

**Questions and Answers Related to 49 CFR Part 225**  
**Suggested by FRA's Operating Practices Division and Office of Safety**  
**In relation to the Office of Inspector General's Recommendation No. 1:**

**“Update reporting guidance so users can more efficiently and accurately identify reporting requirements for different accident and incident types and better understand the definitions of terms used on reporting forms.”**

**I. Highway-Rail Grade Crossing Accident/Incident Reporting – Form F 6180.57:**

- Additional clarification – Definition of Highway-Rail Grade Crossing Accident
- Interpretation – Highway user swerves off roadway in an unsuccessful attempt to avoid impact
- Interpretation – Impacts with lading being transported and protruding from a highway user
- Coding clarification – “Sports Utility Vehicle”, Item 13, “Type of Highway User”
- Coding clarification – “Video Taken”, Item 53a, “Special Study Block”
- Coding clarification – “Drug/Alcohol Tests”, Item 54, “Narrative Description”

**II. Reportable Rail Equipment Accident/Incident Reporting – Form F 6180.54:**

- Additional clarification – Definition “Head on Collision vs. Obstruction Accident.”
- Additional clarification – Definition “Raking Collision vs. Obstruction Accident.”
- Additional clarification – Definition “Obstruction Accident.”
- Additional clarification – Definition “Equipment Damage.”
- Additional clarification – Definition “Track Damage.”
- Additional clarification – Definition “Reportable Damage.” (Wheel Set Change Out)
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**I. Group I Reporting – Highway-Rail Grade Crossing Accidents - FRA Form F 6180.57:**

**Interpretation – Definition of a Highway-Rail Grade Crossing Accident/Incident**

Q. Our freight train was operating through a congested area of a city when it struck and fatally injured a trespasser who was walking on a pathway that crossed our tracks. I see that FRA’s definition of a Highway-Rail Grade Crossing Accident now includes “pathways”, which reads as follows:

“(2) a location where a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks at grade.”

Would this be considered a pathway in relation to the definition of a highway-rail grade crossing accident, and would a Form FRA F 6180.57 be required?

A. It was determined that this path was not authorized by any public authority, or by the railroad. The path did not have an assigned DOT identification number, and should not have been assigned one because it was an unauthorized pathway. Steps were taken after this accident to install fencing to discourage persons from trespassing over the tracks at this unauthorized pathway. Under these circumstances, this accident would not be considered to have occurred at a highway-rail grade crossing. It would be classified as a trespasser strike, NOT at a crossing.

**Interpretation – Definition of a Highway-Rail Grade Crossing Accident/Incident - Highway user swerves off roadway in an unsuccessful attempt to avoid impact:**

Q. A highway user swerved to avoid striking railroad on-track equipment at a crossing, left the roadway, and subsequently struck a portion of the railroad on-track equipment. The collision did not occur at the grade crossing proper, but 30 feet off of the crossing. Does the operating railroad have to submit a Form FRA F 6180.57 - Highway-Rail Grade Crossing Accident/Incident Report?

A. As the highway user’s actions seem to demonstrate that they were attempting to avoid colliding with the on-track equipment, this scenario would fall under “Location of Actual Impact,” and therefore must be reported as a Highway-Rail Grade Crossing Accident/Incident on Form FRA F 6180.57. See FRA Guide for Preparing Accident/Incident Reports Section 10.3.

***10.3 General Instructions and Interpretations***

***Location of Actual Impact. Incidents involving highway users who have unsuccessfully attempted to avoid striking or being struck by railroad on-track equipment at a crossing site are to be reported, regardless of where the actual impact between the consist and the highway user occurred.***

**Interpretation – Definition of a Highway-Rail Grade Crossing Accident – Impacts with lading being transported and protruding from a highway user:**

- Q. Our train was operating at approximately 40 mph when a log truck crossed the tracks ahead at a public crossing. After sounding the locomotive horn, it appeared that a collision was imminent, so our engineer placed the train in emergency. The log truck itself was not struck, but the lead locomotive struck one of the large logs protruding over the end of the truck. The force of the collision caused the entire log truck and load of logs to overturn. As the collision was with a large log being transported by the log truck, and not the truck itself, would this accident need to be reported on FRA Form F 6180.57 as a highway-rail grade crossing accident?
- A. Yes. In this case, at the time of the impact, the log was being transported by the log truck and was a part of the highway user’s vehicle (lading) that was crossing the railroad tracks. The same would be true for other types of lading protruding from the rear of a highway user’s vehicle, such as a flatbed truck transporting pipe. However, if lading that had fallen earlier from a highway user, such as a log falling from a log truck, and was then struck by the train at the crossing, this would not meet the definition of a highway-rail grade crossing accident as a highway user was not involved at the time of the accident. This type of incident would be an “Obstruction Incident”. See FRA Guide for Preparing Accident/Incident Reports Chapter 2.

**Interpretation – Clarification of Item 13, “Type of Highway User,” FRA Form F 6180.57, Highway-Rail Grade Crossing Accident/Incident Report - Sports Utility Vehicle:**

- Q. During the course of a year, our Class I railroad has had several highway-rail grade crossing accidents in which our train struck, or was struck by, a Sports Utility Vehicle (SUV). However, there is no code available among the various choices in Item 13, “Type of Highway User”. We have called FRA’s Project Office, and have been told we should use code J, “Other Motor Vehicle,” and to enter the specific type of vehicle (SUV) in Item 54, “Narrative Description,” of FRA Form F 6180.57. We have been doing this, but we suggest that on a future form revision, FRA consider adding a new code to add “SUV” to the choices that we have in Item 13.
- A. Yes. This point is well taken, and FRA will plan to do so. FRA has knowledge of other common types of vehicles that will also be considered for new codes in Item 13, such as “Pick-up truck with trailer”.

