-1(TS)	2	\$10,000	\$10,000	\$10,000	12/01/2008	
IMRR 2009-1(HS)	5	\$5,000	\$5,000	\$3,500	07/09/2009	
IMRR 2009-2(HS)	4	\$4,000	\$4,000	\$2,800	07/09/2009	
IMRR 2009-3(HSR)	1	\$1,000	\$1,000	\$700	07/09/2009	
IN 2005-1(TS)	1	\$1,000	\$1,000	\$550	11/13/2008	
INPR 2005-1(TS)	1	\$1,000	\$1,000	\$600	01/08/2009	
INPR 2008-1(RW)	2	\$6,000	\$6,000	\$3,600	01/08/2009	
INPR 2008-2(TS)	1	\$2,500	\$2,500	\$1,500	01/08/2009	
INRD 2008-7(AR)	2	\$5,000	\$5,000	\$3,250	10/15/2008	

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IOCR 2005-1(HMT)	1	\$5,000	\$5,000	\$2,600	09/11/2009	
IOCR 2005-2(LI)	2	\$3,500	\$3,500	\$2,275	07/02/2009	
IOCR 2007-1(GC)	1	\$2,500	\$2,500	\$1,500	05/08/2009	
IOCR 2006-7(EQ)	1	\$1,000	\$1,000	\$760	09/11/2009	
IOCR 2007-1(LI)	1	\$2,500	\$2,500	\$1,700	01/22/2009	
IOCR 2007-10(AR)	4	\$10,000	\$10,000	\$6,000	05/08/2009	
IOCR 2007-11(SI)	1	\$5,000	\$5,000	\$3,000	01/22/2009	
IOCR 2007-12(GC)	1	\$2,500	\$2,500	\$1,500	01/22/2009	
IOCR 2007-13(AR)	1	\$2,500	\$2,500	\$1,500	05/08/2009	
IOCR 2007-2(LI)	1	\$2,500	\$2,500	\$1,300	01/22/2009	
IOCR 2007-3(GC)	1	\$2,500	\$2,500	\$1,300	03/09/2009	
IOCR 2007-4(GC)	4	\$10,000	\$10,000	\$6,000	01/22/2009	
IOCR 2007-5(GC)	1	\$2,500	\$2,500	\$1,500	01/22/2009	
IOCR 2007-6(TS)	1	\$2,500	\$2,500	\$1,500	01/22/2009	
IOCR 2007-7(EO)	1	\$5,000	\$5,000	\$3,000	01/22/2009	
IOCR 2007-8(GC)	2	\$3,500	\$3,500	\$2,200	01/22/2009	
IOCR 2007-9(AR)	3	\$7,500	\$7,500	\$5,000	01/22/2009	
IOCR 2008-1(SA)	1	\$5,000	\$5,000	\$3,000	09/11/2009	
IOCR 2008-10(SA)	1	\$5,000	\$5,000	\$3,000	09/11/2009	
IOCR 2008-11(RW)	1	\$1,000	\$1,000	\$680	05/08/2009	
IOCR 2008-2(SI)	1	\$5,000	\$5,000	\$3,500	05/08/2009	
IOCR 2008-3(GC)	1	\$2,500	\$2,500	\$1,875	05/08/2009	
IOCR 2008-4(TS)	1	\$2,500	\$2,500	\$1,625	09/11/2009	
IOCR 2008-5(LI)	4	\$10,000	\$10,000	\$6,000	05/08/2009	
IOCR 2008-6(TS)	8	\$20,000	\$20,000	\$12,200	09/11/2009	
IOCR 2008-7(AR)	2	\$5,000	\$5,000	\$2,500	05/08/2009	Terminated Violation(s)#: 1
IOCR 2008-8(HMT)	2	\$9,500	\$9,500	\$5,700	09/11/2009	
IOCR 2008-9(SI)	3	\$6,000	\$6,000	\$6,000	11/21/2008	
IR 2005-1(AR)	1	\$1,000	\$1,000	\$1,000	02/19/2009	
IR 2007-1(LI)	1	\$2,500	\$2,500	\$1,375	01/26/2009	
IR 2008-1(TS)	1	\$2,500	\$2,500	\$2,500	04/07/2009	
IRLX 2005-1(LI)	5	\$12,500	\$0	\$0	01/22/2009	CASE TERMINATED.
IRLX 2005-2(LI)	1	\$2,500	\$0	\$0	11/12/2008	Terminated Violation(s)#: 1
ISRR 2006-1(LI)	1	\$2,500	\$2,500	\$1,500	04/15/2009	
ISW 2007-1(GC)	2	\$10,000	\$10,000	\$6,000	12/04/2008	
ITMZ 2006-1(HS)	2	\$2,000	\$1,000	\$550	11/13/2008	Terminated Violation(s)#: 1
KAW 2007-1(GC)	1	\$1,000	\$1,000	\$765	09/11/2009	
KBSR 2008-1(LI)	1	\$2,500	\$2,500	\$1,520	12/02/2008	
KCS 2007-21(TS)	12	\$30,000	\$30,000	\$18,000	09/25/2009	
KCS 2007-28(TS)	1	\$5,000	\$5,000	\$3,500	09/25/2009	
KCS 2007-40(GC)	2	\$10,000	\$10,000	\$6,500	09/25/2009	
KCS 2007-42(TS)	2	\$7,500	\$7,500	\$5,600	09/25/2009	
KCS 2007-45(TS)	25	\$67,500	\$67,500	\$43,000	09/25/2009	
KCS 2007-46(SA)	2	\$7,500	\$7,500	\$5,000	09/25/2009	
KCS 2007-53(TS)	2	\$5,000	\$0	\$0	09/25/2009	Case Terminated.
KCS 2007-56(LI)	11	\$17,000	\$17,000	\$10,000	09/25/2009	
KCS 2007-59(TS)	35	\$35,000	\$35,000	\$23,000	09/25/2009	
KCS 2007-63(HMT)	13	\$59,000	\$59,000	\$36,000	09/25/2009	
KCS 2007-65(TS)	2	\$5,000	\$5,000	\$3,500	09/25/2009	

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KCS 2007-66(AD)	5	\$11,000	\$11,000	\$7,800	09/25/2009	
KCS 2007-67(LI)	3	\$7,500	\$7,500	\$5,000	09/25/2009	
KCS 2007-68(SI)	1	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2007-9(FCS)	2	\$5,000	\$5,000	\$2,750	09/25/2009	
KCS 2008-1(HMT)	3	\$11,000	\$11,000	\$7,000	09/25/2009	
KCS 2008-10(GC)	1	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2008-11(FCS)	4	\$10,000	\$10,000	\$6,500	09/25/2009	
KCS 2008-12(TS)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
KCS 2008-13(TS)	1	\$5,000	\$5,000	\$3,500	09/25/2009	
KCS 2008-14(LI)	1	\$2,500	\$2,500	\$1,600	09/25/2009	
KCS 2008-15(SA)	2	\$7,500	\$7,500	\$4,500	09/25/2009	
KCS 2008-16(SA)	2	\$10,000	\$10,000	\$6,000	09/25/2009	
KCS 2008-17(LI)	1	\$2,500	\$2,500	\$1,600	09/25/2009	
KCS 2008-18(SA)	3	\$12,500	\$12,500	\$8,000	09/25/2009	
KCS 2008-19(FCS)	2	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2008-2(AD)	3	\$15,000	\$15,000	\$9,000	09/25/2009	
KCS 2008-20(SA)	3	\$12,500	\$12,500	\$8,500	09/25/2009	
KCS 2008-21(TS)	2	\$10,000	\$10,000	\$7,000	09/25/2009	
KCS 2008-22(TS)	1	\$5,000	\$5,000	\$3,750	09/25/2009	
KCS 2008-23(GS)	1	\$2,500	\$2,500	\$1,500	09/25/2009	
KCS 2008-24(LI)	3	\$4,500	\$4,500	\$2,475	09/25/2009	
KCS 2008-25(FCS)	1	\$2,500	\$2,500	\$1,600	09/25/2009	
KCS 2008-26(TS)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
KCS 2008-27(SA)	1	\$5,000	\$5,000	\$3,300	09/25/2009	
KCS 2008-29(LI)	2	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2008-3(LI)	2	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2008-30(TS)	1	\$2,500	\$2,500	\$2,000	09/25/2009	
KCS 2008-31(HS)	2	\$2,000	\$2,000	\$1,500	09/25/2009	
KCS 2008-32(SA)	3	\$12,500	\$12,500	\$8,500	09/25/2009	
KCS 2008-33(LI)	2	\$4,500	\$4,500	\$3,000	09/25/2009	
KCS 2008-34(RW)	1	\$1,000	\$1,000	\$750	09/25/2009	
KCS 2008-35(TS)	2	\$7,500	\$7,500	\$5,600	09/25/2009	
KCS 2008-36(HMT)	2	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2008-37(RW)	1	\$1,000	\$1,000	\$750	09/25/2009	
KCS 2008-38(TS)	2	\$7,500	\$7,500	\$5,600	09/25/2009	
KCS 2008-39(SA)	1	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2008-4(EQ)	1	\$4,000	\$4,000	\$3,000	09/25/2009	
KCS 2008-40(GC)	1	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2008-41(GC)	1	\$2,500	\$2,500	\$1,600	09/25/2009	
KCS 2008-42(SA)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
KCS 2008-43(TS)	3	\$15,000	\$15,000	\$10,000	09/25/2009	
KCS 2008-44(HSR)	4	\$4,000	\$4,000	\$2,300	09/25/2009	
KCS 2008-45(LI)	3	\$6,500	\$6,500	\$4,000	09/25/2009	
KCS 2008-46(SA)	2	\$15,000	\$15,000	\$9,500	09/25/2009	
KCS 2008-47(TS)	13	\$35,000	\$35,000	\$22,000	09/25/2009	
KCS 2008-48(SA)	1	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2008-49(HS)	1	\$1,000	\$1,000	\$750	09/25/2009	
KCS 2008-5(LI)	2	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2008-50(RW)	1	\$2,000	\$2,000	\$1,200	09/25/2009	

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KCS 2008-51(TS)	2	\$3,500	\$3,500	\$2,650	09/25/2009	
KCS 2008-52(FCS)	2	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2008-53(ROP)	1	\$5,000	\$5,000	\$3,500	09/25/2009	
KCS 2008-54(SA)	1	\$2,500	\$2,500	\$1,650	09/25/2009	
KCS 2008-55(AR)	1	\$2,500	\$0	\$0	09/25/2009	Case Terminated
KCS 2008-57(HSR)	1	\$1,000	\$1,000	\$660	09/25/2009	
KCS 2008-58(TS)	2	\$2,000	\$2,000	\$1,500	09/25/2009	
KCS 2008-59(SA)	4	\$20,000	\$20,000	\$12,000	09/25/2009	
KCS 2008-6(TS)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
KCS 2008-60(AR)	1	\$2,500	\$0	\$0	09/25/2009	Case Terminated.
KCS 2008-61(TS)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
KCS 2008-62(TS)	39	\$97,500	\$97,500	\$64,000	09/25/2009	
KCS 2008-63(TS)	1	\$1,000	\$1,000	\$800	09/25/2009	
KCS 2008-64(HS)	2	\$2,000	\$2,000	\$1,500	09/25/2009	
KCS 2008-7(SA)	1	\$5,000	\$5,000	\$3,200	09/25/2009	
KCS 2008-8(SA)	2	\$7,500	\$7,500	\$4,500	09/25/2009	
KCS 2009-1(SA)	3	\$12,500	\$12,500	\$8,000	09/25/2009	
KCS 2009-10(SI)	1	\$1,000	\$1,000	\$700	09/25/2009	
KCS 2009-12(SA)	2	\$7,500	\$2,500	\$1,750	09/25/2009	Terminated Violation(s)#: 1
KCS 2009-13(GC)	1	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2009-14(SI)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
KCS 2009-2(TS)	1	\$2,500	\$2,500	\$1,900	09/25/2009	
KCS 2009-3(LI)	1	\$1,500	\$1,500	\$1,050	09/25/2009	
KCS 2009-4(TS)	1	\$2,500	\$2,500	\$1,900	09/25/2009	
KCS 2009-5(HMT)	1	\$2,000	\$2,000	\$1,200	09/25/2009	
KCS 2009-6(HMT)	1	\$6,000	\$2,000	\$1,500	09/25/2009	Partially Terminated Violation(s)#: 1
KCS 2009-7(SA)	1	\$1,000	\$1,000	\$650	09/25/2009	
KCS 2009-8(SA)	2	\$5,000	\$5,000	\$3,000	09/25/2009	
KCS 2009-9(GC)	1	\$2,500	\$2,500	\$1,400	09/25/2009	
KCT 2008-1(GC)	2	\$10,000	\$10,000	\$7,800	03/12/2009	
KFR 2006-1(LI)	1	\$2,500	\$2,500	\$2,500	12/09/2008	
KFR 2008-1(AR)	1	\$2,500	\$2,500	\$2,500	01/02/2009	
KO 2006-10(SI)	1	\$5,000	\$5,000	\$3,750	09/11/2009	
KO 2006-11(GC)	3	\$12,500	\$10,000	\$7,900	09/11/2009	Terminated Violation(s)#: 1
KO 2006-13(GC)	1	\$5,000	\$5,000	\$3,250	09/11/2009	
KO 2006-9(SA)	1	\$5,000	\$5,000	\$3,700	09/11/2009	
KO 2007-1(GC)	2	\$10,000	\$0	\$0	09/11/2009	Case Terminated
KO 2007-2(GC)	1	\$5,000	\$5,000	\$3,750	09/11/2009	
KO 2007-3(GC)	1	\$2,500	\$2,500	\$1,700	09/11/2009	
KO 2007-4(LI)	3	\$7,500	\$7,500	\$4,925	09/11/2009	
KO 2007-5(GC)	1	\$5,000	\$5,000	\$3,900	09/11/2009	
KO 2007-6(GC)	1	\$1,000	\$0	\$0	09/11/2009	Case Terminated.
KO 2007-7(GC)	2	\$5,000	\$5,000	\$3,850	09/11/2009	
KO 2007-8(EP)	1	\$1,000	\$1,000	\$760	09/11/2009	
KO 2007-9(GC)	1	\$5,000	\$5,000	\$3,775	09/11/2009	
KO 2008-1(LI)	1	\$2,500	\$2,500	\$1,925	09/11/2009	
KO 2008-2(GC)	11	\$43,500	\$10,000	\$7,550	09/11/2009	Terminated Violation(s)#: 1,2,4
KO 2008-4(GC)	1	\$2,500	\$2,500	\$1,900	09/11/2009	

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KO 2008-5(AR)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
KRR 2007-1(TS)	1	\$5,000	\$5,000	\$2,600	05/19/2009	
KRR 2008-1(SA)	1	\$2,500	\$2,500	\$2,000	05/19/2009	
KYLE 2005-1(ROP)	1	\$5,000	\$5,000	\$3,000	07/02/2009	
LSRC 2008-1(TS)	1	\$2,500	\$2,500	\$2,500	10/27/2008	
MBAX 2007-2(SI)	1	\$5,000	\$5,000	\$2,900	12/08/2008	
MBAX 2007-4(TS)	1	\$1,000	\$1,000	\$600	12/08/2008	
MBAX 2008-11(RW)	1	\$10,000	\$10,000	\$7,500	05/15/2009	
MBAX 2008-12(RW)	1	\$2,500	\$2,500	\$1,500	05/15/2009	
MBAX 2008-13(RW)	1	\$1,000	\$1,000	\$550	05/15/2009	
MBAX 2008-14(RW)	1	\$3,000	\$3,000	\$1,700	05/15/2009	
MBAX 2008-4(RW)	2	\$5,000	\$2,500	\$1,500	05/15/2009	Terminated Violation(s)#: 2
MBAX 2008-9(RW)	1	\$1,000	\$1,000	\$550	05/15/2009	
MBAX 2009-1(RW)	1	\$2,000	\$2,000	\$1,100	05/15/2009	
MBRR 2007-2(SA)	1	\$5,000	\$5,000	\$3,000	01/28/2009	
MCER 2009-1(SA)	1	\$5,000	\$5,000	\$2,800	06/09/2009	
MMA 2008-2(AD)	1	\$2,000	\$0	\$0	03/16/2009	CASE TERMINATED.
MMA 2009-1(EQ)	1	\$2,500	\$2,500	\$2,000	08/28/2009	
MMA 2009-2(SA)	1	\$2,500	\$2,500	\$1,250	06/04/2009	
MMRR 2007-1(AR)	1	\$2,500	\$2,500	\$1,750	07/02/2009	
MNA 2007-1(TS)	1	\$1,000	\$1,000	\$620	07/01/2009	
MNA 2007-10(AD)	1	\$10,000	\$10,000	\$5,300	03/09/2009	
MNA 2007-11(AD)	1	\$2,500	\$2,500	\$1,675	03/09/2009	
MNA 2007-12(LI)	3	\$6,000	\$6,000	\$4,300	07/01/2009	
MNA 2007-2(LI)	1	\$11,000	\$11,000	\$6,600	03/09/2009	
MNA 2007-3(TS)	1	\$1,000	\$1,000	\$650	03/09/2009	
MNA 2007-4(AD)	1	\$5,000	\$0	\$0	01/16/2009	CASE TERMINATED.
MNA 2007-5(GC)	1	\$5,000	\$5,000	\$2,750	03/09/2009	
MNA 2007-6(AD)	2	\$5,000	\$2,500	\$750	03/09/2009	Terminated Violation(s)#: 1
MNA 2007-8(AD)	2	\$7,500	\$7,500	\$4,250	03/09/2009	
MNA 2007-9(SA)	1	\$5,000	\$5,000	\$2,750	03/09/2009	
MNA 2008-1(GC)	1	\$1,000	\$1,000	\$670	07/01/2009	
MNA 2008-10(SA)	2	\$7,500	\$7,500	\$4,500	07/01/2009	
MNA 2008-2(GC)	3	\$7,500	\$7,500	\$5,400	07/01/2009	
MNA 2008-3(GC)	3	\$4,500	\$4,500	\$3,000	07/01/2009	
MNA 2008-4(GC)	2	\$10,000	\$10,000	\$6,700	09/11/2009	
MNA 2008-5(GC)	3	\$15,000	\$15,000	\$12,500	07/01/2009	
MNA 2008-6(GS)	1	\$2,500	\$2,500	\$1,500	07/01/2009	
MNA 2008-7(SA)	1	\$1,000	\$1,000	\$610	07/01/2009	
MNA 2008-8(GC)	17	\$31,500	\$19,000	\$13,700	07/01/2009	Terminated Violation(s)#: 1, Partially Terminated Violation(s)#: 2
MNBR 2007-1(SA)	1	\$5,000	\$5,000	\$3,000	01/28/2009	
MNBR 2007-2(RW)	1	\$3,000	\$3,000	\$2,000	01/28/2009	
MNCW 2009-1(AR)	2	\$5,000	\$5,000	\$5,000	04/22/2009	
MNCW 2009-2(SI)	1	\$1,000	\$1,000	\$1,000	06/25/2009	
MNNR 2007-1(SA)	1	\$5,000	\$5,000	\$2,700	01/14/2009	
MRL 2008-1(SA)	2	\$5,000	\$5,000	\$3,000	05/14/2009	
MRL 2008-10(AR)	4	\$10,000	\$7,500	\$4,250	05/14/2009	Terminated Violation(s)#: 4
MRL 2008-11(TS)	2	\$7,500	\$7,500	\$4,600	05/14/2009	

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MRL 2008-12(RSP)	1	\$5,000	\$5,000	\$2,750	05/14/2009	
MRL 2008-13(SA)	1	\$2,500	\$2,500	\$1,700	05/14/2009	
MRL 2008-14(GC)	1	\$5,000	\$5,000	\$2,500	05/14/2009	
MRL 2008-15(AD)	1	\$2,500	\$2,500	\$1,300	05/14/2009	
MRL 2008-16(RSP)	1	\$5,000	\$5,000	\$2,750	05/14/2009	
MRL 2008-17(HMT)	1	\$5,000	\$5,000	\$2,600	05/14/2009	
MRL 2008-18(LI)	1	\$2,500	\$2,500	\$1,300	05/14/2009	
MRL 2008-19(RSP)	4	\$4,000	\$4,000	\$2,600	05/14/2009	
MRL 2008-2(SA)	2	\$7,500	\$7,500	\$4,250	05/14/2009	
MRL 2008-20(ROR)	5	\$25,000	\$25,000	\$8,750	05/14/2009	
MRL 2008-21(AD)	3	\$12,500	\$12,500	\$7,000	05/14/2009	
MRL 2008-22(RSP)	2	\$10,000	\$10,000	\$5,500	05/14/2009	
MRL 2008-23(RSP)	1	\$5,000	\$5,000	\$2,750	05/14/2009	
MRL 2008-24(HMT)	4	\$12,500	\$12,500	\$6,750	05/14/2009	
MRL 2008-3(ROR)	1	\$5,000	\$5,000	\$2,500	05/14/2009	
MRL 2008-4(ROR)	1	\$5,000	\$5,000	\$1,750	05/14/2009	
MRL 2008-5(SA)	1	\$5,000	\$5,000	\$2,750	05/14/2009	
MRL 2008-6(RW)	1	\$1,000	\$1,000	\$600	05/14/2009	
MRL 2008-7(AD)	1	\$7,500	\$7,500	\$4,200	05/14/2009	
MRL 2008-9(AD)	2	\$7,500	\$7,500	\$1,300	05/14/2009	Terminated Violation(s)#: 1
MRL 2009-1(SA)	1	\$5,000	\$5,000	\$2,800	05/14/2009	
MRL 2009-10(TS)	1	\$2,500	\$2,500	\$1,500	05/14/2009	
MRL 2009-2(RSP)	1	\$1,000	\$1,000	\$650	05/14/2009	
MRL 2009-3(ROR)	5	\$43,500	\$34,000	\$12,000	05/14/2009	Terminated Violation(s)#: 1
MRL 2009-4(HMT)	1	\$7,500	\$7,500	\$4,500	05/14/2009	
MRL 2009-6(RSP)	1	\$5,000	\$5,000	\$2,750	05/14/2009	
MRL 2009-8(HSR)	1	\$1,000	\$1,000	\$550	05/14/2009	
MRL 2009-9(ROP)	1	\$7,500	\$7,500	\$4,200	05/14/2009	
MSTR 2007-1(HMT)	1	\$2,500	\$2,500	\$1,450	04/20/2009	
NCRC 2008-2(GC)	1	\$2,500	\$2,500	\$2,500	10/15/2008	
NECR 2007-1(AD)	3	\$7,500	\$7,500	\$4,500	09/15/2009	
NECR 2007-2(TS)	1	\$5,000	\$5,000	\$3,000	01/29/2009	
NECR 2007-3(TS)	2	\$10,000	\$10,000	\$6,500	09/15/2009	
NIRC 2007-1(SI)	1	\$5,000	\$5,000	\$3,500	06/04/2009	
NIRC 2007-3(RW)	1	\$3,000	\$3,000	\$3,000	06/04/2009	
NIRC 2008-1(RW)	1	\$5,000	\$5,000	\$5,000	06/04/2009	
NIRC 2008-2(EQ)	14	\$14,000	\$14,000	\$7,000	06/04/2009	
NIRC 2008-4(RW)	1	\$3,000	\$3,000	\$3,000	06/04/2009	
NIRC 2008-5(PEQ)	3	\$15,000	\$15,000	\$10,000	06/04/2009	
NIRC 2008-6(BW)	1	\$2,000	\$2,000	\$2,000	06/04/2009	
NIRC 2008-7(AR)	1	\$2,500	\$2,500	\$1,500	06/04/2009	
NIRC 2009-1(RW)	1	\$5,000	\$5,000	\$5,000	06/04/2009	
NIRC 2009-2(LI)	1	\$2,500	\$2,500	\$1,500	06/04/2009	
NIRC 2009-3(GC)	2	\$7,500	\$7,500	\$6,000	06/04/2009	
NVRR 2008-1(GC)	1	\$2,500	\$2,500	\$2,500	10/22/2008	
NVWT 2008-1(GC)	1	\$2,500	\$2,500	\$2,500	10/24/2008	
OHCR 2005-1(SA)	1	\$5,000	\$5,000	\$2,500	02/05/2009	
OHCR 2006-1(LI)	1	\$2,500	\$2,500	\$1,500	02/05/2009	
OHCR 2007-1(SA)	2	\$10,000	\$10,000	\$5,500	04/30/2009	

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OHCR 2008-1(SA)	2	\$5,000	\$5,000	\$2,750	04/30/2009	
OHCR 2008-2(SA)	1	\$5,000	\$5,000	\$2,750	04/30/2009	
OHCR 2008-3(FCS)	1	\$5,000	\$5,000	\$2,750	04/30/2009	
OHCR 2008-4(FCS)	1	\$2,500	\$2,500	\$1,375	04/30/2009	
PAL 2006-7(HSR)	9	\$9,000	\$9,000	\$7,020	11/24/2008	
PAL 2007-3(AR)	1	\$2,500	\$2,500	\$1,700	11/24/2008	
PAL 2007-4(ROR)	1	\$2,500	\$2,500	\$2,500	10/21/2008	
PATH 2002-1(PEQ)	1	\$2,500	\$0	\$0	01/22/2009	Case Terminated.
PATH 2008-1(ROR)	1	\$2,500	\$2,500	\$2,050	01/22/2009	
PCC 2007-1(AR)	1	\$2,500	\$2,500	\$1,850	09/11/2009	
PCC 2007-2(GC)	1	\$2,500	\$2,500	\$1,925	09/11/2009	
PCC 2008-2(SA)	2	\$5,000	\$5,000	\$3,400	09/11/2009	
PGR 2008-1(HMT)	2	\$7,500	\$7,500	\$5,050	10/23/2008	
PGR 2008-2(LI)	1	\$2,500	\$2,500	\$1,600	10/23/2008	
PHL 2006-1(AR)	1	\$2,500	\$2,500	\$1,800	10/31/2008	
PHL 2007-1(SA)	1	\$5,000	\$5,000	\$3,700	10/31/2008	
PNR 2004-1(HMT)	1	\$2,000	\$0	\$0	12/15/2008	CASE TERMINATED.
PNR 2004-2(LI)	2	\$5,000	\$5,000	\$3,700	06/29/2009	
PNR 2005-1(LI)	1	\$2,500	\$0	\$0	12/05/2008	CASE TERMINATED.
PNWR 2007-1(GC)	1	\$5,000	\$5,000	\$3,400	12/31/2008	
PNWR 2007-2(GC)	1	\$2,500	\$2,500	\$1,600	11/07/2008	
PNWR 2007-3(SA)	1	\$2,500	\$2,500	\$1,745	11/07/2008	
PNWR 2007-8(GC)	1	\$5,000	\$5,000	\$3,400	12/31/2008	
PNWR 2008-3(SA)	1	\$5,000	\$5,000	\$3,700	05/15/2009	
PNWR 2008-4(SA)	1	\$5,000	\$5,000	\$3,400	12/31/2008	
PNWR 2008-5(FCS)	1	\$5,000	\$5,000	\$3,400	12/31/2008	
PNWR 2008-6(SA)	1	\$5,000	\$5,000	\$3,400	12/31/2008	
PNWR 2008-7(TS)	4	\$11,000	\$11,000	\$7,590	12/31/2008	
PNWR 2008-8(FCS)	1	\$2,500	\$2,500	\$1,750	12/31/2008	
PNWR 2009-1(SA)	1	\$5,000	\$5,000	\$3,450	09/16/2009	
PNWR 2009-2(SA)	1	\$5,000	\$5,000	\$3,450	09/16/2009	
POHC 2003-1(HMT)	2	\$3,000	\$3,000	\$2,250	02/24/2009	
POHC 2005-1(HMT)	4	\$15,000	\$15,000	\$10,480	02/24/2009	
POS 2003-1(TS)	24	\$24,000	\$0	\$0	01/22/2009	CASE TERMINATED.
POTB 2004-2(HSR)	1	\$1,000	\$0	\$0	11/19/2008	CASE TERMINATED.
PPBD 2005-1(TS)	4	\$6,000	\$6,000	\$3,600	01/27/2009	
PRV 2002-1(TS)	5	\$25,000	\$0	\$0	11/05/2008	Case Terminated.
PSAP 2006-3(HMT)	2	\$9,000	\$9,000	\$6,000	06/08/2009	
PSAP 2007-1(HMT)	1	\$2,500	\$2,500	\$1,700	06/08/2009	
PSAP 2007-3(TS)	3	\$7,000	\$7,000	\$4,000	01/29/2009	
PSAP 2008-4(SA)	1	\$2,500	\$2,500	\$2,500	08/20/2009	
PTRA 2005-4(HMT)	1	\$1,000	\$0	\$0	11/19/2008	Case Terminated.
PTRA 2006-3(AR)	1	\$2,500	\$2,500	\$2,000	01/14/2009	
PTRA 2006-4(AR)	1	\$2,500	\$2,500	\$2,000	01/14/2009	
PTRA 2007-1(HMT)	1	\$15,000	\$15,000	\$12,000	01/14/2009	
PTRA 2007-2(AR)	2	\$3,500	\$3,500	\$2,800	01/14/2009	
PTRA 2008-1(HMT)	1	\$4,000	\$4,000	\$3,200	01/14/2009	
PTRA 2008-2(HMT)	1	\$5,000	\$5,000	\$4,000	01/14/2009	
PTRA 2008-3(HMT)	1	\$2,000	\$2,000	\$1,600	01/14/2009	

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PTRA 2008-5(HMT)	1	\$4,000	\$4,000	\$3,200	01/14/2009	
PTRA 2008-6(RSP)	1	\$5,000	\$5,000	\$4,000	01/14/2009	
PTRA 2008-7(HMT)	1	\$2,000	\$2,000	\$1,600	01/14/2009	
PW 2007-1(SA)	2	\$10,000	\$10,000	\$6,500	12/16/2008	
PW 2007-2(FCS)	1	\$5,000	\$5,000	\$3,700	12/16/2008	
PW 2007-3(SA)	1	\$5,000	\$5,000	\$3,400	12/16/2008	
PW 2008-1(SA)	1	\$5,000	\$5,000	\$3,600	12/16/2008	
PW 2008-2(SA)	1	\$5,000	\$5,000	\$3,500	12/16/2008	
RARW 2005-1(TS)	3	\$15,000	\$15,000	\$4,500	12/04/2008	
RARW 2005-2(TS)	1	\$2,500	\$2,500	\$1,500	12/04/2008	
RBMN 2005-1(GC)	1	\$5,000	\$5,000	\$3,000	01/16/2009	
RBMN 2006-1(TS)	1	\$5,000	\$5,000	\$2,000	01/16/2009	
RBMN 2006-2(HS)	2	\$2,000	\$0	\$0	01/16/2009	CASE TERMINATED.
RCRY 2008-1(SA)	1	\$5,000	\$5,000	\$3,250	12/01/2008	
RJCC 2007-1(SA)	1	\$5,000	\$5,000	\$3,500	02/25/2009	
RJCL 2006-1(LI)	1	\$2,500	\$2,500	\$1,650	02/25/2009	
RJCM 2005-2(SA)	2	\$10,000	\$10,000	\$6,850	02/25/2009	
RJCM 2005-3(TS)	2	\$5,000	\$5,000	\$3,600	02/25/2009	
RJCM 2005-4(TS)	2	\$5,000	\$5,000	\$3,600	02/25/2009	
RJCM 2005-5(SA)	5	\$20,000	\$20,000	\$13,500	02/25/2009	
RJCM 2005-6(FCS)	1	\$2,500	\$2,500	\$1,675	02/25/2009	
RJCM 2005-7(LI)	3	\$7,500	\$7,500	\$5,000	02/25/2009	
RJCM 2006-1(TS)	1	\$5,000	\$5,000	\$3,600	02/25/2009	
RJCM 2006-2(LI)	2	\$5,000	\$5,000	\$3,400	02/25/2009	
RJCM 2006-3(SA)	1	\$2,500	\$2,500	\$1,700	02/25/2009	
RJCM 2007-1(SA)	3	\$10,000	\$10,000	\$6,900	02/25/2009	
RJCM 2007-2(SA)	1	\$2,500	\$2,500	\$1,700	02/25/2009	
RJCM 2007-3(SA)	2	\$5,000	\$5,000	\$3,400	02/25/2009	
RJCM 2007-4(SA)	1	\$2,500	\$2,500	\$1,700	02/25/2009	
RJCM 2007-5(FCS)	2	\$5,000	\$5,000	\$3,500	02/25/2009	
RJCR 2005-1(RW)	1	\$2,500	\$2,500	\$1,750	02/25/2009	
RJCR 2005-2(SA)	1	\$5,000	\$5,000	\$3,400	02/25/2009	
RJCR 2005-3(LI)	1	\$2,500	\$2,500	\$1,675	02/25/2009	
RLIX 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	02/05/2009	
RRVW 2008-1(SA)	1	\$5,000	\$5,000	\$4,000	12/22/2008	
RSIX 2008-1(HMT)	3	\$6,000	\$0	\$0	09/11/2009	Case Terminated.
SBS 2007-2(HMT)	2	\$15,000	\$11,000	\$11,000	06/12/2009	Partially Terminated Violation(s)#: 1,2
SCCT 2008-1(GC)	1	\$2,500	\$2,500	\$2,500	02/26/2009	
SCIH 2008-1(SA)	1	\$2,500	\$2,500	\$1,650	04/16/2009	
SCIH 2008-2(SA)	1	\$2,500	\$2,500	\$1,900	02/22/2009	
SCIH 2008-3(SA)	1	\$2,500	\$2,500	\$1,900	12/03/2008	
SCRf 2007-2(AR)	1	\$2,500	\$2,500	\$1,775	09/15/2009	
SDIY 2006-1(SA)	1	\$2,500	\$2,500	\$1,500	05/26/2009	
SDNX 2007-1(RSP)	1	\$5,000	\$5,000	\$5,000	10/03/2008	
SDNX 2008-2(GC)	1	\$5,000	\$5,000	\$5,000	10/03/2008	
SDNX 2008-3(SI)	1	\$1,000	\$1,000	\$1,000	01/30/2009	
SIM 2006-1(TS)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
SJVR 2007-4(GC)	1	\$2,500	\$2,500	\$1,800	06/04/2009	
SJVR 2007-5(GC)	1	\$2,500	\$2,500	\$1,750	06/04/2009	

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SJVR 2007-6(GC)	2	\$5,000	\$5,000	\$3,000	06/04/2009	
SJVR 2007-7(GC)	1	\$2,500	\$2,500	\$1,800	06/04/2009	
SJVR 2007-8(AR)	1	\$2,500	\$2,500	\$1,500	06/04/2009	
SJVR 2007-9(GC)	1	\$1,000	\$1,000	\$700	06/04/2009	
SJVR 2008-2(GC)	3	\$7,500	\$5,000	\$3,600	06/04/2009	Terminated Violation#: 2
SJVR 2008-4(AR)	1	\$2,500	\$0	\$0	06/04/2009	Case Terminated.
SJVR 2008-5(GC)	3	\$3,000	\$3,000	\$2,100	06/04/2009	
SJVR 2008-6(GC)	2	\$2,000	\$2,000	\$1,400	06/04/2009	
SJVR 2008-8(GC)	1	\$1,000	\$1,000	\$700	06/04/2009	
SKOL 2006-5(GC)	3	\$7,500	\$7,500	\$5,700	09/11/2009	
SKOL 2006-7(GC)	1	\$5,000	\$0	\$0	09/11/2009	Case Terminated.
SKOL 2006-8(GC)	1	\$1,000	\$0	\$0	09/11/2009	Case Terminated.
SKOL 2006-9(GC)	3	\$8,500	\$8,500	\$6,025	09/11/2009	
SKOL 2007-1(GC)	3	\$7,500	\$5,000	\$3,825	09/11/2009	Terminated Violation(s)#: 3
SKOL 2007-10(EP)	1	\$1,500	\$1,500	\$1,125	09/11/2009	
SKOL 2007-11(EP)	1	\$1,500	\$1,500	\$1,125	09/11/2009	
SKOL 2007-12(SA)	1	\$5,000	\$5,000	\$3,400	09/11/2009	
SKOL 2007-2(GC)	1	\$2,500	\$0	\$0	09/11/2009	Case Terminated.
SKOL 2007-3(EP)	1	\$1,000	\$1,000	\$760	09/11/2009	
SKOL 2007-4(GC)	1	\$1,000	\$1,000	\$730	09/11/2009	
SKOL 2007-5(LI)	1	\$2,500	\$2,500	\$1,500	09/11/2009	
SKOL 2007-6(SA)	9	\$22,500	\$22,500	\$17,100	09/11/2009	
SKOL 2007-8(GC)	1	\$1,000	\$1,000	\$680	09/11/2009	
SKOL 2007-9(GC)	1	\$1,000	\$1,000	\$750	09/11/2009	
SKOL 2008-1(GC)	2	\$5,000	\$2,500	\$1,850	09/11/2009	Terminated Violation(s)#: 2
SLRG 2006-1(SA)	3	\$12,500	\$12,500	\$9,075	01/08/2009	
SLRG 2006-10(ROP)	2	\$10,000	\$10,000	\$7,200	01/08/2009	
SLRG 2006-2(ROR)	3	\$10,000	\$10,000	\$7,200	01/08/2009	
SLRG 2006-3(TS)	1	\$2,500	\$2,500	\$1,875	01/08/2009	
SLRG 2006-4(SA)	2	\$4,000	\$4,000	\$2,800	01/08/2009	
SLRG 2006-5(AR)	2	\$5,000	\$5,000	\$3,800	01/08/2009	
SLRG 2006-6(GS)	1	\$1,000	\$1,000	\$680	01/08/2009	
SLRG 2006-7(GC)	5	\$9,500	\$9,500	\$6,840	01/08/2009	
SLRG 2006-8(TS)	1	\$2,500	\$2,500	\$1,875	01/08/2009	
SLRG 2006-9(LI)	2	\$3,500	\$3,500	\$2,700	01/08/2009	
SLRG 2007-1(TS)	2	\$7,500	\$7,500	\$6,750	01/08/2009	
SLRG 2007-2(TS)	1	\$2,000	\$2,000	\$1,600	01/08/2009	
SLRG 2007-3(FCS)	1	\$2,500	\$2,500	\$1,875	01/08/2009	
SLRG 2007-4(FCS)	1	\$2,500	\$2,500	\$1,875	01/08/2009	
SLRG 2007-5(LI)	1	\$2,500	\$2,500	\$1,700	01/08/2009	
SLRG 2008-1(SA)	1	\$2,500	\$2,500	\$1,800	01/08/2009	
SLRG 2008-2(TS)	3	\$7,500	\$7,500	\$5,625	01/08/2009	
SLWC 2007-1(TS)	1	\$2,500	\$2,500	\$1,875	09/11/2009	
SLWC 2007-2(TS)	1	\$2,500	\$2,500	\$1,925	09/11/2009	
SLWC 2007-4(TS)	4	\$7,000	\$7,000	\$5,390	09/11/2009	
SLWC 2007-5(TS)	17	\$42,500	\$42,500	\$21,500	09/11/2009	
SOU 2007-16(REM)	1	\$5,000	\$0	\$0	09/30/2009	Case Terminated.
SOU 2007-161(AR)	37	\$92,500	\$20,000	\$13,725	09/25/2009	Terminated Violation(s)# 3-31.
SOU 2007-188(AR)	9	\$22,500	\$20,000	\$14,400	09/25/2009	Terminated Violation(s)#: 1

