
Office of Inspector General

Audit Report

**Report on Passenger Rail
Safety Emergency Orders**

Federal Railroad Administration

Report Number TR-1998-078

Date Issued: February 10, 1998





Memorandum


U.S. Department of
Transportation

Office of the Secretary
of Transportation

Office of Inspector General

Subject: **ACTION**: Report on Passenger Rail Safety
Emergency Orders
Report No. TR-1998-078

Date: February 10, 1998

From: 
Lawrence H. Weinrob
Assistant Inspector General for Auditing

Reply to
Attn of: JA-1

To: Federal Railroad Administrator

OBJECTIVE

This final report presents the results of our review of Passenger Rail Safety Emergency Orders, Federal Railroad Administration (FRA). The objective of the review was to determine the effectiveness of FRA controls to ensure the requirements of emergency orders involving passenger safety were implemented. The audit was conducted in accordance with Government Auditing Standards prescribed by the Comptroller General of the United States.

DISCUSSION

Since 1972, FRA has issued four emergency orders involving passenger rail safety. Three previous emergency orders have been rectified by actions of specific rail operators. Emergency Order Number 20 (Order 20) is the only active emergency order. It concerns passenger safety on commuter trains. Order 20 was issued in response to two accidents involving near head-on collisions of commuter passenger trains. The accidents resulted in 14 deaths, including 5 crew members and injury to at least 175 passengers. The National Transportation Safety Board attributed both accidents to the engineers' failure to comply with signals along the track to stop or decrease the speed of the trains.

Order 20 established four provisions for improving the safety of passengers on commuter trains. First, all commuter rail operators were required to revise their operating procedures to ensure engineers communicate and comply with all trackside signals. Second, engineers had to be briefed and tested on the revised procedures

and the results documented in writing. Third, commuter rail operators were required to inspect emergency window exits for proper markings; replace markings that were missing or not clear; and ensure, on a sample basis, that emergency exit windows actually opened. Fourth, all commuter rail operators were required to submit interim system safety plans to FRA.

RESULTS

Following interviews with both FRA and commuter rail operators, field observations of engineers and rail equipment testing, and reviews of interim system safety plans submitted by operators, we concluded FRA's controls were effective in ensuring Order 20 requirements were implemented. Specifically, we determined:

- FRA required commuter rail operators to revise their operating procedures to require engineers to communicate trackside signals to another crew member and to comply with all trackside signals;
- FRA regional inspectors made field visits to interview engineers and observe train operations to evaluate engineers' knowledge of the revised procedures;
- FRA inspected a sample of rail cars to ensure emergency window exits were clearly marked, visible from both inside and outside the commuter rail car, and in proper working order; and
- Officials from FRA's Office of Safety Assurance and Compliance reviewed the rail operator system safety plans to identify and recommend changes for improving passenger safety aboard commuter trains including, among other things, permitting passengers to ride in lead rail cars.

FRA has proposed amending Title 49, Code of Federal Regulations (CFR) to include the requirements of Order 20 as permanent regulations for all commuter rail operations. FRA proposes to amend Part 223 by requiring commuter rail operators to equip all passenger cars with emergency windows for use during a crisis situation and to conspicuously mark all emergency windows. Windows are to be periodically inspected as part of routine maintenance procedures. FRA also proposes to add Part 238, which will require commuter rail operators to develop and implement comprehensive system safety plans, and Part 239, which will require emergency preparedness plans and passenger safety equipment for commuter rail operations. FRA anticipates amendments to Part 223 and the addition of Part 239 will be finalized by the end of Fiscal Year 1998. Part 238 has not been sufficiently finalized to begin the Notice of Proposed Rulemaking process. Until the CFR is amended, FRA will continue inspecting all commuter rail operators for compliance with Order 20. The order will expire once the rulemaking process is completed.

GOVERNMENT PERFORMANCE AND RESULTS ACT

The Government Performance and Results Act of 1993 requires each Federal agency to develop a strategic plan that includes objective, quantifiable, and measurable performance goals for accomplishing major program activities. Once the amendments to Title 49 CFR are final, the FRA Administrator should develop performance goals and measures in FRA's Strategic Plan and annual Performance Plan to gauge agency performance in implementing new commuter rail safety requirements. For example, one goal could delineate improved safety conditions on rail cars and set quantifiable measures on the frequency and results of operator safety inspections, particularly for proper marking of emergency exits on commuter rail cars. FRA could also establish a goal relating to the overall safety of commuter rail operations nationwide as measured by reportable transportation incidents, economic costs, high-consequence dollar loss, rate and severity of injuries and fatalities, and similar performance indicators.

MANAGEMENT RESPONSE

We discussed our results with the FRA Deputy Administrator, the Deputy Assistant Chief Counsel, and the Associate Administrator for Safety. All agreed with our results.

Please provide written comments within 10 days. We appreciate the courtesies and cooperation extended by FRA. If you have any questions, please call me on (202) 366-1992, or Harry Fitzkee, Regional Manager, on (410) 962-3612.