**Interpretation – Clarification of Item 53a, “Special Study Block,” FRA Form F 6180.57, Highway-Rail Grade Crossing Accident/Incident Report - Video Taken/Video Used:**

- Q. I am preparing a Form FRA F 6180.57 for a highway-rail grade crossing accident that occurred about five weeks ago. The report to FRA is due no later than the

end of this month. I am attempting to answer the Video Taken boxes in Block 53a, “Special Study Block.” The lead locomotive of our train was equipped with a forward facing camera, but when the video was processed, the view of the impact was not recorded. How do I answer the Video Taken question, “Yes” or “No”?

- A. The “No” box would be marked for “Video Taken” because the forward facing camera on the lead locomotive did not record the grade crossing accident. The entry instructions for “Video Taken,” state, in part, to “Indicate whether the highway-rail grade crossing accident was recorded by a locomotive video recorder....” See FRA Guide for Preparing Accident/Incident Reports Section 10.4, Item 53b.

**Interpretation – Clarification of Reporting Drug/Alcohol Testing for any Human factor caused Highway-Rail Grade Crossing Accident/Incident on Form FRA F 6180.57, “Highway-Rail Grade Crossing Accident/Incident Report - Item 54, “Narrative Description,” - Drug/Alcohol Testing Codes:**

- Q. Yesterday, our train struck an automobile at a highway-rail grade crossing. We determined the active crossing warning system had an activation failure, and all train crews had been given the proper restriction to stop and provide flag protection before moving over the crossing. The crew on the train striking the automobile at this crossing did not stop in accordance with the mandatory directive, and struck the vehicle. As this crossing accident met the definition of being a “Human-factor highway-rail grade crossing accident/incident” under the provisions of 49 CFR 219.201, we performed drug/alcohol testing of our two crew members. We are now completing FRA Form F 6180.57, “Highway-Rail Grade Crossing Accident/Incident Report”. However, we have found this FRA report does not provide for an entry field for “drug and/or alcohol testing”. Are we to report this drug/alcohol testing, and if so, how do we do so?
- A. Yes, railroads are to report drug/alcohol testing on all reports made to FRA for reportable accidents/incidents and casualties to persons whenever drug/alcohol testing is performed in relation to the accident/incident. This requirement became effective on June 12, 2017. See 49 CFR 219.201. As a part of the several revisions made to Appendix C of 49 CFR Part 219, the previous blanket exclusion of highway-rail grade crossing accidents from the requirement for drug/alcohol testing was eliminated. The revised regulation now includes five circumstances for which railroad employees would be subject to Post-Accident Toxicological Testing if the cause of the grade crossing accident was determined to have met the definition of being a “Human-factor highway-rail grade crossing accident/incident.” See 49 CFR 219.201.

FRA has not revised its standard form, FRA F 6180.57, “Highway-Rail Grade Crossing Accident/Incident Report,” in relation to this change in Part 219. FRA is considering adding a new item on Form FRA F 6180.57 next time the form is revised. FRA is also considering the addition of instructions for entry of

“drug/alcohol testing codes” to Chapter 10 of a revised FRA Guide for Preparing Accident/Incident Reports.

Until the revised FRA Form F 6180.57, and the new entry instructions, are published, FRA is requesting that railroads enter any drug/alcohol test coding into Item 54, “Narrative Description,” on FRA Form F 6180.57 in the same manner described in the current FRA Guide for entry into FRA Form F 6180.54, “Rail Equipment Accident/Incident Report.” See FRA Guide for Preparing Accident/Incident Reports Section 32.

***“32. Railroad employees tested for drug/alcohol use.***

***If any employee was tested for alcohol usage in connection with this accident, enter the number of positive tests in the first block. If any employee was tested for drug usage in connection with this accident, enter the number of positive tests in the second block. If testing was performed and the results were negative, enter “0.” If there were positive tests, but impairment is not reported as a cause of the accident, then provide a brief explanation in the narrative of the basis for this determination. You are required to identify all accidents/incidents where either Federal- or employer-authorized tests were performed. Note: The same drug and alcohol code should be reported on all corresponding Form FRA 6180.54’s and Form FRA 6180.55a’s that are filed under the same accident/incident number.”***

**Group II Reporting – Reportable Rail Equipment Accidents - FRA Form F 6180.54, FRA Guide, Chapter 7:**

**Interpretation and Clarification: Item 7, “Type of Accident/Incident,” Rail Equipment Accidents, FRA Form F 6180.54, “Rail Equipment Accident/Incident Report – “Head on Collision versus Obstruction Incident”:**

- Q. We recently had a tragic accident when one of our westbound freight trains operating on the main track collided head-on with our track supervisor, who was operating eastbound on the main track in his Hi-Rail inspection vehicle. The track supervisor was able to jump from his vehicle prior to the impact, and survived with multiple injuries. The combined damages to the two on-track consists exceeded the current monetary threshold limit for reporting to FRA. I am now in the process of preparing two FRA Forms F 6180.54s, one for each consist, and one FRA Form F 6180.55a for the non-fatal injury to our track supervisor. For entry into Item 7, “Type of Accident/Incident”, for both consists, I have entered code 01, “Head on Collision”. Is this the correct choice?
- A. No. The correct code for Item 7, “Type of Accident/Incident,” is code 09, “Obstruction Incident.” FRA is concerned and thus instructing railroads to not use code 01, “Head on Collision,” for cases such as this. The term “Head on Collision” has traditionally been recognized in the railroad industry as the deadliest among the types of collisions, and this is why the definition limits code 01 only to accidents that involve trains or locomotives operating in opposite directions on the same track. The definition for a “Head on Collision” is, “A collision in which the trains or locomotives, or electric multiple unit (EMU) or diesel multiple-unit (DMU) trains, involved are traveling in opposite directions on the same track, provided that both consists have a locomotive (or EMU or DMU trains).” See FRA Guide for Preparing Accident/Incident Reports Section 2.