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SOU 2007-189(AR)	10	\$25,000	\$22,500	\$15,750	09/25/2009	Terminated Violation(s): 1
SOU 2007-190(AR)	8	\$20,000	\$5,000	\$3,600	09/25/2009	Terminated Violation(s): 2, 3, 4, 5, 6, 8
SOU 2007-194(FCS)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
SOU 2007-196(AR)	10	\$23,500	\$20,000	\$13,500	09/25/2009	Terminated Violation(s): 2, 10
SOU 2007-197(AR)	10	\$25,000	\$25,000	\$17,250	09/25/2009	
SOU 2007-199(AR)	5	\$12,500	\$5,000	\$4,875	09/25/2009	Terminated Violation(s): 1,2,5
SOU 2007-200(FCS)	1	\$2,000	\$2,000	\$1,525	09/30/2009	
SOU 2007-201(SI)	3	\$3,000	\$3,000	\$2,160	09/25/2009	
SOU 2007-202(ROP)	1	\$5,000	\$5,000	\$3,750	09/25/2009	
SOU 2007-203(GC)	1	\$5,000	\$5,000	\$3,750	09/30/2009	
SOU 2007-204(FCS)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
SOU 2007-206(AR)	6	\$15,000	\$12,500	\$8,375	09/25/2009	Terminated Violation(s): 6
SOU 2007-207(AR)	1	\$2,500	\$0	\$0	09/25/2009	Case Terminated.
SOU 2007-208(REM)	1	\$5,000	\$0	\$0	09/30/2009	Case Terminated
SOU 2008-10(RSP)	1	\$2,500	\$2,500	\$1,875	09/25/2009	
SOU 2008-100(AR)	2	\$5,000	\$2,500	\$1,625	09/25/2009	Terminated Violation(s): 2
SOU 2008-101(HS)	3	\$3,000	\$3,000	\$1,980	09/30/2009	
SOU 2008-102(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
SOU 2008-103(SA)	2	\$10,000	\$10,000	\$7,000	09/30/2009	
SOU 2008-104(SA)	3	\$10,000	\$10,000	\$7,175	09/30/2009	
SOU 2008-105(AR)	3	\$7,500	\$7,500	\$5,250	09/25/2009	
SOU 2008-106(AR)	1	\$2,500	\$0	\$0	09/25/2009	Case Terminated.
SOU 2008-107(SI)	1	\$1,000	\$1,000	\$720	09/25/2009	
SOU 2008-108(SA)	1	\$2,500	\$2,500	\$1,675	09/30/2009	
SOU 2008-109(HSR)	1	\$1,000	\$1,000	\$550	09/30/2009	
SOU 2008-11(LI)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
SOU 2008-110(HS)	3	\$3,000	\$3,000	\$2,190	09/30/2009	
SOU 2008-111(FCS)	5	\$15,000	\$15,000	\$10,125	09/30/2009	
SOU 2008-113(SA)	4	\$12,500	\$12,500	\$8,640	09/30/2009	
SOU 2008-114(SA)	3	\$10,000	\$10,000	\$7,000	09/30/2009	
SOU 2008-115(AR)	10	\$25,000	\$25,000	\$17,750	09/25/2009	
SOU 2008-116(AR)	5	\$12,500	\$12,500	\$8,625	09/25/2009	
SOU 2008-117(AR)	4	\$10,000	\$7,500	\$5,550	09/25/2009	Terminated Violation(s): 3
SOU 2008-118(FCS)	1	\$5,000	\$5,000	\$3,800	09/30/2009	
SOU 2008-119(LI)	6	\$15,000	\$15,000	\$8,750	09/30/2009	
SOU 2008-12(AR)	1	\$2,500	\$2,500	\$1,775	09/25/2009	
SOU 2008-120(EO)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
SOU 2008-122(SA)	4	\$12,500	\$12,500	\$8,750	09/30/2009	
SOU 2008-123(SA)	3	\$10,000	\$10,000	\$6,800	09/30/2009	
SOU 2008-124(LI)	8	\$15,500	\$15,500	\$11,350	09/30/2009	By error this case was sent for \$15,500; therefore, adjusted PRCA from correct total of \$18,000 to reflect \$15,500.
SOU 2008-126(HMT)	3	\$10,500	\$10,500	\$7,000	09/25/2009	
SOU 2008-127(HMT)	5	\$22,000	\$22,000	\$13,800	09/25/2009	
SOU 2008-128(RW)	2	\$2,000	\$2,000	\$1,500	09/25/2009	
SOU 2008-129(SA)	4	\$20,000	\$20,000	\$13,200	09/30/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
SOU 2008-13(RW)	1	\$1,000	\$1,000	\$690	09/25/2009	
SOU 2008-130(HSR)	2	\$2,000	\$0	\$0	09/30/2009	Case Terminated.
SOU 2008-131(AR)	2	\$5,000	\$5,000	\$3,450	09/25/2009	
SOU 2008-132(SA)	3	\$7,500	\$7,500	\$5,250	09/30/2009	
SOU 2008-133(SA)	3	\$17,500	\$17,500	\$11,750	09/30/2009	
SOU 2008-134(LI)	3	\$7,500	\$7,500	\$5,250	09/30/2009	
SOU 2008-135(FCS)	3	\$7,500	\$7,500	\$5,100	09/30/2009	
SOU 2008-136(RSP)	2	\$6,000	\$1,000	\$720	09/25/2009	Terminated Violation(s)#: 1
SOU 2008-138(HS)	2	\$2,000	\$2,000	\$1,100	09/30/2009	
SOU 2008-139(SA)	3	\$7,500	\$7,500	\$5,625	09/30/2009	
SOU 2008-14(EP)	1	\$1,000	\$1,000	\$720	09/25/2009	
SOU 2008-140(SA)	3	\$7,500	\$7,500	\$5,250	09/30/2009	
SOU 2008-142(HMT)	4	\$23,000	\$19,000	\$13,400	09/25/2009	Terminated Violation(s)#: 2
SOU 2008-144(SA)	2	\$5,000	\$5,000	\$3,600	09/30/2009	
SOU 2008-145(LI)	2	\$5,000	\$5,000	\$3,625	09/30/2009	
SOU 2008-146(AR)	9	\$22,500	\$20,000	\$14,600	09/25/2009	Terminated Violation(s)#: 1
SOU 2008-148(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
SOU 2008-149(GC)	1	\$5,000	\$5,000	\$3,650	09/30/2009	
SOU 2008-150(SA)	4	\$12,500	\$12,500	\$8,650	09/30/2009	
SOU 2008-151(SA)	5	\$15,000	\$15,000	\$10,400	09/30/2009	
SOU 2008-153(LI)	3	\$6,000	\$6,000	\$4,180	09/30/2009	
SOU 2008-154(EQ)	1	\$1,000	\$1,000	\$730	09/25/2009	
SOU 2008-155(AR)	2	\$10,000	\$10,000	\$6,800	09/25/2009	
SOU 2008-156(GC)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
SOU 2008-157(LI)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
SOU 2008-159(SA)	3	\$10,000	\$10,000	\$6,750	09/30/2009	
SOU 2008-160(FCS)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
SOU 2008-161(HMT)	1	\$2,000	\$2,000	\$1,280	09/25/2009	
SOU 2008-162(SA)	1	\$5,000	\$5,000	\$3,400	09/30/2009	
SOU 2008-163(HMT)	1	\$7,000	\$6,000	\$4,440	09/25/2009	Partial Termination (wrong penalty assessed)
SOU 2008-164(ROP)	1	\$2,500	\$2,500	\$1,875	09/25/2009	
SOU 2008-165(RW)	1	\$1,000	\$1,000	\$720	09/25/2009	
SOU 2008-166(FCS)	4	\$8,500	\$8,500	\$5,650	09/30/2009	
SOU 2008-167(SA)	5	\$20,000	\$20,000	\$14,300	09/25/2009	
SOU 2008-169(SA)	5	\$20,000	\$20,000	\$14,000	09/25/2009	
SOU 2008-170(SA)	4	\$15,000	\$15,000	\$10,650	09/25/2009	
SOU 2008-171(SA)	3	\$10,000	\$10,000	\$6,800	09/25/2009	
SOU 2008-172(SA)	3	\$10,000	\$10,000	\$6,750	09/25/2009	
SOU 2008-173(LI)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
SOU 2008-174(RW)	2	\$2,000	\$2,000	\$1,400	09/25/2009	
SOU 2008-175(SA)	1	\$5,000	\$5,000	\$3,600	09/25/2009	
SOU 2008-176(AR)	1	\$2,500	\$2,500	\$1,825	09/25/2009	
SOU 2008-178(LI)	6	\$6,000	\$6,000	\$4,200	09/30/2009	
SOU 2008-179(HMT)	5	\$24,000	\$24,000	\$16,300	09/25/2009	
SOU 2008-18(SA)	6	\$22,500	\$22,500	\$15,750	09/30/2009	
SOU 2008-180(SA)	6	\$25,000	\$25,000	\$18,125	09/25/2009	
SOU 2008-181(SA)	4	\$10,000	\$10,000	\$7,125	09/25/2009	
SOU 2008-182(AR)	2	\$5,000	\$5,000	\$3,500	09/25/2009	
SOU 2008-183(FCS)	6	\$15,000	\$15,000	\$9,900	09/30/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
SOU 2008-184(GC)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
SOU 2008-185(SA)	2	\$7,500	\$7,500	\$5,350	09/25/2009	
SOU 2008-186(FCS)	2	\$5,000	\$5,000	\$3,450	09/30/2009	
SOU 2008-187(GC)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
SOU 2008-188(SA)	5	\$15,000	\$15,000	\$10,775	09/25/2009	
SOU 2008-19(GC)	1	\$2,500	\$2,500	\$1,875	09/30/2009	
SOU 2008-190(GC)	5	\$12,000	\$12,000	\$8,090	09/30/2009	
SOU 2008-191(AD)	1	\$2,500	\$2,500	\$1,775	09/25/2009	
SOU 2008-192(HMT)	6	\$28,500	\$17,500	\$11,900	09/25/2009	Terminated violation(s)#: 1, 5, 6
SOU 2008-193(LI)	3	\$4,500	\$4,500	\$3,300	09/30/2009	
SOU 2008-194(RW)	3	\$6,000	\$6,000	\$4,540	09/25/2009	
SOU 2008-195(RW)	2	\$2,000	\$2,000	\$1,450	09/25/2009	
SOU 2008-196(EQ)	6	\$6,000	\$6,000	\$4,350	09/25/2009	
SOU 2008-197(GC)	1	\$2,500	\$2,500	\$1,875	09/30/2009	
SOU 2008-199(LI)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
SOU 2008-2(TH)	1	\$5,000	\$5,000	\$3,650	09/25/2009	
SOU 2008-20(SA)	4	\$10,000	\$10,000	\$7,000	09/30/2009	
SOU 2008-200(SA)	2	\$7,500	\$7,500	\$5,450	09/25/2009	
SOU 2008-201(SA)	3	\$15,000	\$15,000	\$10,700	09/25/2009	
SOU 2008-202(GC)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
SOU 2008-203(ROR)	1	\$5,000	\$5,000	\$3,500	09/25/2009	
SOU 2008-204(SA)	1	\$5,000	\$5,000	\$3,600	09/25/2009	
SOU 2008-205(TS)	1	\$5,000	\$5,000	\$3,650	09/25/2009	
SOU 2008-207(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
SOU 2008-208(SA)	2	\$5,000	\$5,000	\$3,500	09/25/2009	
SOU 2008-209(HMT)	1	\$5,000	\$5,000	\$3,600	09/25/2009	
SOU 2008-21(SA)	4	\$10,000	\$10,000	\$7,000	09/30/2009	
SOU 2008-210(LI)	1	\$2,500	\$2,500	\$2,125	09/30/2009	
SOU 2008-211(RW)	1	\$1,000	\$1,000	\$740	09/25/2009	
SOU 2008-212(TS)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-213(RW)	1	\$1,000	\$1,000	\$700	09/25/2009	
SOU 2008-214(SA)	1	\$5,000	\$5,000	\$3,600	09/25/2009	
SOU 2008-215(AR)	3	\$7,500	\$7,500	\$5,400	09/25/2009	
SOU 2008-219(LI)	2	\$5,000	\$5,000	\$3,250	09/30/2009	
SOU 2008-22(FCS)	3	\$10,000	\$10,000	\$7,500	09/30/2009	
SOU 2008-220(AD)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-221(BW)	1	\$5,000	\$5,000	\$3,400	09/30/2009	
SOU 2008-222(ROP)	2	\$5,000	\$5,000	\$3,300	09/25/2009	
SOU 2008-224(FCS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
SOU 2008-225(SA)	2	\$5,000	\$5,000	\$3,475	09/25/2009	
SOU 2008-226(SA)	3	\$15,000	\$15,000	\$10,800	09/25/2009	
SOU 2008-227(TS)	1	\$2,500	\$2,500	\$1,850	09/25/2009	
SOU 2008-228(HS)	2	\$2,000	\$2,000	\$1,480	09/30/2009	
SOU 2008-23(FCS)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
SOU 2008-232(FCS)	1	\$2,500	\$2,500	\$2,125	09/30/2009	
SOU 2008-233(SA)	3	\$12,500	\$12,500	\$8,850	09/25/2009	
SOU 2008-234(SA)	4	\$15,000	\$15,000	\$9,800	09/25/2009	
SOU 2008-237(GC)	1	\$5,000	\$0	\$0	09/30/2009	Case Terminated.
SOU 2008-238(SA)	4	\$15,000	\$12,500	\$8,825	09/25/2009	Terminated Violation(s)#: 4

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SOU 2008-239(SA)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
SOU 2008-24(ROP)	1	\$2,500	\$2,500	\$1,650	09/25/2009	
SOU 2008-240(LI)	9	\$12,000	\$12,000	\$8,150	09/30/2009	
SOU 2008-242(RW)	1	\$3,000	\$3,000	\$2,050	09/25/2009	
SOU 2008-244(SI)	1	\$5,000	\$5,000	\$3,750	09/25/2009	
SOU 2008-246(SA)	4	\$15,000	\$15,000	\$10,500	09/25/2009	
SOU 2008-25(AR)	9	\$22,500	\$22,500	\$14,625	09/25/2009	
SOU 2008-250(HS)	1	\$1,000	\$1,000	\$710	09/30/2009	
SOU 2008-251(HSR)	1	\$1,000	\$1,000	\$850	09/30/2009	Case Terminated.
SOU 2008-252(SA)	2	\$10,000	\$10,000	\$7,000	09/25/2009	
SOU 2008-253(RSP)	1	\$1,000	\$1,000	\$740	09/25/2009	
SOU 2008-254(LI)	6	\$11,000	\$11,000	\$8,800	09/30/2009	
SOU 2008-255(RW)	1	\$5,000	\$5,000	\$3,850	09/25/2009	
SOU 2008-256(SA)	1	\$5,000	\$5,000	\$3,600	09/25/2009	
SOU 2008-258(GC)	5	\$17,500	\$17,500	\$11,375	09/30/2009	
SOU 2008-26(AR)	10	\$35,000	\$35,000	\$24,850	09/25/2009	
SOU 2008-260(TS)	13	\$15,000	\$15,000	\$11,700	09/25/2009	
SOU 2008-261(HS)	3	\$3,000	\$3,000	\$2,160	09/30/2009	
SOU 2008-264(SI)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
SOU 2008-265(HSR)	1	\$1,000	\$1,000	\$750	09/30/2009	
SOU 2008-267(RW)	1	\$1,000	\$1,000	\$740	09/25/2009	
SOU 2008-27(AR)	8	\$20,000	\$20,000	\$14,000	09/25/2009	
SOU 2008-270(FCS)	3	\$7,500	\$7,500	\$5,900	09/30/2009	
SOU 2008-271(SA)	4	\$17,500	\$17,500	\$12,550	09/25/2009	
SOU 2008-274(HS)	4	\$4,000	\$4,000	\$2,920	09/30/2009	
SOU 2008-275(HSR)	3	\$3,000	\$3,000	\$2,250	09/30/2009	
SOU 2008-277(FCS)	4	\$10,000	\$10,000	\$7,000	09/30/2009	
SOU 2008-28(AR)	6	\$15,000	\$15,000	\$10,450	09/25/2009	
SOU 2008-280(SA)	4	\$12,500	\$12,500	\$8,725	09/25/2009	
SOU 2008-282(LI)	7	\$10,000	\$10,000	\$7,625	09/30/2009	
SOU 2008-284(HMT)	2	\$12,500	\$12,500	\$7,900	09/25/2009	
SOU 2008-285(AR)	5	\$12,500	\$12,500	\$9,000	09/25/2009	
SOU 2008-286(TS)	1	\$5,000	\$5,000	\$3,600	09/25/2009	
SOU 2008-287(FCS)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
SOU 2008-288(HS)	1	\$1,000	\$1,000	\$550	09/30/2009	
SOU 2008-289(SA)	3	\$7,500	\$7,500	\$5,250	09/25/2009	
SOU 2008-29(HSR)	2	\$2,000	\$2,000	\$1,380	09/30/2009	
SOU 2008-290(SA)	3	\$7,500	\$7,500	\$5,250	09/25/2009	
SOU 2008-291(AR)	1	\$2,500	\$2,500	\$1,775	09/25/2009	
SOU 2008-30(TS)	7	\$23,500	\$23,500	\$16,985	09/25/2009	
SOU 2008-31(RSP)	1	\$1,000	\$1,000	\$730	09/25/2009	
SOU 2008-32(RSP)	1	\$1,000	\$1,000	\$730	09/25/2009	
SOU 2008-33(RSP)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-34(FCS)	4	\$12,500	\$12,500	\$9,000	09/30/2009	
SOU 2008-35(SA)	5	\$15,000	\$15,000	\$10,525	09/30/2009	
SOU 2008-36(SA)	5	\$15,000	\$15,000	\$11,150	09/30/2009	
SOU 2008-37(AR)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
SOU 2008-38(AR)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-39(AR)	1	\$2,500	\$2,500	\$1,775	09/25/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
SOU 2008-40(AR)	1	\$2,500	\$2,500	\$1,780	09/25/2009	
SOU 2008-41(AR)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-42(AR)	1	\$2,500	\$2,500	\$1,740	09/25/2009	
SOU 2008-43(AR)	1	\$2,500	\$2,500	\$1,740	09/25/2009	
SOU 2008-44(AR)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-45(AR)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
SOU 2008-46(AR)	1	\$2,500	\$2,500	\$1,850	09/25/2009	
SOU 2008-47(AR)	1	\$2,500	\$2,500	\$1,850	09/25/2009	
SOU 2008-49(AR)	1	\$2,500	\$2,500	\$1,850	09/25/2009	
SOU 2008-5(HMT)	11	\$48,500	\$23,000	\$16,000	09/25/2009	Terminated Violation(s)#: 7,8,9 - Partially Terminated Violation(s)#: 4,5,6
SOU 2008-50(AR)	1	\$2,500	\$2,500	\$1,830	09/25/2009	
SOU 2008-51(AR)	1	\$2,500	\$2,500	\$1,825	09/25/2009	
SOU 2008-52(GC)	1	\$5,000	\$5,000	\$3,850	09/30/2009	
SOU 2008-53(AR)	1	\$2,500	\$2,500	\$1,700	09/25/2009	
SOU 2008-54(LI)	3	\$7,500	\$7,500	\$5,100	09/30/2009	
SOU 2008-55(SI)	1	\$1,000	\$1,000	\$720	09/25/2009	
SOU 2008-56(SA)	4	\$12,500	\$12,500	\$8,750	09/30/2009	
SOU 2008-57(GS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
SOU 2008-58(SA)	3	\$15,000	\$15,000	\$10,750	09/30/2009	
SOU 2008-59(SA)	2	\$10,000	\$10,000	\$6,500	09/30/2009	
SOU 2008-6(HMT)	4	\$25,500	\$21,000	\$13,500	09/25/2009	Partially Terminated Violation(s)#: 1,2,4
SOU 2008-60(SI)	1	\$5,000	\$5,000	\$3,700	09/25/2009	
SOU 2008-62(HSR)	1	\$1,000	\$1,000	\$720	09/30/2009	
SOU 2008-63(TS)	3	\$11,000	\$11,000	\$8,130	09/25/2009	
SOU 2008-64(AR)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
SOU 2008-65(LI)	1	\$1,000	\$1,000	\$690	09/30/2009	
SOU 2008-66(RSP)	1	\$1,000	\$1,000	\$730	09/25/2009	
SOU 2008-67(TS)	2	\$10,000	\$10,000	\$7,200	09/25/2009	
SOU 2008-68(HMT)	4	\$20,000	\$20,000	\$15,100	09/25/2009	
SOU 2008-69(FCS)	2	\$5,000	\$5,000	\$4,000	09/30/2009	
SOU 2008-70(SI)	2	\$2,000	\$2,000	\$1,440	09/25/2009	
SOU 2008-71(RW)	1	\$1,000	\$1,000	\$690	09/25/2009	
SOU 2008-72(LI)	2	\$6,000	\$6,000	\$5,050	09/30/2009	
SOU 2008-73(HMT)	4	\$20,500	\$16,500	\$12,145	09/25/2009	Terminated Violation(s)#: 1
SOU 2008-74(SA)	3	\$10,000	\$10,000	\$7,600	09/30/2009	
SOU 2008-76(ROR)	13	\$65,000	\$5,000	\$3,700	09/25/2009	Terminated Violation(s)#: 1, 3-13
SOU 2008-77(HSR)	2	\$2,000	\$2,000	\$1,400	09/30/2009	
SOU 2008-78(AR)	9	\$21,000	\$16,000	\$8,900	09/25/2009	Terminated Violation(s)#: 2,3
SOU 2008-79(AR)	8	\$20,000	\$17,500	\$11,550	09/25/2009	Terminated Violation(s)#: 4
SOU 2008-8(HMT)	11	\$34,000	\$28,000	\$15,000	09/25/2009	Terminated Violation(s)#: 2,3,4, 5
SOU 2008-80(AR)	1	\$2,500	\$2,500	\$1,700	09/25/2009	
SOU 2008-81(SA)	1	\$5,000	\$5,000	\$3,100	09/30/2009	
SOU 2008-82(AR)	6	\$15,000	\$15,000	\$10,650	09/25/2009	
SOU 2008-83(AR)	4	\$10,000	\$10,000	\$7,150	09/25/2009	
SOU 2008-84(HSR)	4	\$2,200	\$2,200	\$2,200	09/30/2009	Corrected POCA from \$2,000 to \$2,200 to reflect minimum

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						penalty assessment.
SOU 2008-85(LI)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
SOU 2008-86(TS)	1	\$2,500	\$2,500	\$2,000	09/25/2009	
SOU 2008-87(FCS)	2	\$10,000	\$10,000	\$6,500	09/30/2009	
SOU 2008-88(SA)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
SOU 2008-89(SA)	2	\$10,000	\$10,000	\$6,800	09/30/2009	
SOU 2008-90(FCS)	3	\$7,500	\$7,500	\$4,875	09/30/2009	
SOU 2008-91(ROR)	1	\$2,500	\$2,500	\$1,750	09/25/2009	
SOU 2008-92(AR)	4	\$10,000	\$10,000	\$6,950	09/25/2009	
SOU 2008-93(AR)	6	\$15,000	\$15,000	\$10,350	09/25/2009	
SOU 2008-94(AR)	5	\$12,500	\$12,500	\$8,500	09/25/2009	
SOU 2008-95(AR)	4	\$10,000	\$7,500	\$5,400	09/25/2009	Terminated Violation(s)#: 3
SOU 2008-96(HSR)	1	\$1,000	\$1,000	\$790	09/30/2009	
SOU 2008-97(AR)	10	\$25,000	\$15,000	\$10,500	09/25/2009	Terminated Violation(s)#: 1, 2, 3, 6
SOU 2008-98(AR)	4	\$10,000	\$10,000	\$7,500	09/25/2009	
SOU 2008-99(PEP)	2	\$7,500	\$7,500	\$4,950	09/30/2009	
SOU 2009-3(SA)	1	\$2,500	\$2,500	\$1,800	09/25/2009	
TASD 2007-1(TS)	2	\$10,000	\$10,000	\$10,000	10/15/2008	
TASD 2008-1(HSR)	1	\$1,000	\$1,000	\$900	01/22/2009	
TASD 2008-2(EQ)	2	\$2,000	\$2,000	\$1,800	01/22/2009	
TASD 2008-3(ROP)	1	\$2,000	\$2,000	\$1,800	01/22/2009	
TASD 2008-4(LI)	2	\$10,000	\$10,000	\$9,000	01/22/2009	
TCRC 2004-1(TS)	2	\$7,500	\$7,500	\$4,000	12/18/2008	
TCRV 2008-1(ROP)	1	\$5,000	\$5,000	\$4,000	11/14/2008	
TCRZ 2008-1(FCS)	1	\$2,500	\$0	\$0	10/29/2008	CASE TERMINATED AS IT WAS AGAINST ZTCR.
TCSZ 2008-1(SA)	1	\$2,500	\$2,500	\$2,000	11/13/2008	
TCWR 2008-1(FCS)	2	\$5,000	\$5,000	\$4,000	07/01/2009	
TIBR 2007-1(ROP)	1	\$5,000	\$5,000	\$3,700	09/11/2009	
TIBR 2007-2(LI)	7	\$15,500	\$15,500	\$11,470	09/11/2009	
TMBL 2007-1(GC)	1	\$2,500	\$2,500	\$1,800	12/15/2008	
TMBL 2008-1(SA)	3	\$15,000	\$15,000	\$10,750	12/15/2008	
TNMR 2007-1(HMT)	2	\$5,000	\$5,000	\$3,500	12/22/2008	
TRRA 2008-1(SA)	4	\$12,500	\$12,500	\$9,375	10/10/2008	
TRRA 2008-2(SA)	5	\$12,500	\$12,500	\$9,375	10/10/2008	
TRRA 2008-3(SA)	4	\$15,000	\$15,000	\$11,250	10/10/2008	
TRSZ 2009-1(FCS)	1	\$2,500	\$2,500	\$2,500	03/12/2009	
TSRR 2008-1(TS)	1	\$2,500	\$2,500	\$2,000	11/24/2008	
TXGN 2006-1(TS)	5	\$6,500	\$6,500	\$5,200	12/18/2008	
TXGN 2009-1(SA)	1	\$5,000	\$5,000	\$3,000	06/26/2009	
TXNW 2007-1(LI)	2	\$5,000	\$5,000	\$3,500	01/21/2009	
TXNW 2009-1(ROP)	1	\$5,000	\$5,000	\$3,500	06/25/2009	
TXPF 2008-1(GC)	1	\$2,500	\$2,500	\$2,000	07/01/2009	
TXPF 2008-2(GC)	6	\$15,000	\$15,000	\$12,000	07/01/2009	
TXPF 2008-3(GC)	5	\$12,500	\$12,500	\$10,000	07/01/2009	
TXPF 2008-4(GC)	10	\$25,000	\$25,000	\$20,000	07/01/2009	
TXPF 2008-5(GC)	9	\$22,500	\$22,500	\$18,000	07/01/2009	
TXPF 2008-6(GC)	10	\$25,000	\$25,000	\$20,000	07/01/2009	
TXPF 2008-7(GC)	4	\$20,000	\$20,000	\$16,000	07/01/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
TXPF 2009-1(GC)	1	\$5,000	\$5,000	\$4,000	07/01/2009	
TYBR 2008-1(HMT)	3	\$6,000	\$6,000	\$4,800	01/22/2009	
UP 2006-516(FCS)	1	\$2,500	\$2,500	\$1,100	09/30/2009	
UP 2006-582(SA)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
UP 2007-117(HMT)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2007-131(RW)	11	\$25,000	\$17,000	\$12,000	09/30/2009	Terminated Violation(s)#: 1, 3
UP 2007-173(FCS)	1	\$2,500	\$2,500	\$1,900	09/30/2009	
UP 2007-18(GC)	1	\$5,000	\$5,000	\$2,500	09/30/2009	
UP 2007-246(HMT)	8	\$54,500	\$54,500	\$28,000	09/30/2009	
UP 2007-295(FCS)	1	\$5,000	\$5,000	\$2,700	09/30/2009	
UP 2007-297(TS)	6	\$7,500	\$7,500	\$5,875	09/30/2009	
UP 2007-338(RW)	7	\$29,000	\$29,000	\$16,700	09/30/2009	
UP 2007-362(HMT)	4	\$15,500	\$15,500	\$9,900	09/30/2009	
UP 2007-388(HMT)	1	\$9,000	\$9,000	\$7,000	09/30/2009	
UP 2007-402(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
UP 2007-405(SI)	5	\$15,000	\$15,000	\$10,000	09/30/2009	
UP 2007-411(RW)	6	\$10,500	\$10,500	\$7,245	09/30/2009	
UP 2007-416(HMT)	3	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2007-445(TS)	6	\$7,500	\$7,500	\$4,750	09/30/2009	
UP 2007-451(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
UP 2007-454(SA)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2007-460(LI)	5	\$17,500	\$17,500	\$10,675	09/30/2009	
UP 2007-465(SA)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2007-467(AD)	1	\$2,500	\$2,500	\$1,250	09/30/2009	
UP 2007-468(LI)	2	\$6,500	\$6,500	\$4,550	09/30/2009	
UP 2007-469(LI)	7	\$18,500	\$18,500	\$12,025	09/30/2009	
UP 2007-470(SI)	3	\$12,500	\$12,500	\$7,500	09/30/2009	
UP 2007-471(SI)	2	\$3,500	\$3,500	\$2,250	09/30/2009	
UP 2007-472(ROR)	2	\$10,000	\$10,000	\$6,400	09/30/2009	
UP 2007-473(FCS)	2	\$7,500	\$7,500	\$4,600	09/30/2009	
UP 2007-474(SI)	2	\$6,000	\$6,000	\$4,700	09/30/2009	
UP 2007-475(GC)	3	\$15,000	\$15,000	\$12,000	09/30/2009	
UP 2007-476(SI)	1	\$1,000	\$1,000	\$700	09/30/2009	
UP 2007-477(FCS)	5	\$20,000	\$20,000	\$13,550	09/30/2009	
UP 2007-478(ROP)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2007-479(FCS)	3	\$7,500	\$7,500	\$5,300	09/30/2009	
UP 2007-53(HMT)	1	\$1,000	\$1,000	\$1,000	09/30/2009	
UP 2007-66(SA)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
UP 2008-10(HMT)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2008-100(LI)	6	\$13,000	\$13,000	\$8,450	09/30/2009	
UP 2008-101(GC)	2	\$10,000	\$10,000	\$7,000	09/30/2009	
UP 2008-102(SI)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2008-103(FCS)	4	\$17,500	\$17,500	\$10,500	09/30/2009	
UP 2008-104(TS)	2	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-105(TS)	1	\$1,000	\$1,000	\$700	09/30/2009	
UP 2008-106(SA)	5	\$12,500	\$12,500	\$8,000	09/30/2009	
UP 2008-107(SA)	5	\$12,500	\$12,500	\$9,300	09/30/2009	
UP 2008-108(SA)	5	\$17,500	\$17,500	\$11,000	09/30/2009	
UP 2008-109(SA)	5	\$20,000	\$17,500	\$12,950	09/30/2009	Partially Terminated Violation#: 4

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UP 2008-11(TS)	6	\$26,000	\$26,000	\$15,000	09/30/2009	
UP 2008-110(SA)	5	\$12,500	\$12,500	\$8,000	09/30/2009	
UP 2008-111(SA)	4	\$15,000	\$15,000	\$10,000	09/30/2009	
UP 2008-112(SA)	4	\$20,000	\$20,000	\$12,600	09/30/2009	
UP 2008-113(LI)	2	\$5,000	\$5,000	\$3,700	09/30/2009	
UP 2008-114(SA)	4	\$12,500	\$12,500	\$8,900	09/30/2009	
UP 2008-115(SA)	5	\$12,500	\$12,500	\$8,000	09/30/2009	
UP 2008-116(SA)	4	\$15,000	\$15,000	\$9,600	09/30/2009	
UP 2008-117(HMT)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
UP 2008-118(TS)	2	\$6,000	\$6,000	\$4,300	09/30/2009	
UP 2008-119(TS)	2	\$3,500	\$3,500	\$2,000	09/30/2009	
UP 2008-12(TS)	18	\$47,500	\$47,500	\$29,000	09/30/2009	
UP 2008-120(TS)	16	\$40,000	\$40,000	\$24,000	09/30/2009	
UP 2008-121(TS)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2008-122(HSR)	6	\$6,000	\$6,000	\$3,900	09/30/2009	
UP 2008-123(FCS)	9	\$30,000	\$30,000	\$21,600	09/30/2009	
UP 2008-124(SA)	5	\$15,000	\$15,000	\$13,125	09/30/2009	
UP 2008-125(SA)	5	\$15,000	\$15,000	\$11,000	09/30/2009	
UP 2008-126(SA)	4	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-127(SA)	4	\$12,500	\$10,000	\$6,550	09/30/2009	Partially Terminated Violation(s)#: 4
UP 2008-128(SA)	2	\$5,000	\$5,000	\$3,250	09/30/2009	
UP 2008-129(SA)	3	\$10,000	\$10,000	\$6,500	09/30/2009	
UP 2008-130(SI)	1	\$5,000	\$5,000	\$3,800	09/30/2009	
UP 2008-131(ROP)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-132(HSR)	1	\$1,000	\$1,000	\$550	09/30/2009	
UP 2008-134(TS)	2	\$6,000	\$6,000	\$3,300	09/30/2009	
UP 2008-135(HMT)	2	\$7,000	\$7,000	\$5,600	09/30/2009	
UP 2008-136(HMT)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-137(HMT)	1	\$2,000	\$2,000	\$1,600	09/30/2009	
UP 2008-138(HMT)	1	\$2,000	\$2,000	\$1,600	09/30/2009	
UP 2008-139(SA)	3	\$15,000	\$12,500	\$8,000	09/30/2009	Partial Terminated Violation#: 3
UP 2008-140(SA)	3	\$15,000	\$10,000	\$7,500	09/30/2009	Partially Terminated Violation(s)#: 1, 3
UP 2008-141(HMT)	1	\$2,000	\$2,000	\$2,000	09/30/2009	
UP 2008-142(TS)	2	\$10,000	\$10,000	\$6,000	09/30/2009	
UP 2008-143(TS)	2	\$10,000	\$10,000	\$6,500	09/30/2009	
UP 2008-144(TS)	2	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-145(TS)	1	\$5,000	\$5,000	\$3,250	09/30/2009	
UP 2008-146(FCS)	2	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-147(SA)	5	\$15,000	\$15,000	\$11,600	09/30/2009	
UP 2008-148(SA)	4	\$17,500	\$12,500	\$9,500	09/30/2009	Partially Terminated Violation(s)#: 2, 3
UP 2008-149(SA)	5	\$22,500	\$15,000	\$11,800	09/30/2009	Partially Terminated Violation(s)#: 2, 3, 5
UP 2008-15(HMT)	1	\$5,000	\$5,000	\$4,100	09/30/2009	
UP 2008-150(SA)	4	\$17,500	\$10,000	\$6,700	09/30/2009	Partially Terminated Violation(s)#: 1, 2, 3
UP 2008-151(RSP)	1	\$1,000	\$1,000	\$700	09/30/2009	
UP 2008-152(ROR)	1	\$5,000	\$5,000	\$3,400	09/30/2009	

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UP 2008-153(AR)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-154(SA)	4	\$17,500	\$17,500	\$13,100	09/30/2009	
UP 2008-155(SA)	4	\$20,000	\$17,500	\$12,500	09/30/2009	Violation # 1 - Reduced PRCA to \$2,500.
UP 2008-156(SA)	4	\$17,500	\$17,500	\$14,000	09/30/2009	
UP 2008-157(SA)	5	\$22,500	\$22,500	\$16,700	09/30/2009	
UP 2008-158(SA)	4	\$10,000	\$10,000	\$6,700	09/30/2009	
UP 2008-159(SA)	4	\$10,000	\$10,000	\$7,250	09/30/2009	
UP 2008-16(HMT)	1	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-160(AR)	3	\$7,500	\$2,500	\$1,200	09/30/2009	Terminated Violation(s)#: 1, 2
UP 2008-161(SA)	2	\$7,500	\$7,500	\$4,750	09/30/2009	
UP 2008-162(SI)	3	\$3,000	\$3,000	\$2,100	09/30/2009	
UP 2008-163(FCS)	2	\$7,500	\$7,500	\$4,300	09/30/2009	
UP 2008-164(SI)	23	\$60,000	\$60,000	\$33,000	09/30/2009	
UP 2008-165(HMT)	1	\$2,000	\$2,000	\$2,000	09/30/2009	
UP 2008-166(HMT)	1	\$2,000	\$2,000	\$2,000	09/30/2009	
UP 2008-167(TS)	3	\$15,000	\$15,000	\$12,000	09/30/2009	
UP 2008-168(LI)	5	\$17,500	\$12,500	\$8,750	09/30/2009	Terminated Violation(s)#: 2
UP 2008-169(LI)	10	\$20,000	\$20,000	\$13,000	09/30/2009	
UP 2008-170(AR)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
UP 2008-171(HSR)	2	\$2,000	\$2,000	\$1,450	09/30/2009	
UP 2008-172(SA)	5	\$20,000	\$20,000	\$14,900	09/30/2009	
UP 2008-173(SA)	4	\$15,000	\$15,000	\$9,900	09/30/2009	
UP 2008-174(SA)	4	\$15,000	\$12,500	\$9,700	09/30/2009	Partially Terminated Violation#: 3
UP 2008-175(SA)	4	\$15,000	\$15,000	\$10,000	09/30/2009	
UP 2008-176(SA)	5	\$22,500	\$20,000	\$12,750	09/30/2009	Partially Terminated Violation#: 4
UP 2008-177(FCS)	7	\$20,000	\$20,000	\$14,900	09/30/2009	
UP 2008-178(FCS)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
UP 2008-179(RW)	2	\$2,000	\$2,000	\$1,400	09/30/2009	
UP 2008-180(LI)	6	\$14,000	\$14,000	\$9,250	09/30/2009	
UP 2008-181(LI)	5	\$25,000	\$25,000	\$15,000	09/30/2009	
UP 2008-182(LI)	4	\$14,000	\$14,000	\$9,500	09/30/2009	
UP 2008-183(HS)	1	\$1,000	\$1,000	\$750	09/30/2009	
UP 2008-185(LI)	4	\$11,500	\$11,500	\$8,400	09/30/2009	
UP 2008-186(HSR)	1	\$1,000	\$1,000	\$650	09/30/2009	
UP 2008-187(AR)	1	\$2,500	\$2,500	\$700	09/30/2009	
UP 2008-188(LI)	6	\$16,000	\$16,000	\$11,200	09/30/2009	
UP 2008-189(HMT)	2	\$4,000	\$4,000	\$3,000	09/30/2009	
UP 2008-190(SI)	6	\$7,500	\$7,500	\$5,750	09/30/2009	
UP 2008-191(SA)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
UP 2008-192(TS)	3	\$7,500	\$7,500	\$5,400	09/30/2009	
UP 2008-193(SA)	1	\$5,000	\$5,000	\$3,450	09/30/2009	
UP 2008-194(TS)	3	\$12,500	\$12,500	\$10,000	09/30/2009	
UP 2008-195(SA)	4	\$17,500	\$17,500	\$11,900	09/30/2009	
UP 2008-196(SA)	5	\$12,500	\$12,500	\$7,925	09/30/2009	
UP 2008-197(FCS)	2	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-198(ROR)	2	\$10,000	\$10,000	\$5,500	09/30/2009	
UP 2008-199(TS)	5	\$17,500	\$17,500	\$11,000	09/30/2009	

