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From: fltrujilloutu@aol.com
Sent: Wednesday, December 06, 2006 7:28 AM
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Subject: FRA proposes higher fines for safety violations

andres (fltrujilloutu@aol.com) wanted you to know about the following news flash from the United Transportation Union:

FRA PROPOSES HIGHER FINES FOR SAFETY VIOLATIONS

WASHINGTON -- The civil penalty guideline amounts assessed against railroads for violating numerous federal rail safety regulations would be substantially increased under a proposal announced today (Dec. 5) by Federal Railroad Administrator Joseph H. Boardman, according to this release issued by the Federal Railroad Administration.

"Higher fines across all categories of federal regulations will encourage railroads to focus on safety compliance and improve the rail industry's overall performance," Boardman stated, noting that the proposed statements of agency policy would double the current guideline civil penalty amounts for most violations.

Boardman explained that FRA evaluated each of the more than 2,000 provisions of the federal rail safety regulations using a five-point severity scale. The measure takes into consideration the likelihood that a rail accident or graver consequences will occur as a result of failing to comply with a particular section of the regulations. At the low end of the scale, the guideline penalty amount would be \$1,500. At the high end of the scale where a violation is extremely likely to result in an accident or incident, the guideline penalty amount would be \$8,500. Willful violations would range from \$2,500 to \$11,000. The current statutory maximum of \$27,000 for grossly negligent violations or for patterns of repeated violations that have caused an imminent hazard of death or injury, or have caused death or injury to individuals would remain unchanged.

Examples of some of the increased fines the FRA is proposing include: operating a train above the track speed limit (from \$2,500 to \$8,500); not providing a timely response to a report of malfunctioning highway-rail grade crossing equipment (from \$2,500 to \$6,500); and not performing a pre-departure inspection of a freight car (from \$2,000 to \$5,000). Under the proposal, most fines would increase, but in some instances the amounts would remain unchanged or be reduced where data and experience have shown that a failure to comply with a specific regulatory provision poses less of a safety risk.

The proposal also supports the National Rail Safety Action Plan, a broad effort to focus on reducing the highest risk causes of train accidents, Boardman said. The last comprehensive revision by the Federal Railroad Administration of its guideline civil penalty amounts was in 1988, he added.

Public comments on this proposal will be accepted until Jan. 4 and may be submitted electronically at <http://dms.dot.gov>, using docket no. FRA-2006-25274. A copy of the proposal also can be found at www.fra.dot.gov.

(The preceding release was issued by the Federal Railroad Administration on Tuesday, Dec. 5, 2006.)