**Interpretation and Clarification: Item 7, “Type of Accident/Incident,” Rail Equipment Accidents, FRA Form F 6180.54, “Rail Equipment Accident/Incident Report – “Raking Collision versus Other Impact”:**

- Q. One of our yard assignments was pulling 30 cars out of Track No. 37, and, as the engineer was approaching the yard lead switch, he noticed a single car had been left beyond the clearance point and was in the foul. He placed the train into emergency, but was unable to stop in time and the corner of the locomotive sideswiped the corner of the freight car that had been left in the foul. The damages to the locomotive and the car exceeded the threshold for reporting to FRA as a reportable rail equipment accident. In Item 7, “Type of Accident/Incident”, we had entered code 05, “Raking Collision”. However an FRA Inspector later inspected our reports and took exception for us using the code 05, “Raking Collision”, for the type of accident/incident. He said the circumstances of this accident did not meet the definition of a “Raking Collision”, and that code 12, “Other Impact”, would have been the proper entry. Can you explain why this would not be a “Raking Collision”?

- A. A “Raking Collision” is defined as: “A collision between parts or lading of a consist on an adjacent track, or with a structure such as a bridge.” See FRA Guide for Preparing Accident/Incident Reports Section 2. In the question above, the locomotive collided with the freight car. There was no shifted lading, or unusual protruding parts.

The intent of the definition is to describe situations such as:

- (1) An accident in double or multiple track territory with two trains operating in different directions on adjacent tracks. Unknown to the crew of one train, a trailer being transported has become unsecured from its mount, and has shifted so as to foul the adjacent track. A train operating on the adjacent track in the opposite direction then passes the train with the shifted trailer, and the locomotive collides with the shifted trailer on the flatcar, or
- (2) An accident on single, double, or multiple track territory when parts or lading of a train strikes the side supports of a bridge or similar structure.

**Interpretation and Clarification – Definition of “Obstruction Accident”:**

- Q. Chapter 2, “Definitions”, of the FRA Guide contains a definition for an “Obstruction Incident”:

- 1) a bumping post or a foreign object on the track right-of-way;
- 2) a highway vehicle at a location other than a highway-rail grade crossing site;
- 3) derailed equipment; or
- 4) a track motorcar or similar work equipment not equipped with AAR couplers and not operating under train rules.

Can you further clarify the types of rail equipment accidents that would be classified as an “Obstruction Incident”?

- A. The following serves to clarify the four categories for classifying a rail equipment accident as an “Obstruction Incident”:

- 1) The first category can consists of a bumping post placed at the end of a yard track or at an industry. A foreign object incident, such as a fallen tree or debris from storms, objects placed by vandals, objects unintentionally left or placed in the foul of the track, or animals and other wildlife, can be on the track right-of-way and fouling the track.
- 2) The second category can involve a highway vehicle or a person at a location other than a highway-rail grade crossing site. An exception exists for a highway vehicle or person that had intentionally swerved off the road crossing to avoid an impact with a train at the crossing.

- 3) There is no additional clarification necessary for the third category.
- 4) The fourth category can include a track motorcar or similar work equipment not equipped with AAR couplers and not operating under train rule. For example, should an on-track inspection or maintenance hi-rail vehicle be involved in an impact with a train, locomotive, or other on-track equipment, this type of incident would be not meet the definition of being a “collision”. Rather, it would be classified as an “Obstruction Incident”.

**Additional Clarification - Definition of “Equipment Damage”:**

- Q. We recently had an electrical fire on one of our locomotives. The fire was confined primarily to the electrical cabinet in the cab of the locomotive. However, the fire did cause additional damage to the wiring to the speed indicator and other instruments in the cab of the locomotive. The instruments were also damaged and needed to be replaced. To fix the damaged speed indicator and other instruments in the locomotive, we removed the needed parts from another locomotive that was out-of-service. As we did not use any new parts, and because we would be scrapping the out-of-service locomotive, we did not include any of the costs for removing the instruments from the out-of-service locomotive or the cost of re-installing the instruments in the locomotive that had the electrical fire. The labor and material to repair the electrical cabinet and wiring was \$9,500. Were we correct by excluding the labor and material costs for removing the instruments from the out-of-service locomotive, and installing them in the locomotive involved in the fire?
- A. No. All costs associated with the labor and material for the “repair or replace in-kind” of on-track equipment should have been charged. These costs include the labor to remove the instruments from the out-of-service locomotive, the depreciated material cost of the instruments, and the labor cost to re-install the instruments in the fire-damaged locomotive. See FRA Guide for Preparing Accident/Incident Reports Section 2. The amount of equipment damage involved in this locomotive fire should be reassessed to include these additional costs. If the threshold limit for the year in which the fire occurred was exceeded, a late FRA Form F 6180.54 should be prepared and submitted to FRA.

***“Equipment Damage. All costs, including labor and material, associated with the repair or replacement in-kind of on-track rail equipment. This would include the cost of labor and material to repair or replace in-kind, all parts, appurtenances, including fasteners, on the on-track equipment damaged in the accident. When locomotive parts, appetences, etc., are damaged beyond repair, the current cost of new materials is to be used. However, replacement of secondhand parts, appurtenances, etc., with secondhand parts, appurtenances, etc., may be charged at the current cost of such parts, appurtenances, etc..” Trailers/containers on flatcars are considered to be lading and damage to these is not to be included in on-track equipment damage. Damage to a flatcar carrying a trailer/container is to be included in reportable damage.”***

**Additional Clarification - Definition of “Track Damage”:**

- Q. We recently had a derailment in one of our yards that destroyed approximately 200 feet of track, consisting of several sections of 39 foot rail and numerous ties. We had on hand a large quantity of used 39 foot rail and numerous ties that had recently been removed from an abandoned section of main line track. We used the secondhand rail and ties to repair the destroyed track. The cost of the labor involved was \$9,500, so the accident did not exceed the threshold limit for reporting to FRA. As we did not use any new rail or ties, and because we would have sold the secondhand rail and ties, we did not include any of the costs for the replacement rail or ties. Were we correct by excluding the material costs for our use of the second-hand rail and ties?
- A. No. The current definition of “Track Damage” states that “All costs, including labor and material, associated with the “repair or replace in-kind” of signals, track, track structures (including bridges, or tunnels), damaged equipment detectors (e.g., hot box detector, etc.), switches, or other electronic equipment; or roadbeds that were damaged in a collision, derailment or other event,” are to be included. See FRA Guide for Preparing Accident/Incident Reports Section 2. This present definition further states that, “When track, signals, structures, etc., are damaged beyond repair, the current cost of new materials is to be used. However, replacement of secondhand rail with secondhand rail may be charged at the current cost of such rail.” See FRA Guide for Preparing Accident/Incident Reports Section 2.