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UP 2008-20(TS)	2	\$3,500	\$3,500	\$2,550	09/30/2009	
UP 2008-200(TS)	6	\$21,000	\$21,000	\$15,000	09/30/2009	
UP 2008-201(FCS)	1	\$5,000	\$5,000	\$3,800	09/30/2009	
UP 2008-202(SA)	7	\$22,500	\$22,500	\$14,000	09/30/2009	
UP 2008-203(LI)	3	\$6,000	\$6,000	\$3,700	09/30/2009	
UP 2008-204(TS)	6	\$22,500	\$22,500	\$15,150	09/30/2009	
UP 2008-205(TS)	3	\$8,500	\$8,500	\$5,350	09/30/2009	
UP 2008-206(TS)	4	\$15,000	\$15,000	\$11,000	09/30/2009	
UP 2008-207(SA)	3	\$15,000	\$15,000	\$11,275	09/30/2009	
UP 2008-208(LI)	10	\$17,000	\$17,000	\$10,200	09/30/2009	
UP 2008-209(SI)	3	\$6,000	\$6,000	\$3,750	09/30/2009	
UP 2008-21(HMT)	1	\$5,000	\$5,000	\$3,900	09/30/2009	
UP 2008-210(FCS)	3	\$12,500	\$12,500	\$7,700	09/30/2009	
UP 2008-211(TS)	1	\$5,000	\$5,000	\$3,750	09/30/2009	
UP 2008-212(HSR)	1	\$1,000	\$1,000	\$650	09/30/2009	
UP 2008-213(AR)	3	\$7,500	\$0	\$0	09/30/2009	Case Terminated.
UP 2008-214(ROR)	3	\$12,500	\$12,500	\$5,950	09/30/2009	
UP 2008-215(SA)	2	\$7,500	\$7,500	\$5,700	09/30/2009	
UP 2008-217(FCS)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-218(SA)	4	\$10,000	\$10,000	\$6,250	09/30/2009	
UP 2008-219(SA)	3	\$7,500	\$7,500	\$4,690	09/30/2009	
UP 2008-220(SA)	5	\$15,000	\$15,000	\$8,700	09/30/2009	
UP 2008-221(SA)	4	\$10,000	\$10,000	\$7,000	09/30/2009	
UP 2008-222(SI)	1	\$2,500	\$2,500	\$1,875	09/30/2009	
UP 2008-223(SA)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-225(SA)	4	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-226(SA)	5	\$20,000	\$20,000	\$12,800	09/30/2009	
UP 2008-227(SA)	4	\$12,500	\$12,500	\$7,500	09/30/2009	
UP 2008-228(LI)	3	\$10,000	\$5,000	\$3,600	09/30/2009	Terminated Violation(s)#: 1
UP 2008-229(TS)	1	\$1,000	\$1,000	\$700	09/30/2009	
UP 2008-230(FCS)	10	\$35,000	\$35,000	\$24,050	09/30/2009	
UP 2008-231(AR)	3	\$7,500	\$7,500	\$5,000	09/30/2009	
UP 2008-232(LI)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-234(TS)	2	\$5,000	\$5,000	\$3,125	09/30/2009	
UP 2008-235(TS)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
UP 2008-236(HMT)	1	\$2,000	\$2,000	\$2,000	09/30/2009	
UP 2008-237(SA)	4	\$12,500	\$12,500	\$7,000	09/30/2009	
UP 2008-238(FCS)	1	\$2,500	\$2,500	\$1,800	09/30/2009	
UP 2008-239(SI)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2008-24(GC)	2	\$10,000	\$10,000	\$5,000	09/30/2009	
UP 2008-240(SA)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-243(TS)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-244(ROP)	4	\$17,000	\$17,000	\$9,520	09/30/2009	
UP 2008-245(FCS)	1	\$2,500	\$2,500	\$1,700	09/30/2009	
UP 2008-246(HMT)	2	\$14,000	\$14,000	\$11,000	09/30/2009	
UP 2008-247(TS)	3	\$6,000	\$6,000	\$4,270	09/30/2009	
UP 2008-248(SA)	3	\$12,500	\$12,500	\$7,700	09/30/2009	
UP 2008-249(RW)	1	\$3,000	\$3,000	\$2,500	09/30/2009	
UP 2008-250(LI)	1	\$2,500	\$2,500	\$2,000	09/30/2009	

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UP 2008-253(TS)	2	\$3,500	\$3,500	\$2,200	09/30/2009	
UP 2008-255(TS)	2	\$8,000	\$8,000	\$5,150	09/30/2009	
UP 2008-256(HMT)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2008-257(TS)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-258(FCS)	2	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-259(FCS)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-26(LI)	5	\$15,000	\$15,000	\$12,000	09/30/2009	
UP 2008-260(SA)	5	\$17,500	\$17,500	\$13,600	09/30/2009	
UP 2008-261(SA)	7	\$30,000	\$22,500	\$17,600	09/30/2009	Partially Terminated Violation(s)#: 1,2,7
UP 2008-262(TS)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
UP 2008-263(FCS)	6	\$30,000	\$30,000	\$24,000	09/30/2009	
UP 2008-264(FCS)	3	\$12,500	\$12,500	\$6,500	09/30/2009	
UP 2008-265(TS)	11	\$11,000	\$11,000	\$6,600	09/30/2009	
UP 2008-266(LI)	5	\$12,500	\$12,500	\$9,000	09/30/2009	
UP 2008-267(LI)	4	\$11,500	\$11,500	\$6,800	09/30/2009	
UP 2008-268(HSR)	1	\$1,000	\$1,000	\$850	09/30/2009	
UP 2008-269(SA)	5	\$20,000	\$20,000	\$12,050	09/30/2009	
UP 2008-270(SA)	5	\$17,500	\$17,500	\$12,750	09/30/2009	
UP 2008-271(SA)	5	\$20,000	\$20,000	\$12,050	09/30/2009	
UP 2008-272(SA)	4	\$20,000	\$20,000	\$15,000	09/30/2009	
UP 2008-273(LI)	1	\$2,500	\$2,500	\$1,400	09/30/2009	
UP 2008-274(AR)	2	\$5,000	\$5,000	\$2,000	09/30/2009	
UP 2008-275(SA)	5	\$22,500	\$15,000	\$11,750	09/30/2009	Partially Terminated Violation(s)#: 2, 3, 4
UP 2008-276(SA)	4	\$20,000	\$12,500	\$8,000	09/30/2009	Partially Terminated Violation(s)#: 1, 2, 3
UP 2008-277(SA)	4	\$17,500	\$17,500	\$10,200	09/30/2009	
UP 2008-278(SA)	4	\$17,500	\$17,500	\$11,400	09/30/2009	
UP 2008-279(HMT)	1	\$2,000	\$2,000	\$1,800	09/30/2009	
UP 2008-28(LI)	7	\$15,500	\$15,500	\$11,000	09/30/2009	
UP 2008-280(HMT)	2	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-281(SI)	3	\$7,500	\$7,500	\$5,625	09/30/2009	
UP 2008-282(GC)	2	\$7,500	\$7,500	\$5,100	09/30/2009	
UP 2008-283(FCS)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
UP 2008-284(AR)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-285(AR)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-286(ROP)	1	\$5,000	\$5,000	\$2,500	09/30/2009	
UP 2008-287(SA)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
UP 2008-288(HMT)	4	\$28,500	\$26,500	\$16,700	09/30/2009	Partially Terminated Violation#: 3
UP 2008-289(FCS)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2008-29(AD)	4	\$20,000	\$20,000	\$5,500	09/30/2009	Terminated Violation(s)#: 1
UP 2008-290(SI)	1	\$1,000	\$1,000	\$800	09/30/2009	
UP 2008-291(SA)	4	\$15,000	\$15,000	\$9,400	09/30/2009	
UP 2008-292(SA)	4	\$17,500	\$15,000	\$9,300	09/30/2009	Partially Terminated Violation(s)#: 3
UP 2008-293(SA)	4	\$20,000	\$20,000	\$12,800	09/30/2009	
UP 2008-294(SA)	4	\$20,000	\$20,000	\$13,500	09/30/2009	
UP 2008-295(FCS)	1	\$2,500	\$2,500	\$2,050	09/30/2009	
UP 2008-296(GS)	1	\$2,500	\$2,500	\$1,875	09/30/2009	

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UP 2008-297(SA)	3	\$7,500	\$7,500	\$7,500	09/30/2009	
UP 2008-298(SA)	3	\$10,000	\$10,000	\$7,250	09/30/2009	
UP 2008-299(RSP)	1	\$5,000	\$5,000	\$4,500	09/30/2009	
UP 2008-30(AD)	4	\$20,000	\$20,000	\$5,800	09/30/2009	Terminated Violation(s)#: 4
UP 2008-300(TS)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-301(AR)	8	\$20,000	\$17,500	\$7,000	09/30/2009	Terminated Violation(s)#: 1
UP 2008-302(HSR)	1	\$1,000	\$1,000	\$650	09/30/2009	
UP 2008-303(SA)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-304(HMT)	2	\$13,500	\$9,500	\$6,600	09/30/2009	Partially Terminated Violation(s)# 1.
UP 2008-305(AR)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-306(HMT)	2	\$4,000	\$4,000	\$3,000	09/30/2009	
UP 2008-307(HMT)	1	\$2,000	\$2,000	\$1,800	09/30/2009	
UP 2008-308(SA)	6	\$25,000	\$22,500	\$15,900	09/30/2009	Partially Terminated Violation(s)#: 3
UP 2008-309(LI)	5	\$15,000	\$15,000	\$8,700	09/30/2009	
UP 2008-31(SA)	6	\$22,500	\$22,500	\$15,500	09/30/2009	
UP 2008-310(ROP)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-311(FCS)	4	\$17,500	\$17,500	\$12,000	09/30/2009	
UP 2008-312(SA)	4	\$15,000	\$15,000	\$11,600	09/30/2009	
UP 2008-313(SA)	4	\$12,500	\$12,500	\$9,650	09/30/2009	
UP 2008-314(SA)	5	\$20,000	\$20,000	\$13,800	09/30/2009	
UP 2008-315(SA)	5	\$12,500	\$12,500	\$8,750	09/30/2009	
UP 2008-316(SA)	5	\$15,000	\$15,000	\$11,200	09/30/2009	
UP 2008-317(SA)	5	\$17,500	\$17,500	\$10,650	09/30/2009	
UP 2008-318(SA)	5	\$15,000	\$15,000	\$10,750	09/30/2009	
UP 2008-319(LI)	4	\$12,500	\$12,500	\$8,150	09/30/2009	
UP 2008-32(SA)	7	\$22,500	\$22,500	\$14,750	09/30/2009	
UP 2008-320(RW)	1	\$1,000	\$1,000	\$700	09/30/2009	
UP 2008-321(TS)	2	\$10,000	\$10,000	\$7,200	09/30/2009	
UP 2008-322(RSP)	1	\$5,000	\$5,000	\$4,500	09/30/2009	
UP 2008-325(FCS)	1	\$2,500	\$2,500	\$1,400	09/30/2009	
UP 2008-326(AR)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-327(LI)	2	\$4,000	\$4,000	\$2,950	09/30/2009	
UP 2008-328(SA)	1	\$2,500	\$2,500	\$1,850	09/30/2009	
UP 2008-329(SI)	2	\$3,500	\$3,500	\$2,500	09/30/2009	
UP 2008-33(TS)	3	\$12,500	\$12,500	\$8,350	09/30/2009	
UP 2008-330(GC)	5	\$14,500	\$14,500	\$11,150	09/30/2009	
UP 2008-331(TS)	10	\$61,000	\$61,000	\$36,900	09/30/2009	
UP 2008-333(TS)	18	\$52,500	\$52,500	\$32,300	09/30/2009	
UP 2008-334(RSP)	1	\$5,000	\$5,000	\$5,000	09/30/2009	
UP 2008-335(HMT)	1	\$2,000	\$2,000	\$1,800	09/30/2009	
UP 2008-336(HMT)	1	\$2,000	\$2,000	\$1,800	09/30/2009	
UP 2008-337(TS)	2	\$7,500	\$7,500	\$5,500	09/30/2009	
UP 2008-338(TS)	1	\$5,000	\$5,000	\$3,400	09/30/2009	
UP 2008-339(HS)	4	\$4,000	\$4,000	\$3,000	09/30/2009	
UP 2008-34(TS)	2	\$6,000	\$6,000	\$4,000	09/30/2009	
UP 2008-340(FCS)	2	\$7,500	\$7,500	\$5,400	09/30/2009	
UP 2008-341(SA)	4	\$12,500	\$12,500	\$9,400	09/30/2009	
UP 2008-342(SA)	4	\$10,000	\$10,000	\$7,800	09/30/2009	

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UP 2008-343(BW)	1	\$5,000	\$5,000	\$3,900	09/30/2009	
UP 2008-344(EP)	3	\$3,000	\$3,000	\$2,100	09/30/2009	
UP 2008-345(TS)	2	\$5,000	\$5,000	\$3,625	09/30/2009	
UP 2008-346(TS)	3	\$10,000	\$10,000	\$6,700	09/30/2009	
UP 2008-347(SA)	2	\$5,000	\$5,000	\$3,400	09/30/2009	
UP 2008-348(ROP)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
UP 2008-349(FCS)	2	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-35(TS)	3	\$15,000	\$15,000	\$11,000	09/30/2009	
UP 2008-350(SA)	3	\$10,000	\$10,000	\$6,700	09/30/2009	
UP 2008-351(SA)	3	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-352(SA)	5	\$15,000	\$15,000	\$11,950	09/30/2009	
UP 2008-353(SA)	5	\$12,500	\$12,500	\$8,400	09/30/2009	
UP 2008-354(SA)	5	\$17,500	\$17,500	\$12,000	09/30/2009	
UP 2008-355(LI)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-356(TS)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
UP 2008-357(TS)	9	\$23,500	\$23,500	\$17,050	09/30/2009	
UP 2008-358(TS)	3	\$6,000	\$6,000	\$3,900	09/30/2009	
UP 2008-359(TS)	2	\$7,500	\$7,500	\$5,500	09/30/2009	
UP 2008-36(RSP)	1	\$5,000	\$5,000	\$2,150	09/30/2009	
UP 2008-360(HMT)	1	\$5,000	\$5,000	\$3,200	09/30/2009	
UP 2008-362(HMT)	1	\$10,000	\$10,000	\$7,000	09/30/2009	
UP 2008-363(HMT)	1	\$2,000	\$2,000	\$2,000	09/30/2009	
UP 2008-364(SA)	1	\$5,000	\$5,000	\$3,750	09/30/2009	
UP 2008-365(SA)	4	\$17,500	\$17,500	\$12,625	09/30/2009	
UP 2008-366(TS)	2	\$7,500	\$7,500	\$4,800	09/30/2009	
UP 2008-367(FCS)	1	\$2,500	\$2,500	\$1,600	09/30/2009	
UP 2008-368(SI)	1	\$2,500	\$2,500	\$1,800	09/30/2009	
UP 2008-369(SA)	3	\$15,000	\$15,000	\$11,250	09/30/2009	
UP 2008-37(TS)	2	\$3,500	\$3,500	\$2,800	09/30/2009	
UP 2008-371(FCS)	1	\$5,000	\$5,000	\$2,750	09/30/2009	
UP 2008-372(SA)	2	\$5,000	\$2,500	\$2,000	09/30/2009	Terminated Violation(s)#: 1
UP 2008-373(SA)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-374(FCS)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-375(SA)	2	\$10,000	\$10,000	\$7,700	09/30/2009	
UP 2008-376(SA)	5	\$15,000	\$15,000	\$11,400	09/30/2009	
UP 2008-377(LI)	3	\$4,500	\$4,500	\$3,500	09/30/2009	
UP 2008-378(LI)	5	\$11,500	\$11,500	\$8,200	09/30/2009	
UP 2008-379(LI)	1	\$2,500	\$2,500	\$1,750	09/30/2009	
UP 2008-38(TS)	1	\$2,500	\$2,500	\$1,500	09/30/2009	
UP 2008-380(AD)	2	\$7,500	\$7,500	\$4,200	09/30/2009	
UP 2008-381(HMT)	1	\$2,000	\$2,000	\$1,600	09/30/2009	
UP 2008-382(GC)	3	\$15,000	\$15,000	\$12,000	09/30/2009	
UP 2008-383(SA)	6	\$25,000	\$25,000	\$15,800	09/30/2009	
UP 2008-384(SA)	4	\$15,000	\$15,000	\$9,900	09/30/2009	
UP 2008-385(SA)	4	\$18,500	\$18,500	\$10,300	09/30/2009	
UP 2008-386(SA)	6	\$25,000	\$25,000	\$15,900	09/30/2009	
UP 2008-387(FCS)	5	\$22,500	\$22,500	\$13,500	09/30/2009	
UP 2008-388(FCS)	5	\$15,000	\$15,000	\$10,300	09/30/2009	
UP 2008-389(SA)	2	\$7,500	\$7,500	\$6,000	09/30/2009	

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UP 2008-39(SA)	8	\$35,000	\$30,000	\$22,950	09/30/2009	Terminated Violation(s)#: 3
UP 2008-390(SI)	13	\$14,500	\$14,500	\$10,100	09/30/2009	
UP 2008-391(SI)	28	\$28,000	\$28,000	\$19,600	09/30/2009	
UP 2008-392(SI)	1	\$1,000	\$1,000	\$800	09/30/2009	
UP 2008-393(SA)	5	\$22,500	\$22,500	\$13,950	09/30/2009	
UP 2008-394(TS)	1	\$5,000	\$5,000	\$3,700	09/30/2009	
UP 2008-395(HMT)	2	\$15,000	\$15,000	\$11,000	09/30/2009	
UP 2008-396(GC)	4	\$16,000	\$11,000	\$5,500	09/30/2009	Terminated Violation(s)#:1
UP 2008-397(SA)	5	\$12,500	\$12,500	\$9,000	09/30/2009	
UP 2008-398(FCS)	6	\$22,500	\$22,500	\$12,900	09/30/2009	
UP 2008-399(SA)	5	\$20,000	\$20,000	\$13,500	09/30/2009	
UP 2008-40(SA)	8	\$32,500	\$32,500	\$21,800	09/30/2009	
UP 2008-400(SA)	5	\$15,000	\$15,000	\$10,875	09/30/2009	
UP 2008-401(SA)	5	\$15,000	\$15,000	\$10,875	09/30/2009	
UP 2008-402(SA)	5	\$22,500	\$22,500	\$15,400	09/30/2009	
UP 2008-403(SA)	5	\$12,500	\$12,500	\$9,800	09/30/2009	
UP 2008-404(SA)	5	\$12,500	\$12,500	\$9,000	09/30/2009	
UP 2008-405(FCS)	1	\$5,000	\$5,000	\$2,700	09/30/2009	
UP 2008-406(LI)	4	\$11,500	\$11,500	\$7,700	09/30/2009	
UP 2008-407(RW)	1	\$2,000	\$2,000	\$1,500	09/30/2009	
UP 2008-409(TS)	4	\$8,000	\$8,000	\$4,800	09/30/2009	
UP 2008-41(SA)	9	\$37,500	\$37,500	\$26,700	09/30/2009	
UP 2008-410(SA)	5	\$17,500	\$17,500	\$13,100	09/30/2009	
UP 2008-411(FCS)	4	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-412(SA)	5	\$20,000	\$20,000	\$16,000	09/30/2009	
UP 2008-413(SA)	5	\$22,500	\$22,500	\$18,000	09/30/2009	
UP 2008-414(TS)	1	\$5,000	\$5,000	\$2,500	09/30/2009	
UP 2008-415(TS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
UP 2008-416(TS)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
UP 2008-417(SI)	1	\$2,500	\$2,500	\$1,875	09/30/2009	
UP 2008-418(FCS)	2	\$5,000	\$5,000	\$3,200	09/30/2009	
UP 2008-419(TS)	2	\$3,500	\$3,500	\$2,700	09/30/2009	
UP 2008-42(SA)	4	\$17,500	\$17,500	\$10,500	09/30/2009	
UP 2008-420(SA)	5	\$17,500	\$17,500	\$11,350	09/30/2009	
UP 2008-421(ROP)	1	\$2,000	\$2,000	\$1,600	09/30/2009	
UP 2008-422(RW)	1	\$3,000	\$3,000	\$2,500	09/30/2009	
UP 2008-423(LI)	6	\$15,000	\$15,000	\$9,325	09/30/2009	
UP 2008-424(EQ)	1	\$1,000	\$1,000	\$675	09/30/2009	
UP 2008-425(FCS)	3	\$10,000	\$10,000	\$5,800	09/30/2009	
UP 2008-426(SI)	1	\$2,500	\$2,500	\$550	09/30/2009	
UP 2008-427(TS)	3	\$11,000	\$11,000	\$7,800	09/30/2009	
UP 2008-428(RSP)	2	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-43(SI)	3	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-430(SA)	3	\$12,500	\$12,500	\$8,800	09/30/2009	
UP 2008-431(LI)	1	\$1,000	\$1,000	\$900	09/30/2009	
UP 2008-432(RW)	1	\$1,000	\$1,000	\$700	09/30/2009	
UP 2008-433(ROR)	1	\$27,000	\$27,000	\$15,000	09/30/2009	
UP 2008-435(HSR)	4	\$4,000	\$4,000	\$2,750	09/30/2009	
UP 2008-436(GC)	1	\$5,000	\$5,000	\$4,000	09/30/2009	

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UP 2008-437(ROP)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-438(TS)	2	\$10,000	\$10,000	\$7,100	09/30/2009	
UP 2008-439(SA)	5	\$25,000	\$25,000	\$17,900	09/30/2009	
UP 2008-44(GC)	3	\$12,500	\$12,500	\$10,000	09/30/2009	
UP 2008-440(SA)	5	\$22,500	\$22,500	\$14,250	09/30/2009	
UP 2008-441(SA)	6	\$25,000	\$25,000	\$15,500	09/30/2009	
UP 2008-442(SI)	2	\$7,500	\$7,500	\$2,550	09/30/2009	
UP 2008-443(FCS)	3	\$10,000	\$10,000	\$7,000	09/30/2009	
UP 2008-444(SA)	2	\$10,000	\$10,000	\$7,700	09/30/2009	
UP 2008-445(RW)	4	\$14,000	\$12,000	\$9,400	09/30/2009	Partially Terminated Violation(s)#: 1
UP 2008-446(LI)	1	\$2,500	\$2,500	\$1,650	09/30/2009	
UP 2008-447(ROP)	2	\$12,500	\$12,500	\$7,800	09/30/2009	
UP 2008-448(SI)	1	\$2,500	\$2,500	\$1,625	09/30/2009	
UP 2008-449(FCS)	1	\$5,000	\$5,000	\$2,900	09/30/2009	
UP 2008-45(ROP)	2	\$10,000	\$10,000	\$5,900	09/30/2009	
UP 2008-450(SA)	5	\$15,000	\$15,000	\$9,450	09/30/2009	
UP 2008-451(SA)	5	\$15,000	\$15,000	\$9,600	09/30/2009	
UP 2008-452(SA)	5	\$12,500	\$12,500	\$8,500	09/30/2009	
UP 2008-455(HMT)	2	\$10,000	\$10,000	\$6,700	09/30/2009	
UP 2008-456(GC)	3	\$15,000	\$15,000	\$9,000	09/30/2009	
UP 2008-457(FCS)	1	\$2,500	\$2,500	\$1,950	09/30/2009	
UP 2008-458(AR)	3	\$7,500	\$5,000	\$3,200	09/30/2009	Terminated Violation(s)#: 3
UP 2008-46(FCS)	6	\$20,000	\$20,000	\$11,900	09/30/2009	
UP 2008-460(SA)	5	\$17,500	\$17,500	\$10,600	09/30/2009	
UP 2008-461(SA)	4	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-462(SA)	5	\$17,500	\$17,500	\$11,150	09/30/2009	
UP 2008-463(SA)	4	\$12,500	\$12,500	\$8,200	09/30/2009	
UP 2008-464(HMT)	2	\$10,500	\$9,500	\$6,600	09/30/2009	Partially Terminated Violation#: 2
UP 2008-465(HMT)	4	\$17,500	\$17,500	\$14,000	09/30/2009	
UP 2008-466(FCS)	5	\$15,000	\$15,000	\$10,250	09/30/2009	
UP 2008-468(SA)	5	\$22,500	\$22,500	\$15,500	09/30/2009	
UP 2008-469(SA)	5	\$12,500	\$12,500	\$6,800	09/30/2009	
UP 2008-47(SI)	4	\$10,000	\$10,000	\$6,400	09/30/2009	
UP 2008-470(LI)	2	\$3,500	\$3,500	\$2,150	09/30/2009	
UP 2008-471(TS)	3	\$12,500	\$12,500	\$8,800	09/30/2009	
UP 2008-472(TS)	4	\$20,000	\$20,000	\$13,150	09/30/2009	
UP 2008-473(LI)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-48(SA)	4	\$12,500	\$12,500	\$8,100	09/30/2009	
UP 2008-49(FCS)	3	\$10,000	\$10,000	\$6,200	09/30/2009	
UP 2008-50(ROR)	4	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2008-51(ROP)	1	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-52(SI)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-53(GC)	4	\$16,000	\$16,000	\$11,900	09/30/2009	
UP 2008-54(FCS)	5	\$17,500	\$17,500	\$11,100	09/30/2009	
UP 2008-55(AR)	1	\$2,500	\$2,500	\$1,000	09/30/2009	
UP 2008-56(TS)	3	\$6,000	\$6,000	\$4,800	09/30/2009	
UP 2008-58(HS)	3	\$3,000	\$3,000	\$1,650	09/30/2009	
UP 2008-59(HMT)	1	\$2,500	\$2,500	\$1,500	09/30/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
UP 2008-6(AD)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2008-60(TS)	1	\$1,000	\$1,000	\$1,000	09/30/2009	
UP 2008-61(RSP)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2008-62(FCS)	2	\$7,500	\$7,500	\$6,050	09/30/2009	
UP 2008-64(SA)	5	\$15,000	\$15,000	\$10,400	09/30/2009	
UP 2008-65(SA)	5	\$15,000	\$15,000	\$10,250	09/30/2009	
UP 2008-66(SA)	4	\$12,500	\$12,500	\$6,400	09/30/2009	
UP 2008-67(TS)	4	\$13,500	\$13,500	\$7,500	09/30/2009	
UP 2008-68(TS)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2008-69(RSP)	1	\$5,000	\$5,000	\$4,500	09/30/2009	
UP 2008-7(TS)	25	\$47,500	\$47,500	\$32,250	09/30/2009	
UP 2008-70(HMT)	3	\$36,000	\$36,000	\$21,500	09/30/2009	
UP 2008-71(HMT)	1	\$4,000	\$4,000	\$2,400	09/30/2009	
UP 2008-72(HMT)	3	\$17,000	\$17,000	\$12,300	09/30/2009	
UP 2008-73(SA)	3	\$12,500	\$12,500	\$7,500	09/30/2009	
UP 2008-74(TS)	1	\$2,500	\$2,500	\$1,550	09/30/2009	
UP 2008-75(SI)	1	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-76(FCS)	1	\$2,500	\$2,500	\$1,200	09/30/2009	
UP 2008-77(SA)	2	\$7,500	\$7,500	\$5,150	09/30/2009	
UP 2008-78(LI)	4	\$8,500	\$8,500	\$6,250	09/30/2009	
UP 2008-79(EQ)	2	\$3,500	\$3,500	\$2,050	09/30/2009	
UP 2008-8(TS)	2	\$3,500	\$3,500	\$2,800	09/30/2009	
UP 2008-80(AD)	5	\$10,500	\$10,500	\$6,300	09/30/2009	
UP 2008-81(SI)	2	\$5,000	\$5,000	\$4,000	09/30/2009	
UP 2008-82(FCS)	1	\$2,500	\$2,500	\$1,450	09/30/2009	
UP 2008-83(SA)	2	\$7,500	\$7,500	\$5,800	09/30/2009	
UP 2008-84(FCS)	1	\$5,000	\$5,000	\$3,000	09/30/2009	
UP 2008-85(HMT)	1	\$6,000	\$2,000	\$2,000	09/30/2009	Partial Termination.
UP 2008-86(HMT)	1	\$2,000	\$2,000	\$2,000	09/30/2009	
UP 2008-88(LI)	13	\$18,500	\$18,500	\$11,150	09/30/2009	
UP 2008-89(TS)	1	\$1,000	\$1,000	\$550	09/30/2009	
UP 2008-9(TS)	2	\$3,500	\$3,500	\$2,800	09/30/2009	
UP 2008-90(SA)	2	\$7,500	\$7,500	\$6,000	09/30/2009	
UP 2008-91(FCS)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2008-92(RW)	1	\$2,000	\$2,000	\$1,400	09/30/2009	
UP 2008-93(SA)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2008-94(FCS)	5	\$17,500	\$17,500	\$12,600	09/30/2009	
UP 2008-95(SI)	2	\$7,500	\$7,500	\$4,050	09/30/2009	
UP 2008-96(SA)	5	\$25,000	\$25,000	\$15,000	09/30/2009	
UP 2008-97(SA)	5	\$22,500	\$22,500	\$17,500	09/30/2009	
UP 2008-98(SA)	5	\$20,000	\$20,000	\$16,250	09/30/2009	
UP 2008-99(SA)	2	\$7,500	\$7,500	\$5,800	09/30/2009	
UP 2009-1(SA)	4	\$12,500	\$12,500	\$7,800	09/30/2009	
UP 2009-10(TS)	10	\$10,000	\$10,000	\$6,700	09/30/2009	
UP 2009-12(FCS)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2009-13(SA)	3	\$12,500	\$12,500	\$8,200	09/30/2009	
UP 2009-14(SA)	3	\$10,000	\$10,000	\$7,050	09/30/2009	
UP 2009-15(LI)	6	\$15,500	\$15,500	\$10,200	09/30/2009	
UP 2009-17(HMT)	1	\$7,500	\$7,500	\$5,000	09/30/2009	

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UP 2009-19(HMT)	1	\$7,500	\$7,500	\$4,500	09/30/2009	
UP 2009-2(SA)	5	\$17,500	\$17,500	\$12,500	09/30/2009	
UP 2009-22(EO)	1	\$2,500	\$2,500	\$1,800	09/30/2009	
UP 2009-23(HMT)	2	\$10,500	\$10,500	\$8,500	09/30/2009	
UP 2009-25(TS)	3	\$6,000	\$6,000	\$3,900	09/30/2009	
UP 2009-26(TS)	2	\$5,000	\$5,000	\$3,500	09/30/2009	
UP 2009-28(TS)	5	\$25,000	\$25,000	\$16,750	09/30/2009	
UP 2009-29(SA)	3	\$15,000	\$15,000	\$10,100	09/30/2009	
UP 2009-3(FCS)	4	\$12,500	\$12,500	\$7,400	09/30/2009	
UP 2009-32(SA)	4	\$12,500	\$12,500	\$8,000	09/30/2009	
UP 2009-34(HMT)	1	\$9,000	\$9,000	\$6,500	09/30/2009	
UP 2009-35(TS)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2009-36(LI)	2	\$5,500	\$5,500	\$3,300	09/30/2009	
UP 2009-37(TS)	1	\$5,000	\$5,000	\$3,600	09/30/2009	
UP 2009-39(SA)	3	\$10,000	\$10,000	\$8,000	09/30/2009	
UP 2009-41(SA)	1	\$2,500	\$2,500	\$2,000	09/30/2009	
UP 2009-42(SA)	3	\$15,000	\$15,000	\$8,450	09/30/2009	
UP 2009-43(FCS)	1	\$5,000	\$5,000	\$2,700	09/30/2009	
UP 2009-44(ROP)	1	\$2,000	\$2,000	\$1,400	09/30/2009	
UP 2009-45(HMT)	1	\$2,500	\$2,500	\$1,250	09/30/2009	
UP 2009-46(TS)	13	\$65,000	\$65,000	\$42,250	09/30/2009	
UP 2009-50(LI)	4	\$10,000	\$10,000	\$6,250	09/30/2009	
UP 2009-6(SA)	4	\$10,000	\$10,000	\$6,300	09/30/2009	
UP 2009-7(SA)	5	\$20,000	\$20,000	\$13,300	09/30/2009	
UP 2009-8(SA)	4	\$15,000	\$15,000	\$9,350	09/30/2009	
UTAH 2007-1(SA)	1	\$5,000	\$5,000	\$3,000	02/03/2009	
VSOR 2007-1(LI)	3	\$6,000	\$6,000	\$4,560	09/11/2009	
VSOR 2008-1(LI)	1	\$5,000	\$5,000	\$3,800	09/11/2009	
VSRR 2008-1(SA)	1	\$5,000	\$5,000	\$1,500	04/20/2009	
VSRR 2008-2(TS)	1	\$1,000	\$1,000	\$720	04/20/2009	
XABC 2008-1(RW)	1	\$2,500	\$2,500	\$1,750	11/05/2008	
XACM 2008-1(HMT)	4	\$16,000	\$16,000	\$8,800	10/08/2008	
XAMC 2008-1(RW)	1	\$5,000	\$5,000	\$3,500	02/25/2009	
XAME 2008-1(HMT)	1	\$5,000	\$5,000	\$3,000	02/02/2009	
XARD 2007-1(AD)	1	\$2,500	\$2,500	\$1,750	07/02/2009	
XATH 2008-1(HMT)	1	\$10,000	\$10,000	\$6,800	10/21/2008	
XBEE 2009-1(HMT)	3	\$6,000	\$6,000	\$4,500	06/26/2009	
XBEQ 2008-1(HMT)	2	\$4,000	\$4,000	\$4,000	02/05/2009	
XCMQ 2008-3(GC)	1	\$5,000	\$5,000	\$3,750	11/20/2008	
XEMR 2008-1(RW)	1	\$2,000	\$2,000	\$2,000	12/16/2008	
XGLN 2008-2(HMT)	1	\$5,000	\$5,000	\$5,000	05/12/2009	
XGWT 2009-1(HMT)	3	\$15,000	\$15,000	\$10,000	08/03/2009	
XHGP 2007-1(HMT)	1	\$1,500	\$1,500	\$1,500	12/10/2008	
XITS 2003-1(HMT)	1	\$2,000	\$2,000	\$2,000	02/04/2009	
XITS 2008-1(SA)	1	\$5,000	\$5,000	\$5,000	02/04/2009	
XJBS 2008-1(RW)	1	\$2,000	\$2,000	\$2,000	10/30/2008	
XJFI 2008-1(HMT)	1	\$2,500	\$2,500	\$2,500	10/30/2008	
XJGS 2008-1(RW)	1	\$3,000	\$3,000	\$2,100	01/26/2009	
XPRS 2009-1(FCS)	1	\$2,500	\$2,500	\$2,500	06/19/2009	

