



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

The Inspector General

Office of Inspector General
Washington, DC 20590

August 11, 2016

The Honorable Michael E. Capuano
Ranking Member
U.S. House of Representatives
House Transportation & Infrastructure
Subcommittee on Railroads, Pipelines, and Hazardous Materials
United States House of Representatives
Washington, DC 20515

Dear Ranking Member Capuano:

Thank you for your letter dated April 22, 2015, expressing interest in our audit work related to the Federal Railroad Administration's (FRA) oversight of railroad bridge safety. We recently briefed your staff on our audit¹ on this topic. In your letter, you also expressed interest in our initiation of an audit of FRA's oversight of railroad tunnel safety. While we did not include railroad tunnels as part of our bridge safety work, we obtained information from FRA on its oversight role for tunnel safety that we discussed with your staff on May 25, 2016, and summarize in this letter.

The Rail Safety Improvement Act of 2008 (RSIA) established a goal for FRA to improve the safety of railroad bridges, tunnels, and related infrastructure.² To date, the Agency has not issued regulations addressing the structural integrity of railroad tunnels³ and has not developed any plans to do so. According to FRA, the Agency helps ensure railroad safety in tunnels through its enforcement of existing regulations on areas such as track safety, signal and train control, roadway worker protection, passenger train emergency preparedness, hazardous materials shipments, and promulgation of new regulations.⁴

¹ *FRA Lacks Guidance on Overseeing Compliance with Bridge Safety Standards*, OIG Report Number ST-2015-059, April 21, 2016. OIG reports are available at www.oig.dot.gov.

² Public Law 110-432, Div. A, Section 102.

³ FRA's regulation on passenger train emergency preparedness plans—49 C.F.R. § 239—requires these plans to address passenger safety in emergency situations in tunnels longer than 1,000 feet. According to FRA, the Agency has approved plans for all railroads that must comply with the provision. A Pipelines and Hazardous Materials Safety Administration regulation—49 C.F.R. § 172—requires railroads to prepare written analyses of the safety and security risks posed by the routes selected for transportation of certain hazardous materials. These analyses must consider railroad features, including tunnels.

⁴ As required by RSIA (Public Law 110-432, Div. A, Section 103), FRA has issued proposed regulations for certain freight and passenger railroads to develop and implement safety risk reduction programs. As part of these programs, railroads would be required to identify and mitigate or eliminate hazards and the resulting risks on their systems related to railroad infrastructure, such as tunnels. For proposed regulations, see 77 Fed. Reg. 55371 (September 7, 2012) and 80 Fed. Reg. 10949 (February 27, 2015).

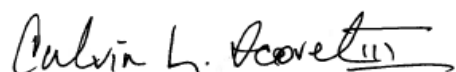
FRA inspectors may observe tunnel conditions in the course of their duties and notify the railroad of any potential safety issues. However, FRA has not assigned staff with direct responsibilities for tunnel safety oversight or provided staff with training or guidance for this activity. According to FRA, the Agency has documented 256 tunnel observations and reported 4 potential safety issues to railroads since it began conducting observations in 2011. Agency officials stated that inspectors' tunnel observations do not include assessments of the tunnels' structural integrity.⁵ Based on our review of accident records from January 2006 through March 2016, 4 accidents may have been related to structural problems in railroad tunnels.⁶ We are also aware of another accident—in 2005—that was caused by a tunnel's structural failure and resulted in minor injuries to two railroad employees and approximately \$185,000 in property damage.

Additionally, RSIA requires railroads to maintain documents related to inspection, maintenance, construction, and types of cargo for certain tunnels.⁷ The act also requires that, upon request, railroads brief local Governments on this information. However, RSIA did not direct FRA to oversee industry compliance with this provision. Nevertheless, according to an FRA official, the Agency would conduct an inquiry into any complaint regarding railroad tunnel information or safety it receives.

As we discussed with your staff on May 25, 2016, we are considering a review of railroad tunnel safety as part of an audit related to the Federal Highway Administration's tunnel safety program. We have tentatively scheduled this work in our 24-month audit plan to start in spring 2017, but will update your staff if our plans change.

If I can answer any questions or be of further assistance, please contact me at (202) 366-1959, or Barry J. DeWeese, Assistant Inspector General for Surface Transportation Audits, at (202) 366-5630.

Sincerely,



Calvin L. Scovel III
Inspector General

cc: Secretary of Transportation
Federal Railroad Administrator

⁵ FRA explained further that if the Agency was notified of a specific safety concern, its inspectors would examine the structural integrity of a tunnel.

⁶ FRA's accident reports on these four accidents mention issues potentially related to the tunnel structure—leaking water, fallen concrete, and a fallen boulder—but the reporting railroads attributed these accidents to causes other than problems with the tunnel structures. The railroads reported no deaths and two injuries associated with these accidents.

⁷ Public Law 110-432, Div. A, Section 414.