Additionally, the question stated there was no material costs associated with the track damage. However, it would appear that new spikes and rail fasteners would have had to have been used in this instance, and those would need to be included in the track damage cost of this derailment. The amount of track damage involved in this derailment should be reassessed to include those additional costs. If the threshold limit for the year in which this derailment occurred was exceeded, a late FRA Form F 6180.54 should be prepared and submitted to FRA.

***“Track Damage. All costs, including labor and material, associated with the repair or replacement in-kind of signals, track, track structures (including bridges or tunnels), damaged equipment detectors (e.g., hot box detector), switches, or other electronic equipment; or roadbeds that were damaged in a collision, derailment, or other reportable event. This would include the cost of labor and material to repair or replace in-kind, all parts, to include fasteners to track, signal and roadway appliances, damaged in the accident.***

***When track, signals, structures, etc., are damaged beyond repair, the current cost of new materials is to be used. However, replacement of secondhand rail with secondhand rail may be charged at the current cost of such rail.”***

**Interpretation – Definition of Reportable Damage for Rail Equipment Accidents, FRA Form F 6180.54, “Wheel Set Change Out”:**

- Q. Our railroad adopted a proactive approach to make a “wheel set change out” whenever there is a derailment. Would this process be included in “reportable damage” to the FRA?
- A. If the railroad elected to make a “wheel set change out”, the FRA Guide says this is “replacement cost,” and thus is considered as “reportable damage.” See FRA Guide for Preparing Accident/Incident Reports Section 2. Replacement costs associated with a “wheel set change out” also include the labor costs resulting from that change out, damaged on track equipment, signals, track, track structures, or roadbed. See FRA Guide for Preparing Accident/Incident Reports Section 2. Reportable damage does not include the cost of clearing a wreck. However, if additional damage to the above listed reportable items is caused while clearing the wreck, that damage must be included in the damage estimate. See FRA Guide for Preparing Accident/Incident Reports Section 2.

**Interpretation – General Requirement for Rail Equipment Accidents, FRA Form F 6180.54, “Rail Equipment Accident/Incident Report – “Numerous Freight Cars having roller bearings submerged in high water:”**

- Q. During the recent hurricane that struck this area, our entire rail yard near the Port was flooded by the storm surge. The water was as high as five feet deep. When we were able to ascertain the extent of damages, we determined there were a total of 107 freight cars that had their roller bearing journals submerged, and which would need to have wheel sets removed and replaced. Is this considered to be a rail equipment accident/incident? If so, how would we properly comply with FRA’s record keeping and reporting regulations?
- A. Yes, this type of incident would be considered a rail equipment accident/incident. In this case, each car involved would have costs associated with the labor and repair or replacement costs for a wheel change out, thus making this incident an “Accountable Rail Equipment Accident.” As such, this incident would need to be recorded on FRA Form F 6180.97, “Initial Rail Equipment Accident/Incident Record.” Based upon the number of cars involved, this incident may exceed the threshold limit for being a reportable rail equipment accident, and a FRA Form F 6180.54, “Reportable Rail Equipment Accident/Incident Report”, would be required.

To assist parties in complying with the requirement of preparing both a FRA Form F 6180.97 and FRA Form F 6180.54 for each consist involved, FRA allows each track, rather than each individual car, with submerged cars to be considered a separate consist in situations such as this.

As an example, assume the total material and labor to change out the wheel sets for the 107 cars was \$500 per car, for a total of \$53,500. The 107 cars were located on the 7 separate tracks:

Track No. 10 - 13 submerged cars times \$500 per car	=	\$6,500
Track No. 11 - 6 submerged cars times \$500 per car	=	\$3,000
Track No. 15 - 20 submerged cars times \$500 per car	=	\$10,000
Track No. 17 - 15 submerged cars times \$500 per car	=	\$7,500
Track No. 20 - 22 submerged cars times \$500 per car	=	\$11,000
Track No. 21 - 15 submerged cars times \$500 per car	=	\$7,500
Track No. 23 - 16 submerged cars times \$500 per car	=	\$8,000
<b>Total - 107 submerged cars times \$500 per car</b>	<b>=</b>	<b>\$53,500</b>

Using this methodology, a railroad would need to complete seven separate FRA Form F 6180.97s, and seven separate FRA Form F 6180.54s, to satisfy the separate consist requirement for such cases that arise by natural disasters, or by accidents caused by an “Act of God”. This minimizes the workload by the railroads treating each track of cars as a separate consist, regardless of whether all cars are coupled in the track or not.

**Interpretation – Requirement for Reporting of Track Damage information in Item 37, “Track, Signal, Way and Structure Damage,” Reportable Rail Equipment Accidents, FRA Form F 6180.54, “Rail Equipment Accident/Incident Report - “Track Damage to be reported for Accidents having 2 or more consists”:**

- Q. We recently had a derailment that met the standards for a reportable rail equipment accident. As the cars were derailing, some of the derailed cars struck the side of cars in another train operating on an adjacent track. We know we need to submit two separate Forms FRA F 6180.54 for this accident, and because the first event that occurred was the derailment, that the Type of Accident/Incident on both reports would be entered as code 1, “Derailment”. However, we are having difficulty in completing the track information for this accident. The train that derailed was on a Main track of our ALPHA subdivision, but the train on the adjacent track that was struck by the derailed equipment was operating on a siding on our BRAVO subdivision. In addition to the different subdivision names, the milepost for where the accident occurred is different. Additionally, the Annual Track Density, the Type of Track, the Name of Track, and the Type of Rail (CWR or OTH) are all different. Should we be filling out the track information on the separate FRA Forms F 6180.54 in this manner?
- A. No. The best approach for situations such as this is to complete the track information for both consists based upon the track information for the first event that occurred (i.e. the point of derailment), and not the track information for the adjacent track on which the second event (i.e. the byproduct of the derailment) occurred.