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XRST 2009-1(RW)	3	\$8,000	\$8,000	\$6,000	07/29/2009	
XUCX 2007-1(SA)	3	\$12,500	\$12,500	\$6,000	01/28/2009	
YSVR 2005-1(HMT)	2	\$11,500	\$11,500	\$8,395	09/11/2009	
YSVR 2007-1(EO)	1	\$11,000	\$11,000	\$8,580	09/11/2009	
YSVR 2007-3(EO)	1	\$5,000	\$5,000	\$3,800	09/11/2009	
YSVR 2007-4(EO)	1	\$5,000	\$5,000	\$3,000	09/11/2009	
YSVR 2007-5(GC)	3	\$7,500	\$7,500	\$5,700	09/11/2009	
YSVR 2007-6(GC)	3	\$7,500	\$7,500	\$5,700	09/11/2009	
YSVR 2007-7(GC)	3	\$3,000	\$3,000	\$2,280	09/11/2009	
YSVR 2007-8(GC)	2	\$2,000	\$2,000	\$1,340	09/11/2009	
ZACE 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	05/15/2009	
ZACE 2009-2(HMT)	1	\$2,000	\$2,000	\$2,000	06/17/2009	
ZACE 2009-3(HMT)	1	\$2,000	\$2,000	\$2,000	09/02/2009	
ZACH 2008-1(HMT)	1	\$5,000	\$5,000	\$3,500	01/16/2009	
ZACH 2008-2(HMT)	1	\$10,000	\$10,000	\$7,500	01/16/2009	
ZACR 2008-1(HMT)	1	\$10,000	\$10,000	\$7,200	12/19/2008	
ZACR 2008-2(HMT)	1	\$5,000	\$5,000	\$3,000	12/19/2008	
ZADR 2008-1(HMT)	2	\$3,000	\$3,000	\$2,000	12/19/2008	
ZAGE 2009-1(HMT)	1	\$10,000	\$10,000	\$7,500	09/14/2009	
ZAHC 2006-3(HMT)	1	\$10,000	\$10,000	\$2,500	06/10/2009	
ZAIL 2008-1(HMT)	1	\$10,000	\$10,000	\$7,700	03/11/2009	
ZAIN 2008-2(HMT)	1	\$5,000	\$5,000	\$5,000	12/23/2008	
ZAKM 2008-2(HMT)	1	\$10,000	\$10,000	\$7,900	01/29/2009	
ZAKZ 2008-2(HMT)	1	\$2,000	\$2,000	\$1,300	03/06/2009	
ZAKZ 2008-3(HMT)	1	\$15,000	\$15,000	\$11,500	03/06/2009	
ZALD 2008-1(HMT)	1	\$5,000	\$5,000	\$3,000	10/15/2008	
ZALD 2008-2(HMT)	2	\$10,000	\$10,000	\$500	01/28/2009	
ZALQ 2009-1(HMT)	1	\$1,000	\$1,000	\$1,000	09/22/2009	
ZALTS 2008-2(HMT)	1	\$5,000	\$5,000	\$3,750	11/05/2008	
ZALTS 2009-1(HMT)	1	\$2,000	\$2,000	\$1,050	05/20/2009	
ZALTS 2009-2(HMT)	1	\$2,000	\$2,000	\$1,400	08/20/2009	
ZALX 2009-1(HMT)	1	\$2,500	\$2,500	\$1,550	08/20/2009	
ZALX 2009-2(HMT)	1	\$5,000	\$5,000	\$3,750	08/20/2009	
ZAMC 2007-1(HMT)	1	\$2,500	\$2,500	\$1,825	12/19/2008	
ZAMC 2007-2(HMT)	2	\$10,000	\$10,000	\$5,925	12/19/2008	
ZAMC 2007-3(HMT)	2	\$10,000	\$10,000	\$5,900	12/19/2008	
ZAMC 2007-4(HMT)	5	\$25,000	\$25,000	\$14,250	12/19/2008	
ZAMC 2008-1(HMT)	1	\$10,000	\$10,000	\$7,300	12/19/2008	
ZAMC 2008-2(HMT)	6	\$13,500	\$13,500	\$7,700	12/19/2008	
ZAMC 2008-3(HMT)	2	\$10,000	\$10,000	\$5,800	12/19/2008	
ZAMC 2008-5(HMT)	2	\$15,000	\$15,000	\$10,600	12/19/2008	
ZAMP 2007-1(HMT)	1	\$7,500	\$0	\$0	01/15/2009	CASE TERMINATED.
ZAMP 2007-2(HMT)	1	\$7,500	\$0	\$0	01/15/2009	CASE TERMINATED.
ZAMRG 2007-1(HMT)	1	\$7,500	\$7,500	\$5,250	11/11/2008	
ZAMRG 2008-1(HMT)	3	\$9,000	\$9,000	\$6,100	11/11/2008	
ZAMRI 2006-1(HMT)	1	\$10,000	\$10,000	\$7,500	12/12/2008	
ZAMRI 2007-1(HMT)	1	\$10,000	\$10,000	\$5,600	12/12/2008	
ZAND 2008-2(HMT)	1	\$5,000	\$5,000	\$3,400	10/29/2008	
ZAND 2009-1(HMT)	1	\$5,000	\$5,000	\$3,400	02/26/2009	

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ZAND 2009-2(HMT)	2	\$4,000	\$4,000	\$2,750	07/27/2009	
ZAND 2009-3(HMT)	1	\$2,000	\$2,000	\$1,340	09/24/2009	
ZAPI 2008-1(HMT)	1	\$2,000	\$2,000	\$1,200	10/29/2008	
ZAPI 2008-2(HMT)	1	\$2,000	\$2,000	\$1,200	12/30/2008	
ZAPL 2005-1(HMT)	2	\$4,500	\$4,500	\$3,050	11/26/2008	
ZAPL 2006-2(HMT)	1	\$7,500	\$0	\$0	10/29/2008	CASE TERMINATED.
ZAPL 2007-3(HMT)	4	\$12,000	\$12,000	\$8,300	11/26/2008	
ZAPL 2008-1(HMT)	1	\$7,500	\$7,500	\$5,250	03/18/2009	
ZARE 2008-2(HMT)	1	\$10,000	\$10,000	\$8,000	03/17/2009	
ZARE 2008-3(HMT)	1	\$10,000	\$10,000	\$6,800	03/17/2009	
ZARE 2009-1(HMT)	1	\$5,000	\$5,000	\$2,000	07/06/2009	
ZARG 2008-1(HMT)	2	\$8,500	\$8,500	\$5,525	11/06/2008	
ZARG 2008-2(HMT)	2	\$10,000	\$10,000	\$6,800	11/07/2008	
ZARG 2009-1(HMT)	2	\$10,000	\$10,000	\$5,000	05/11/2009	
ZARG 2009-2(HMT)	1	\$5,000	\$5,000	\$2,500	08/19/2009	
ZARX 2008-1(HMT)	1	\$7,500	\$7,500	\$5,400	02/02/2009	
ZARX 2008-2(HMT)	1	\$4,000	\$4,000	\$2,600	02/02/2009	
ZARZ 2008-1(HMT)	1	\$2,000	\$2,000	\$1,000	12/11/2008	
ZARZ 2008-2(HMT)	1	\$15,000	\$15,000	\$10,400	01/12/2009	
ZASC 2008-1(HMT)	1	\$2,000	\$2,000	\$1,400	08/20/2009	
ZASC 2009-1(HMT)	2	\$11,000	\$11,000	\$8,250	08/20/2009	
ZASD 2007-2(HMT)	1	\$2,000	\$2,000	\$1,500	11/25/2008	
ZASD 2007-3(HMT)	1	\$2,000	\$2,000	\$1,400	11/25/2008	
ZASD 2008-1(HMT)	1	\$2,000	\$2,000	\$1,400	11/25/2008	
ZASD 2009-1(HMT)	1	\$2,000	\$2,000	\$1,440	08/20/2009	
ZASO 2009-1(HMT)	1	\$5,000	\$5,000	\$2,500	06/30/2009	
ZATH 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	12/31/2008	
ZATI 2009-1(HMT)	3	\$6,000	\$6,000	\$3,800	07/28/2009	
ZATK 2009-1(HMT)	7	\$14,000	\$14,000	\$9,500	03/11/2009	
ZAUI 2008-3(HMT)	1	\$10,000	\$10,000	\$6,500	11/26/2008	
ZAUI 2008-4(HMT)	1	\$5,000	\$5,000	\$3,600	11/26/2008	
ZAUI 2009-1(HMT)	1	\$2,500	\$2,500	\$1,675	04/02/2009	
ZAUI 2009-2(HMT)	1	\$10,000	\$10,000	\$7,600	04/30/2009	
ZAUI 2009-3(HMT)	1	\$2,000	\$2,000	\$1,260	05/20/2009	
ZAUX 2009-1(HMT)	3	\$30,000	\$0	\$0	08/25/2009	Case Terminated.
ZBAR 2009-1(HMT)	1	\$2,000	\$2,000	\$1,300	05/20/2009	
ZBAS 2007-3(HMT)	1	\$5,000	\$5,000	\$3,500	01/21/2009	
ZBAS 2008-1(HMT)	1	\$5,000	\$5,000	\$3,200	01/21/2009	
ZBAS 2008-2(HMT)	1	\$5,000	\$5,000	\$3,200	01/21/2009	
ZBAS 2008-3(HMT)	1	\$5,000	\$0	\$0	01/21/2009	CASE TERMINATED.
ZBAS 2008-5(HMT)	5	\$25,000	\$25,000	\$5,000	01/23/2009	
ZBAS 2008-6(HMT)	1	\$2,500	\$2,500	\$2,500	01/21/2009	
ZBAS 2008-7(HMT)	1	\$5,000	\$5,000	\$5,000	01/21/2009	
ZBAS 2008-8(HMT)	1	\$5,000	\$5,000	\$5,000	01/21/2009	
ZBAS 2008-9(HMT)	1	\$2,500	\$2,500	\$2,500	02/02/2009	
ZBBR 2009-1(HMT)	3	\$11,000	\$11,000	\$6,000	06/18/2009	
ZBEH 2009-1(HMT)	2	\$7,500	\$5,000	\$3,400	07/06/2009	Terminated Violation(s)#: 2
ZBEL 2009-1(HMT)	1	\$10,000	\$10,000	\$6,500	06/26/2009	
ZBEX 2009-1(HMT)	2	\$8,000	\$8,000	\$8,000	04/22/2009	

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ZBPAI 2009-1(HMT)	1	\$5,000	\$5,000	\$5,000	04/22/2009	
ZBPO 2008-1(HMT)	1	\$10,000	\$10,000	\$10,000	01/21/2009	
ZBPO 2008-2(HMT)	3	\$11,000	\$11,000	\$11,000	01/21/2009	
ZBPO 2008-3(HMT)	1	\$10,000	\$10,000	\$10,000	12/05/2008	
ZBTC 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	04/24/2009	
ZBTQ 2008-1(HMT)	1	\$7,500	\$7,500	\$1,200	01/12/2009	
ZBVE 2008-1(HMT)	1	\$1,000	\$1,000	\$1,000	02/02/2009	
ZBYC 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	06/05/2009	
ZCAMI 2009-1(HMT)	1	\$2,000	\$2,000	\$1,400	04/15/2009	
ZCCM 2008-3(HMT)	2	\$10,000	\$10,000	\$10,000	01/26/2009	
ZCELA 2009-1(HMT)	3	\$12,500	\$12,500	\$12,500	08/27/2009	
ZCELA 2009-2(HMT)	3	\$6,000	\$6,000	\$6,000	08/04/2009	
ZCFER 2004-1(HMT)	2	\$7,500	\$7,500	\$5,000	02/04/2009	
ZCHEV 2008-2(HMT)	1	\$2,000	\$2,000	\$1,440	07/16/2009	
ZCHEV 2009-1(HMT)	1	\$2,000	\$2,000	\$1,440	07/16/2009	
ZCHX 2009-2(HMT)	1	\$2,000	\$2,000	\$2,000	06/24/2009	
ZCLQ 2007-2(HMT)	1	\$5,000	\$5,000	\$5,000	02/13/2009	
ZCLQ 2008-2(HMT)	1	\$5,000	\$5,000	\$3,500	07/14/2009	
ZCLQ 2008-3(HMT)	1	\$10,000	\$10,000	\$7,700	07/14/2009	
ZCLQ 2009-1(HMT)	1	\$10,000	\$10,000	\$7,300	07/14/2009	
ZCLX 2007-1(HMT)	1	\$5,000	\$5,000	\$3,250	10/09/2008	
ZCLX 2008-1(HMT)	1	\$10,000	\$10,000	\$7,500	10/09/2008	
ZCMB 2005-1(HMT)	2	\$25,000	\$25,000	\$15,000	01/23/2009	
ZCMF 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	10/09/2008	
ZCMK 2008-1(HMT)	1	\$7,500	\$7,500	\$7,500	11/07/2008	
ZCMK 2009-1(HMT)	1	\$10,000	\$10,000	\$7,500	07/30/2009	
ZCODG 2008-1(HMT)	1	\$1,500	\$1,500	\$1,500	01/21/2009	
ZCODG 2008-2(HMT)	2	\$10,000	\$10,000	\$7,000	01/26/2009	
ZCOU 2009-1(HMT)	2	\$4,000	\$4,000	\$4,000	03/17/2009	
ZCPR 2009-1(HMT)	1	\$2,500	\$2,500	\$2,500	03/10/2009	
ZCPR 2009-2(HMT)	1	\$2,500	\$2,500	\$2,500	03/10/2009	
ZCPR 2009-3(HMT)	2	\$5,000	\$5,000	\$5,000	03/10/2009	
ZCRH 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	06/26/2009	
ZCSD 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	04/14/2009	
ZCUI 2005-1(HMT)	1	\$5,000	\$5,000	\$5,000	04/14/2009	
ZCUI 2007-1(HMT)	1	\$10,000	\$10,000	\$10,000	04/14/2009	
ZCUI 2008-2(HMT)	1	\$10,000	\$10,000	\$7,000	03/12/2009	
ZCUI 2009-1(HMT)	1	\$2,500	\$2,500	\$2,500	03/27/2009	
ZCUI 2009-2(HMT)	1	\$5,000	\$5,000	\$3,850	07/16/2009	
ZCYT 2009-1(HMT)	1	\$2,000	\$2,000	\$1,400	07/29/2009	
ZDAK 2009-1(HMT)	4	\$8,000	\$8,000	\$6,000	07/02/2009	
ZDAK 2009-2(HMT)	1	\$2,000	\$2,000	\$1,500	07/02/2009	
ZDCD 2003-1(HMT)	1	\$10,000	\$10,000	\$8,000	07/28/2009	
ZDCU 2003-4(HMT)	1	\$5,000	\$5,000	\$4,000	12/16/2008	
ZDCU 2004-1(HMT)	1	\$5,000	\$5,000	\$4,000	12/16/2008	
ZDCU 2004-2(HMT)	3	\$6,000	\$6,000	\$4,800	12/16/2008	
ZDCU 2004-3(HMT)	2	\$4,000	\$4,000	\$3,200	12/16/2008	
ZDCU 2005-2(HMT)	4	\$20,000	\$20,000	\$16,000	12/16/2008	
ZDCU 2005-3(HMT)	1	\$5,000	\$5,000	\$4,000	12/16/2008	

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ZDCU 2005-4(HMT)	1	\$5,000	\$5,000	\$4,000	12/16/2008	
ZDCU 2006-1(HMT)	2	\$6,000	\$6,000	\$4,800	12/16/2008	
ZDCU 2006-3(HMT)	1	\$2,000	\$2,000	\$1,600	12/16/2008	
ZDCU 2006-4(HMT)	1	\$2,500	\$2,500	\$2,000	12/16/2008	
ZDCU 2007-1(HMT)	2	\$10,000	\$10,000	\$8,000	12/16/2008	
ZDCU 2007-2(HMT)	1	\$10,000	\$10,000	\$8,000	09/23/2009	
ZDCU 2008-1(HMT)	1	\$2,000	\$2,000	\$1,600	09/23/2009	
ZDCU 2008-2(HMT)	3	\$11,500	\$11,500	\$9,200	09/23/2009	
ZDCU 2008-3(HMT)	1	\$10,000	\$10,000	\$8,000	09/23/2009	
ZDCU 2008-4(HMT)	1	\$2,000	\$2,000	\$1,600	09/23/2009	
ZDCU 2008-5(HMT)	1	\$1,000	\$1,000	\$800	09/23/2009	
ZDCU 2008-6(HMT)	1	\$7,500	\$7,500	\$6,000	09/23/2009	
ZDCU 2008-7(HMT)	1	\$5,000	\$5,000	\$4,000	09/23/2009	
ZDCU 2009-1(HMT)	1	\$4,000	\$4,000	\$3,200	09/23/2009	
ZDCU 2009-2(HMT)	1	\$5,000	\$5,000	\$4,000	09/23/2009	
ZDCU 2009-3(HMT)	1	\$5,000	\$5,000	\$4,000	09/23/2009	
ZDET 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	01/06/2009	
ZDFI 2005-1(HMT)	3	\$6,000	\$6,000	\$4,500	01/05/2009	
ZDFI 2005-2(HMT)	1	\$2,000	\$2,000	\$1,500	01/05/2009	
ZDIA 2009-1(HMT)	1	\$5,000	\$5,000	\$5,000	03/05/2009	
ZDLT 2004-1(HMT)	1	\$10,000	\$10,000	\$8,500	07/28/2009	
ZDLZ 2009-1(HMT)	2	\$9,500	\$9,500	\$9,500	07/28/2009	
ZDSI 2003-1(HMT)	2	\$7,000	\$0	\$0	12/17/2008	CASE TERMINATED.
ZDSP 2005-1(HMT)	2	\$20,000	\$20,000	\$10,000	01/05/2009	
ZDSP 2007-1(HMT)	2	\$12,000	\$12,000	\$6,000	01/05/2009	
ZDSP 2008-1(HMT)	2	\$10,000	\$10,000	\$6,000	01/05/2009	
ZDTI 2009-1(HMT)	3	\$6,000	\$6,000	\$6,000	09/17/2009	
ZDTLP 2008-1(HMT)	3	\$6,000	\$6,000	\$6,000	03/23/2009	
ZEACH 2007-1(HMT)	1	\$5,000	\$5,000	\$3,500	03/09/2009	
ZEACH 2007-2(HMT)	3	\$15,000	\$15,000	\$10,500	03/09/2009	
ZEACH 2007-3(HMT)	4	\$8,000	\$8,000	\$6,000	03/09/2009	
ZEACH 2007-4(HMT)	2	\$15,000	\$15,000	\$10,000	03/09/2009	
ZEACH 2008-1(HMT)	1	\$7,500	\$7,500	\$5,500	03/09/2009	
ZEACH 2008-2(HMT)	2	\$7,000	\$7,000	\$4,000	03/09/2009	
ZEACH 2008-3(HMT)	1	\$5,000	\$5,000	\$3,750	03/09/2009	
ZEACH 2009-1(HMT)	1	\$2,000	\$2,000	\$1,450	04/22/2009	
ZEACH 2009-2(HMT)	1	\$5,000	\$5,000	\$4,000	04/22/2009	
ZEACH 2009-3(HMT)	2	\$7,000	\$7,000	\$4,500	05/08/2009	
ZEAP 2008-1(HMT)	3	\$3,000	\$3,000	\$2,000	02/12/2009	
ZECD 2008-1(HMT)	1	\$10,000	\$10,000	\$7,200	04/01/2009	
ZECD 2009-1(HMT)	1	\$5,000	\$5,000	\$3,350	09/10/2009	
ZECD 2009-2(HMT)	1	\$2,000	\$2,000	\$2,000	09/10/2009	
ZECDP 2007-1(HMT)	9	\$18,000	\$18,000	\$14,400	11/25/2008	
ZECDP 2008-1(HMT)	1	\$7,500	\$7,500	\$5,250	02/25/2009	
ZECL 2007-1(HMT)	1	\$2,000	\$2,000	\$1,400	10/30/2008	
ZECL 2009-1(HMT)	1	\$5,000	\$5,000	\$3,350	03/26/2009	
ZECN 2008-1(HMT)	1	\$7,500	\$7,500	\$5,750	11/24/2008	
ZECR 2008-1(HMT)	1	\$2,000	\$2,000	\$1,500	03/11/2009	
ZEDC 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	12/11/2008	

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ZEDC 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	02/20/2009	
ZEEA 2007-1(HMT)	1	\$10,000	\$10,000	\$7,000	04/06/2009	
ZEEA 2009-1(HMT)	3	\$15,000	\$15,000	\$8,700	04/06/2009	
ZEEN 2009-1(HMT)	2	\$3,000	\$3,000	\$2,100	04/22/2009	
ZEGCO 2003-1(HMT)	1	\$5,000	\$5,000	\$4,200	10/15/2008	
ZEHC 2006-1(HMT)	1	\$5,000	\$5,000	\$4,000	02/10/2009	
ZEKAC 2008-1(HMT)	2	\$20,000	\$20,000	\$16,000	03/18/2009	
ZEKAC 2009-1(HMT)	1	\$10,000	\$10,000	\$10,000	07/22/2009	
ZELE 2004-1(HMT)	1	\$10,000	\$10,000	\$10,000	11/14/2008	
ZEMCC 2007-2(HMT)	1	\$5,000	\$5,000	\$3,250	07/09/2009	
ZEMCC 2008-1(HMT)	1	\$10,000	\$10,000	\$7,500	06/04/2009	
ZEMCC 2008-2(HMT)	1	\$10,000	\$10,000	\$7,500	06/04/2009	
ZEMCC 2008-3(HMT)	1	\$10,000	\$10,000	\$7,500	06/04/2009	
ZEMCC 2009-1(HMT)	2	\$20,000	\$10,000	\$7,500	06/04/2009	Terminated Violation(s)#: 2
ZEMCC 2009-2(HMT)	1	\$10,000	\$10,000	\$7,200	07/09/2009	
ZEMCC 2009-3(HMT)	1	\$10,000	\$5,000	\$4,000	09/30/2009	Partially Terminated Violation(s)#: 1 (wrong penalty assessed.)
ZEMER 2004-1(HMT)	2	\$11,500	\$11,500	\$3,000	02/19/2009	
ZEOB 2007-1(HMT)	1	\$2,000	\$2,000	\$1,500	10/30/2008	
ZEPC 2008-1(HMT)	1	\$7,500	\$7,500	\$6,000	01/08/2009	
ZEPC 2008-2(HMT)	2	\$6,000	\$6,000	\$4,800	01/08/2009	
ZEPC 2008-3(HMT)	1	\$10,000	\$10,000	\$8,000	01/08/2009	
ZEPC 2008-4(HMT)	1	\$10,000	\$10,000	\$8,000	01/08/2009	
ZEPC 2008-5(HMT)	1	\$2,500	\$2,500	\$2,000	01/08/2009	
ZEPC 2008-6(HMT)	1	\$10,000	\$10,000	\$10,000	02/20/2009	
ZEPC 2009-1(HMT)	1	\$10,000	\$10,000	\$10,000	02/20/2009	
ZEPC 2009-2(HMT)	2	\$7,000	\$7,000	\$7,000	05/06/2009	
ZEPC 2009-3(HMT)	4	\$10,000	\$10,000	\$10,000	05/06/2009	
ZEPC 2009-4(HMT)	2	\$5,000	\$5,000	\$5,000	06/02/2009	
ZEPC 2009-5(HMT)	1	\$5,000	\$5,000	\$5,000	08/12/2009	
ZEPD 2009-1(HMT)	1	\$5,000	\$0	\$0	08/27/2009	Case Terminated.
ZEQU 2007-2(HMT)	1	\$2,000	\$2,000	\$2,000	10/14/2008	
ZEQU 2008-1(HMT)	1	\$5,000	\$5,000	\$3,750	12/15/2008	
ZEQU 2008-2(HMT)	1	\$5,000	\$5,000	\$4,000	12/15/2008	
ZEQU 2008-3(HMT)	1	\$10,000	\$10,000	\$8,000	12/15/2008	
ZEQU 2008-4(HMT)	1	\$5,000	\$5,000	\$4,000	05/14/2009	
ZEQU 2009-1(HMT)	1	\$5,000	\$5,000	\$3,500	07/01/2009	
ZERT 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	04/21/2009	
ZEVD 2008-1(HMT)	3	\$12,500	\$12,500	\$9,500	10/30/2008	
ZEVS 2004-1(HMT)	1	\$5,000	\$0	\$0	01/22/2009	CASE TERMINATED.
ZEWW 2007-1(HMT)	1	\$10,000	\$10,000	\$7,500	10/30/2008	
ZEWW 2008-1(HMT)	2	\$10,000	\$10,000	\$7,500	10/30/2008	
ZEWW 2009-2(HMT)	1	\$10,000	\$0	\$0	07/23/2009	Case Terminated.
ZEXM 2004-2(HMT)	1	\$2,500	\$2,500	\$2,500	04/06/2009	
ZEXM 2008-1(HMT)	1	\$10,000	\$10,000	\$7,400	08/10/2009	
ZEZZ 2008-1(HMT)	2	\$6,000	\$6,000	\$6,000	10/14/2008	
ZFAZ 2007-1(HMT)	1	\$2,000	\$2,000	\$1,600	03/24/2009	
ZFEC 2005-1(HMT)	1	\$5,000	\$5,000	\$3,250	02/05/2009	
ZFEC 2007-1(HMT)	1	\$7,500	\$7,500	\$5,500	02/05/2009	

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ZFIC 2005-1(HMT)	1	\$5,000	\$5,000	\$3,500	01/29/2009	
ZFLZ 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	12/01/2008	
ZFMCI 2004-1(HMT)	1	\$5,000	\$5,000	\$5,000	01/30/2009	
ZFMCI 2008-1(HMT)	2	\$20,000	\$20,000	\$15,000	01/30/2009	
ZFMCI 2008-2(HMT)	4	\$30,000	\$30,000	\$15,000	01/30/2009	
ZFTQ 2005-1(HMT)	1	\$1,000	\$1,000	\$1,000	01/23/2009	
ZGAO 2009-1(HMT)	1	\$5,000	\$5,000	\$3,500	08/11/2009	
ZGATX 2007-1(HMT)	1	\$7,500	\$7,500	\$4,500	08/12/2009	
ZGATX 2008-3(HMT)	3	\$24,000	\$24,000	\$14,500	08/12/2009	
ZGAX 2007-1(HMT)	2	\$18,000	\$18,000	\$15,000	08/12/2009	
ZGCC 2009-1(HMT)	3	\$15,000	\$15,000	\$15,000	06/16/2009	
ZGCL 2009-1(HMT)	1	\$5,000	\$5,000	\$3,200	03/26/2009	
ZGEC 2007-2(HMT)	18	\$36,000	\$36,000	\$26,000	07/29/2009	
ZGET 2008-2(HMT)	2	\$6,000	\$6,000	\$6,000	05/01/2009	
ZGGS 2005-1(HMT)	1	\$5,000	\$5,000	\$1,000	07/23/2009	
ZGIP 2007-1(HMT)	1	\$10,000	\$10,000	\$6,500	01/13/2009	
ZGIP 2007-2(HMT)	2	\$15,000	\$15,000	\$10,500	01/13/2009	
ZGIP 2007-3(HMT)	1	\$5,000	\$0	\$0	01/13/2009	CASE TERMINATED.
ZGIP 2008-1(HMT)	1	\$2,000	\$2,000	\$1,300	01/13/2009	
ZGLE 2008-1(HMT)	1	\$10,000	\$10,000	\$6,000	03/23/2009	
ZGLE 2009-1(HMT)	4	\$20,000	\$20,000	\$12,000	03/23/2009	
ZGLE 2009-2(HMT)	1	\$5,000	\$5,000	\$3,000	03/23/2009	
ZGNS 2002-1(HMT)	1	\$2,500	\$0	\$0	04/14/2009	CASE TERMINATED.
ZGPS 2007-1(HMT)	4	\$35,000	\$35,000	\$30,000	04/17/2009	
ZGPS 2008-2(HMT)	1	\$10,000	\$10,000	\$8,000	04/17/2009	
ZGPS 2009-1(HMT)	1	\$10,000	\$10,000	\$8,000	04/17/2009	
ZGPS 2009-2(HMT)	1	\$5,000	\$5,000	\$4,000	04/17/2009	
ZGPS 2009-3(HMT)	1	\$5,000	\$5,000	\$5,000	05/20/2009	
ZGRE 2008-1(HMT)	1	\$10,000	\$10,000	\$6,800	01/29/2009	
ZGRE 2009-1(HMT)	1	\$10,000	\$10,000	\$6,800	07/01/2009	
ZGRN 2007-1(HMT)	5	\$21,500	\$21,500	\$13,500	06/25/2009	
ZGRN 2007-2(HMT)	5	\$21,000	\$21,000	\$12,000	06/25/2009	
ZGRN 2007-3(HMT)	4	\$15,000	\$15,000	\$9,500	06/25/2009	
ZGRR 2007-1(HMT)	1	\$10,000	\$10,000	\$7,000	09/16/2009	
ZGRR 2007-2(HMT)	1	\$5,000	\$5,000	\$3,500	09/16/2009	
ZGRR 2008-1(HMT)	2	\$10,000	\$10,000	\$6,500	09/16/2009	
ZGRR 2009-1(HMT)	1	\$10,000	\$10,000	\$7,000	09/16/2009	
ZGRR 2009-2(HMT)	1	\$5,000	\$5,000	\$3,500	09/16/2009	
ZGSD 2008-1(HMT)	1	\$5,000	\$5,000	\$3,250	12/16/2008	
ZGTE 2009-1(HMT)	2	\$9,000	\$9,000	\$7,000	03/10/2009	
ZGTR 2009-1(HMT)	1	\$5,000	\$5,000	\$5,000	08/18/2009	
ZGYR 2007-1(HMT)	2	\$6,000	\$6,000	\$4,500	06/19/2009	
ZHCQ 2005-1(HMT)	1	\$2,000	\$2,000	\$1,425	03/16/2009	
ZHCQ 2007-1(HMT)	1	\$5,000	\$5,000	\$4,000	03/16/2009	
ZHES 2005-2(HMT)	2	\$10,500	\$10,500	\$7,700	03/16/2009	
ZHGF 2006-1(HMT)	2	\$15,000	\$15,000	\$9,500	11/10/2008	
ZHGF 2007-1(HMT)	1	\$10,000	\$0	\$0	11/10/2008	CASE TERMINATED.
ZHGF 2007-3(HMT)	1	\$10,000	\$10,000	\$7,500	11/10/2008	
ZHGF 2008-1(HMT)	2	\$10,000	\$10,000	\$6,975	11/11/2008	

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ZHGF 2008-2(HMT)	1	\$5,000	\$5,000	\$3,025	11/11/2008	
ZHKC 2008-1(HMT)	2	\$15,000	\$15,000	\$13,250	11/19/2008	
ZHKD 2007-3(HMT)	1	\$5,000	\$5,000	\$5,000	10/21/2008	
ZHKD 2008-2(HMT)	1	\$10,000	\$10,000	\$10,000	12/17/2008	
ZHKD 2008-3(HMT)	1	\$10,000	\$10,000	\$10,000	03/30/2009	
ZHKD 2009-1(HMT)	3	\$20,000	\$20,000	\$15,850	03/10/2009	
ZHLB 2008-1(HMT)	1	\$10,000	\$10,000	\$10,000	11/02/2008	
ZHNI 2006-2(HMT)	2	\$10,000	\$10,000	\$8,100	01/12/2009	
ZHNI 2007-1(HMT)	1	\$10,000	\$10,000	\$8,550	01/12/2009	
ZHNI 2008-1(HMT)	1	\$1,000	\$1,000	\$750	01/21/2009	
ZHOI 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	10/27/2008	
ZHOW 2007-1(HMT)	1	\$4,000	\$4,000	\$2,800	01/12/2009	
ZHOW 2008-1(HMT)	1	\$10,000	\$10,000	\$8,500	01/12/2009	
ZHOW 2008-2(HMT)	2	\$6,000	\$6,000	\$4,750	01/12/2009	
ZHPR 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	07/01/2009	
ZHUD 2007-1(HMT)	1	\$5,000	\$5,000	\$4,080	01/08/2009	
ZHUD 2007-2(HMT)	1	\$10,000	\$10,000	\$8,500	01/08/2009	
ZHUD 2008-1(HMT)	2	\$10,000	\$10,000	\$8,170	01/08/2009	
ZHUS 2005-1(HMT)	1	\$5,000	\$5,000	\$3,550	01/15/2009	
ZIAF 2004-1(HMT)	1	\$7,500	\$0	\$0	02/04/2009	CASE TERMINATED.
ZIDM 2008-1(HMT)	2	\$4,000	\$4,000	\$3,000	01/21/2009	
ZIID 2008-1(HMT)	2	\$4,000	\$4,000	\$4,000	12/10/2008	
ZIM 2006-1(HMT)	1	\$7,500	\$7,500	\$4,000	12/16/2008	
ZIMTB 2001-1(HMT)	1	\$10,000	\$0	\$0	11/25/2008	Case Terminated.
ZIMTB 2006-1(HMT)	1	\$7,500	\$7,500	\$5,625	11/25/2008	
ZIMTB 2007-1(HMT)	1	\$10,000	\$10,000	\$7,500	11/25/2008	
ZIMTB 2008-1(HMT)	1	\$5,000	\$5,000	\$3,750	11/25/2008	
ZINO 2009-2(HMT)	1	\$7,500	\$7,500	\$7,500	09/29/2009	
ZINQ 2005-1(HMT)	1	\$2,000	\$2,000	\$1,500	03/05/2009	
ZINS 2006-1(HMT)	3	\$7,500	\$0	\$0	01/29/2009	Case Terminated.
ZINTT 2007-2(HMT)	3	\$15,000	\$15,000	\$9,500	10/17/2008	
ZINTT 2007-3(HMT)	1	\$5,000	\$5,000	\$3,500	10/17/2008	
ZINTT 2007-4(HMT)	1	\$10,000	\$10,000	\$8,000	10/17/2008	
ZINTT 2007-5(HMT)	1	\$10,000	\$10,000	\$8,000	10/17/2008	
ZINTT 2007-6(HMT)	2	\$2,000	\$2,000	\$1,400	10/17/2008	
ZINTT 2008-1(HMT)	3	\$15,000	\$15,000	\$10,500	10/17/2008	
ZINV 2006-1(HMT)	2	\$15,000	\$0	\$0	12/15/2008	CASE TERMINATED.
ZINV 2008-1(HMT)	4	\$8,000	\$8,000	\$5,000	02/04/2009	
ZINV 2009-1(HMT)	1	\$2,000	\$0	\$0	07/13/2009	Case Terminated.
ZIOCO 2004-1(HMT)	1	\$5,000	\$5,000	\$3,000	11/12/2008	
ZIOW 2006-1(HMT)	1	\$5,000	\$5,000	\$5,000	10/17/2008	
ZIP 2005-1(HMT)	3	\$6,500	\$6,500	\$4,425	10/14/2008	
ZIP 2006-1(HMT)	1	\$5,000	\$5,000	\$5,000	10/14/2008	
ZIP 2006-2(HMT)	2	\$3,000	\$3,000	\$2,250	10/14/2008	
ZIP 2007-1(HMT)	1	\$2,000	\$2,000	\$1,200	10/14/2008	
ZIP 2008-1(HMT)	1	\$5,000	\$2,000	\$2,000	10/14/2008	Partially Terminated Violation(s)#: 1
ZIP 2008-2(HMT)	1	\$2,000	\$2,000	\$1,500	11/05/2008	
ZIPB 2009-1(HMT)	1	\$5,000	\$5,000	\$3,500	04/21/2009	
ZIPP 2008-1(HMT)	2	\$4,000	\$4,000	\$4,000	02/09/2009	

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<u>FRA No.</u>	<u>No. of Violations</u>	<u>POCA</u>	<u>PRCA</u>	<u>Settlement Amount</u>	<u>Settlement Date</u>	<u>Comments</u>
ZIRL 2009-1(HMT)	1	\$5,000	\$5,000	\$5,000	03/19/2009	
ZIRO 2005-1(HMT)	1	\$7,500	\$0	\$0	01/05/2009	CASE TERMINATED.
ZIRO 2006-1(HMT)	1	\$5,000	\$5,000	\$1,500	01/05/2009	
ZIRO 2007-1(HMT)	1	\$5,000	\$5,000	\$3,750	01/05/2009	
ZIRO 2008-1(HMT)	1	\$2,000	\$2,000	\$1,500	01/05/2009	
ZISRV 2007-1(HMT)	2	\$4,500	\$4,500	\$3,375	12/11/2008	
ZITS 2005-1(HMT)	2	\$4,000	\$4,000	\$1,000	12/08/2008	
ZITS 2008-1(HMT)	2	\$10,000	\$10,000	\$2,000	12/08/2008	
ZITT 2008-1(HMT)	2	\$4,000	\$4,000	\$3,000	10/20/2008	
ZITT 2008-2(HMT)	1	\$2,000	\$2,000	\$1,300	10/20/2008	
ZITT 2008-3(HMT)	1	\$10,000	\$10,000	\$6,000	10/20/2008	
ZITT 2008-4(HMT)	1	\$5,000	\$5,000	\$3,000	10/20/2008	
ZIUC 2004-1(HMT)	8	\$16,000	\$16,000	\$8,800	12/11/2008	
ZIVS 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	12/15/2008	
ZIVS 2008-2(HMT)	1	\$5,000	\$0	\$0	12/10/2008	CASE TERMINATED.
ZJCB 2007-1(HMT)	4	\$16,000	\$16,000	\$10,500	02/12/2009	
ZJHO 2007-1(HMT)	1	\$10,000	\$10,000	\$8,500	01/26/2009	
ZJMH 2008-1(HMT)	1	\$5,000	\$5,000	\$3,250	01/26/2009	
ZJSWG 2006-1(HMT)	1	\$2,500	\$2,500	\$1,700	01/26/2009	
ZKAS 2007-1(HMT)	1	\$5,000	\$5,000	\$4,000	01/08/2009	
ZKAS 2007-2(HMT)	1	\$5,000	\$5,000	\$3,825	01/08/2009	
ZKMG 2008-1(HMT)	1	\$5,000	\$5,000	\$4,100	02/18/2009	
ZKMT 2007-1(HMT)	1	\$10,000	\$10,000	\$7,875	01/26/2009	
ZKMTTC 2007-1(HMT)	1	\$5,500	\$5,500	\$3,600	01/29/2009	
ZKPI 2008-3(HMT)	2	\$10,000	\$10,000	\$10,000	02/09/2009	
ZKPI 2008-4(HMT)	4	\$16,000	\$16,000	\$16,000	02/18/2009	
ZKPI 2009-1(HMT)	2	\$4,000	\$4,000	\$4,000	03/06/2009	
ZKPI 2009-2(HMT)	1	\$7,500	\$7,500	\$7,500	08/24/2009	
ZKSL 2008-2(HMT)	8	\$16,000	\$16,000	\$16,000	11/07/2008	
ZKUG 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	11/26/2008	
ZKUG 2008-2(HMT)	1	\$2,000	\$2,000	\$2,000	04/17/2009	
ZKYE 2009-1(HMT)	9	\$18,000	\$18,000	\$18,000	05/12/2009	
ZLHP 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	01/29/2009	
ZMCQ 2006-1(HMT)	1	\$2,000	\$2,000	\$2,000	08/04/2009	
ZMED 2006-1(HMT)	1	\$7,500	\$7,500	\$6,500	12/31/2008	
ZMERL 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	01/14/2009	
ZMFS 2009-1(HMT)	1	\$5,000	\$5,000	\$3,500	09/28/2009	
ZMLR 2008-1(HMT)	2	\$4,000	\$4,000	\$4,000	11/26/2008	
ZMNG 2007-1(HMT)	1	\$2,000	\$0	\$0	01/12/2009	CASE TERMINATED.
ZMON 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	11/05/2008	
ZMPT 2008-1(HMT)	1	\$10,000	\$0	\$0	02/09/2009	CASE TERMINATED.
ZMRT 2009-1(HMT)	2	\$4,000	\$4,000	\$2,500	09/28/2009	
ZMTE 2006-3(HMT)	8	\$16,000	\$16,000	\$10,800	01/05/2009	
ZMTE 2007-1(HMT)	6	\$30,000	\$12,000	\$8,160	01/05/2009	Partially Terminated Violation(s)#: 1-6
ZMTE 2007-2(HMT)	1	\$10,000	\$10,000	\$7,500	01/05/2009	
ZMTE 2008-2(HMT)	7	\$13,000	\$13,000	\$8,450	01/05/2009	
ZMWC 2008-1(HMT)	1	\$5,000	\$5,000	\$2,500	05/11/2009	
ZMWC 2009-1(HMT)	1	\$5,000	\$5,000	\$1,000	05/11/2009	
ZMWC 2009-2(HMT)	2	\$5,000	\$5,000	\$2,700	04/08/2009	

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ZMWC 2009-3(HMT)	1	\$5,000	\$5,000	\$2,500	05/11/2009	
ZNEI 2008-2(HMT)	2	\$4,000	\$4,000	\$4,000	10/27/2008	
ZNSE 2009-1(HMT)	1	\$5,000	\$5,000	\$5,000	07/08/2009	
ZNYR 2009-1(HMT)	1	\$10,000	\$10,000	\$10,000	04/19/2009	
ZPACE 2005-1(HMT)	1	\$7,500	\$7,500	\$6,550	11/17/2008	
ZPACE 2007-1(HMT)	1	\$12,500	\$12,500	\$9,250	11/17/2008	
ZPAE 2008-1(HMT)	1	\$7,500	\$7,500	\$5,625	12/01/2008	
ZPAP 2003-1(HMT)	1	\$10,000	\$0	\$0	01/14/2009	CASE TERMINATED.
ZPBI 2002-1(HMT)	1	\$15,000	\$0	\$0	01/14/2009	CASE TERMINATED.
ZPCE 2007-2(HMT)	1	\$10,000	\$10,000	\$7,400	01/24/2009	
ZPCE 2008-1(HMT)	1	\$5,000	\$5,000	\$3,550	01/24/2009	
ZPCH 2007-1(HMT)	1	\$5,000	\$0	\$0	01/22/2009	Case Terminated (Wrong RR).
ZPCI 2002-1(HMT)	1	\$5,000	\$0	\$0	01/26/2009	CASE TERMINATED.
ZPCS 2007-1(HMT)	2	\$15,000	\$15,000	\$7,800	01/15/2009	
ZPCSS 2007-2(HMT)	1	\$10,000	\$10,000	\$7,300	02/02/2009	
ZPCSS 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	11/19/2008	
ZPG 2008-1(HMT)	2	\$12,500	\$12,500	\$9,718	05/13/2009	
ZPG 2008-2(HMT)	1	\$2,000	\$2,000	\$1,582	05/13/2009	
ZPGM 2006-1(HMT)	3	\$15,000	\$15,000	\$11,700	06/05/2009	
ZPGP 2003-1(HMT)	1	\$2,500	\$0	\$0	01/16/2009	CASE TERMINATED.
ZPGQ 2009-1(HMT)	1	\$10,000	\$10,000	\$6,850	05/11/2009	
ZPHG 2008-1(HMT)	1	\$10,000	\$10,000	\$7,100	07/16/2009	
ZPHI 2007-1(HMT)	1	\$10,000	\$10,000	\$5,650	12/15/2008	
ZPHO 2007-2(HMT)	1	\$10,000	\$10,000	\$7,400	02/23/2009	
ZPHS 2008-1(HMT)	1	\$7,500	\$7,500	\$5,250	01/23/2009	
ZPINE 2002-1(HMT)	3	\$12,000	\$0	\$0	12/28/2008	CASE TERMINATED.
ZPJC 2007-1(HMT)	1	\$5,000	\$0	\$0	01/28/2009	CASE TERMINATED.
ZPJC 2008-1(HMT)	3	\$22,500	\$22,500	\$12,000	01/28/2009	
ZPJC 2008-2(HMT)	1	\$2,500	\$2,500	\$1,950	01/28/2009	
ZPJC 2008-3(HMT)	1	\$10,000	\$10,000	\$7,300	01/28/2009	
ZPJC 2008-4(HMT)	1	\$7,500	\$7,500	\$5,700	01/28/2009	
ZPKG 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	12/31/2008	
ZPLE 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	05/12/2009	
ZPLS 2006-1(HMT)	1	\$5,000	\$5,000	\$4,100	12/01/2008	
ZPLS 2007-1(HMT)	1	\$5,000	\$5,000	\$3,900	12/01/2008	
ZPLS 2007-2(HMT)	1	\$5,000	\$5,000	\$3,900	12/01/2008	
ZPLS 2007-3(HMT)	1	\$5,000	\$5,000	\$3,900	12/01/2008	
ZPLS 2007-4(HMT)	1	\$5,000	\$5,000	\$3,700	12/01/2008	
ZPMN 2005-1(HMT)	1	\$10,000	\$10,000	\$6,250	01/23/2009	
ZPMQ 2006-1(HMT)	1	\$5,000	\$5,000	\$3,900	01/24/2009	
ZPMQ 2007-2(HMT)	1	\$7,500	\$7,500	\$5,850	01/24/2009	
ZPMQ 2007-3(HMT)	1	\$7,500	\$7,500	\$5,475	01/24/2009	
ZPMQ 2008-1(HMT)	1	\$10,000	\$10,000	\$7,550	01/24/2009	
ZPNR 2009-1(HMT)	1	\$10,000	\$10,000	\$7,800	07/16/2009	
ZPOC 2003-1(HMT)	1	\$7,500	\$0	\$0	01/29/2009	CASE TERMINATED.
ZPONS 2008-1(HMT)	1	\$5,000	\$5,000	\$3,700	11/11/2008	
ZPPR 2008-1(HMT)	8	\$16,000	\$16,000	\$10,560	03/10/2009	
ZPPR 2008-2(HMT)	1	\$2,000	\$2,000	\$1,450	02/11/2009	
ZPRC 2006-1(HMT)	1	\$7,500	\$7,500	\$5,925	02/26/2009	

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ZPRC 2006-2(HMT)	1	\$7,500	\$7,500	\$5,925	02/24/2009	
ZPRN 2008-1(HMT)	1	\$10,000	\$10,000	\$7,400	01/22/2009	
ZPRQ 2009-1(HMT)	1	\$2,500	\$2,500	\$2,500	05/01/2009	
ZPRS 2008-1(HMT)	3	\$7,500	\$7,500	\$4,700	03/12/2009	
ZPRW 2008-1(HMT)	1	\$5,000	\$5,000	\$2,800	07/20/2009	
ZPRX 2008-2(HMT)	1	\$5,000	\$5,000	\$5,000	10/20/2008	
ZPTR 2007-1(HMT)	1	\$10,000	\$10,000	\$6,980	02/06/2009	
ZPTR 2007-2(HMT)	1	\$10,000	\$10,000	\$7,250	02/06/2009	
ZPTRS 2004-1(HMT)	4	\$10,000	\$10,000	\$4,445	03/12/2009	
ZPVS 2004-1(HMT)	1	\$10,000	\$10,000	\$7,800	02/05/2009	
ZPVS 2004-2(HMT)	1	\$1,000	\$1,000	\$750	02/05/2009	
ZPVS 2006-1(HMT)	1	\$5,000	\$5,000	\$2,500	02/05/2009	
ZRAY 2009-1(HMT)	1	\$5,000	\$5,000	\$3,500	03/26/2009	
ZRCH 2007-1(HMT)	2	\$7,000	\$7,000	\$5,600	11/06/2008	
ZRCH 2007-2(HMT)	1	\$7,500	\$7,500	\$4,500	11/06/2008	
ZRCH 2007-3(HMT)	1	\$4,000	\$4,000	\$3,200	11/06/2008	
ZRCH 2008-1(HMT)	1	\$10,000	\$10,000	\$6,000	12/19/2008	
ZRCH 2009-1(HMT)	2	\$10,000	\$10,000	\$5,800	09/11/2009	
ZREBO 2005-1(HMT)	2	\$7,000	\$7,000	\$500	12/10/2008	
ZREN 2009-2(HMT)	3	\$7,500	\$7,500	\$6,500	03/23/2009	
ZRES 2009-1(HMT)	1	\$10,000	\$10,000	\$5,000	09/16/2009	
ZRET 2007-2(HMT)	1	\$5,000	\$5,000	\$3,500	11/12/2008	
ZRFE 2007-1(HMT)	2	\$10,000	\$10,000	\$6,500	11/03/2008	
ZRGL 2008-1(HMT)	1	\$2,000	\$2,000	\$1,500	12/08/2008	
ZRGZ 2005-1(HMT)	1	\$2,000	\$2,000	\$1,250	11/20/2008	
ZRHD 2008-1(HMT)	1	\$2,000	\$2,000	\$1,800	03/18/2009	
ZRHI 2007-1(HMT)	1	\$2,000	\$2,000	\$1,600	11/04/2008	
ZRKA 2006-1(HMT)	2	\$5,000	\$5,000	\$3,500	11/10/2008	
ZRKA 2007-1(HMT)	1	\$2,000	\$2,000	\$2,000	11/10/2008	
ZRLI 2003-1(HMT)	2	\$8,000	\$8,000	\$500	12/10/2008	
ZRLZ 2009-1(HMT)	1	\$2,500	\$2,500	\$1,500	05/28/2009	
ZRLZ 2009-2(HMT)	1	\$7,500	\$7,500	\$5,000	05/28/2009	
ZRMZ 2008-1(HMT)	1	\$2,000	\$2,000	\$1,500	09/03/2009	
ZRNP 2009-1(HMT)	1	\$5,000	\$5,000	\$3,500	09/15/2009	
ZRPM 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	03/03/2009	
ZRPM 2008-2(HMT)	1	\$7,500	\$7,500	\$7,500	12/29/2008	
ZRPM 2008-3(HMT)	1	\$5,000	\$5,000	\$5,000	12/29/2008	
ZRPQ 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	01/06/2009	
ZRSH 2007-3(HMT)	1	\$2,000	\$2,000	\$1,600	11/26/2008	
ZRSH 2009-1(HMT)	2	\$7,000	\$5,000	\$3,500	05/28/2009	Terminated Violation(s)#: 1
ZRSMI 2003-1(RW)	1	\$2,000	\$2,000	\$550	12/16/2008	
ZRSNL 2007-1(HMT)	1	\$5,000	\$5,000	\$2,500	11/19/2008	
ZRTE 2009-1(HMT)	2	\$10,000	\$10,000	\$7,500	08/05/2009	
ZSEZ 2007-1(HMT)	1	\$2,500	\$2,500	\$2,500	07/22/2009	
ZSIMP 2006-1(HMT)	9	\$18,000	\$18,000	\$3,250	04/01/2009	
ZSKI 2007-1(HMT)	1	\$5,000	\$5,000	\$5,000	04/15/2009	
ZSKI 2007-2(HMT)	4	\$8,000	\$8,000	\$8,000	05/13/2009	
ZSWA 2004-1(HMT)	1	\$5,000	\$5,000	\$3,500	11/22/2008	
ZSYF 2008-1(HMT)	7	\$14,000	\$14,000	\$14,000	06/23/2009	

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ZTAG 2007-1(HMT)	1	\$5,000	\$5,000	\$4,000	11/13/2008	
ZTAM 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	10/14/2008	
ZTAPI 2008-1(HMT)	1	\$5,000	\$5,000	\$4,250	10/23/2008	
ZTAU 2008-1(HMT)	1	\$5,000	\$5,000	\$3,500	12/09/2008	
ZTAU 2008-2(HMT)	1	\$5,000	\$5,000	\$4,250	12/09/2008	
ZTAU 2009-1(HMT)	1	\$5,000	\$5,000	\$4,500	06/05/2009	
ZTBY 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	10/14/2008	
ZTCL 2009-1(HMT)	2	\$4,000	\$4,000	\$3,500	07/28/2009	
ZTCN 2009-1(HMT)	1	\$10,000	\$10,000	\$10,000	06/29/2009	
ZTER 2008-1(HMT)	1	\$5,000	\$5,000	\$4,000	10/30/2008	
ZTERM 2008-1(HMT)	2	\$4,000	\$4,000	\$4,000	10/14/2008	
ZTERM 2008-2(HMT)	1	\$2,500	\$2,500	\$2,000	11/10/2008	
ZTERM 2009-1(HMT)	3	\$7,500	\$7,500	\$7,500	03/12/2009	
ZTFLO 2003-1(HMT)	2	\$7,000	\$7,000	\$4,000	10/23/2008	
ZTFLO 2008-2(HMT)	1	\$5,000	\$5,000	\$3,500	10/01/2008	
ZTFLO 2009-1(HMT)	1	\$2,000	\$2,000	\$1,500	06/16/2009	
ZTGO 2007-2(HMT)	1	\$10,000	\$10,000	\$8,000	11/12/2008	
ZTGO 2008-1(HMT)	1	\$5,000	\$5,000	\$4,000	11/12/2008	
ZTIL 2008-1(HMT)	2	\$20,000	\$20,000	\$12,000	06/30/2009	
ZTIQ 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	10/14/2008	
ZTKH 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	10/14/2008	
ZTMF 2009-1(HMT)	1	\$2,500	\$2,500	\$2,000	05/26/2009	
ZTPA 2009-1(HMT)	1	\$2,000	\$2,000	\$1,500	07/28/2009	
ZTPU 2008-1(HMT)	1	\$10,000	\$10,000	\$7,500	08/03/2009	
ZTRH 2008-1(HMT)	2	\$4,000	\$4,000	\$2,800	12/13/2008	
ZTRH 2008-2(HMT)	2	\$4,000	\$4,000	\$3,400	06/25/2009	
ZTRH 2009-1(HMT)	1	\$2,000	\$2,000	\$1,600	06/25/2009	
ZTRN 2009-1(HMT)	1	\$10,000	\$10,000	\$6,000	06/30/2009	
ZTRZ 2008-1(HMT)	1	\$1,500	\$1,500	\$1,125	06/25/2009	
ZTSS 2007-1(HMT)	1	\$10,000	\$10,000	\$7,500	11/13/2008	
ZTSS 2008-1(HMT)	1	\$10,000	\$10,000	\$7,500	11/13/2008	
ZTSS 2009-1(HMT)	1	\$10,000	\$10,000	\$10,000	06/25/2009	
ZTTQ 2007-1(HMT)	1	\$2,000	\$2,000	\$2,000	10/14/2008	
ZTTQ 2008-1(HMT)	1	\$2,000	\$2,000	\$2,000	10/22/2008	
ZTTS 2008-1(HMT)	1	\$2,000	\$2,000	\$1,500	06/29/2009	
ZTTW 2008-1(HMT)	1	\$2,000	\$2,000	\$1,500	11/12/2008	
ZTWK 2009-1(SA)	1	\$5,000	\$0	\$0	06/11/2009	Case Terminated.
ZUCL 2009-1(HMT)	1	\$2,000	\$2,000	\$1,300	09/29/2009	
ZUCL 2009-2(HMT)	1	\$2,000	\$2,000	\$1,300	09/29/2009	
ZULS 2005-1(HMT)	1	\$2,000	\$2,000	\$1,000	02/10/2009	
ZUNC 2007-1(HMT)	1	\$2,000	\$2,000	\$1,700	01/28/2009	
ZUNIV 2008-3(HMT)	1	\$2,000	\$2,000	\$2,000	01/05/2009	
ZUPT 2006-1(HMT)	2	\$13,500	\$13,500	\$10,950	05/01/2009	
ZUPT 2007-1(HMT)	3	\$35,000	\$35,000	\$21,800	05/01/2009	
ZUPT 2008-1(HMT)	2	\$9,000	\$9,000	\$5,450	05/01/2009	
ZUSO 2009-1(HMT)	6	\$30,000	\$30,000	\$15,000	07/21/2009	
ZUSOR 2004-1(HMT)	1	\$7,500	\$7,500	\$4,500	01/27/2009	
ZUSOR 2005-1(HMT)	2	\$10,000	\$10,000	\$6,000	01/27/2009	
ZUSQ 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	08/04/2009	

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ZUTC 2007-3(HMT)	1	\$10,000	\$10,000	\$7,000	06/09/2009	
ZUTC 2008-1(HMT)	2	\$7,500	\$7,500	\$5,250	03/24/2009	
ZUTC 2008-2(HMT)	1	\$10,000	\$10,000	\$7,500	03/24/2009	
ZVALM 2007-3(HMT)	1	\$7,500	\$7,500	\$5,500	12/23/2008	
ZVALM 2008-1(HMT)	1	\$2,500	\$2,500	\$1,875	12/23/2008	
ZVPRI 2009-1(HMT)	1	\$2,000	\$2,000	\$2,000	07/09/2009	
ZVTZ 2008-1(HMT)	2	\$12,500	\$12,500	\$9,125	01/29/2009	
ZWGR 2008-1(HMT)	2	\$5,000	\$5,000	\$5,000	01/29/2009	
ZWPO 2008-1(HMT)	2	\$4,000	\$4,000	\$4,000	05/11/2009	
ZWWE 2008-1(HMT)	1	\$5,000	\$5,000	\$5,000	05/02/2009	
ZWWE 2008-2(HMT)	2	\$10,000	\$10,000	\$10,000	05/02/2009	
Total	7,342	\$24,049,200	\$22,928,700	\$15,476,760		

Respondent

<u>Codes</u>	<u>Respondent Names</u>
AA	ANN ARBOR RAILROAD
ABS	Alabama Southern Railroad
ALS	The Alton and Southern Railway Company
AM	ARKANSAS AND MISSOURI RAILROAD COMPANY
AOK	ARKANSAS-OKLAHOMA RAILROAD COMPANY
ARR	ALASKA RAILROAD CORPORATION
ARZC	ARIZONA AND CALIFORNIA RAILROAD CO.
AVR	ALLEGHENY VALLEY RAILROAD CO.
AWRR	AUSTIN WESTERN RAILROAD
AZER	ARIZONA EASTERN RAILWAY
BB	BUCKINGHAM BRANCH RAILROAD COMPANY
BNSF	BNSF RAILWAY COMPANY
BNSO	BNSF SUBURBAN OPERATIONS
BSOR	BUFFALO SOUTHERN RAILROAD, INCORPORATED
CARR	CARROLLTON RAILROAD
CBRW	COLUMBIA BASIN RAILROAD COMPANY, INC.
CC	CHICAGO, CENTRAL & PACIFIC RAILROAD COMPANY
CERA	CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
CFE	CHICAGO FT. WAYNE & EASTERN RAILROAD
CFNR	CALIFORNIA NORTHERN RAILROAD
CIND	CENTRAL INDIANA RAILWAY COMPANY
CN	Canadian National Railway Company
CORP	CENTRAL OREGON & PACIFIC RAILROAD
CP	CANADIAN PACIFIC RAILWAY
CR	Consolidated Rail Corporation
CRRX	CANON CITY ROYAL GORGE RAILROAD
CSCD	CASCADE AND COLUMBIA RIVER
CSX	CSX TRANSPORTATION, INC.
CUOH	COLUMBUS AND OHIO RIVER RAILROAD
DGNO	Dallas, Garland and Northeastern Railroad, Inc.
DLWR	DEPEW LANCASTER AND WESTERN RAILROAD CO.
DME	CANADIAN PACIFIC RAILWAY
DMVW	DAKOTA MISSOURI VALLEY AND WESTERN
DSRC	DAKOTA SOUTHERN RAILWAY COMPANY
EIRR	Alabama Southern Railroad
EJE	Elgin, Joliet & Eastern Railway Company
EJR	EAST JERSEY RAILROAD AND TERMINAL COMPANY
ELS	ESCANABA AND LAKE SUPERIOR RAILROAD COMPANY
ERAIL	ECONO-RAIL CORPORATION

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ERC	EBENEZER RAIL CAR COMPANY
EVWR	EVANSVILLE WESTERN RAILWAY, INCORPORATED
EWG	EASTERN WASHINGTON GATEWAY RAILROAD
FCRD	FIRST COAST RAILROAD, INC.
FIR	FLATS INDUSTRIAL RAILROAD
FMRC	FARMRAIL CORPORATION
FWWR	FORT WORTH & WESTERN RAILROAD
GFRR	GEORGIA AND FLORIDA RAILWAY, INC.
GLC	GREAT LAKES CENTRAL
GNRR	GEORGIA NORTHEASTERN RAILROAD COMPANY
GRNW	Great Northwest Railroad
GSM	GREAT SMOKEY MOUNTAIN RAILWAY
GWR	GREAT WESTERN RAILWAY COMPANY
HESR	HURON & EASTERN RAILWAY
IAIS	Iowa Interstate Railroad
IC	ILLINOIS CENTRAL RAILROAD COMPANY
ICE	Iowa, Chicago & Eastern Railroad Corporation
IMRR	ILLINOIS & MIDLAND RAILROAD, INC.
IN	INDIANA NORTHEASTERN RAILROAD COMPANY
INPR	IDAHO NORTHERN AND PACIFIC RAILROAD
INRD	The Indiana Rail Road Company
IOCR	INDIANA & OHIO CENTRAL RAILROAD, INC.
IORY	INDIANA AND OHIO RAILROAD
IR	ILLINOIS RAILNET
IRLX	INTER-RAILLINK
ISRR	INDIANA SOUTHERN RAILROAD COMPANY
ISW	INDIANA SOUTHWESTERN RAILWAY
ITMZ	INDIANA TRANSPORTATION MUSEUM
KAW	KAW River Railroad
KBSR	KANKAKEE, BEAVERVILLE AND SOUTHERN RR. CO.
KCS	The Kansas City Southern Railway Company
KCT	KANSAS CITY TERMINAL RAILWAY COMPANY
KFR	KETTLE FALLS INTERNATIONAL RAILWAY, LLC
KO	Kansas & Oklahoma Railroad, Inc.
KRR	KIAMICHI RAILROAD COMPANY LLC
KYLE	KYLE RAILROAD COMPANY
LSRC	LAKE STATE RAILWAY COMPANY
MBAX	MASSACHUSETTS BAY COMMUTER RAILROAD
MBRR	MERIDIAN & BIGBEE RAILROAD COMPANY

Respondent

<u>Codes</u>	<u>Respondent Names</u>
MCER	Massachusetts Central Railroad Corporation
MMA	MONTREAL, MAINE AND ATLANTIC RAILWAY, LTD
MMRR	MID-MICHIGAN RAILROAD COMPANY
MNA	MISSOURI & NORTHERN ARKANSAS RAILROAD
MNBR	M & B RAILROAD, LLC
MNCW	Metro-North Commuter Railroad Company
MNNR	MINNESOTA COMMERCIAL RAILWAY
MRL	MONTANA RAIL LINK
MSTR	MASSENA TERMINAL RAILROAD COMPANY
NCRC	NEBRASKA CENTRAL RAILROAD CO.
NECR	NEW ENGLAND CENTRAL RAILROAD
NIRC	NORTHEAST ILLINOIS REGIONAL COMMUTER RAIL
NVRR	NAPA VALLEY RAILROAD
NVWT	NAPA VALLEY WINE TRAIN
OHCR	OHIO CENTRAL RAILROAD COMPANY
PAL	PADUCAH & LOUISVILLE RAILWAY COMPANY
PATH	Port Authority Trans-Hudson Corporation
PCC	Palouse River & Coulee City Railroad Inc.
PGR	PROGRESSIVE RAIL, INC.
PHL	PACIFIC HARBOR LINE
PNR	PANHANDLE NORTHERN
PNWR	PORTLAND AND WESTERN RAILROAD INC.
POHC	PITTSBURGH & OHIO CENTRAL RAILROAD COMPANY
POS	PORT OF STOCKTON
POTB	PORT OF TILLAMOOK BAY RAILROAD
PPBD	PORT OF PALM BEACH TERMINAL
PRV	PEARL RIVER VALLEY RAILROAD CO.
PSAP	PUGET SOUND AND PACIFIC RAILROAD
PTRA	PORT TERMINAL RAILROAD ASSOCIATION
PW	PROVIDENCE AND WORCESTER RR COMPANY
RARW	RARUS RAILWAY COMPANY
RBMN	READING BLUE MOUNTAIN & NORTHERN RAILROAD
RCRY	RARITAN CENTRAL RAILWAY
RJCC	RJ CORMAN RR CO./CENTRAL KENTUCKY LINES
RJCL	R.J. CORMAN RAILROAD COMPANY/CLEVELAND
RJCM	R. J. CORMAN RAILROAD COMPANY
RJCR	R.J. CORMAN RAILROAD CONSTRUCTION LLC
RLIX	Rail Link, Inc.
RRVW	RED RIVER VALLEY & WESTERN RAILROAD

Respondent

<u>Codes</u>	<u>Respondent Names</u>
RSIX	RAILSERVE, INC.
SBS	SAGINAW BAY SOUTHERN RAILROAD
SCCT	SANTA CLARA COUNTY TRANSIT DISTRICT
SCIH	SOUTH CHICAGO & INDIANA HARBOR RAILWAY
SCRF	SOUTH CAROLINA CENTRAL RAILROAD CO., INC.
SDIY	SAN DIEGO & IMPERIAL VALLEY
SDNX	SAN DIEGO NORTHERN RAILWAY
SIM	SOUTHERN ILLINOIS AND MISSOURI BRIDGE LINE
SJVR	SAN JOAQUIN VALLEY RAILROAD
SKOL	South Kansas and Oklahoma Railroad Company
SLRG	SAN LUIS & RIO GRANDE RAILROAD
SLWC	Stillwater Central Railroad Co., Inc.
SOU	Norfolk Southern Railway Company
TASD	TERMINAL RAILWAY ALABAMA STATE DOCKS
TCRC	TRI-COUNTY RAIL CONSTRUCTORS
TCRV	TRI-CITY RAILCAR REPAIR
TCRZ	TRI-CITY RAILROAD COMPANY
TCSZ	TRIPLE CROWN SERVICES
TCWR	TWIN CITIES & WESTERN RAILROAD CO.
TIBR	Timber Rock Railroad Company, Inc.
TMBL	TACOMA MUNICIPAL BELT LINE RAILWAY
TNMR	TEXAS AND NEW MEXICO RAILROAD
TRRA	TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS
TRSZ	TRIPLE CROWN RAIL SERVICES
TSRR	TENNESSEE SOUTHERN RAILROAD COMPANY INC.
TXGN	TEXAS, GONZALES & NORTHERN RAILWAY COMPANY
TXNW	TEXAS NORTHWESTERN RAILWAY COMPANY
TXPF	TEXAS PACIFICO TRANSPORTATION, LTD.
TYBR	TYBURN RAILROAD COMPANY
UP	Union Pacific Railroad Company
UTAH	UTAH RAILWAY COMPANY
VSOR	Vicksburg Southern Railroads
VSRR	VIRGINIA SOUTHERN RAILROAD
XABC	ALFRED BENESCH & COMPANY
XACM	ARCELORMITTAL
XAMC	Ames Construction Inc.
XAME	AMAIZING ENERGY
XARD	AMERICAN RAIL DISPATCHING CENTER
XATH	ARC TERMINALS HOLDINGS, LLC

Respondent

<u>Codes</u>	<u>Respondent Names</u>
XBEE	Buckeye Energy Services
XBEQ	BATES EQUIPMENT
XCMQ	CENTRAL MISSOURI AGRISERVICE LLC
XEMR	EMR INCORPORATED
XGLN	GLNX CORPORATION
XGWT	GATEWAY TERMINALS LLC
XHGP	HI-Gear Products Inc
XITS	ITS TECHNOLOGIES & LOGISTICS
XJBS	JBS INCORPORATED
XJFI	JAKE'S FIREWORKS INC.
XJGS	J.G. SCOTT & SONS CONTRACTOR, INC.
XPRS	PROGRESS RAIL SERVICES CORPORATION
XRST	ROAD SAFE TRAFFIC SYSTEMS
XUCX	CARROLL CONSTRUCTION COMPANY
YSVR	Yellowstone Valley Railroad, Inc.
ZACE	Albemarle Corporation
ZACH	ASHTA CHEMICALS INC.
ZACR	ADM CORN PROCESSING
ZADR	ADM PROCESSING
ZAGE	AGE REFINERY, INC.
ZAHC	Amerada Hess Corporation
ZAIL	AIR LIQUIDE AMERICA CORP
ZAIN	Arclin
ZAKM	ARKEMA CANADA, INC.
ZAKZ	AKZO CHEMICALS, INCORPORATED
ZALD	ALTRA INDIANA, LLC.
ZALQ	Air Liquide Industrial U.S. LP
ZALTS	ALPHA TECHNICAL SERVICES
ZALX	Alexander Chemical Corp.
ZAMC	ARCHER DANIELS MIDLAND CO.
ZAMP	AMERICAN PRESIDENT INTERMODAL
ZAMRG	AMERIGAS
ZAMRI	AMERICAN RAILCAR INDUSTRIES
ZAND	THE ANDERSONS, INC.
ZAPI	APPLETON PAPERS, INC.
ZAPL	AMERICAN PRESIDENT LINES LTD.
ZARE	AVENTINE RENEWABLE ENERGY, INC.
ZARG	Airgas Carbonic
ZARX	ALL MODES, INC

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZARZ	ARIZONA CHEMICAL CO.
ZASC	ASHLAND INC.
ZASD	ASHLAND DISTRIBUTION COMPANY
ZASO	Astro Chemicals, Inc.
ZATH	ATLAS COSHOCTON ETHANOL LLC
ZATI	Allied Terminals, Incorporated
ZATK	ATKINSON OIL COMPANY
ZAUI	AGRIUM U.S. INC.
ZAUX	AUX SABLE LIQUID PRODUCTS, INC.
ZBAR	Barton Solvent Inc.
ZBAS	BASF CORPORATION
ZBBR	BARTON BRANDS INC.
ZBEH	BEHR Process Corporation
ZBEL	Biofuel Energy Corp.
ZBEX	BOREN EXPLOSIVES CO., INC.
ZBPAI	BP AMERICA INC. WHITING REFINERY
ZBPO	BP Oil Company
ZBTC	BULK TRANSPORTATION COMPANY
ZBTQ	BULK TRANSLOADING SERVICE
ZBVE	BONAVISTA ENERGY
ZBYC	Bayer CropScience LP
ZCAMI	CAMCO INDUSTRIES
ZCCM	CARGILL-CORN MILLING DIVISION
ZCELA	CELANESE LTD
ZCFER	CHICAGO, FT. WAYNE & EASTERN RAILROAD
ZCHEV	CHEVRON PRODUCTS
ZCHX	CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
ZCLQ	CORN LP
ZCLX	CHEMTRADE LOGISTICS
ZCMB	CLIMAX MOLYBDENUM
ZCMF	CHEMETALL FOOTE CORPORATION
ZCMK	CRUDE MARKETING & TRANSPORTATION, INC.
ZCODG	CODY GROUP
ZCOU	Country Mark
ZCPR	CITGO PETROLEUM CORP.
ZCRH	CRC Chemical
ZCSD	CONE SOLVENTS & DOUBLE EAGLE LUBRICANTS
ZCUI	Chevron USA, Inc.
ZCYT	Cytec Industries

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZDAK	DAK AMERICAS
ZDCD	DELTA COMMODITIES/DELTA TERMINAL SERVICES INC.
ZDCU	DOW CHEMICAL COMPANY
ZDET	DIDION ETHANOL
ZDFI	DELTA FUELS, INC.
ZDIA	DIAL CORPORATION
ZDLT	DELTA TERMINALS SERVICES
ZDLZ	Delong Company, Inc.
ZDSI	DSI TRANSPORTS, INC.
ZDSP	DIMMITT SULFUR PRODUCTS, LPD
ZDTI	Domtar
ZDTLP	DELTA TRADING LP
ZEACH	EASTMAN CHEMICAL COMPANY
ZEAP	EAST PENN MANUFACTURING COMPANY (OLD CODE ZFMP)
ZECD	EMCO CHEMICAL DISTRIBUTORS, INC.
ZECDP	EPCO CARBON DIOXIDE PRODUCTS
ZECL	ECL TERMINALS
ZECN	ETHYL CORPORATION
ZECR	EASTEX CRUDE COMPANY
ZEDC	EL DORADO CHEMICAL CO.
ZEEA	E ENERGY ADAMS
ZEEN	ECO ENERGY
ZEGCO	EASTMAN GELATINE CORPORATION
ZEHC	ENGELHARD CORPORATION
ZEKAC	EKA CHEMICALS
ZELE	EQUILON ENTERPRISES
ZEMCC	EXXONMOBIL CHEMICAL COMPANY
ZEMER	EMERALD SERVICES
ZEOB	EcoLab, Inc.
ZEPC	ENTERPRISE PRODUCTS OPERATING LLC
ZEPD	ELANTAS PDG, INC.
ZEQU	EQUISTAR CHEMICALS LP
ZERT	ERS RAIL TRANSLOAD
ZEVD	EVONIK DEGUSSA CORPORATION
ZEVS	EVANS COOPERAGE CO.
ZEWW	ERCO WORLDWIDE (USA), INC.
ZEXM	EXXON MOBIL
ZEZZ	EMULSICOAT, INC.
ZFAZ	FERTIZONA OF ARIZONA

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZFEC	FERRO CORPORATION
ZFIC	Flint Group North America
ZFLZ	FLOCRYL / SNF HOLDING COMPANY
ZFMCI	FMC, INDUSTRIES
ZFTQ	THERMO FLUIDS, INC.
ZGAO	Gulf Atlantic Operations, LLC
ZGATX	GATX Corporation
ZGAX	GATX TERMINAL INC.
ZGCC	GEORGIA GULF CORP.
ZGCL	GEOCYCLE, LLC
ZGEC	GENERAL ELECTRIC RAILCAR SERVICES CORPORATION
ZGET	GLOBAL ETHANOL SERVICES
ZGGS	GALLAGHER'S FARM SERVICE
ZGIP	GIBSON ENERGY LTD.
ZGLE	Glacial Lakes Ethanol
ZGNS	GENEVA STEEL
ZGPS	GRAIN PROCESSING CORP.
ZGRE	GRANITE FALLS ENERGY
ZGRN	GOPHER RESOURCES CORPORATION
ZGRR	GIANT RESOURCE RECOVERY CO., INC.
ZGSD	GLACIER STATE DISTRIBUTION
ZGTE	GOLDEN TRIANGLE ENERGY
ZGTR	The Goodyear Tire & Rubber Co.
ZGYR	GIANT YORKTOWN REFINERY
ZHCQ	HERITAGE CRYSTAL CLEAN, LLC.
ZHES	HERITAGE ENVIRONMENTAL SERVICES
ZHGF	HEARTLAND GRAIN FUELS L.P.
ZHKC	H. KREVIT & COMPANY, INCORPORATED
ZHKD	Hawkeye Renewables LLC.
ZHLB	HERON LAKE BIO ENERGY, LLC
ZHNI	HONEYWELL INTERNATIONAL
ZHOI	HUSKY OIL INC.
ZHOW	Honeywell International, Inc.
ZHPR	HUNTSMAN PERFORMANCE PRODUCTS
ZHUD	HUIH DETERGENTS
ZHUS	HUSKER AG, LLC
ZIAF	INTERAMERICA FORWARDING COMPANY, INC.
ZIDM	INDUSTRIAS MONFEL, S.A. DE C.V.
ZIID	INTEGRITY INDUSTRIES INC

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZIM	ZIM-AMERICAN ISRAELI SHIPPING COMPANY
ZIMTB	IMTT BAYONNE
ZINO	INEOS OXIDE
ZINQ	INDUSTRIAL QUIMICA DE MEXICO SA DE
ZINS	IN-TERMINAL SERVICES CORPORATION
ZINTT	INTERNATIONAL MATEX TANK TERMINALS
ZINV	INVISTA
ZIOCO	INTERSTATE OIL COMPANY
ZIOW	IOWA ETHANOL
ZIP	INTERNATIONAL PAPER CO.
ZIPB	INNOPHOS INC
ZIPP	INLAND PAPERBOARD AND PACKAGING, INC.
ZIRL	ILLINOIS RIVER ENERGY, LLC
ZIRO	IRVING OIL COMPANY
ZISRV	INERGY SERVICES
ZITS	INDUSTRIAL TERMINAL SYSTEMS, INC.
ZITT	INTERCONTINENTAL TERMINALS COMPANY
ZIUC	INTERNATIONAL URANIUM CORPORATION
ZIVS	INVISTA S.A.R.L.
ZJCB	JOHNSON CONTROLS BATTERY GROUP, INC.
ZJHO	JONES HAMILTON COMPANY
ZJMH	J.M.HUBER CORPORATION
ZJSWG	J.S. WEST PROPANE GAS COMPANY
ZKAS	K.A Steel Chemicals,Inc.
ZKMG	KERR MCGEE CHEMICAL CORPORATION
ZKMT	KMTEX
ZKMTC	KITCHENMAN TERMINAL COMPANY
ZKPI	KOPPERS, INC.
ZKSL	KILDAIR SERVICES LTD
ZKUG	KUGLER COMPANY
ZKYE	Keyera Energy Partnership
ZLHP	LBC HOUSTON, LP
ZMCQ	3M CHEMOLITE CENTER
ZMED	MEDITERRANEAN SHIPPING COMPANY (USA), INC.
ZMERL	MERISOL
ZMFS	MID CONTINENT FRACTIONATION AND STORAGE
ZMLR	MILLER COMPRESSING COMPANY
ZMNG	MC NABB GRAIN INC
ZMON	MONSANTO COMPANY

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZMPT	MISSISSIPPI PHOSPHATE
ZMRT	Marrero Terminal LLC
ZMTE	MOTIVA ENTERPRISES LLC
ZMWC	MeadWestvaco Corporation
ZNEI	NORTHERN ENERGY, INC.
ZNSE	NUSTAR ENERGY, L.P.
ZNYR	NYRSTAR CLARKSVILLE, INC.
ZPACE	PACER STACKTRAIN
ZPAE	PACIFIC ETHANOL INC.
ZPAP	PARAMOUNT PETROLEUM CORPORATION
ZPBI	PBI GORDON CORPORATION
ZPCE	PCI CHEMICALS CANADA INC.
ZPCH	PIONEER CHEMICAL, INC.
ZPCI	PCI CHEMICALS COMPANY
ZPCS	PARSONS COAL COMPANY, INC. SUBSIDIARY
ZPCSS	PCS SALES (USA) INC.
ZPG	PROCTER & GAMBLE
ZPGM	THE PROCTER AND GAMBLE MFG. CO.
ZPGP	PREMIER GRINDERS & PACKERS PVT. LTD.
ZPGQ	GEORGIA PACIFIC CORP.
ZPHG	P.H. GLATFELTER COMPANY
ZPHI	PHIBRO-TECH, INC.
ZPHO	PCS PHOSPHATE COMPANY
ZPHS	PHILIP SERVICES
ZPINE	PINE MOUNTAIN CORP
ZPJC	CONOCOPHILLIPS
ZPKG	PACKAGING CORPORATION OF AMERICA
ZPLE	PLASTICS ENGINEERING
ZPLS	PLAINS LPG SERVICES, L.P.
ZPMN	PENOLES METALS & CHEMICALS, INC.
ZPMQ	PIONEER AMERICAS INC
ZPNR	PENRECO CORP
ZPOC	P&O CONTAINERS, LTD.
ZPONS	PONDERAY NEWSPRINT COMPANY
ZPPR	PERSTORP POLYOLS INC.
ZPRC	PRAYON RUPEL CHEMISCHE
ZPRN	PRAYON, INCORPORATED
ZPRQ	PROSOURCE ONE
ZPRS	PACIFIC RAIL SERVICES

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZPRW	PROVISTA RENEWABLE FUELS, INC.
ZPRX	PRAXAIR, INC.
ZPTR	PETRO CANADA
ZPTRS	PACIFIC TRAILER REPAIR SERVICES
ZPVS	PVS CHEMICAL, INC.
ZRAY	RAYONIER, INC.
ZRCH	RECOCHEM
ZREBO	REBEL OIL COMPANY
ZREN	REACT ENVIRONMENTAL
ZRES	RESCAR, INC.
ZRET	ROMIC ENVIRONMENTAL TECHNOLOGIES, CORP.
ZRFE	REDFIELD ENERGY
ZRGL	REGIONAL ENTERPRISES
ZRGZ	RELIANT GASES
ZRHD	RHODIA, INC.
ZRHI	Rohm & Haas, Inc.
ZRKA	RKA PETROLEUM
ZRLI	RAIL LOGISTICS COMPANY, INC.
ZRLZ	RSI LEASING
ZRMZ	ROYAL MANUFACTURING CO.
ZRNP	REINHARD PETROLEUM L.L.C.
ZRPM	Renewable Product Marketing Group
ZRPQ	RIMBEY PIPE LINE CO. LTD.
ZRSH	RSI LOGISTICS, INC.
ZRSMI	RAILROAD MATERIAL SALVAGE, INC.
ZRSNL	RESINALL CORP.
ZRTE	RED TRAIL ENERGY
ZSEZ	NewPage Corporation/Wisconsin Rapids Mill
ZSIMP	SIMPLOT COMPANY
ZSKI	SAFETY KLEEN INC
ZSWA	SAPPI WARREN
ZSYF	SYNOIL FLUIDS
ZTAG	TRENTON AGRI PRODUCTS
ZTAM	TAMINCO
ZTAPI	TAKATA PETRI INC.
ZTAU	TAUBER OIL CO.
ZTBY	TERRACE BAY PULP INC.
ZTCL	TACTICAL CLEANING
ZTCN	TICONA, LLC

Respondent

<u>Codes</u>	<u>Respondent Names</u>
ZTER	TERRA INDUSTRIES
ZTERM	TESORO REFINING AND MARKETING CO.
ZTFLO	TRANSFLO CORPORATION
ZTGO	TEXAS GAS AND OIL LTD.
ZTIL	TERRA INTERNATIONAL
ZTIQ	TRANSCHEMICAL INC.
ZTKH	T K HOLDINGS INC.
ZTMF	TRINITY MANUFACTURING, INC.
ZTPA	TORAY PLASTICS AMERICA, INC.
ZTPU	TOTAL PETROCHEMICALS USA INC
ZTRH	Truck-Rail Handling, Inc.
ZTRN	TERRA NITROGEN
ZTRZ	TANGENT RAIL PRODUCTS
ZTSS	Tessengerlo--Kerley Co.
ZTTQ	TITAN TERMINAL AND TRANSPORT, INC.
ZTTS	TRIMAC TRANSPORTATION SERVICES, INC.
ZTTW	TEXAS TANK CAR WORKS INC.
ZUCL	UNIVAR CANADA LTD.
ZULS	ULS EXPRESS, INC.
ZUNC	THE DOW CHEMICAL COMPANY
ZUNIV	UNIVAR USA INC.
ZUPT	UPS FREIGHT
ZUSO	U.S. OIL COMPANY, INC.
ZUSOR	U.S. OIL AND REFINING COMPANY
ZUSQ	US AMINES
ZUTC	UNION TANK CAR COMPANY
ZVALM	VALERO MARKETING AND SUPPLY COMPANY
ZVPRI	Valley Proteins, Inc.
ZVTZ	VOPAK TERMINAL DEER PARK, INCORPORATED
ZWGR	Western Gas Resources, Inc.
ZWPO	WESTPOINT TRANSPORTATION
ZWWE	WESTERN WISCONSIN ENERGY, LLC

THE
VENTURA
GROUP, INC.