**Interpretation – General Requirement for Rail Equipment Accidents, FRA Form F 6180.54, “Rail Equipment Accident/Incident Report – Traction Motor Events (Fire)”:**

- Q. One of the locomotives on our freight trains had a traction motor fail and catch fire. There was no derailment involved. The crew stopped their train and a local fire department was called to extinguish the fire. Subsequent inspection revealed the fire also damaged electrical cables and connections. Would this type of mechanical issue be considered as a rail equipment accident/incident?
- A. Yes. This type of event would have costs involved and would thus meet the definition of an Accountable Rail Equipment Accident, more specifically a “Fire or Violent Rupture”. See FRA Guide for Preparing Accident/Incident Reports Section 2. This event would need to be recorded on FRA Form F 6180.97, “Initial Rail Equipment Accident/Incident,” within seven working days of the railroad having learned of the event. See 49 CFR 225.25(f); FRA Guide for Preparing Accident/Incident Reports Section 5.1. If the damages to the traction motor and other electrical components were in excess of the current threshold limit, the case would also be considered a Reportable Rail Equipment Accident, and must be submitted on FRA Form F 6180.54.

**Interpretation – General Requirement for Rail Equipment Accidents, FRA Form F 6180.54, “Rail Equipment Accident/Incident Report – Traction Motor Events (Failure)”:**

- Q. We had an incident when a locomotive on a freight train had a traction motor fail, and the engineer stopped the train. There was no derailment, and the only damage found was to the traction motor itself. There was smoke, but no visible fire, and no other electrical components or other parts of the locomotive damaged in this event. Would this type of mechanical issue be considered as a rail equipment accident/incident?
- A. No. There is a difference between this type of traction motor failure that causes no derailment or damage except to the traction motor itself, and those events where the traction motor failure causes a derailment or damage to other electrical components or parts of the locomotive. With these facts, this type of event would not be considered a “Fire or Violent Rupture”, and would not meet the definition of being an Accountable Rail Equipment Accident. If all damage relates to the traction motor itself, there would be no regulatory need to complete a Form FRA F 6180.97. However, FRA would suggest the railroad complete a FRA Form F 6180.97 for purposes of creating an audit trail in the event questions should later arise about cases such as these.

**Group III Reporting – Casualties to Persons, FRA Form F 6180.55a – FRA Guide, Chapter 6:**

**Interpretation – Day Away from Work:**

- Q. A railroad employee claimed an injury, but did not seek medical attention. The next day, the employee took the day off with the consent of the railroad. Would this case be reportable to the FRA because of “Lost time”?
- A. No. As the employee did not seek medical attention, FRA would view this case as “self-treating”. Additionally, the FRA definition of “Days away from work” was not met in this case as the employee was not examined by a physician or other licensed health care professional and diagnosed with a work-related injury or illness. See 49 CFR 225.5.

***“Day away from work means a day away from work as described in paragraph (1) of this definition or, if paragraph (1) does not apply, a day away from work solely for reporting purposes as described in paragraph (2) of this definition. For purposes of this definition, the count of days includes all calendar days, regardless of whether the employee would normally be scheduled to work on those days (e.g., weekend days, holidays, rest days, and vacation days), and begins on the first calendar day after the railroad employee has been examined by a physician or other licensed health care professional (PLHCP) and diagnosed with a work-related injury or illness.”***

**Interpretation – Medical Treatment:**

- Q. A railroad employee had previously been prescribed by a physician a prescription medication to be carried by the employee, and designed to be self-administered in the form of an inhaler or by injection using an Epi Pen in event of an exposure. An event requiring its use occurred, and the employee immediately utilized this self-administered prescription medication. The employee did not seek medical attention after the event and use of this self-administered prescription medication. Would this case be reportable to the FRA?
- A. Yes. If an inhaler or an Epi Pen injection was authorized by a Physician or Other Licensed Health Care Professional (PLHCP), it does not matter who administered the prescription medication.

***“In regard to the question of self-administration, the answer is “Yes,” this must be reported. If prescription medication is authorized for use by a PLHCP, it makes no difference who administers the medication.”***

**Interpretation – Events arising from the operation of the railroad:**

- Q. A customer for a passenger railroad was walking up a staircase on the railroad's property, fell, and sustained an injury requiring more than first aid. The railroad inspected the staircase and found no defects. Does the railroad have to report this case?
- A. Yes. The criteria would be met if this is an event that occurred on railroad property, and the staircase was considered necessary for the operation of the railroad. If the railroad is uncertain as to the extent of the individual's injuries, the FRA expects the railroad to document its efforts to contact the individual to identify the extent of any injuries. If the railroad's attempts prove futile, then there is no need to report.

**Interpretation – Events not arising from the operation of the railroad:**

- Q. A passenger was onboard a train and fainted. There were no crowding conditions or operational issues with the train, e.g., no smoke, no fumes. Does the railroad have to report this type of case?
- A. If there was no event from the operation of the railroad that triggered the passenger to faint, then the railroad would not have to report this type of event.

**Interpretation – A Casualty at a highway-rail grade crossing without the presence of railroad employees or on-track equipment.**

- Q. Our railroad had an incident that occurred at a highway-rail grade crossing. There were no railroad personnel at or near the crossing, and no presence of any on track rail equipment. There was no impact at all with the highway vehicle involved. What happened was that, earlier in the evening and unknown to us, one of our freight trains had dragging equipment and, when it passed over the crossing in question, the rubberized matting between the rails at the crossing was torn out. After the matting was torn out, the driver of an automobile proceeding down the street at the posted speed limit of 35 mph struck the damaged crossing area. The wheels of the automobile struck the rails, causing the driver to be propelled upwards, hit her head on the inside top of the automobile, and to fracture her neck. Under 49 CFR 225.15, "Reporting Exceptions", subparagraph (a) reads, "(a) Persons other than railroad employees. A railroad is not to report injuries that occur at highway-rail grade crossings that do not involve the presence or operation of on-track equipment, or the presence of railroad employees then engaged in the operation of a railroad..." Does this mean that we are not required to submit a Form FRA F 6180.55a for this case?
- A. No. This would be an exception to the general guidance that has been provided in 49 CFR Section 225.15. In this case, there is clearly the existence of an accident that "arose from the operation of the railroad." As such, FRA is charged with collecting the case information because it discloses a hazard to the general public. The case would meet FRA reporting criteria because the highway user suffered a fractured neck. The railroad is required to prepare and submit a Form FRA F

6180.55a, “Railroad Injury and Illness Summary (continuation sheet)” for this reportable injury to a non-trespasser. The railroad would not need to complete a Form FRA F 6180.57, “Highway-Rail Grade Crossing Accident/Incident Report” because there was no impact between on-track equipment and the highway user.

**Interpretation – A Casualty at a highway-rail grade crossing without the presence of railroad employees or on-track equipment.**

Q. Our railroad had a case involving a motorcyclist who was traveling at or near the speed limit on a highway. As the motorcyclist was approaching our crossing, the automatic gates started to go down. This caused the motorcyclist to swerve radically to the left to avoid striking the gate, and he lost control of the motorcycle and fell onto the highway. The driver did survive, but was badly injured with a fractured leg and arm, numerous cuts, lacerations, and abrasions. In this case, there were no railroad employees present, nor any on-track equipment approaching the crossing. We determined that there had been a signal activation failure in this case.

We also had a separate case in which an elderly female was walking down a street that had no sidewalk. When she came to our crossing, the automatic gate came down and struck her on the head. She was transported to a medical facility, and was given prescription pain medication. Again, in this case, there were no railroad employees present, nor any on-track equipment approaching the crossing. We determined that there had been a signal activation failure in this case as well.

A. In both of the cases mentioned above, these would be exceptions to the general guidance that has been provided in 49 CFR Section 225.15. Each of these cases describes an accident that arose from the operation of the railroad. As such, FRA is charged with collecting the case information because they disclose a hazard to the general public.

The case involving the motorcyclist would be reportable because the motorcyclist suffered fractures, which qualifies as a significant injury. The case involving the lady injured by the crossing gate would be reportable because she received prescription medication. The railroad is required to submit a Form FRA F 6180.55a, “Railroad Injury and Illness Summary (continuation sheet)” for each of these reportable injuries to highway users. The railroad would not need to complete a Form FRA F 6180.57, “Highway-Rail Grade Crossing Accident/Incident Report” because there was no impact between on-track equipment and the highway user.

**Interpretation – Casualties to Persons struck by train, NOT at a Highway Grade Crossing:**

Q. A mother was driving an automobile with her four children eastbound on an Interstate highway. The automobile she was driving drifted left and off the pavement onto the grassy median between the eastbound and westbound lanes. The vehicle continued to operate in this median area until the eastbound and

westbound lanes passed over the northbound and southbound tracks of our railroad. The automobile reached this area, and continued down the slope and struck the rails of the southbound track. Our southbound freight train was approaching this area at 60 mph, struck the occupied automobile, and pushed it down the tracks for ¼ mile. The driver and all four children were fatally injured. This accident did not occur at a highway-rail grade crossing, and the damages to the train consisted of grab iron and step damage, but did not exceed the current threshold limit to be reported as a reportable rail equipment accident. What forms would be required for this accident?

- A. Due the damage to the safety related grab irons and steps, this accident would meet the definition of an “Accountable Rail Equipment Accident.” As such, this would require the accident to be recorded on FRA Form F 6180.97, “Initial Rail Equipment Accident/Incident Record.” The “Type of Accident” would be an “Obstruction Incident.” If the four fatalities resulted from the high speed impact, rather than from the automobile striking the rail, the railroad would be required to prepare and submit Form FRA F 6180.55a, “Railroad Injury and Illness Summary (continuation sheet),” for each of the four fatality cases. The four individuals would be considered trespassers on railroad property (Class E).

**Interpretation – Casualties to Persons struck tree, NOT at a Highway Grade Crossing:**

- Q. A motorist was driving his automobile on a road in a remote area on a hill and some distance away from and above our tracks. The motorist lost control of the vehicle, drove off the road, and struck a tree located near our track at a high rate of speed. The force of that collision caused a large portion of the tree to fall and foul our main track. Within a few seconds, our freight train approached this area and was unable to stop before striking this tree. The force of this impact caused the tree to strike the motorist’s vehicle that had just previously struck the tree. When emergency crews arrived at the scene, the driver of the automobile was found fatally injured. From the impact with the tree, our lead locomotive had a broken ditch light, bent hand rails and steps on the engineer’s side. However, the damages to the lead locomotive did not exceed the threshold limit for reporting as a reportable rail equipment accident. What forms would be required for this accident?
- A. Due the damage to the safety related ditch light, hand rails, and steps, this accident would meet the definition of an “Accountable Rail Equipment Accident.” As such, this would require the accident to be recorded on FRA Form F 6180.97, “Initial Rail Equipment Accident/Incident Record.” The Type of Accident would be an “Obstruction Incident.” If the motorist’s death resulted from the high speed impact with the tree, rather than from the subsequent event of the train striking the tree and the tree then hitting the automobile, then the railroad would not be required to prepare and submit Form FRA F 6180.55a, “Railroad Injury and Illness Summary (continuation sheet)”. However, if the motorist’s death resulted from the tree striking the car after the tree was hit by the train, the railroad would be required to submit a Form FRA F 6180.55a. However, FRA would recommend

that you create an audit trail of this fatal case by showing in the narrative section of Form FRA F 6180.98, the fact that the motorist was fatally injured as a result of the initial impact with the tree.