The Federal Railroad Administration's
Use of Civil Penalties in the Federal
Railroad Safety Program





July 15, 2009

Ms. Sarah Grimmer Yurasko, Esq.
U.S. Dept. of Transportation
Federal Railroad Administration
Office of Chief Counsel, MS 10
1200 New Jersey Avenue, SE
Washington, DC 20590

Ref: DOT/FRA contract DTFR53-06-D-00001, Task Order 6 -The Federal Railroad Administration's Use of Civil Penalties in the Federal Railroad Safety Regulatory Program

Dear Ms. Yurasko:

The Ventura Group and our colleagues, Robert L. Finkelstein and Gregory McBride of Iambic Consulting, Inc., are pleased to submit our final report as referenced above.

Numerous staff and your colleagues provided valuable comments and insight during the development of this research paper. We thank them very much for their time and participation. We also thank you and Roberta Stewart for acting as the Contracting Officer's Technical Representative throughout this study and for providing guidance to us.

Please do not hesitate to contact Mr. Morris Simon (703.208.3303) should you have any questions on the contents of this research paper.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Sierra", with a long, sweeping underline that extends to the right.

Michael J. Sierra
President

**THE FEDERAL RAILROAD ADMINISTRATION'S
USE OF CIVIL PENALTIES IN THE FEDERAL RAILROAD
SAFETY REGULATORY PROGRAM
DTR53-06-D-00001, Task Order 6**



FINAL REPORT

Submitted by:

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JULY 15, 2009

ACKNOWLEDGEMENTS

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For the Department of Transportation, Federal Railroad Administration, Sarah Grimmer Yurasko, Roberta Stewart, S. Mark Lindsey, Michael Haley, Mark Tessler, Billie Stultz, Stan Ellis, John Leeds, Raquel Wright, and Mrudola Deodhar.

The primary authors were Robert Finkelstein and Gregory McBride, principals of Iambic Consulting. Morris Simon, APA was the Ventura Group project manager.

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**THE FEDERAL RAILROAD ADMINISTRATION'S
USE OF CIVIL PENALTIES IN
THE FEDERAL RAILROAD SAFETY PROGRAM**

FINAL REPORT

**SUBMITTED TO
THE FEDERAL RAILROAD ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION**

JULY 15, 2009

**IAMBIC CONSULTING, INC.
THE VENTURA GROUP, INC.**

THE FEDERAL RAILROAD ADMINISTRATION'S USE OF CIVIL PENALTIES IN THE FEDERAL RAILROAD SAFETY PROGRAM¹

Regulators should always retain the capacity to apply tough sanctions, because a strategy based entirely on persuasion and self-regulation will be exploited when actors are motivated by economic rationality.²

[L]aws on the books mean little in and of themselves. They are meaningful only insofar as they are backed by the mobilization of state powers, law in action.³

This report addresses the Federal Railroad Administration's (FRA) approach to achieving industry compliance with the federal railroad safety laws and the hazardous materials transportation safety laws and their implementing regulations and the place of civil penalties in that process, as contemplated by the Explanatory Statement on the Consolidated Appropriations Act, 2008, Division K—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, Pub. L. No. 110-161 (2007). House Appropriations Comm. Print on Consolidated Appropriations Act, 2008 (H.R. 2764; Public Law 110-161), Division K—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, p. 2367. The essence of the mandate is stated in the Senate Report:

After imposing the penalty, the FRA often enters negotiations over the level of the penalty with the responsible party, and the agency is willing to lower the penalty in exchange for commitments to make safety improvements. . . . The Committee respects the priority that the FRA places on obtaining these commitments to improve safety, but the Committee questions if this strategy is the most effective way to improve the overall safety of the railroad industry over the long term.⁴

To understand the place and role of civil penalties in FRA's safety program, including their assessment and ultimate disposition, it is necessary to review such issues as the nature of the industry itself, the principles that underlie the federal approach to rail safety as it has evolved during the past century, the important role the railroad accident data play in that program, the benefits and limitations of those data, the railroad inspection process, and the legal strictures and public policy constraints that apply to allegations of

¹ This report has been prepared by Iambic Consulting, Inc., under subcontract to The Ventura Group, Inc., pursuant to Ventura's contract with the Federal Railroad Administration.

² Malcolm K. Sparrow, *The Regulatory Craft* (Brookings Institution Press, 2000), at 40.

³ Neal Shover, Donald A. Clelland, and John Lynxwiler, *Enforcement or Negotiation: Constructing a Regulatory Bureaucracy* (State University of New York Press, 1986), at 1-2.

⁴ S. Rep. No. 110-131, at 88-89 (2008).

violation of railroad safety statutory and regulatory standards and the use of coercive enforcement tools.

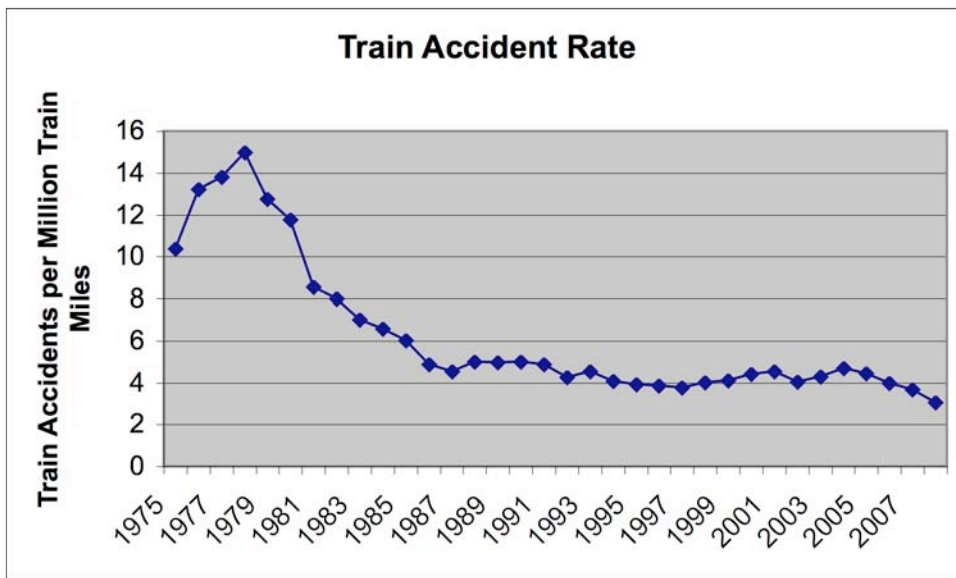
The Senate Report said the evaluation should include the frequency with which FRA imposes civil penalties and the level of penalties FRA initially imposes. FRA inspectors have discretion on when to seek civil penalties. As discussed in the body of this study, in most instances upon discovering a safety defect, an inspector is successful in obtaining railroad and shipper compliance through his or her guidance, persuasion, and warning, and the inspector does not recommend the use of a civil penalty. However, sometimes an inspector may decide to recommend the use of civil penalties or other coercive enforcement tools because of the nature of the violation, the potential safety hazard, the railroad's or shipper's general level of safety compliance, and other factors set forth in the Agency's statement of enforcement policy. An inspector's civil penalty violation report is reviewed by FRA field specialists and, if found to be satisfactory, is forwarded to the FRA Office of Chief Counsel for legal review and transmittal to a railroad or shipper. After legal review, approximately 97 percent of the violation reports are found to be legally sufficient (in that all of the elements of the violation are present and a legally sustainable case can be made should the civil penalty assessment result in litigation) and are transmitted to the railroad or shipper. The initial civil penalty assessed in each particular instance is guided by published penalty schedules. Those penalty schedules are set and periodically revised by the Office of Safety and the Office of Chief Counsel collaboratively based on the relative severity of the violations and the minimum and maximum penalties set by Congress in statute. Those penalty schedules will be revised soon because Congress increased the maximum civil penalties in the Rail Safety Improvement Act of 2008 (RSIA)(P.L. No. 110-432, Div. A). A more detailed discussion of the penalty schedules is contained in this study.

As required by law, FRA enters into settlement negotiations with railroads and shippers over civil penalty claims. In settling civil penalties, FRA closely follows statutory requirements set by Congress in 49 U.S.C. §§ 21301(a)(3), 21302(a)(3), and 21302(a)(3), which spell out the criteria FRA is to consider, and the Federal Claims Collection Act (31 U.S.C. §§ 3701, 3711). FRA is also bound by and complies with Executive Order No. 12988, which requires settlement negotiations before litigation, and Rule 16 of the Federal Rules of Civil Procedure, which includes provisions requiring that federal litigants, including federal agencies, make every effort to settle disputes. Those requirements and the way FRA implements them are explained in the body of this study. FRA issues annual reports on the number of civil penalties assessed and the amounts FRA collects; the reports can be found on FRA's web site at www.fra.dot.gov.

The Senate Report states that in civil penalty negotiations FRA is willing to lower the penalty in exchange for commitments to make safety improvements. Our study indicates that a railroad or shipper can gain some mitigation of the penalty by demonstrating safety improvements that have been made or are underway. The Report asked whether individual railroad commitments actually translated into measurable safety improvements and whether FRA can determine whether measurable improvements were made. Our study indicates that FRA does not lower penalties in exchange for commitments by a railroad to make future safety improvements. Because there seems to have been some

misunderstanding concerning how FRA uses and settles civil penalties, a full explanation of FRA's safety enforcement process is provided. We examined the available data in depth to determine whether there is a way to measure the effects of particular, individual civil penalties and conclude that it is not possible to measure the effects of particular civil penalties quantitatively. We are not aware of any agency that has succeeded in doing so. There are too many variables and no way to hold the other variables constant so as to isolate the effects of a civil penalty. What FRA relies upon instead to gauge the effectiveness of a particular civil penalty enforcement action is the professional judgment of the inspector who wrote the recommendation that a civil penalty be assessed and of his or her supervisors that the penalized railroad responded with better compliance with the law and improved safety. FRA can and does quantitatively measure the safety effects of particular regulations and of the safety program as a whole.

The data show that the safety program as a whole, including the effects of civil penalties, is highly effective. This conclusion is most aptly illustrated by the improvement in train accident rates (accidents per million train miles) since FRA safety rules were brought to bear in the 1970s.



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The Railroad Safety Advisory Committee (RSAC) Overview

I. THE ROLE OF CIVIL PENALTIES IN FRA’S RAILROAD SAFETY PROGRAM

Regulators should always retain the capacity to apply tough sanctions, because a strategy based entirely on persuasion and self-regulation will be exploited when actors are motivated by economic rationality.⁵

[Laws] represent the state’s intent to regulate certain forms of behavior. But laws on the books mean little in and of themselves. They are meaningful only insofar as they are backed by the mobilization of state powers, law in action.⁶

As discussed later, the civil penalty is just one of the various enforcement tools FRA is authorized to employ in fulfilling its mission of promoting safety on the nation’s railroads,⁷ albeit one used frequently, as it is the first step up from non-coercive to coercive means of enforcing the railroad safety laws.

The operative principle inherent in the administration of FRA’s safety regulatory program is *discretion*, discretion by which the agency’s response to deviations from federal safety standards, whether major or minor, can be calibrated to achieve a *proportionality* that both serves the agency’s purpose and inspires the respect of the regulated community. This informed discretion, exercised at each level of FRA’s safety structure, from the inspector to the Administrator, is what infuses the railroad safety enforcement process with the rationality that any law enforcement program needs to be effective. It permits small or large steps up or down the ladder of enforcement tools, as well as calibration within the application of each tool, depending on the particular rule and particular facts at issue in a given case. To shift the metaphor for emphasis, the exercise of enforcement discretion may be likened to the use of a slide rule in which the correct answer may be said to vary infinitely, depending on the underlying values: a small slide along the rule, not a thrust from one end of the scale to the other.

⁵ Sparrow, *The Regulatory Craft*, at 40.

⁶ Neal Shover, Donald A. Clelland, and John Lynxwiler, *Enforcement or Negotiation: Constructing a Regulatory Bureaucracy* (State University of New York Press, 1986), at 1-2.

⁷ For purposes of convenience and clarity in this report, we sometimes use the term “railroad” for any respondent subject to the rail safety laws, including shippers of hazardous materials and other such parties for which the enforcement process differs somewhat.

FRA's purposes include impressing on the regulated railroad that its operations are under the regular observation of FRA inspectors, thus providing a relatively frequent reminder of FRA surveillance, and further, of its enforcement hand, which carries small, medium, and large sticks. Thus, one feature of a regulatory program is *presence*, the presence of an applicable body of law and the presence of inspectors responsible for overseeing compliance with those laws. Another feature is simply the daily *exchange* of views and information that takes place between FRA inspectors and railroad officials responsible for operations, as well as between FRA management and railroad management.⁸ The inspection process, with its *presence* and daily exchanges, represents the leading edge of a process that may result in application of any one of the tools available. Most often, instead of proposing assessment of a civil penalty, or more stringent enforcement action, an FRA inspector makes a record of an exception (also known as a "defect") from the strict requirements of a regulation. These exceptions are regularly uploaded as inspection reports into the FRA central database. It is these data that permit FRA to identify trends or systemic problems and to shift allocation of its inspector resources accordingly. Once an inspector recommends assessment of a civil penalty, he or she sets the agency on a course of law enforcement that is circumscribed by legal, procedural, and policy provisions set out in federal statute, regulation, and policy and subject to the exercise of prosecutorial discretion and technical and legal expertise at each phase. It may be helpful here to address some of the salient features of those procedures and the impact they have on the civil penalty enforcement process.

First, we note that, in authorizing FRA's use of civil penalties as an enforcement tool, the statute provides as follows: "The Secretary shall impose the penalty applicable" 49 U.S.C. § 21301(a)(1). This use of the verb "impose" can be misleading, however, as it connotes compulsion. But neither FRA nor any other federal regulatory agency has the power to impose, unilaterally, a legal obligation to pay a civil penalty. Instead, FRA rightfully construes the statute to confer the power to "assess" or "propose" civil penalties against parties subject to its rail safety jurisdiction.⁹ Clearly, this is the correct reading of the statute: prior to recodification of the railroad safety laws in 1994, the statute did in fact use the verb "assess"; and the statute effecting the recodification itself states that it may not be construed as making a substantive change in the law restated. Pub. L. No. 103-272 § 6, 108 Stat. 745, 1378 (1994). Indeed, the report accompanying

⁸ For example, the management of each Class I railroad meets annually with the FRA Administrator and his or her staff to review the state of that railroad's safety. Section 103 of the RSIA also requires that the Secretary promulgate regulations requiring that Class I railroads, intercity passenger and commuter railroads, and railroads determined by the Secretary to have inadequate safety performance develop a risk reduction program. FRA encourages other railroads to develop risk reduction programs voluntarily. Previously, FRA had established a risk reduction program to focus on systemic issues with Class I railroads, some passenger railroads, and other selected railroads.

⁹ Indeed, a more literal reading of the statute would appear to empower the agency to act as inspector, prosecutor, judge, and jury to create a legally binding obligation to pay a penalty on the part of any party subject to its jurisdiction. This, of course, would be an impermissible reading in light of the Constitution's assurance of the right to due process.

recodification noted the mere editorial purpose of the verb change: “the words ‘impose’ and ‘imposed’ are substituted for ‘assessed’ for consistency in the revised title.” H.R. Rep. No. 103-108, at 108 (1993).

The only compulsion inflicted on a party faced with a civil penalty assessment is the obligation to *choose* how to respond, as a practical matter, in one of three ways: (1) pay the assessed amount, which occurs rarely and usually in response to FRA’s insistence with regard to a particularly egregious case in the context of larger settlement conferences; (2) seek a lower, compromised amount during settlement negotiations; or (3) litigate the assessment if negotiations fail.¹⁰

Each assessed penalty thus represents a potential legal dispute subject to the procedural protections afforded all parties under federal law. The enforceability of such a penalty depends on the factual and legal allegations in the case and either the sustainability of those allegations in federal district court or the agreement of the railroad to pay the amount assessed or a compromise amount in satisfaction of the claim. In litigating such a dispute, FRA appears before the court as one party, represented by the U.S. Department of Justice, and the railroad as another, with FRA bearing the burden of proof. During negotiations, a railroad may challenge the agency’s factual or legal assertions with countervailing evidence or arguments and refuse to pay because it believes FRA would not prevail if the case were tested in court. Or it may respond that its culpability is questionable for various reasons that would support a reduced penalty. Or it may respond with mitigating circumstances or other arguments that may support a negotiated settlement.

Second, in the course of settlement negotiations, a railroad may offer in mitigation, among other factors, specific improvements in, *e.g.*, its safety program, its equipment maintenance program, or its operating practices, depending on the nature of the violations at issue, that it has already made or that are underway. An example of the latter would be a crosstie renewal program that had been started but not yet finished because the settlement conference falls during the work season. With the exception of work in progress, FRA does not accept future considerations in mitigation of civil penalties. Our review of FRA attorney settlement notes reveals that the use of a single *quid pro quo* to support a negotiated settlement is rare.¹¹ As shown below, FRA is required by law to consider a number of other criteria in the course of settlement negotiations. FRA uses the

¹⁰ Note that a choice not to respond would permit FRA, through DOJ representation, to seek a default judgment for the entire penalty assessed, a court-ordered judgment that would then represent a binding obligation to pay the full amount which, if necessary, would permit filing of a simple collection action in court in which the underlying merits of the case would no longer be at issue.

¹¹ Notwithstanding the apparent implication in the Senate Report that use of such *quid pro quos* is the only factor bearing on the compromise of civil penalties as authorized by the statute: “FRA often enters negotiations over the level of the penalty with the responsible party, and the agency is willing to lower the penalty in exchange for commitments to make safety improvements. . . .” S. Rep. No. 110-131, at 88-89 (2008).

settlement conferences as opportunities to review a railroad's safety across the board. The FRA Railroad System Oversight Manager (RSOM) for that railroad attends to discuss systemic issues and to encourage the railroad to present information regarding capital investments that are planned in particular areas of concern. FRA inspectors and specialists also participate to bring their discipline-specific expertise to bear on the discussions. FRA also reviews the remedial actions the railroad took as a result of the violations.

Third, we should note that the merits of a given negotiated settlement can be judged only on a case-by-case basis, as the facts, severity, and circumstances of violations vary widely among the many hundreds that may be under consideration during a particular settlement conference; accordingly, any effort to arrive at an informed judgment regarding the efficacy or propriety of a given compromise must be conducted with respect to a particular case. No such judgments can be inferred from the gross numbers of one settlement conference, let alone from the numbers displayed in annual summaries.

Fourth, the delta between the penalty assessed and the penalty collected after negotiations does not, in effect, "buy" some amount of railroad safety; to the contrary, once the railroad receives its copy of an FRA inspector's violation report, any failure to bring noncompliant conditions into compliance with the regulations would only result in the assessment of additional penalties and, very possibly, more stringent enforcement action. No "credit" is given a railroad for simply correcting the violations found. The delta between assessed and collected penalties reflects myriad other factors, *e.g.*, the costs of litigation, which can be substantial; the risks of litigation; the delay consequent to litigation; the disproportionate time and resources that will be devoted to a given set of cases to the detriment of other, perhaps more compelling cases; the obligation of government agencies to settle whenever possible; and the strong judicial policy to promote settlement. These factors, extrinsic to the underlying merits of a given case, exert various pressures on all parties to a legal dispute. The fact that railroads regularly settle civil penalty cases for a significant percentage of the amount assessed does evidence that FRA is generally bringing meritorious cases. A civil penalty assessment process contributes to the improvement of railroad safety if the agency has focused on real safety issues and the individual merits of each case and has communicated to the regulated community its continuing commitment to pay close attention to both.

Finally, we note that some would call into question FRA's practice of entering into settlement negotiations at all; however, a host of authorities militate against the proposition that compromise is somehow suspect and to the contrary, promote the longstanding national public policy, expressed in all branches of the federal government, that encourages settlement of civil disputes on reasonable terms whenever possible. A brief survey of this policy as expressed in relevant authorities follows, including authorities explicitly applicable to FRA (all emphases added):

Legislation

The primary statute that authorizes compromise of civil penalties assessed under the federal railroad safety laws sets out a variety of criteria FRA is to use in negotiations at 49 U.S.C. § 21301:

(a)(3) *The Secretary may compromise the amount of a civil penalty imposed under this subsection to not less than \$500 before referring the matter to the Attorney General for collection.*¹² *In determining the amount of a compromise, the Secretary shall consider—(A) the nature, circumstances, extent, and gravity of the violation; (B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and (C) other matters that justice requires.*¹³

See also 49 U.S.C. §§ 21302(a)(3) and 21303(a)(3).

Executive Directives

Executive Order No. 12988¹⁴ provides, *inter alia*, as follows (all emphases added):

(a) Pre-filing Notice of a Complaint. *No litigation counsel shall file a complaint initiating civil litigation without first making a reasonable effort . . . to achieve a settlement, or confirming that the referring agency [e.g., FRA] that previously handled the dispute has made a reasonable effort to . . . achieve a settlement*

(b) Settlement Conferences. As soon as practicable after ascertaining the nature of a dispute in litigation, and *throughout the litigation, litigation counsel shall evaluate settlement possibilities and make reasonable efforts to settle the litigation.* Such efforts shall include offering to participate in a settlement conference or moving the court for a conference pursuant to Rule 16 of the Federal Rules of Civil Procedure in an attempt to resolve the dispute without additional civil litigation.

(c) Alternative Methods of Resolving the Dispute in Litigation. Litigation counsel shall make reasonable attempts to resolve a dispute expeditiously and properly before proceeding to trial. (1) *Whenever feasible, claims should be resolved through informal discussions, negotiations, and settlements rather than through utilization of any formal court proceeding*

DOJ's divisions also have policies promoting settlement. For example, in March 1999 the Civil Rights Division issued its Voluntary Civil Dispute Resolution Policy¹⁵ (emphases added):

¹² Strictly speaking, this referral to DOJ is not for "collection," but for litigation to obtain a court judgment on which a collection action can then be pursued or for negotiation by DOJ to obtain an enforceable agreement to pay.

¹³ Such other measures could include the quality of the evidence in a given case, the strength of the railroad's countervailing evidence and arguments, the costs and delay of litigation, and the potential impact on railroad safety of diversion and concentration of FRA resources on a specific case.

¹⁴ 61 Fed. Reg. 26 (Feb. 7, 1996).

The long-standing policy of the Civil Rights Division to seek a voluntary resolution of our cases and investigations has served us well and will continue to do so. While there are settlement variations among our Sections that are defined by statute and administrative procedures, as a general rule the Division seeks to resolve cases and matters through party-to-party negotiations. The timing of such negotiations is also influenced in large measure by Executive Order 12988 and the Division's ability to gather relevant information, thereby placing significant responsibility on Division personnel to determine when voluntary negotiations should begin.

Consistent with these and other authorities discussed below, FRA's Safety Law Division has instructed its enforcement attorneys as follows:

Since 1991, FRA has managed to collect [more than \$126 million] in civil penalties, representing recovery of a very high percentage of the initial demand. The vast majority of these collections have been based on pre-litigation compromise of initial penalty assessments Given the time and resources that civil litigation entails, compromising claims enables us to expedite the collection of civil penalties much more swiftly than if compromise were not an option and we were forced to litigate every case in which the respondent refused to pay the full amount of the initial assessment. Congress recognized this fact in enacting the legislation that gave FRA the authority to assess and compromise penalties.

Litigation should be reserved for those rare cases in which the other party refuses to negotiate in good faith or rejects a fair offer of compromise, or where the seriousness or legal complexity of the claim warrants judicial resolution. When we decide to litigate, we refer the matter to the Department of Justice (DOJ), which then has sole authority to compromise the claims (based, of course, on the agency's advice).

With that preface, FRA attorneys should make clear to opposing counsel that the agency is fully prepared to litigate any case where doing so is the only way to achieve the agency's compliance or policy objectives. Moreover, attorneys should point out that, when we do litigate, we take a very active approach in working with DOJ and work tirelessly to ensure that the outcome meets the agency's goals.¹⁶

Judicial Rules and Cases

Rule 16 of the Federal Rules of Civil Procedure includes provisions requiring that federal litigants, including federal agencies, make every effort to settle disputes (all emphases added):

¹⁵ <http://www.usdoj.gov/crt/adr/broch.php>.

¹⁶ *Enforcement Procedures*, Federal Railroad Administration Safety Law Division, Office of Chief Counsel (November 2007), at 3-2.

(a) Purposes of a Pretrial Conference.

In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as: (1) *expediting disposition of the action*

. . . .

(c) Attendance and Matters for Consideration at a Pretrial Conference.

. . . .

(2) Matters for Consideration.

At any pretrial conference, the court may consider and take appropriate action on the following matters:

. . . .

(I) *settling the case and using special procedures to assist in resolving the dispute when authorized by statute or local rule;*

. . . .

(P) *facilitating in other ways the just, speedy, and inexpensive disposition of the action.*

Federal courts have often expressed this judicial policy favoring settlement, for example (all emphases added):

There is strong judicial policy in favor of parties voluntarily settling lawsuits Voluntary settlement of civil controversies is in high judicial favor. Judges and lawyers alike strive assiduously to promote amicable adjustments of matters in dispute, as for the most wholesome of reasons they certainly should. When the effort is successful, the parties avoid the expense and delay incidental to litigation of the issues; the court is spared the burdens of a trial and the preparation and proceedings that must forerun it.

Pennwalt v. Plough, 676 F.2d 77, 80 (1982).

[T]he key component of every rational approach to reducing the burden on our clogged court dockets has been and remains settlement. With very rare exceptions, commentators and judges who may concur on little else, agree on the value and necessity of a vigorous policy of encouraging fair and reasonable settlement of civil claims whenever possible. Indeed, the literature on the

settlement of civil suits focuses not on whether settlement is desirable, but on how best to achieve it and how far a judge should go to encourage it.

Bank of America v. Hotel Rittenhouse Associates, 800 F.2d 339, 349-50 (1986)(Garth, J., dissenting)(emphasis added).

The Supreme Court has observed that “public policy wisely encourages settlements” *McDermott, Inc. v. AmClyde*, 511 U.S. 202, 215 (1994).

To summarize then:

- FRA is required to do all it can to settle its rail safety civil penalty cases.
- If FRA fails to settle the cases, it may request that DOJ accept the cases for litigation, as FRA lacks independent litigating authority.
- If—after considering the legal and policy merits of FRA’s cases, the priorities of its existing cases and those of upcoming cases, as well as the overall quantity of its caseload—DOJ accepts the FRA cases for litigation, DOJ’s own policies require that its attorneys then do all they can to settle the cases themselves.
- If DOJ fails to settle the cases and the parties proceed to trial, federal rules require that the court itself take measures to promote settlement of the case.

In short, both the law and public policy favor settlement at every stage of the legal enforcement process.

The fair and professional conduct of an agency’s regulatory function requires the informed exercise of discretion beginning with the FRA inspector on the ground and continuing with FRA’s regional discipline specialist, the regional administrator, and headquarters officials in FRA’s Office of Railroad Safety and Office of Chief Counsel. This use of discretion helps ensure that the agency’s exercise of enforcement power is calibrated to achieve an effect that is proportional to the specific circumstances of a given violation. The final element of the agency’s discretion in the civil penalty context is the exercise of the power to compromise authorized and guided by law, directed by the Executive, and strongly encouraged by the Judiciary.

FRA’s exercise of the statutory authority to compromise civil penalty assessments serves the purpose of encouraging compliance by ensuring that the enforcement process is proportional in those cases penalties are assessed. Like the efficient-market theory of economics, it is the use of the enforcement hand, seen (as in the case of civil penalty assessments) or unseen (as during FRA inspectors’ daily interactions with railroad personnel regarding safety issues), as consistently as possible across the railroad industry that results in a rational, effective safety program.

II. THE FRA RAILROAD SAFETY PROGRAM

Clearly, railroads have a compelling self-interest in operating safely, but just as clearly, that interest is not sufficient. The pressures of business competition, both intra- and inter-industry—especially the financial imperative of achieving efficient operations in a capital-intensive and low-margin industry—can lead to small shortcuts here, small shadings there, to stay on schedule, to maximize equipment and manpower utilization, to minimize downtime, and to reduce labor and equipment costs. Such small shadings over time over an entire system can degrade the safety margin railroads themselves have built into their operations using time-honored and validated standards and operating rules, as well as such preventive measures as inspection, maintenance, and training. Each shading represents a hole in the defenses erected to prevent accidents. Moreover, it is typical that people who are aware of a particular hazard often have an unexamined and irrational belief that the hazard will not befall them. Despite safety training, railroaders remain as vulnerable to such fallacies as anyone else. Railroading remains a risky business.

The central role railroads play in the nation's economy and the threat their operations pose to both railroad workers and public safety led the nation to conclude as a matter of policy, beginning in 1893 with the first Safety Appliance Act (now codified at 49 U.S.C. chapter 203), that the public interest in safe railroad transportation systems is so strong that it demands expression through the federal railroad safety regulatory program that has evolved over the past 115 years. In expressing this federal interest, the public aligns itself in ways that harness that railroad self-interest to the benefit of the public.

The FRA enforcement process is, from the start, integral to the agency's larger strategy to achieve a level of regulatory compliance that promotes railroad safety. Enforcement of federal railroad safety regulations thus begins at their beginning: with (1) agency openness to the contributions of the industry itself to the regulatory process (expertise, data, conflicting imperatives, alternative responses, etc.) and (2) industry buy-in to the problem-solving need a particular regulatory process is to address.¹⁷

A. FRA's Regulatory Program

Development of railroad safety standards began in the industry itself, and necessarily so, given the rapid build-out of the national railroad system: Effective functioning of the industry required a standard track gage; and the need for interchange of railcars among railroad companies required common equipment standards and extensive inter-industry mechanisms for tracking cars and for their repair and salvage, as well as many business operating issues such as liability and maintenance. Indeed, industry rules formed the basis of the first federal rules on power brake tests adopted by the Interstate Commerce

¹⁷ The Railroad Safety Advisory Committee (RSAC) represents all stakeholders in the rail industry. Please see Appendix A for a brief overview of RSAC and a list of its membership.

Commission in 1958. FRA adopted other railroad safety regulations in the years after passage of the Federal Railroad Safety Act of 1970, Pub. L. No. 91-458, 49 U.S.C. chapter 201, §§ 21301 and 21304, which provided it, through delegation from the Secretary of Transportation, with safety regulatory authority over “all areas of railroad safety.”

FRA does a good job of involving railroads, rail labor, and other parties in its rulemakings and has used the Negotiated Rulemaking Act of 1990 (Pub. L. No. 101-648, 5 U.S.C. §§ 581-590) in the 1997 final rule establishing the Roadway Worker Protection rule at 49 CFR 214, Subparts A and C, and has regularly used its Railroad Safety Advisory Committee to develop consensus recommendations regarding rulemakings.

Looking at FRA’s regulatory regimen, one soon realizes that it must be considered holistically: Specific regulatory provisions from a variety of regulations complement one another in preventing circumstances that may result in an accident. For example, the many requirements for daily inspections, for regular maintenance, for training and retraining, as well as provisions addressing conditions more proximate to an accident, work together as a system to support positive safety results.

Of necessity, railroads operate within tolerances, some narrow, others broad. Day after day, steel wheels bearing tremendous weight transfer that weight to steel rails; in the course of that transfer, friction wears and deforms both rails and wheel flanges, which are designed to resist, but cannot stop, this process. Because of the daily wear, FRA’s track and freight car rules impose stringent inspection requirements on the railroads, including, for example, both regular periodic inspections and pre-departure inspections whenever a freight car is placed in a train. The car may not be placed in service if it fails to meet any of the rule’s exacting standards, *e.g.*, that a wheel flange may not be “worn to a thickness of 7/8 of an inch, or less at a point 3/8 of an inch above the tread of the wheel.” 49 CFR 215.103. Similarly, 49 CFR 213.233 requires that railroads perform weekly inspection of Classes 1-5 of main track, and section 213.365 requires that railroads perform twice weekly inspections of Classes 6-8 track and thrice weekly inspection of Class 9 track.

B. Responsibilities of Railroads/Responsibilities of FRA

Operating a railroad is risky business. The successful management of that risk in such a heavy, hazardous industry—which both serves the needs and threatens the safety of the general public—requires that an interlocking web of stakeholder interests be valued and taken into account:

- Railroads themselves need to provide timely and efficient service to survive as successful transportation companies; they can do neither if accidents and the consequent economic and human losses are frequent or heavy.
- Industrial customers depend on timely delivery of incoming raw materials and components and outgoing final products; that service cannot be provided by a railroad made unreliable by unsafe operations.

- Railroad employees rely on dependable, economically healthy employers for their livelihoods, as well as on the proper performance of their duties by railroad management and fellow employees for their own safety.
- The public's interest in the vitality of the nation's economy and its interest in public safety mirror both the economic and safety regulation that have been part of the daily railroad operating equation for more than a hundred years.

In this inherently dangerous, capital-intensive industry, an unsafe railroad is probably either poorly managed or economically unhealthy. The first line of defense against safety risk is the railroad itself, whose own self-interest cries out for relentless focus on the safety of its operations. Nineteenth century railroading was far more dangerous than that of today's railroad industry; on the other hand, the risks posed by railroad operations have increased substantially for many reasons: Trains are longer, heavier, and faster; they pass through more densely populated urban settings; and they carry more dangerous commodities. A single railroad accident today can be far more costly in both human and economic terms: consequent loss of customers, property losses, potential legal liabilities, and injuries to railroad workers and the public.

FRA's safety regulation enforcement process rests on a fundamental premise: while any industry subject to federal safety jurisdiction is responsible for operating in compliance with federal safety standards, the obligation of the railroads goes further in that they are required by FRA regulation to perform specific, routine oversight of their systems and operations to ensure that they fulfill that responsibility; thus, railroads under FRA safety jurisdiction are required—

- to inspect and to maintain their track and equipment at prescribed intervals, such as daily or weekly,¹⁸
- to conduct their railroad operations in a manner that meets FRA operating practice standards,¹⁹
- to keep records of their inspections and maintenance activities, as well as operating logs,²⁰ and
- to file regular reports of accidents and incidents and other relevant safety data with FRA.²¹

¹⁸ *E.g.*, 49 CFR 213.233, 213.365, 213.13, and 213.15; 49 CFR Part 229, Subpart B.