**Interpretation – A Casualty to the other driver involved in a company vehicle accident:**

- Q. Our signal maintainer was called during the night to service a signal problem at a location about 50 miles from his residence. While he was driving his assigned single truck on a two lane highway, his truck was involved in a head-on collision with an automobile. Our signal maintainer and the driver of the automobile were fatally injured. We immediately provided notification to the National Response Center because the injury to our railroad employee was fatal. We are also preparing a Form FRA F 6180.55a, and will submit this report for the fatality to our signal maintainer. Our question is, are we required to prepare and submit a Form FRA F 6180.55a for the fatality to the driver of the automobile involved in this accident?
- A. No. As this type of accident is considered to be a traffic accident, the railroad should not report the fatality (or reportable non-fatal injury) to the driver of the other vehicle involved in the accident to FRA unless the other driver was also a railroad employee. This would be true regardless of who was at fault in the accident.

## **Group IV Recordkeeping – FRA Forms F 6180.97 and F 6180.98 – 49 CFR 225.25:**

### **Recordkeeping – General:**

- Q. What 49 CFR 225 related forms are railroads NOT to submit to FRA?
- A. The following 49 CFR 225 forms are NOT to be submitted to FRA by a railroad:
- Form FRA F 6180.97 - Initial Rail Equipment Accident/Incident Record
  - Form FRA F 6180.98 - Employee Injury and/or Illness Record
  - Form FRA F 6180.78 - Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor: Employee Statement Supplementing Railroad Accident Report
  - FRA F 6180.150 - Highway User Injury Inquiry Form
  - Form FRA F 6180.107 - Alternative Record for Illnesses Claimed to be Work-Related

### **Recordkeeping – FRA Form F 6180.97:**

- Q. May a railroad use the Form FRA F 6180.97 - Initial Rail Equipment Accident/Incident Record - to capture all equipment related events that go beyond the FRA recordkeeping requirements, i.e. accidents/incidents not involving railroad on-track equipment?
- A. Yes. While FRA will only enforce the record keeping requirements on Form FRA F 6180.97 for on-track equipment accidents/incidents that meet the definition of an accountable rail equipment accident/incident, some railroads currently utilize Form FRA F 6180.97 to capture all of their accident/incidents regardless of the presence of railroad on-track equipment.

### **Recordkeeping – FRA Form F 6180.98:**

- Q. May a railroad use the Form FRA F 6180.98 - Railroad Employee Injury and/or Illness Record - to capture all causality types, not just Worker on Duty - Railroad Employee (Class A), and Railroad Employee Not on Duty (Class B)? For example, Class E (trespassers), Class D (non-trespassers on railroad property), or Class F (Worker on Duty - Contractor)?
- A. Yes. While the FRA will only enforce the recordkeeping requirements on the Form FRA F 6180.98 for Class A and Class B employee cases that meet the definition of a reportable and/or accountable employee injury or illness case, some railroads currently utilize Form FRA F 6180.98 - Railroad Employee Injury and/or Illness Record to capture all of their causality types.

**Group V - Internal Control Plan:**

**Requirements for an Internal Control Plan:**

- Q. A railroad has either zero or one employee, and utilizes contractors to perform the necessary operations of the railroad. Does this railroad need an Internal Control Plan (ICP)?
- A. Yes. If a railroad has 15 or fewer covered Hours of Service employees, it does not need a full ICP with all eleven components. However, all railroads, regardless of size, must have an ICP that contains these two components: (1) Component 1, "Policy Statement," and (2) Component 2, "Complaint Procedure." All railroads are required to have an ICP. See 49 CFR 225.33; FRA Guide for Preparing Accident/Incident Reports Section 1.2.9.

## **Group VI - Start-up of New Commuter Railroads:**

### **Interpretation - Commuter Railroads with several separate contractors providing contracted employees:**

- Q. With our new start-up commuter railroad, we plan to let contracts and receive separate bids; one bid for a contractor to provide us with train and engine service personnel, another contractor to provide employees to perform our maintenance of way work, and a third contractor to have employees perform the maintenance on our trains. For the discharge of FRA accident/incident reporting and record keeping responsibilities, we plan to have the contractor that provides the train and engine service personnel designate one of their administrative persons as the contracted Accident Reporting Officer for our new commuter railroad. Does this seem to be a workable situation, and do you have any suggestions?
- A. A railroad can make its own employment decisions consistent with all employment regulations. However, occasions have occurred in the past where, when a railroad employs separate contractors, inadequate communication has occurred that has resulted in several failure-to-report instances. To ensure that adequate communications exist between the separate contracted companies with the company that reports directly to the FRA, a railroad may stipulate in its contracts that all injuries to the contracted maintenance of way and equipment maintenance employees be promptly and properly reported to the contractor that has been designated to discharge the accident/incident reporting and recordkeeping responsibilities for the commuter railroad. The railroad may also stipulate in its contracts with that the standard internal forms for reporting accident and injuries, as shown in its Internal Control Plan, be utilized by all contracted employees.

### **Interpretation – When does a new commuter railroad need to have an Internal Control Plan?:**

- Q. We have gained all approvals and have begun the construction of a new start-up commuter railroad. After planning for installing the track, signals and communications, building 12 stations, and all other requirements, we have forecasted an actual start-up of our revenue trains in two years. We know we will need to develop and have in place an Internal Control Plan required by 49 CFR 225.33. However, do we need it to be in place before we actually begin our revenue train operations?
- A. Yes. An Internal Control Plan must be in place prior to the time operations begin, and the first test train is run over the track of a new route. Monthly reporting responsibility to FRA will also begin the month/year that operation of the first train begins. See 49 CFR 225.33; FRA Guide for Preparing Accident/Incident Reports Section 1.2.9.

**Interpretation – When does a new commuter railroad become a “railroad” for purposes of FRA Reporting and Recordkeeping responsibilities?:**

- Q. We are in the final stages of construction of Phase I of our new commuter railroad. We have completed all of the construction, track, signals, communication work, and stations on this first segment of track. We hope to begin revenue operations for this segment of track in three months. Yesterday, we ran our first non-revenue train to test the trainset at various speeds and signal operation on the completed track under Phase I. At one of our grade crossings, a motorist drove around the lowered gates and was struck by our test train. As we have not yet began revenue operations, would we need to report this highway-rail grade crossing accident to FRA?
- A. Yes. A railroad would be required to report this accident on FRA Form F 6180.57. Once a new start-up operation begins operating test trains, the operation is then considered to be a railroad as defined under the provisions of 49 CFR Part 225. From that point in time, a railroad would be required to comply with the applicable monthly and annual accident reporting requirements, and all applicable recordkeeping requirements. Even if a train was operating in non-revenue service, a railroad is still obligated to comply with these accident/incident reporting and recordkeeping requirements.

**Interpretation – What if a railroad has not hired employees and used another railroad to operate its first test train?:**

- Q. In the grade crossing accident described in the question above, our commuter service had not hired our own train and engine service personnel yet, so we had arranged with another freight railroad to have their conductor and engineer operate our test train to perform the signal testing. As this was not our crew, would the freight railroad be responsible for preparation of Form FRA F 6180.57 for the highway-rail grade crossing accident?
- A. No. This is a test train that belonged to the contracting railroad, and for which the railroad had contracted with another railroad to operate. The contracting railroad would need to both report the grade crossing accident on FRA Form F 6180.57, and report the hours worked by the contracted railroad employees in the operation of the test train on FRA Form F 6180.55.

**Interpretation – After the first test train, there was additional track and signal work being accomplished. A derailment of a work train subsequently occurred during this track enhancement. What railroad would be required to report this derailment of the work train?:**

- Q. Our new commuter operation will operate on the existing tracks of a freight railroad. However, to operate at high speeds, the track and signaling of the freight railroad had to be enhanced. After we operated our first test train, which was

involved in a grade crossing accident, and FRA indicated that we became a “railroad” for 49 CFR 225 purposes, another accident occurred. This accident involved a derailment of a work train belonging to the railroad upon which our commuter trains will eventually operate. The work train was manned by the freight railroad’s crew and was transporting several cars of ballast that would be spread to strengthen the roadbed for high speed commuter operation. Our commuter operation was in no way involved in this derailment. Who should be reporting this derailment on FRA Form F 6180.54?

- A. In this case, the freight railroad’s work train was handling material used to enhance its own railroad to accommodate the future movement of this railroad’s high speed commuter trains. The freight train was manned by crew members of that railroad, and was operating on its own tracks that it owns and is responsible for maintaining. The freight railroad had entered into an earlier contract with this railroad to be this railroad’s host to allow this railroad’s commuter service to operate. While this construction work was being done by the freight railroad to later accommodate high speed operations, the work was being done on the freight railroad’s own track. As such, this consist did not belong to this railroad, but rather the freight railroad. The freight railroad would thus have the responsibility to report the derailment on FRA Form F 6180.54. This accident differed from the case above because it did not involve a test train that the freight railroad crew had been specifically contracted to operate.

**Interpretation – Who should be reporting injuries during construction enhancement of the existing freight railroad’s track and signals?**

- Q. When this construction/enhancement of the existing freight railroad’s track and signals is going on to accommodate high speed commuter operations, and the freight railroad is using its own Maintenance of Way employees (or is using contracted railroad employees), who should be reporting any injuries that occur to freight railroad employees, contracted employees, trespassers, etc.?
- A. It would be the responsibility of the freight railroad to report any reportable injuries involved during work on the freight railroad’s existing track. This would not be the responsibility of the new commuter railroad. Even after the first test train was operated, the freight railroad would still be responsible for reporting any reportable injuries involved in maintenance of this track.

## **Group VII - Holding Companies**

### **Interpretation – Injuries to Employees of a Holding Company, NOT on railroad property:**

- Q. We are a Holding Company that controls and manages 15 short line railroads that are disjointed and located in 12 different states. Each of the 15 railroads are separate corporations, and have their own railroad names and reporting codes. Each has their own railroad employees subject to FRA regulations. However, for other functions such as administration, payroll, rules examination, operational testing, and accident reporting, our Holding Company employs 25 non-railroad employees. If one of the Holding Company non-railroad employees sustains an injury, how would the holding company report this injury?
- A. First, because the 25 holding company employees are not railroad employees, all recordable injuries or occupational illnesses would need to be recorded on the holding company's OSHA Log in compliance with OSHA recordkeeping requirements. For FRA reporting, if the injury or occupational illness did not occur on the property of one of the holding company's railroads, there would be no need for a report to be made to FRA because an injury to a contract employee does not need to be reported to FRA if it occurs off railroad property. For example, if the injured contract employee is engaged in performing payroll duties for one or all of the 15 railroads at a location not on railroad property, then no report of a contract employee injury would be required to FRA. However, if a holding company employee performed duties on railroad property, and the holding company employee sustains an injury on that railroad's property, the holding company would need to log that injury on its OSHA Log under OSHA recordkeeping because the holding company is the employer. In addition, because this holding company employee was injured on the railroad's property, that railroad would need to make a report to FRA for this contracted worker's injury.

### **Interpretation – Employees of a Holding Company - Hours Worked:**

- Q. We are a Holding Company that controls and manages 15 short line railroads that are disjointed and located in 12 different states. Each of the 15 railroads are separate corporations with their own railroad names and reporting codes. Each has their own railroad employees subject to FRA regulations. However, for other functions such as administration, payroll, rules examination, operational testing, and accident reporting, our Holding Company employs 25 non-railroad employees. Our question is, how should the hours worked by these 25 non-railroad employees be reported to FRA?
- A. The 25 non-railroad employees would be considered contract employees for the railroads. Therefore, because FRA regulations do not require the hours worked by contractors to be reported, there would be no reporting responsibility to FRA for the hours worked by these 25 non-railroad employees of the holding company.

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