¹⁹ 49 CFR Part 218 and 49 CFR Part 217.

²⁰ 49 CFR Part 229, Subpart B (locomotives), 49 CFR 213.214 and 213.369 (track), 49 CFR Part 232, Subpart C and 49 CFR Part 228, Subpart B (hours of service), which are just a few examples.

²¹ 49 CFR 225.11.

Failure to perform any of these duties, such as failure to perform a routine inspection, is as much a violation of the railroad safety regulations as a broken joint bar; indeed, violation of the inspection requirements is arguably of more concern than an isolated condition of noncompliance, since it may lead to a whole series of adverse results.

FRA's safety program, then, is designed, staffed, and deployed to perform an auditing function. It is FRA's continual inspection process, essentially a focused, or non-statistical, sampling process, that permits it to stay abreast of the general state of safety on any given railroad. Thus, it is the 400 FRA inspectors, along with the 170 state inspectors,²² who man the front lines of regulatory enforcement as the eyes and ears of the agency. On a daily basis, FRA is leveraging those inspector resources to achieve the much larger safety impact needed for this immense industry.

C. FRA's Inspection Process

If FRA's enforcement process is likened to a manufacturing process, the inspection process can be said to provide its feedstock: the data that guide FRA's allocation of inspection resources, as well as the evidence necessary when coercive enforcement tools are to be used.

FRA's inspectors do not perform the daily and weekly routine inspections which, as noted above, are required of the railroads by the regulations. Most FRA inspections are routine compliance audits. When an FRA inspector discovers a problem area, such as many non-serious defects, the inspector may arrange through his/her regional specialist to perform a follow-up inspection to ensure that the railroad has taken corrective action.

Each inspection discipline (track, signal, equipment, hazardous materials, and operating practices) has its own methodology for conducting inspections. A track inspector may perform a "records" inspection first, to determine which sections of track have had maintenance and repairs before deciding which subdivision to inspect. An equipment inspector (motive power and equipment) will usually look at outbound trains and verify that air brake and daily locomotive inspections are performed.

Each FRA inspector has a notebook computer for document preparation, electronic mail, and completing required forms such as bi-weekly time sheets and travel vouchers. After completing an inspection, an inspector enters the inspection report into custom software, known as the Railroad Inspection System for the Personal Computer (RISPC), to record all aspects of the inspection, including number of observations, broken down by regulation and specific provision. When an inspector finds an exception from the FRA regulations, he or she records that exception and determines whether a violation should be alleged and enforcement action (usually a civil penalty) recommended. Most exceptions are written without alleging a violation since the inspector is successful in obtaining railroad and shipper compliance through their guidance, persuasion, and warning. Such exceptions are tracked as "defects" in FRA's safety database. The

²² *Rail Safety*, GAO-07-149 (January 2007), at 28.

following chart shows the frequency of inspectors issuing violations for defects that they found:

Year	# of Inspection Reports ²³	# of Safety Defects Found	# of Safety Defects Found where Violations were Recommended	Ratio of # of Safety Defects Found where Violations were Recommended to # of Safety Defects Found
2004	65,928	322,629	11,014	0.034
2005	63,326	292,777	9,810	0.034
2006	68,188	313,103	12,848	0.041
2007	69,202	304,864	10,666	0.035
2008	71,208	310,979	17,247	0.055
2009 YTD	29,740	115,777	3,986	0.034
ALL	367,281	1,660,129	65,571	0.039

At least twice a week, FRA inspectors connect, or in some remote locations try to connect, to the Internet in order to upload their inspection reports into the FRA central database. Whenever possible, an FRA inspector leaves a completed copy of the FRA Inspection Report (Form FRA F 6180.96) with the local railroad official.

The management of FRA inspector resources is complex. FRA inspections, although a sampling of railroad operations, should not be random. Among FRA’s most compelling concerns are large railroads that move at high speeds, travel through population centers, and transport hazardous materials; strategic military networks; and passenger-carrying railroads. Since the preponderance of FRA inspection resources are directed at these concerns, the results, in terms of defects and violations found, may not accurately reflect the safety status of the entire railroad system.

Allocation of Inspection Resources

FRA can inspect only about 0.2 percent of all the industry’s cars, locomotives, track, etc.;²⁴ therefore, appropriate allocation of inspection resources is vital to its effectiveness. This ratio is roughly comparable to the ratio of the number of railroad employees to the

²³ An inspection report usually contains multiple inspections/observations. For example, an FRA Motive Power and Equipment Inspector may have inspected 120 cars and 19 locomotives for mechanical defects and safety appliance defects and observed four air brake tests, all recorded on a single inspection report. Similarly, an FRA Operating Practices Inspector may have measured the speed on 15 trains using radar, listened to five radio communications, and reviewed 35 accident reports and 250 injury reports, again with all recorded on a single inspection report.

²⁴ *Rail Safety*, GAO-07-149, at 32, citing an FRA estimate.

number of FRA inspectors. Many very small railroads operate at slow speeds, in rural areas, without transporting hazardous materials; such railroads are inspected/visited annually by an FRA Chief Inspector. As noted above, FRA must focus its efforts on the larger railroads that move at high speeds and in other settings that pose major threats.

Although focused inspections are useful, routine inspections are the backbone of the inspection process. It is through routine inspections that most problems are uncovered, and the first indications of reduced maintenance and training and improper procedures. If left unchecked, such problems may increase the chance of train accidents or employee injuries.

FRA safety inspections are performed within a broad spectrum of categories; for example, inspections performed in 2007 can be arrayed as follows:

<i>Reason for Inspection</i>	<i>2007 Inspection Reports Filed²⁵</i>	
Total Number of Inspections	69,202	
Regular/Routine	53,072	76.69%
Focused Inspection	6,880	9.94%
Reg. Inspection—STRACNET	1,669	2.41%
Reinspection	1,154	1.67%
ATIP	1,127	1.63%
Complaint Investigation	910	1.31%
Accident Investigation	797	1.15%
Inspection From Train	754	1.09%
Special Investigation	697	1.01%

To guide its inspection activity, FRA annually updates its National Inspection Plan (NIP), which it develops using a variety of databases to build a computer risk model for allocating inspection resources. Most of these databases include data by railroad, state, and county;²⁶ however, operational data, such as train miles, passenger miles, and employee hours, are collected in FRA’s accident and incident databases only by railroad, *e.g.*, a single number for a railroad for all its train-miles (the BNSF Railway Company,

²⁵ In addition to these categories, a number of others represented less than one percent: ATIP (Automated Track Inspection Program), Follow-up (0.76%), Activation Failure (0.76%), Other (0.48%), ATIP Survey—STRACNET (Strategic Rail Corridor [Military] Network) (0.28%), Waiver Investigation (0.26%), Nuclear Route Shipment (0.15%), False Proceed Investigation (0.14%), Outbound Extended Haul (0.10%), Block Signal Application (0.05%), Inspection of Manufacturer's Facility (0.04%), Inbound Extended Haul (0.04%), Special Investigation—STRACNET (0.01%), Federal Assistance Investigation (0.01%), RS&I (Rules, Standards, And Instructions Governing The Installation, Inspection, Maintenance, And Repair Of Signal And Train Control Systems, Devices, And Appliances) Investigation (0.00%).

²⁶ Milepost information is also collected, as discussed below in the section on Geographical Information Systems.

e.g., operates in 34 states). As a result, FRA had no clear way to determine accident and injury rates below the railroad system level: a high frequency of accidents in a county might indicate a problem or it might reflect unusually heavy railroad traffic in that county.

To address this problem, FRA developed the Regional Inspection Point System (RIP), an inventory of train activity by railroad, state, county, and discipline. The RIP assists in determining whether accident/injury rates for a railroad or state or county are above or below average. Algorithms for each discipline serve to standardize railroad activity in a county for each railroad, enabling FRA to compare railroad profile and accident/incident data with inspection activity. Using such indicators of railroad activity and performance, FRA can allocate inspection resources to match the relative risks. RIP data flow into the NIP as a geographic inventory of railroad activity, which then serves as a state/county baseline for determining risk when overlaid by time-delimited data points such as accidents, employee injuries, and FRA inspection exceptions.

FRA began developing operations research models for the allocation of inspection resources in the early 1980s. The early models—a separate model was developed for each inspection discipline—were based on train accidents and employee injuries (though many factors were part of the algorithm, *e.g.*, train speed, hazardous materials transported and released, and number and severity of injuries). It developed more advanced computer models using somewhat finer data, such as inspection findings, miles of track, density of corridors, and passengers transported.

However sophisticated the data-driven/operations research NIP models, more up-to-date local knowledge can enable adjustments of the allocation plan as events occur; for example, if the NIP model recommends more inspections on a section of frequently used track because an increasing number of defects has been recorded, but the local FRA inspector knows that the railroad has recently replaced that section of track and resurfaced the roadbed, then the inspector consults with regional management to modify inspection plans to more accurately account for current developments. Most “routine” inspections are allocated through the NIP, which is used to manage the mix of inspections in each of the eight FRA regions.²⁷ The NIP may, for example, show that staffing by discipline within regions and across regions needs to be adjusted. As a result, the NIP Staffing Allocation Model (SAM) was developed to provide guidance in redistributing

²⁷ NIP performance goals are built for the fiscal year. Senior regional managers are evaluated by fiscal year. Accident, injury, inspections, and other data resources are constructed for the NIP on fiscal year. Development of the NIP is an ongoing process. Many statistical and operations research models produce a prediction. Over time, predictions are measured against actual performance to determine the accuracy of a model; sometimes the prediction is for the future, and the measurement cannot be done for some time. If there are wide differences, then the factors for the differences are evaluated, *e.g.*, an economic downturn may yield lower train speeds and deferred track maintenance. The model may then be revisited to add or remove variables and to adjust the algorithms and formulas in an attempt provide better predictions. The last revision of the NIP was implemented in fiscal year 2006.

inspection resources across regions and disciplines to minimize predicted consequences. SAM has been in place since November 2007.²⁸

Each year, the Office of Safety receives hundreds of complaints about rule violations from railroad employees, or their spokespersons (labor representative or a member of Congress), and from the general public. Each complaint is evaluated, and most are investigated by an FRA inspector. If a rule violation is found and can be supported, an alleged violation is usually written.²⁹ When an FRA inspector discovers a problem area, such as many non-serious defects, the inspector may arrange through his or her regional specialist for a follow-up inspection to ensure that the railroad has taken corrective action.

Notification to Railroads, FRA Regions, and FRA Railroad System Oversight Managers

Whenever possible, an FRA inspector who has prepared an inspection report indicating an alleged violation will ask a local railroad official to sign the report. The railroad is required to take action immediately to remediate the alleged violation, if possible. Further, the railroad must report to the inspector on what remedial action has been taken. Failure to respond in a timely manner will result in another alleged violation for failure to respond (49 CFR Part 209).

Early every morning, FRA's central inspection database is swept for new alleged violations. All of the larger railroads (smaller railroads also have this option) have registered on a secure FRA site for e-mail notification of these new alleged violations. Copies of these e-mails are sent to the FRA Regional Director, the regional discipline-specific specialist, the RSOM for that railroad, and all other officials the railroad has designated. Thus, both railroad management and FRA managers can determine whether a particular type of violation is becoming systemic, and railroad management can more easily ensure that appropriate remedial action is taken.

FRA's safety database also serves as a resource for the industry, as railroad management has access to, and may download, all FRA inspection data for its railroad and may sort the data by time period, location, type of inspection (track, signal, mechanical, etc.), and other parameters to assist in their safety analyses and planning. The e-mail notification process and data download process provide the railroads with real-time notice of what issues FRA inspectors are finding, thus ensuring prompt remediation and facilitating early action on emerging systemic problems. Newer tools for information sharing are being studied to improve effectiveness.

²⁸ Some of the critical factors in the SAM are damage reported per accident and casualties per accident/incident; thus the consequences of accidents are correlated to inspections based on historical data.

²⁹ When FRA finds that the complaint process is being misused to create leverage, such as multiple hours of service complaints of 10 or 15 minutes against a railroad, an alleged violation is not likely to be written.

Focused Inspections

Yet the contribution of analysis in all cases—despite the different settings, data sources, and analytic methods—is exactly the same: analysis revealed a concentration of the risk, or a previously undiscovered view of the problem, that indicated an opportunity for resource efficient intervention.³⁰

The NIP is developed, in part, by extrapolating from previous data; however, anomalous situations in frequency of train accidents and employee of duty injuries in a specific area can be lost in the data. FRA's Office of Safety has been successful in locating such anomalies by using its Web site.³¹ The user-friendly Web site allows the FRA safety analyst to investigate/query the FRA databases selecting only subsets of the database.³² The technique is to find a potential problem area, then “drill down” through the database to find a county and railroad that seems to have a higher than expected number of accidents and/or injuries.

A focused inspection starts with isolation of the potential problem area, including the location where the number of accidents and injuries is on the rise. It then reviews FRA-required log data, identifies the rules, violation of which cause a plurality, or majority, of incidents, and determines whether there is a pattern (day of week, time of day, specific crews, and specific locations). FRA inspectors then perform a focused on-site analysis looking for the underlying reasons for the increase in accidents/injuries. The FRA analyst reviews FRA inspection data to isolate the area and determine the trend lines further. The analyst then proposes a “focused inspection” for the facility in question. FRA inspectors look for patterns and review testing and maintenance applicable to the potential reason for the increase.

After completing the focused inspection, FRA's regional managers meet with the railroad's managers to advise them of the inspection results and, as appropriate, require that the railroad develop a plan to resolve the problems. The railroad is further advised that it will be held accountable for its actions. After performance standards are established, FRA performs vigorous follow-up inspections to ensure compliance with the relevant FRA and railroad rules.

Geographic Information System (GIS)

FRA's Office of Safety is developing an interactive GIS to further improve resource planning. It expects to provide FRA regional safety managers the ability to display maps of a territory using various geographic overlays, such as accidents, inspections,

³⁰ Sparrow, *The Regulatory Craft*, at 260.

³¹ <http://safetydata.fra.dot.gov>.

³² Thirty-six parameter-driven queries available, including railroad, State, county, cause, and time frame. In addition, there is a query generator for the more advanced user, which allows the user to choose his or her own search criteria and selected information.

population (from U.S. Census), rail traffic flows, hazardous materials shipment routing, grade crossing areas, and military networks. In the western states, with very large counties, county-specific data will not provide sufficient information.³³ This geo-spatial system allows regional safety managers to see a plethora of data points arrayed on a map. By graphically linking railroad risk to geographic location, FRA can improve resource allocation decisions.³⁴

The Office of Safety recently completed geo-locating all train accidents for the past five years. FRA is also working to geo-locate its inspections using latitude and longitude data, correlated to each exception found, recorded on the FRA Inspection Form (Form FRA F 6180.96).³⁵

FRA is considering other techniques for acquiring the latitude and longitude for each inspection. Although Global Positioning System receivers are available, FRA is investigating a seamless way to upload the location directly into the inspection databases to record the inspection starting point, ending point, and each exception taken.

D. Example of an Integrated Compliance Strategy: Placement Documentation in the Transportation of Hazardous Materials by Rail

If true value in regulatory performance involves problems solved, compliance rates improved, risks mitigated, then regulators must persevere in the search for performance measurement and reporting techniques to match that kind of performance. They cannot give up on the obligation to develop a clearly

³³ San Bernardino County in California is larger than Maryland and more than twice the size of New Jersey.

³⁴ A geographic information system (GIS) organizes geographic data so that a manager using the digital map can select data necessary for a specific inspection, project, or task. For example, a manager may add passenger routes, passenger stations, and previous accidents. With an ability to combine a variety of datasets in an infinite number of ways, GIS is a useful tool for visually finding locations that might need additional attention. A thematic map includes a table of contents that allows the viewer to add multiple layers of information to a base map of railroad lines. A good GIS program is able to process geographic data from a variety of sources and integrate it into a map project. Data can also be gathered in the field by global positioning system (GPS) units that attach a location coordinate (latitude and longitude) to a feature such as a freight station or highway-rail grade crossing. Some GIS maps are interactive. On the computer screen, GIS users can pan the map in any direction, zoom in or out, and change the nature of the information displayed on-screen. They can choose whether to see the railroad systems, traffic density, hazardous materials movements, as well as how FRA inspections can be depicted.

³⁵ Retrofitting exact locations has many difficulties due to current data variables that may not correlate with a specific geographic reference. As an example, hazardous materials and equipment (MP&E) inspectors perform their inspections in intermodal facilities, hazardous materials yards, nuclear power plants, dispatching offices, railroad records offices, and industry track. Some of these locations are difficult to locate, while some are not on railroad track lines.

articulated and broadly shared understanding of what that account should look like.³⁶

An explicit emphasis on problem selection, before projects are launched, should enable the agency to target its time and attention on the most important areas and to explicitly deemphasize unimportant ones.³⁷

FRA has long focused its inspection and enforcement efforts on specific safety issues when circumstances have indicated the need; however, in 1995, FRA announced its intention to systematize such approaches to enforcement by creating its

Safety Assurance and Compliance Program (SACP), a new approach to safety inspection and encouraging compliance. The cornerstone of the SACP is its methodology for detecting and focusing on the root causes of systemic safety problems, especially on large railroad systems. This approach involves using teams that cut across regional boundaries to audit and develop safety profiles of the major railroads. . . . *Another element of the SACP is what FRA calls “focused enforcement.” This entails focusing enforcement efforts on the type of violations most likely to cause an actual train accident or injury. FRA’s accident/injury data base provides a wealth of information on what these leading causes of accidents and injuries are. Focused enforcement concentrates FRA’s compliance efforts on those areas where improvements in compliance are most likely to produce concrete results.*³⁸ [Emphasis added.]

In all regulatory regimens, some rules can be said to be more important than others in that their violation is more likely to result in injury or death to workers and bystanders or harm to communities. A familiar example is FRA’s rule on blue signal protection of workers in 49 CFR Part 218, Subpart B, which requires warnings to protect train and car maintenance workers working on, under, or between rolling stock from injury due to the movement of that or other rolling stock.

Similarly, the requirement to place placards on railcars carrying hazardous materials protects communities and the environment by alerting both workers responsible for placing them within a train consist and emergency responders responsible for properly addressing releases of hazardous materials. FRA’s hazardous materials inspectors cite defects and recommend penalties when they find improper placards, faded placards, or missing placards; however, in the event of a derailment or collision, the ensuing fire can burn or obscure the placard.

³⁶ Sparrow, *The Regulatory Craft* at 122.

³⁷ Sparrow, *The Regulatory Craft* at 225.

³⁸ Daniel C. Smith, *Enforcement of the Federal Railroad Safety Laws: Sharpening the Focus*, paper delivered at the 67th Annual Meeting of the Association for Transportation Law, Logistics and Policy (1996), at 3.

In managing the risk posed by the transportation of hazardous materials, the core values are *containment* and *communication*. Containment addresses the need for shippers and railroads to keep the hazardous materials in the container (railroad car, railroad tank car). Communication, including on-train documentation and placarding, means providing information to ensure that appropriate personnel are aware of the presence of hazardous materials and that appropriate response decisions are made to ameliorate the effects of a particular material's escape from its container.³⁹

We here examine one example of FRA's focused inspection efforts: the documentation of hazardous materials being transported by rail, first the 2003 audit, then the follow-up audit conducted in 2006:

2003 Audit

In 2003, FRA's headquarters Hazardous Materials Division, working with the regional hazardous materialist specialists, coordinated an audit of trains carrying hazardous materials to determine compliance with the requirements for notice to train crews regarding placement and emergency response in 49 CFR 174.26:

(a) The train crew must have a document that reflects the current position in the train of each rail car containing a hazardous material. The train crew must update the document to indicate changes in the placement of a rail car within the train. For example, the train crew may update the document by handwriting on it or by appending or attaching another document to it.

(b) A member of the crew of a train transporting a hazardous material must have a copy of a document for the hazardous material being transported showing the information required by Part 172 of this subchapter.

This audit, which covered all Class I railroads and was conducted primarily during daylight hours, showed a defect rate of 7.4 percent for documentation of train placement of hazardous materials cars and a defect rate of 6.5 percent for on-train documentation of hazardous materials, that is to say, 7.4 percent and 6.5 percent, respectively, of trains carrying hazardous materials had one or more of these defects. Over the course of the following year, the FRA Hazardous Materials Team reviewed the results of this audit with the railroads.

2006 Audit

In October 2005, FRA was operating under a continuing resolution, one effect of which was to restrict the agency's travel. To make effective use of inspector time during that

³⁹ This knowledge can be critical; for example, dousing a flaming tank car with water and other common firefighting materials can excite metal fires, making making them worse. The NFPA (National Firefighting Prevention Association) recommends that metal fires be fought with "dry powder" extinguishing agents.

period, FRA mounted a limited audit of the hazardous materials placement and documentation rules to determine whether the defect rates found during the 2003 audit had changed. Once this limited audit revealed a significant increase in the defect rate, FRA concluded that a complete audit was necessary.

In 2006, accordingly, FRA conducted a follow-up audit from July 1 to September 30 that included all Class I railroads. As in the 2003 audit, FRA's focus was on compliance with section 174.26, as explained in its audit report:

The presence of undocumented and unknown hazardous materials shipments within a train is an especially dangerous situation, should an accident occur. Emergency responders rely on the information that train crews carry to safely identify the presence of hazardous materials and make decisions about response tactics. Without this information, responders cannot develop adequate plans that protect themselves and the communities they serve, which may result in unnecessary delays, injuries, or possibly deaths. By far, the presence of undocumented shipments of hazardous materials poses the greatest danger during transportation.

.....

Hazard communication, including accurate location and contents for hazardous materials railcars, is essential in the event of an emergency so that response personnel can make informed response and public protection decisions. Absent this information, responders have historically taken a "stand-off" approach.⁴⁰

The "stand-off"⁴¹ approach, *i.e.*, not intervening in the course of a hazardous materials release without accurate information about the material involved, is necessary to protect emergency personnel from unknown hazards; however, the consequences for the surrounding community can be fire, explosions, and toxic fumes. In a 1986 derailment in Miamisburg, Ohio, a rail tank car containing white phosphorous was breached and its lading caught fire when holes on the side of the car let air enter (the material will self-ignite when exposed to air). The fire departments worked valiantly to stop the fire, but the white phosphorous continued to reignite in the high summer temperatures. Thousands of people were evacuated from the area of the spill; however, downwind, the drifting toxic fumes adversely affected many people.

⁴⁰ *National Hazardous Materials Audit*, Federal Railroad Administration (February 5, 2007) http://www.fra.dot.gov/downloads/safety/2006_national_hm_audit_report011207DJL%2025v3edits.pdf, at 11.

⁴¹ The term "stand-off" is colloquial for isolation of the incident site. See *Emergency Responders Handbook*, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, at 3.

The 2006 audit focused particularly on circumstances that could result in missing or not properly updated documentation, circumstances also reviewed in the 2003 audit:

- Miscounting when adding or setting off cars.
- “No-bill” cars placed in a train.
- Placarded shipments not identified as hazardous materials.
- Onboard work order authority systems.
- Inaccurate initial train lists.
- Failure of the train crew to update the train list, causing additional placement issues.
- Classifying cars into the wrong track in the classification yard and not updating their locations before pulling the track and setting it over in the departure yard.⁴²
- Receiving cars at an industry or interchange with unlisted hazardous materials cars.

After completing the audit, FRA issued a report concluding as follows:

By comparison [with the 2003 audit results], the 2006 audit reflects a considerably higher finding of hazardous materials regulatory noncompliance, with a 13.2 percent defect ratio for train car placement and 6.6 percent for communication. The overall individual defect ratios by railroad range from a low of 7.1 percent to a high of 30.4 percent. Significant change will be required in order to stem this level of noncompliance and ensure that train crews, emergency responders, and the general public have the protection they need.⁴³

Integrated Compliance Approach

An integrated compliance or problem-solving strategy directly tackles identified risks and permits the agency to demonstrate elimination or mitigation of those risks as accomplishments.⁴⁴

FRA then published the results of the 2006 audit on the FRA Web site. The goal was to build community awareness of the serious nature of this noncompliance, thus signaling

⁴² The phrase “pulling the track and setting it over in the departure yard” is railroad jargon for moving cars from classification track to outbound track.

⁴³ *National Hazardous Materials Audit*, at ii.

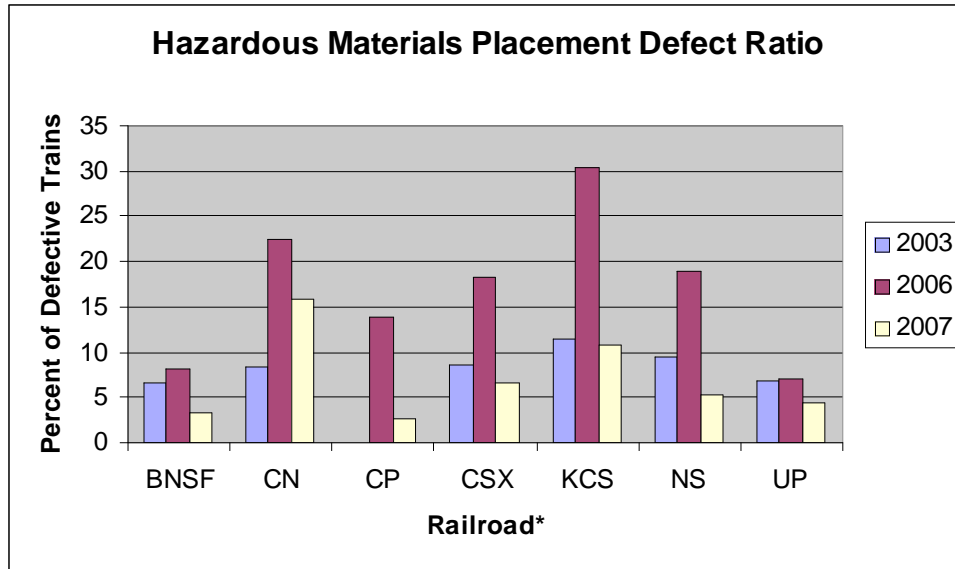
⁴⁴ Sparrow, *The Regulatory Craft*, at 203.

the railroad community and the public that action was needed on the part of all stakeholders:

- Fire chiefs and fire fighters helped apply pressure to local railroad yards. This process also increased the credibility of FRA. Fire chiefs were already aware of some of the hazardous materials placement issues involving railroads, but very pleased that FRA acknowledged the problem and was working to correct it.
- FRA senior managers supported hazardous materials groups and applied pressure with the threat of compliance agreements and orders.
- The data were presented to railroad senior managers. Further, FRA shared with the railroad managers the concern of fire chiefs and emergency responders, and the necessity of “standing off” in the event of a hazardous materials release in a train accident.
- Mid-level railroad managers worked with FRA managers to make changes and included hazardous materials placement documentation in their performance goals.
- At the United Transportation Union conventions, FRA officials explained crew responsibilities in the documentation of hazardous materials placement, noting that they would be held accountable, with the threat of individual liability for crewmembers.

Working with mid-level managers and crewmembers was especially important in light of the tendency to make a priority of getting a train out of the yard and into service at the expense of ensuring proper hazardous materials documentation.

The results of this 2007 follow-up outreach effort were impressive. Train defect ratios were below the levels of the 2003 audit in almost every case. The overall defect ratio was 5.8 percent, compared to the 2006 audit result of 13.2 percent and better than the 2003 audit result of 7.4 percent. In FY 2009, FRA will focus its efforts on Canadian National Railway, with a 15.8 percent defect rate, and The Kansas City Southern Railway Company, with a 10.8 percent defect rate.



*

- BNSF Burlington Northern and Santa Fe Railway
- CN Canadian National Railway
- CP Canadian Pacific Railway
- CSX CSX Transportation, Inc.
- KCS The Kansas City Southern Railway Co.
- NS Norfolk Southern Corporation Railroads
- UP Union Pacific Railroad Company

The audit in 2006 demonstrated a need to determine more accurately the extent of the hazardous materials car placement problem. The audit was executed through the FRA regional offices, which developed their inspection plans based on their resources, geography, and quantity and type of hazardous materials shipments.

The response by FRA, which involved the coordinated efforts of headquarters safety managers, regional safety personnel, and the Office of Chief Counsel, was an integrated use of persuasion and enforcement to achieve a systemic change in the way railroads adhere to the provisions in the regulations. FRA effectively used various levels of outreach to the railroad community (rail senior and mid-level management, rail labor organizations, and railroad operating crews), as well as affected community emergency response groups, to promote compliance with the regulations.

E. Risk Reduction Program

Between 1988 and 1997, the train accident rate dropped by about 25 percent, but in the 10 years since, that rate has decreased by only about 12 percent. This fact has led FRA to supplement its regulatory enforcement approaches with a more proactive, risk-based approach. The Risk Reduction Program (RRP) is an FRA-led, industry-wide initiative intended to enhance safety by developing innovative methods, processes, and technologies to identify and correct individual and systemic contributing factors to

accident, using “upstream” predictive data. One prominent example of an FRA-sponsored project in the RRP is the Confidential Close Call Reporting System, in which employees are encouraged, and effectively given incentives, to report near-misses or other incidents of near-accidents without fear of discipline or reprisal.

The RSIA endorses what FRA has already been doing with the RRP. The Act—

- Authorizes FRA to conduct research and voluntary risk reduction projects that target railroad operations, equipment, and systems that pose a risk to operational and personnel safety. Successful pilot projects may develop into nationwide programs.
- Requires FRA to issue a regulation by the fall of 2012 that requires each major freight and passenger railroad, and any other railroad carrier that has an inadequate safety performance (as determined by FRA) to develop, implement, and comply with a comprehensive risk reduction program that evaluates risks and manages those risks in order to reduce the numbers and rates of railroad accidents, incidents, injuries, and fatalities. The program must be filed with and approved by FRA and, at a minimum, include a risk mitigation plan, a technology improvement plan and a fatigue management plan.
- Requires FRA to protect the confidentiality of railroads’ RRP risk analyses, to study whether it would be in the public interest to bar discovery and admissibility of RRP-related records in tort suites, and to conduct a rulemaking based on the study results.

These statutorily required risk reduction measures will lead to changes in the railroads’ and FRA’s safety programs and improved railroad safety.

F. FRA’s Enforcement Process: Design and Tools

As has long been observed, it is the sheathed sword that can most effectively buttress a regulatory regimen:

Regulators will do best by indicating a willingness to escalate intervention up those pyramids [*e.g.*, from persuasion to warning to civil penalty to license revocation] or to deregulate down the pyramids in response to the industry’s performance in securing regulatory objectives. . . . The greater the heights of tough enforcement to which the agency can escalate (at the peak of its enforcement pyramid), the more effective the agency will be at securing compliance and less likely that it will have to resort to tough enforcement. Regulatory agencies will be able to speak more softly when they are perceived as carrying big sticks.⁴⁵

⁴⁵ Ian Ayres and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (Oxford University Press, 1992), at 6.

FRA's safety regulatory system thus depends on the expertise and judgment of its inspectors and other safety officials as well as the quality of the regulatory enforcement scheme within which they are deployed. We believe that this is a well-calibrated program, given the resources available to FRA and the breadth of the nationwide national railroad system it regulates: 686 railroads with about 235,000 employees, 219,000 miles of track, 24,000 locomotives, 1.6 million cars, 158,000 signals and switches, and 240,000 highway-rail grade crossings.⁴⁶

Akin to Ayres' and Braithwaite's pyramid of regulatory enforcement, FRA's enforcement powers can be arrayed as a ladder of ascending stringency that, to a large extent, also rises with infrequency of use:⁴⁷

Court Injunctions
Emergency Orders
Compliance Agreements / Orders
Special Notices for Repair
Civil Penalties
Safety Advisories
Guidance / Persuasion / Warning
Inspections / Record reviews

Some threats to safety are so immediate as to demand quick action. As noted above, it is the railroads themselves that are in the best position to detect and remedy such threats and to design and take preventive measures that reduce the likelihood of their recurrence. Where the railroads falter in their safety responsibilities, FRA steps in to ensure that compliance is achieved.

FRA's selection of an enforcement tool that is appropriate and proportional under particular circumstances depends on the sound judgment of its safety officials. The first three steps up its enforcement ladder can be characterized as informal, like a highway patrolman's warning to a motorist. Though non-coercive, they can be effective. Where these informal measures fail to obtain compliance or where the threat to safety is immediate or grave, coercive tools may be used.

All coercive tools depend on legal process, which includes procedural safeguards for those who stand accused, whether civilly or criminally. Some of these tools can have immediate effect, subject to subsequent appeal, such as special notices for repair and emergency orders. Using the special notice for repair authorized by 49 CFR Part 216,

⁴⁶ *Rail Safety*, GAO-07-149, at 27.

⁴⁷ FRA may also act against individuals when their performance or conduct is so egregious as to warrant an FRA response such as disqualification of individuals from performance of safety-sensitive duties (49 CFR Part 209, Subpart D) and assessment of civil penalties against an individual for a "willful" violation. We note also that criminal penalties are available under 49 U.S.C. §§ 5124 and 21311 and that civil penalties can be assessed against railroads and shippers for violations of the rules on the transportation of hazardous materials, though the procedures vary somewhat.

Subpart B, an FRA inspector may achieve a rapid effect by forcing the immediate removal from service for repair of any locomotive, freight car, or passenger car found to be unsafe and noncompliant with FRA regulations. Under the same authority, an inspector may also force a railroad to lower operating speeds over specified portions of track by requiring a change in the class of track under Part 213. Similarly, FRA may issue an emergency safety order, as authorized by 49 U.S.C. § 20104, to abate immediate hazards of death or injury, or significant harm to the environment, an authority exercised most recently on October 1, 2008, when it issued Emergency Order No. 26 restricting train-crew use of distracting electronic or electrical devices such as cell phones.⁴⁸

The other coercive enforcement tools—civil penalties, compliance orders, and injunctions—require legal process before issuance and so cannot have rapid effect if the alleged violator resists (violators often choose to comply with the law immediately and contest the violation or perhaps only the sanction proposed later). Compliance orders requiring compliance with the safety regulations may be issued only after the agency has provided an opportunity for a hearing and development of a record that supports a showing of continuing violations or a pattern of violations. And, of course, injunctions are available only through the courts and after an evidentiary hearing.

G. FRA’s Civil Penalty Process

The most common coercive enforcement result of the inspection process is FRA’s assessment of a civil penalty based on the inspector’s original violation report alleging a violation of the rail safety standards.

Alleged Violations

The term “alleged violation” denotes the very beginning of the process that can lead to an inspector’s recommending assessment of a civil penalty. Many alleged mechanical violations (*e.g.*, conditions of track, equipment, or signals) can be corrected or remediated (*e.g.*, a railroad car taken out of service, a slow order on a section of track). Whenever documenting an alleged violation, an FRA inspector determines whether the alleged violation can be remediated. If remediation is possible, the railroad must respond to the FRA inspector within 60 days and describe the remediation measures taken. Failure to respond within the required time frame may result in a second alleged violation. The FRA inspector adds the date of the railroad’s response to the original inspection report. This information is also uploaded via the Internet.

Serious Threats to Railroad Safety

On occasion, an FRA inspector discovers a particularly serious problem, *e.g.*, a railroad bridge in very poor condition or a signal system in disrepair; in these situations, the FRA inspector goes further, calling his/her supervisor, or even the regional administrator or

⁴⁸ Over the years, FRA has, consistent with the principles espoused by Ayres and Braithwaite, prudently exercised its extraordinary powers: previously, it had issued 25 emergency orders in its history.

deputy regional administrator. The inspector will also advise the railroad to take immediate action to prevent a train accident. If, for example, a railroad car's wheels are showing signs of cracking, the FRA inspector may issue a Special Notice for Repair, taking the car out of service until repaired. Depending on the circumstances, even more stringent tools may be applied.

Notification to Railroads and FRA Regions

Whenever possible, the FRA inspector has the inspection report signed by the local railroad official and leaves a copy with the railroad, which advises it of an alleged violation. The railroad is expected to take appropriate action to remediate the violation as quickly as possible. In addition, the railroad is required to respond in a writing that describes what subsequent remedial action it has taken. Failure to respond in a timely manner will likely result in a second violation for failure to respond under FRA's remedial action regulations (49 CFR Part 209, Subpart E).

Writing a Violation Report

As noted, an alleged violation is just the beginning of a long process. The railroad safety laws and regulations contain differing standards of proof. A typical track violation report against a railroad, for example, has to include evidence showing that the railroad knew, or had notice that, the track did not comply with the regulation. Such knowledge can be demonstrated, for example, by a previous inspection report in which the noncompliant condition had been noted. A violation of FRA's mechanical regulations (*e.g.*, the Freight Car Safety Standards) on the other hand, does not entail proof of prior knowledge. The requirements for completing a violation report are therefore different. To bring a case against an individual, instead of the railroad itself, the agency is required to show that the violation was "willful."⁴⁹ The FRA inspection report form is a general form used by all FRA disciplines for both recording defects and alleged violations. Due to the differing requirements needed to support an alleged violation, however, FRA uses thirteen types of violation report forms.

Processing a Violation Report

The inspector prepares his/her violation report on the computer using custom software called Violation Generation, which is part of the Railroad Inspection System for the Personal Computer. The software allows the inspector to complete the violation form on the computer and to electronically send the violation report to the regional specialist for that safety discipline with the required documentation (previous reports, photographs, interviews, etc.) and a recommendation for penalties.

⁴⁹ "FRA considers a 'willful' violation to be one that is an intentional, voluntary act committed either with knowledge of the relevant law or reckless disregard for whether the act violated the requirements of the law." 49 CFR Part 209, Appendix A.

The specialist reviews the violation report and documentation to determine sufficiency and the penalty amount. If the specialist finds errors or omissions in the report, the inspector is notified to make corrections. The specialist then completes the Transmittal From Region report, which includes the recommended level of penalty (*e.g.*, whether at “willful” level), and sends it electronically to the FRA Office of Chief Counsel.

Violation Tracking System

When an inspection report is uploaded to the Office of Safety database, and there are one or more alleged violations, a record is created for each alleged violation. The alleged violation is tracked at each stage: date of alleged violation, date violation report was completed and sent to the regional office, date the regional specialist completed his/her review, and the date received by the Office of Chief Counsel. That office records a case number⁵⁰ it assigns, the date the case was closed, the amount assessed, and the settlement amount.

On a secure Web site, an inspector can view each alleged violation and the current status. Each regional specialist can see all the alleged violations for the region in that discipline. The regional administrator and deputy regional administrators can see all alleged violations in their region. Further, management reports are available to senior regional and headquarters personnel on the status of violations and the time spent in each stage of the overall process.

The violation tracking system has special Web pages to allow managers to monitor the progress of each violation, including the time to process each step, to view the inspection report and the violation report, to monitor cases where remedial action was recommended, and to view a summary of all violations in the region.

Civil Penalties

FRA inspectors are generally successful in obtaining railroad compliance through their guidance, persuasion, and warnings, but escalation is sometimes necessary. As noted, the most commonly used coercive tool an inspector may consider is the civil penalty authorized by 49 U.S.C. §§ 21301-21304 (and § 5123 for hazardous materials violations).

FRA’s railroad safety inspectors are vested with the discretion they need to respond appropriately to defects and hazards they find during their routine inspections. That discretion is guided by the parameters FRA sets out in its Statement of Agency Policy Concerning Enforcement of the Railroad Safety Laws:

In determining which instances of noncompliance merit penalty recommendations, the inspector considers:

- (1) The inherent seriousness of the condition or action;
- (2) The kind and degree of potential safety hazard the condition or action poses in light of the immediate factual situation;

⁵⁰ A case usually contains more than one violation of the same type.

- (3) Any actual harm to persons or property already caused by the condition or action;
- (4) The offending person's (*i.e.*, railroad's or individual's) general level of current compliance as revealed by the inspection as a whole;
- (5) The person's recent history of compliance with the relevant set of regulations, especially at the specific location or division of the railroad involved;
- (6) Whether a remedy other than a civil penalty (ranging from a warning on up to an emergency order) is more appropriate under all of the facts; and
- (7) Such other factors as the immediate circumstances make relevant.⁵¹

After considering these factors, an inspector may prepare a violation report recommending that the applicable civil penalty be assessed against the railroad for a specific violation. After reviewing and approving the violation report, FRA's Office of Safety forwards the inspector's violation report to FRA's Office of Chief Counsel endorsing the inspector's recommendation.

If after legal review the violation report is found (1) to state a violation under the railroad safety laws and (2) to include sufficient evidence to sustain the claim in court, if necessary, the Office of Chief Counsel issues a demand letter (or, in the case of a hazardous materials case, a Notice of Probable Violation) alleging a specific violation of a federal railroad safety or hazardous materials safety law, regulation, or order and making an initial assessment of a penalty amount in accordance with the applicable penalty schedule or other penalty provision for the violation. That "assessment" represents an assertion that facts—alleged in the enclosed violation report and supported by such probative evidence as inspector observations, photographs, interviews, and records—would support a court finding, after an evidentiary hearing, that the violation has been proven and that the railroad has thereby incurred a legally supportable claim for payment, *i.e.*, refusal to pay would likely result in a legally enforceable court order to pay.

FRA has summarized this process in its Statement of Agency Policy:

Where the violation was committed by a railroad, penalties are assessed by issuance of a penalty demand letter that summarizes the claims, encloses the violation report with a copy of all evidence on which FRA is relying in making its initial charge, and explains that the railroad may pay in full or submit, orally or in writing, information concerning any defenses or mitigating factors. The railroad safety statutes, in conjunction with the Federal Claims Collection Act, authorize FRA to adjust or compromise the initial penalty claims based on a wide variety of mitigating factors. This system permits the efficient collection of civil penalties in amounts that fit the actual offense without resort to time-consuming and expensive litigation. Over its history, FRA has had to request that the Attorney General bring suit to collect a penalty on only a very few occasions.

⁵¹ 49 CFR Part 209, Appendix A.

Once penalties have been assessed, the railroad is given a reasonable amount of time to investigate the charges. Larger railroads usually make their case before FRA in an informal conference covering a number of case files that have been issued and investigated since the previous conference. Thus, in terms of the negotiating time of both sides, economies of scale are achieved that would be impossible if each case were negotiated separately. The settlement conferences, held either in Washington or another mutually agreed on location, include technical experts from both FRA and the railroad as well as lawyers for both parties. In addition to allowing the two sides to make their cases for the relative merits of the various claims, these conferences also provide a forum for addressing current compliance problems. Smaller railroads usually prefer to handle negotiations through the mail or over the telephone, often on a single case at a time. Once the two sides have agreed to an amount on each case, that agreement is put in writing and a check is submitted to FRA's accounting division covering the full amount agreed on.⁵²

In addition to the general authority found in the Federal Claims Collection Act,⁵³ Congress has specifically authorized the compromise of railroad safety civil penalty claims and specified the criteria FRA is to use in reaching compromise:

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and
- (C) other matters that justice requires.⁵⁴

FRA's former Assistant Chief Counsel for Safety has summarized the benefits of exercising the authority to compromise as follows:

The railroad safety laws specifically authorize the compromise of penalties initially assessed. The authority to compromise serves two very important interests. First, the ability to negotiate provides a very useful alternative to litigation over the initial assessment. Were it common, such litigation would be a significant and unproductive drain on the resources of FRA and the regulated community. Instead, FRA has developed a process for resolving these disputes that nearly always avoids litigation. Second, the negotiations focus attention on the matters that are truly important, *i.e.*, the safety issues underlying FRA's charges. In the negotiating sessions, there is an opportunity for a dialogue on needed safety improvements, and the railroad or shipper can gain some mitigation of the penalty by demonstrating such improvements.⁵⁵

⁵² *Ibid.*

⁵³ 31 U.S.C. § 3711.

⁵⁴ 49 U.S.C. §§ 21301-21303, 5123.

Our review of FRA attorneys' settlement notes confirms the care taken by FRA in its settlement discussions in consonance with these statutory criteria and as outlined in the appendix to Part 209 cited above. FRA collects a significant amount for the civil penalties that are sustained as shown by the following figures:

FY2004

Violations received by FRA's Office of Chief Counsel:	4,488
Violations declined during legal review:	161
Original assessed amount of claims settled during FY 2004	\$16,599,250
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$733,610
Settlement amount during FY 2004:	\$ 10,603,920

FY2005

Violations received by FRA's Office of Chief Counsel:	5,088
Violations declined during legal review:	160
Original assessed amount of claims settled during FY 2005:	\$13,103,000
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$727,400
Settlement amount during FY 2005:	\$8,599,435

FY2006

Violations received by FRA's Office of Chief Counsel:	6,768
Violations declined during legal review:	134
Original assessed amount of claims settled during FY 2006	\$16,941,500
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$1,222,100
Settlement amount during FY 2006:	\$10,678,775

FY2007

Violations received by FRA's Office of Chief Counsel:	6,822
Violations declined during legal review:	136
Original assessed amount of claims settled during FY 2007	\$20,624,250
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$891,750
Settlement amount during FY 2007:	\$13,253,348

⁵⁵ Smith, *Enforcement of the Federal Railroad Safety Laws: Sharpening the Focus*, at 7.

FY2008

Violations received by FRA's Office of Chief Counsel:	6,706
Violations declined by RCC after legal review	71
Original assessed amount of claims settled during FY 2008:	\$17,867,250
Amount terminated (generally due to legal defenses presented during settlement negotiations):	\$868,750
Settlement amount during FY 2008:	\$11,640,410

FRA published comprehensive, line-by-line revisions to the penalty schedules of its safety regulations on December 29, 1988.⁵⁶ The revisions reflected the higher maximum penalty amounts established by the RSIA, which raised the maximum penalty for any ordinary violation from \$2,500 to \$10,000 (the ordinary maximum) and to \$20,000 for a grossly negligent violation or a pattern of repeated violations that has created an imminent hazard of death or injury or caused death or injury (the aggravated maximum).

The Rail Safety Enforcement and Review Act,⁵⁷ enacted on September 3, 1992, increased the maximum penalty for a violation of the hours of service laws from \$1,000 to \$10,000 and in some cases to \$20,000, making the penalty amounts for hours of service violations commensurate with those for FRA's other regulatory provisions. It also increased the minimum penalty from \$250 to \$500 for all of FRA's safety regulations.

Since publication of the penalty schedules in 1988, FRA has periodically adjusted its minimum, ordinary, and aggravated maximum penalty amounts to conform to the mandates of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Act).⁵⁸ The Inflation Act requires federal agencies to adjust by regulation each maximum penalty, or range of minimum and maximum penalties, within that agency's jurisdiction once every four years to reflect inflation. However, the Inflation Act does not require that the guideline line-item penalty amounts for a specific type of violation (*e.g.*, a section of a particular regulation) be adjusted.

FRA published proposed revised penalty schedules on December 5, 2006.⁵⁹ FRA explained its approach to reevaluating the schedules of civil penalties based on the degrees of likelihood that an accident/incident will occur or that graver consequences of an accident/incident will occur as a result of failing to comply with a safety regulation. FRA developed a five-step severity scale for setting the line-item penalty amounts for each one of FRA's safety regulations. Each regulation was assigned to a level on the severity scale based on how likely violating the regulation would lead to an accident/incident, serious injury, or death. The penalty amounts for each severity scale

⁵⁶ 53 FR 52918.

⁵⁷ Pub. L. No. 102-365.

⁵⁸ 28 U.S.C. § 2461 note, as amended.

⁵⁹ 71 FR 70590.

level were assessed within the statutory range for ordinary penalties at that time, which was from \$550 to \$11,000.

Subsequently in 2007, pursuant to the requirements of the Inflation Act, FRA recalculated the ordinary maximum penalty and raised it from \$11,000 to \$16,000.⁶⁰ The RSIA increased the ordinary and aggravated maximum penalty amounts to \$25,000 and \$100,000, respectively. FRA adjusted its minimum penalty from \$550 to \$650 pursuant to the Inflation Act requirements.⁶¹ FRA issued conforming regulations adopting \$25,000 as the ordinary maximum and \$100,000 as the aggravated maximum required by the RSIA in a December 30, 2008, final rule.⁶²

FRA has indicated that it is currently reviewing a final statement of agency policy in which all of the guideline line-item penalty amounts for FRA's safety regulations are being re-assessed based on the new ordinary maximum penalty amount of \$25,000. In doing so, FRA has indicated that the severity scale approach proposed in the December 2006 notice is being retained.

The overall safety results achieved (*e.g.*, see the graph on page 4) suggest that in general FRA's civil penalty assessments and settlements are achieving their intended purposes. Whether increased penalties will achieve even better results will be seen over the next few years, given that Congress increased the maximum civil penalties in the RSIA.

In the end, it is important to keep in mind that these civil penalty assessments flow directly from FRA inspectors' daily sampling inspections designed to encourage compliance with federal safety standards. The civil penalty tool provides FRA inspectors the credibility they need in persuading railroads to take their safety concerns seriously, just as FRA's infrequent use of its emergency order power is sufficient to demonstrate its "willingness to escalate" as advocated by Ayres and Braithwaite.

⁶⁰ 71 FR 51194 (September 6, 2007).

⁶¹ 73 FR 79698.

⁶² 73 FR 79698.

III. RAILROAD SAFETY AND RAILROAD ACCIDENT DATA

The Senate Report asks for the evaluation to include an assessment of whether individual railroad commitments (as a result of individual civil penalties) actually translated into measurable safety improvements, an assessment of FRA's ability to determine whether such measurable improvements were made. FRA does not lower penalties in exchange for commitments by a railroad to make future safety improvements, so effectively, this question asks whether there is a way to measure the effects of particular, individual civil penalties. This section of the study addresses those issues and concludes that the data FRA has permit measurement of safety improvements in an area covered by an entire rule and by the entire safety program, but do not sustain tracing whether measurable safety improvements result from discrete civil penalties. For the effects of discrete, individual civil penalties, FRA must rely upon the experience and judgment of its field forces who inspect the railroads' facilities and records on a daily basis. Their seasoned judgment, based on decades of careful observation, is that civil penalties do produce observable improvements in safety and compliance with the law. And, as explained earlier, in the relatively rare instances when a civil penalty does not suffice, other enforcement measures are applied.

While FRA does not have a way to quantify the safety effect of a railroad's response to a particular civil penalty, FRA does pay careful attention to the railroad's response and intervenes more forcefully when the railroad's response is deemed inadequate.

This section explains the background of FRA's data collection efforts and illustrates why the data FRA systematically collects cannot be used to analyze the effects of particular civil penalties. We devote this attention to the data in FRA's Railroad Accident/Incident Reporting System (RAIRS) because there are no other systematically collected data to consider for this task and the Committee deserves a thorough explanation of why the desired measurements cannot be made.

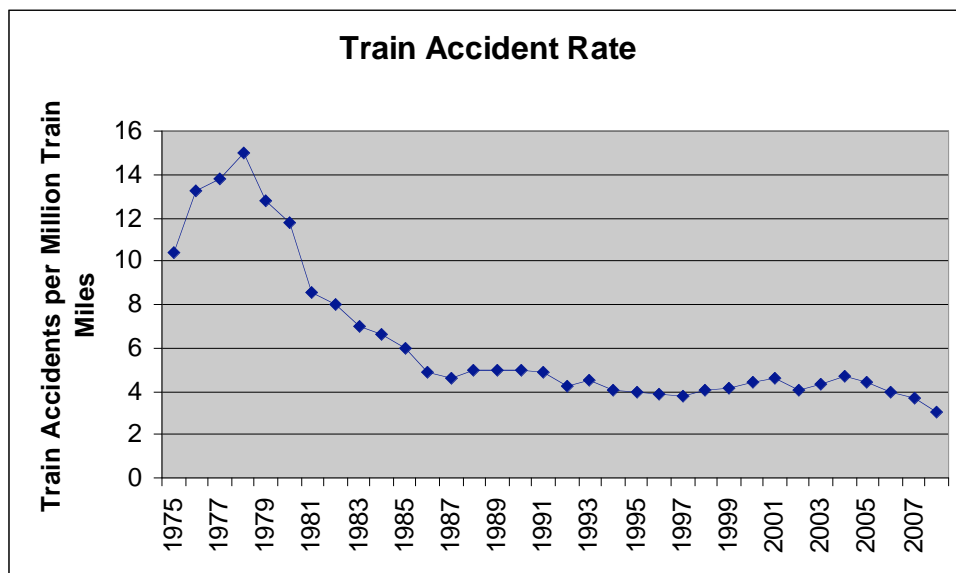
In RAIRS, FRA compiles a plethora of data derived from reports filed with FRA by the regulated railroads.⁶³ As explained below as we examine a variety of FRA regulations, the railroad accident cause codes that form the basis of the database used for identifying and tracking safety issues and trends were developed separately from regulatory provisions that may, in various ways, contribute to ameliorating the conditions that lead to particular accident causes and which have civil penalties associated with them; as a result, we have found very little correspondence between specific cause codes and particular civil penalty enforcement of specific regulatory provisions, making meaningful statistical comparisons virtually impossible. We conclude that teasing out such correspondences cannot be done in a meaningful way.

In addition, isolating FRA civil penalty enforcement from the other factors bearing on safety results, such as railroad and rail worker actions, is not possible. And, as previously mentioned, looking only at FRA's regulatory regimen, one soon realizes that it must be

⁶³ 49 CFR 225.11.

considered holistically: Specific regulatory provisions from a variety of regulations complement one another in preventing circumstances that may result in an accident. For example, the many requirements for daily inspections, for regular maintenance, for training and retraining, as well as provisions addressing conditions more proximate to an accident, work together as a system to support positive safety results. The very plentitude of such regulatory provisions obscures the effect of some and diffuses the effect of any single correspondence that might be made.

One fruitful way to take a holistic view of the effects of the safety program is to look at accident rates over the long term. Rates, which are normalized by million train miles traveled, more reliably indicate the true state of railroad safety than do raw accident numbers. As FRA began to promulgate the first versions of major rules such as track safety standards and power brakes in the 1970's, the adverse trend in railroad safety was slowed and then sharply reversed. There are few sharp lines of demarcation because railroads and shippers often began to modify their behavior during the rulemaking process; a new safety rule typically takes effect a considerable time after it is issued; and enforcement can occur only after the effective date of the rule. Nevertheless, each subject FRA regulates shows a response pattern generally similar to the graph shown below for train accident rates, which reflects the strongly positive effects of FRA's railroad safety program, including civil penalty enforcement, even though the data shown do not permit one to draw statistically valid conclusions about the precise effects of civil penalties, or other measures, in isolation. This dramatic improvement in railroad safety over the past 30 years suggests that FRA would be well advised to continue in the future to pursue the various measures and strategies that have guided its safety program in the past. As the results of this study suggest, it is the cumulative impact of these measures, one supporting and amplifying the other, that makes the difference.



In the majority of cases, the three train accidents per million train miles that now occur will be very minor accidents causing damages close to the \$8,900 reporting threshold.

A. Accident Reports

The Accident Reports Act, ch. 208, 36 Stat. 350 (1910) (now repealed and its provisions, as amended, enacted as positive law in 49 U.S.C. ch. 209 and § 21302), required that railroads report certain accidents and employee on-duty injuries to the Interstate Commerce Commission. After creation of the Department of Transportation and the Federal Railroad Administration in 1966, FRA assumed responsibility for collecting and maintaining those records. In 1974, FRA issued its regulation on accident reporting (49 CFR Part 225), setting out the procedures that permit FRA to maintain quality data in its RAIRS. Part 225 also adopted the standard for work-related fatalities, injuries, and illnesses used in the Occupational Safety and Health Administration's (OSHA) reporting regulation (29 CFR Part 1904).⁶⁴ These are the only records kept systematically over time that provide insight into the overall safety of the railroad industry from year to year and, in some cases, into the relative safety of the various systems that comprise an operating railroad.

At that time, Part 225 required a "rail equipment accident/incident" report (hereafter "train accident" report (a "Rail Equipment Accident/Incident Report" prepared as directed by the FRA Guide for Preparing Accident/Incident Reports, "FRA Guide") when physical damage exceeded the threshold of \$1,750. Now adjusted annually based on railroad salaries and equipment costs, this threshold has risen to \$8,900 for 2009. Since even the cost of replacing the snowplow and steps of a locomotive damaged in a minor yard collision exceeds \$8,900, a very large number of minor accidents are reported to FRA and included in the RAIRS. As defined in Part 225, a "train accident" is a

collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) that results in damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, and roadbed.

The result of this broad definition is that almost 80 percent of all reportable train accidents occur in railroad yards or under the speed of ten miles per hour. It may be safely said that these reported train accidents usually pose little threat of injury to

⁶⁴ The Occupational Safety and Health Act of 1970 requires all employers, including railroads, to "maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses." At the time of its enactment, railroads were subject to the Accident Reports Act, which, as now codified, states that "Not later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident." 49 U.S.C. § 20901(a). Because of this earlier and continuing requirement, the Departments of Labor and Transportation agreed that railroads would continue to report to DOT, but under modified recordkeeping rules. These new rules would conform to those issued by OSHA and would be administered by FRA. OSHA agreed that FRA needed special codes for occurrences specific to the railroad industry.

members of the general public; moreover, 84 percent⁶⁵ of employee injuries occur at sites away from any railroad track.

B. Accident Cause Codes and Accident Data

The FRA Guide, as last amended May 1, 2003, states the obligation of reporting railroads as follows:

An accident is frequently the culmination of a sequence of related events, and a variety of conditions or circumstances may contribute to its occurrence. A complete record of all of these would be beneficial in accident prevention analysis. However, *it is not practical, even if it were possible, to develop forms and codes that would capture every detail that may be associated with the causes and resulting consequences of each accident.* Therefore, the most appropriate combination of available codes that best identifies the likely primary and any contributing cause, and other factors, is to be used. [Emphasis supplied.]

A reporting railroad is to choose the “cause code” that best describes the cause of a particular accident. This discretion, necessarily vested in each individual railroad, cannot help but lead, on occasion, to inconsistent results, even in apparently straightforward circumstances. Imagine this scenario for example: A train travels above the allowable speed and, consequently, is not able to stop before passing a “stop” signal and derails. The “cause” of the derailment might properly be designated by the railroad as either speeding or failure to obey a stop signal. Both cause codes accurately describe what happened, so different railroads assessing these facts may report different causes. Moreover, when in doubt, railroads often prefer clarity and so have been reluctant to use the “contributing cause code,” even when an accident has resulted from the combination of two factors; for example, a thin, yet compliant wheel flange traveling over a worn, yet compliant switch causes a derailment. In that case, the railroad may choose the cause code related to either the flange or the switch, an exercise of discretion that, however carefully exercised, can result in inconsistent cause code selection.

This derailment scenario posits a choice between two “leading edge” causes, *i.e.*, causes proximate to the event itself. The cause codes available to the railroad are of this variety. Even more difficult choices present themselves, however, when a distinction is made between a “leading edge” cause and a “latent” cause, *i.e.*, a cause that, though removed from the scene of the accident, constitutes an underlying cause. Examples would include decisions to defer maintenance on a section of track, to skip training for safe working operations, or to fail to use a crew resource management team that works to ensure that crews are properly rested in light of circadian rhythm issues. While remote in time and distance from the event, an underlying, latent cause may, in fact, represent a more decisive factor in the accident, and so, one more deserving of railroad attention in any post-accident reform of procedures or rules, as well as one deserving more attention by the regulatory agency. Latent causes are not accounted for among the FRA accident cause codes in the FRA Guide (Appendix C) available to the railroads, probably because

⁶⁵ Based on the last ten years of data (1999-2008).

in the context of a railroad post-accident assessment, such information is not likely to come to light. On the other hand, in the far less frequent and far more comprehensive accident investigations performed by FRA or the National Transportation Safety Board, latent causes are more likely to be considered.

The railroad accident data FRA collects are useful for identifying problems that should be considered for some form of action, including rulemaking, and for identifying railroad safety trends. However, the data are much less useful for assessing whether a specific enforcement action relates directly to a measurable safety outcome. In the aggregate, however, the accident data provide assurance of the remarkable improvement in railroad safety over the past one hundred years and allow us to infer a more recent period of improvement within a more-narrow band of safety values during the 1980s and 1990s.

One salient datum in assessing the safety of any industry is fatalities. For example, FRA's accident/incident reporting rule requires that a railroad report the total number of fatalities arising from the operation of the railroad each year; however, approximately one-half of those fatalities is comprised of trespassers.⁶⁶ State, not federal, law prohibits trespassing on railroad and other private property; nevertheless, FRA has worked informally with railroads on means to reduce the number of trespasser fatalities. One measure that has been considered is fencing, which has proven both infeasible (due to the ubiquity of railroad property in the U.S. and the consequently prohibitive costs) and ineffective, given the routine cutting through such fences by trespassers, especially in urban areas.

Still, the hard fact remains that, in a typical year, 95 percent of all fatalities occurring on railroad property are either trespassers or highway users at grade crossings; accordingly, FRA has played a pivotal role in Operation Lifesaver, Inc., a nonprofit, public education program established in 1972 to reduce the numbers of deaths and injuries in the communities where vehicular highways cross main railroad tracks and along railroad rights-of-way. It uses volunteers to conduct outreach to civic groups, schools, and other organizations about the railroad safety messages on highway-rail crossing signs and the risks of trespassing and vandalism. Some FRA inspectors serve as Operation Lifesaver certified-instructors, and for some years, FRA has provided the organization approximately \$1 million in annual grant funds.

Two other salient data are train accident rates and employee on-duty injury rates. Many federal regulatory provisions are designed to prevent both; however, the train accident cause codes and employee injury circumstance codes were designed to provide data over time that would provide the agency a means of determining safety trends, which provide broad results that reflect the intertwined efforts of the industry and federal oversight, so as to identify those areas of railroad operations that should be considered for rulemaking, not the reverse, *i.e.*, to provide data demonstrating the effectiveness of a particular civil penalty to enforce an enacted regulation. This truism is stated specifically in the accident

⁶⁶ As recently noted by the Government Accountability Office (GAO), "trespassing accidents primarily involve issues not related to railroad safety performance." *Rail Safety*, GAO-07-149 (January 2007), at 3.

reporting regulation: “FRA needs this information to effectively carry out its regulatory responsibilities” 49 CFR 225.1.

Specific causation is often not the issue addressed by a regulation. Instead, the FRA regulatory regimen addresses the industry as a system of complementary components that work together to provide a safe railroad operating environment. So FRA’s rules require specific railroad-conducted inspection routines, specific maintenance standards, reporting, employee training and certification, and so on. Rarely can the cause of an accident be traced, for example, to a missed inspection or missed training class or the quality of a particular class, but the critical importance to railroad safety of effective programs of regular inspections and employee training seems undeniable; accordingly, the bedrock theory of the FRA regulatory system is that it places the responsibility to design and implement extensive inspection programs, which meet FRA standards, squarely on the shoulders of the railroad itself.⁶⁷ FRA’s responsibility is to ensure that the railroad has implemented a compliant program of inspections of its rolling stock and track, for example; thus, inspections by FRA inspectors represent audits of a railroad’s performance of its obligations under the regulation, both in assessing the compliance of the railroad’s inspection program and in observing the results of that program. FRA’s inspectors are engaged in a large and continuous sampling procedure.⁶⁸ The enormity of that task is well described in the recent GAO report:

FRA is a small agency, especially in relation to the industry it regulates. As of July 2006, FRA had 657 full-time and part-time safety staff In contrast, the railroad industry has about 235,000 employees, 219,000 miles of track in operation, 158,000 signals and switches, and over 1.6 million locomotives and cars.

. . . .

Overseeing the safety of the railroad industry is a huge task. FRA’s 400 inspectors, along with about 160⁶⁹ state inspectors, oversee 686 railroads, with about 235,000 employees, 219,000 miles of track, 24,000 locomotives, 1.6 million cars, 158,000 signals and switches, and 240,000 highway-rail grade crossings. As noted previously, according to FRA officials, the agency’s inspectors are able to directly observe only about 0.2 percent of the railroad industry’s operations per year. FRA carries out this oversight responsibility primarily through inspections of railroads’ compliance with

⁶⁷ We note in this regard that the GAO, in its January 2007 report on rail safety, misconstrued in this respect the nature of the FRA program: “FRA relies primarily on direct inspections to identify safety problems and does not oversee railroads’ management of safety risks.” GAO-07-149, at 3.

⁶⁸ FRA’s safety program is thus unlike some other Federal safety programs, such the U.S. Department of Agriculture’s meat inspection service under the Federal Meat Inspection Act, 21 U.S.C. § 12. In the USDA program, Federal inspectors themselves are charged with inspecting each piece of meat as it is placed in interstate commerce.

⁶⁹ Currently, 170.

its safety standards at various locations on railroads' systems and through cooperation and enforcement aimed at resolving identified problems.

GAO-07-149, at 14-15, 27.

In short, to properly assess the effectiveness of a discrete civil penalty enforcing a specific regulatory provision, to establish a meaningful correspondence between that enforcement action and specific accident cause codes, we need to target data that vary directly with that provision's promulgation or amendment and with enforcement over time. However, we do not believe it is possible to identify such data in a way that would make possible a determination that as a result of a particular civil penalty, and that alone, a particular safety outcome resulted. What FRA relies on instead to gauge the effectiveness of a particular civil penalty enforcement action is the professional judgment of the inspector who wrote the recommendation that a civil penalty be assessed and of his or her supervisors that the penalized railroad responded with better compliance with the law and improved safety. When the inspector does not see the desired response from the railroad, then further enforcement action follows. We conclude that, while the data collected in the RAIRS are invaluable in facilitating analyses of whether additional regulatory action is warranted and in providing an understanding of the effectiveness of the regulatory program *in toto*, there is no known way for FRA to collect or organize data to measure the particular safety outcomes resulting from particular civil penalties.

C. Accidents and Regulations

We examined a variety of rail safety and hazardous materials safety regulations in title 49 of the Code of Federal Regulations or Title 49 of the United States Code :

- Qualification and Certification of Locomotive Engineers (Part 240)
- Railroad Operating Practices (Part 218)
- Control of Alcohol and Drug Use (Part 219)
- Safety Appliances—49 U.S.C. § 20302(a)(1)(A)
- Hazardous Materials (Parts 107, 171-174, 178-180)
- Reflectorization of Rail Freight Rolling Stock (Part 224)
- Roadway Worker Protection (Part 214, Subpart C)
- Track Safety Standards (Part 213)

We conclude that railroad safety improved in these areas as the cumulative effect of at least the following factors: the railroad industry's adoption of many new safety practices in anticipation of and in response to these final rules; the improved financial health of the railroad industry in the wake of deregulation; and the introduction of new technologies,

as well as FRA's enforcement of the federal railroad safety laws. But the data do not permit separating the effects of discrete civil penalties from the overall effects of the regulatory action and inspection and enforcement activities.

Conclusion

The FRA system for railroad reporting of the causes of train accidents, as invaluable as it is for its intended purposes, is simply not designed to provide one-for-one correspondences with specific regulatory provisions in a way that would make it possible to discern the effects of discrete, individual civil penalties or of the factors taken into account in settling those civil penalties. Most accidents represent the cumulative effect of a number of failures, both on-site (leading edge) and off-site (latent). Even seasoned railroad experts can disagree about the actual cause of a given accident. For low-dollar-damage train accidents, which are unlikely to pose a serious threat to railroad safety, the cost of determining the causes may exceed the cost of the accident; nevertheless, some railroads make more effort than others to determine the causes of low-cost accidents, recognizing the possibility that the next accident with a similar cause might result in high-cost property damage and worker injuries.

It appears that in most cases the current train accident cause codes do reflect the primary cause; however, in a litigious environment, a railroad may sometimes elect to report an accident by a proximate cause code that better describes the manifest result (*e.g.*, going through a stop signal) than its underlying, or root, cause (*e.g.*, falling asleep). As a regulatory agency that places primary responsibility on the railroads themselves for inspection, maintenance, and reporting, and is staffed to play an auditing role, FRA does not itself have the resources to investigate and determine the cause of all reportable train accidents; even in the relatively small number of railroad accidents investigated by the NTSB, railroad accident experts there and at FRA can disagree on the question of causation. Indeed, it could even be argued that the attribution of a single cause, or even primary and contributing causes, of an accident represents a kind of fiction in that safety in railroading implicates such a myriad of factors that each regulatory provision operates in concert with all others to create an overall environment in which the level of risk is minimized thanks to the mutually reinforcing effects of inspection, maintenance, training, and operating rules, and the many others. Individual standards are critical, and so is civil penalty enforcement of them, but they can be effective only in the context of a larger web of requirements and practices.

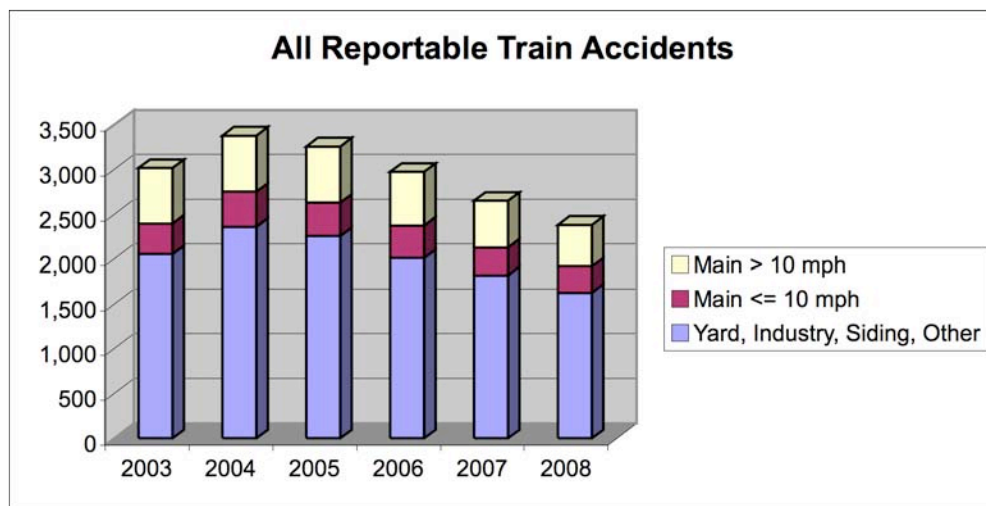
We note that unexpected consequences can follow from adoption of regulations to enhance safety in specific ways; for example, requiring inspections and reporting on rail joints for continuous welded rail,⁷⁰ may call attention to other kinds of track defects near the inspection site. Pre-employment screening⁷¹ of railroad workers (especially prior use of illegal substances⁷²) and reviewing automobile driving records for certification of a

⁷⁰ 49 CFR 213.119.

⁷¹ 49 CFR Part 219, Subpart F.

locomotive engineer⁷³ may change the nature of the work force, as new employees may be less inclined to disobey rules. The railroad environment is not a closed system; outside forces complicate the evaluation of the effectiveness of a regulation.

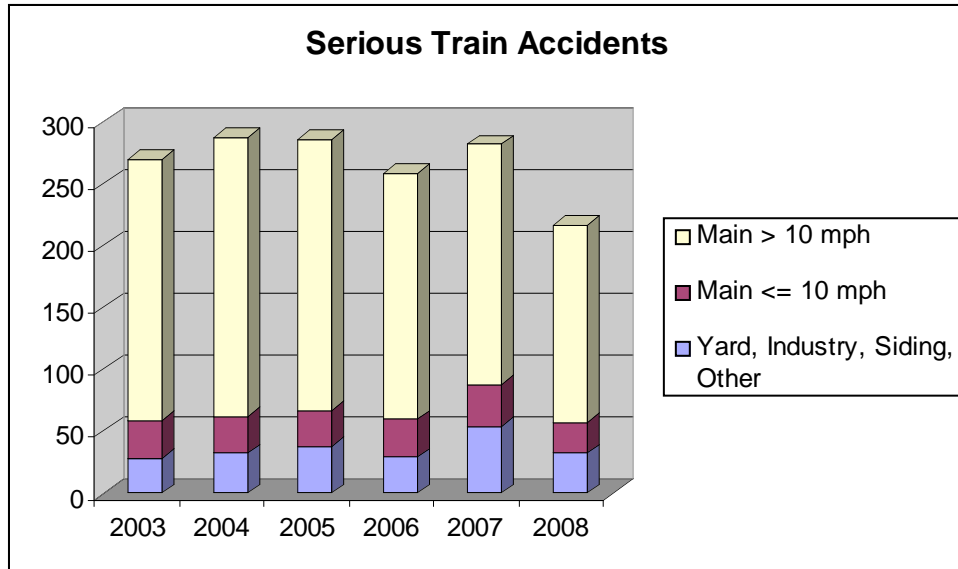
When FRA considers rulemaking, it does so in response to a variety of factors, such as data accumulated in the RAIRS, FRA inspectors' findings, anecdotal evidence of a prevalent problem, results of investigation of a specific train accident or injuries, or results of rail safety research and testing. Just relying on the frequency of accidents can lead to some very poor conclusions and misdirect regulatory and enforcement efforts. Not all train accidents are equal in severity or risk to the general public or employees. Most train accidents occur in train yards, sidings, and industrial property. Many of these accidents are due to an over-speed impact when coupling a train, failure to follow operating rules, or poor yard track. Serious accidents⁷⁴ typically occur on main track at operating speeds of greater than 10 mph. However, a train accident in a train yard due to a defective car component might just as easily have occurred on main track at a much higher speed.



⁷² 49 CFR 219.501.

⁷³ 49 CFR 240.111.

⁷⁴ As used here, defined as accidents involving a hazardous materials release, a passenger train with passengers on board, one or more fatalities, and/or railroad equipment damages of \$500,000 or more.



The benefits of a new rule must be evaluated in general terms and trends. FRA's regulations address all components of a railroad's operations and complement one another. The question is whether the railroad system is safer than it was and, in the years to come, whether it is able to hold on to the substantial improvement that has been realized. FRA's database is essential in addressing these questions, but cannot address the effects of any particular civil penalty.

Appendix A

The Railroad Safety Advisory Committee (RSAC) Overview

In March 1996, FRA established RSAC, which provides a forum for developing consensus recommendations to FRA's Administrator on rulemakings and other safety program issues. The RSAC includes representation from all of the agency's major stakeholders, including railroads, labor organizations, suppliers and manufacturers, and other interested parties. A list of RSAC members follows:

- American Association of Private Railroad Car Owners;
- American Association of State Highway and Transportation Officials;
- American Chemistry Council;
- American Petrochemical Institute;
- American Public Transportation Association;
- American Short Line and Regional Railroad Association;
- American Train Dispatchers Association;
- Association of American Railroads;
- Association of Railway Museums;
- Association of State Rail Safety Managers;
- Brotherhood of Locomotive Engineers and Trainmen;
- Brotherhood of Maintenance of Way Employees Division;
- Brotherhood of Railroad Signalmen;
- Chlorine Institute;*
- Federal Transit Administration;*
- Fertilizer Institute;
- High Speed Ground Transportation Association;
- Institute of Makers of Explosives;
- International Association of Machinists and Aerospace Workers;
- International Brotherhood of Electrical Workers;
- Labor Council for Latin American Advancement;*
- League of Railway Industry Women;*
- National Association of Railroad Passengers;
- National Association of Railway Business Women;*
- National Conference of Firemen & Oilers;
- National Railroad Construction and Maintenance Association;
- National Railroad Passenger Corporation;
- National Transportation Safety Board;*
- Railway Supply Institute;
- Safe Travel America;
- Secretaria de Comunicaciones y Transporte;*
- Sheet Metal Workers International Association;
- Tourist Railway Association Inc.;
- Transport Canada;*
- Transport Workers Union of America;
- Transportation Communications International Union/BRC;

Transportation Security Administration; and
United Transportation Union.

* Indicates associate, non-voting membership.

When appropriate, FRA assigns a task to RSAC, and after consideration and debate, RSAC may accept or reject the task. If the task is accepted, RSAC establishes a working group that possesses the appropriate expertise and representation of interests to develop recommendations to FRA for action on the task. These recommendations are developed by consensus. A working group may establish one or more task forces to develop facts and options on a particular aspect of a given task. The task force then provides that information to the working group for consideration. If a working group comes to unanimous consensus on recommendations for action, the package is presented to the full RSAC for a vote. If the proposal is accepted by a simple majority of RSAC, the proposal is formally recommended to FRA. FRA then determines what action to take on the recommendation. Because FRA staff play an active role at the working group level in discussing the issues and options and in drafting the language of the consensus proposal, FRA is often favorably inclined toward the RSAC recommendation.

However, FRA is in no way bound to follow the recommendation, and the agency exercises its independent judgment on whether the recommended rule achieves the agency's regulatory goal, is soundly supported, and is in accordance with policy and legal requirements. Often, FRA varies in some respects from the RSAC recommendation in developing the actual regulatory proposal or final rule. Any such variations would be noted and explained in the rulemaking document issued by FRA. If the working group or RSAC is unable to reach consensus on recommendations for action, FRA moves ahead to resolve the issue through traditional rulemaking proceedings.