



Florida Department of TRANSPORTATION

Office of Inspector General
Kristofer B. Sullivan, Inspector General

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Kristofer B. Sullivan

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Audit Report No. 221-006
Rail Inspections

September 16, 2022

What We Did

The Florida Department of Transportation's (Department) Office of Inspector General (OIG) conducted an audit of the Department's rail inspection program under the management of the Freight and Rail Office (FRO). The purpose of this engagement was to evaluate if rail inspections are being conducted in compliance with federal regulations, state statutes, and Department policies. This audit was conducted as a part of our annual work plan for the fiscal year (FY) 2021-22.

What We Found

We determined that rail inspections are being conducted in compliance with the federal regulations, state statutes, and Department policies.

What We Recommend

We do not have any recommendations and want to recognize the Department's commitment in its efforts to promote safety in railroad operations to reduce rail related accidents, incidents, and casualties.

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BACKGROUND AND INTRODUCTION

The Florida Department of Transportation's (Department) Freight and Rail Office (FRO) manages the State Rail Safety Participation Program (Program). The purpose of this Program is to promote safety in all areas of railroad operations to reduce deaths, injuries, and damage to property resulting from railroad accidents. This Program allows the Department to work in partnership with the Federal Railroad Administration (FRA) in performing investigative, surveillance, and enforcement activities under the Federal Railroad Safety Regulations.

Rail safety requirements are outlined through a combination of federal and state laws. Title 49, Part 200-299, Code of Federal Regulations (C.F.R.), includes rules, regulations, and procedures associated with rail inspections. Subsection 341.302(8), Florida Statutes, (F.S.) (2021) directs the Department to "conduct, at a minimum, inspections of track and rolling stock; train signals and related equipment; hazardous materials transportation, including the loading, unloading, and labeling of hazardous materials at shippers', receivers', and transfer points; and train operating practices to determine adherence to state and federal standards."

The Program has five rail safety inspector positions each certified in one of the five rail safety disciplines. Each rail safety inspector becomes certified by FRA to determine compliance with federal regulations, investigate complaints, respond to rail related technical requests, and assist federal agencies in investigating rail incidents. The five rail safety inspector disciplines are as follows:

- **Hazardous Materials (HM) Inspectors** review and observe the procedures used by rail carriers who transport hazardous materials. These HM procedures include classification, packaging, marking, labeling, placarding, loading, and documentation of shipments. In addition, HM inspectors review rail carriers' documentation and procedures for loading, unloading, switching, and transporting rail cars of hazardous materials.
- **Motive Power and Equipment (MP&E) Inspectors** examine the design, construction, condition, maintenance, and operation of locomotives and freight cars (including motive power and related appurtenances). MP&E inspectors also observe brake tests and examine records, including those on-board locomotives and in shops.
- **Operating Practices (OP) Inspectors** review railroad records on accidents/incident reporting, drug and alcohol testing, locomotive engineer certification, operational tests/inspections, hours of service, training programs on operating rules, and radio procedures.

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- **Signal and Train Control (S&TC) Inspectors** monitor railroad carrier compliance with regulations and standards concerning signals and train control systems, devices, and appliances. S&TC Inspectors also monitor compliance with inspection, testing, maintenance, and prompt repair of highway-rail grade crossings warning devices. In addition, S&TC Inspectors monitor compliance with requirements for filing block signal applications.

- **Track Inspectors** monitor compliance with regulations and standards concerning railroad tracks and related appurtenances. Track Inspectors determine the condition of roadbed, track structure, track geometry, and track-related devices. Track inspectors assist railroads in the review of designs for existing and proposed railway tracks. In addition, Track Inspectors monitor construction, operations, inspections, and repairs to ensure compliance with safety standards and monitor compliance with Bridge Worker Safety Standards.

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RESULTS OF REVIEW

The objective of this audit was to evaluate if rail inspections are being conducted in compliance with federal regulations, state statutes, and Department policies.

Finding 1 – Compliance with Federal Regulations, State Statutes, and Department Policies

We determined that rail inspections are being conducted in compliance with federal regulations, state statutes, and Department policies.

The Department is required under Subsection 351.37, F.S. (2021), to “supplement and not replace the responsibility of the Federal Government in the inspection of physical conditions of railroad facilities within the state to ascertain compliance with federal standards and regulations.” We reviewed the Department’s policies and procedures related to the rail safety inspection program and determined that the Department’s documented policies and procedures are adequate to supplement the inspection of railroad facilities.

All Rail Safety Inspectors must be certified inspectors by the FRA or enrolled in an FRA training program leading to certification in one of five rail safety specializations. We reviewed the training records for the four current rail safety inspectors and determined that the required training was completed and in compliance, as shown in Table 1.

Table 1: Training and Certification

Specialization	Fundamental Training	Certified or Enrolled in Training Program	Recurrent Training
Hazardous Materials	✓	✓	✓
Motive Power and Equipment	✓	✓	✓
Operating Practices	✓	✓	✓
Signal and Train Control	✓	✓	✓
Track ¹	Vacant		

Source: Auditor created based on training records received from FRO.

¹ At the time of our review the Track Inspector position was vacant.

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We observed two highway-rail grade crossing inspections and determined these rail inspections were being performed in compliance with federal regulations within the S&TC compliance manual issued by the FRA. The inspection areas observed and tested are shown in Table 2.

Table 2: Inspection Areas

Area	Compliance
Conference Prior to Inspection	Yes
Conducting the Inspection	Yes
Defective Conditions	Yes
Conference During and After an Inspection	Yes
Completion of Inspection Report Form F6180.96	Yes
Distribution of Inspection Report	Yes

Source: Auditor created based on FRA inspection process.

The Department's policies and procedures provide adequate information to supplement the inspection of railroad facilities. Employing FRA trained and certified inspectors provides reasonable assurance that inspections are being conducted in compliance with federal regulations. Conducting inspections in compliance with federal regulation promotes safety in all areas of railroad operations to reduce deaths, injuries, and damage to property.

We do not have any recommendations and want to recognize the Department's commitment in its efforts to promote safety in railroad operations to reduce rail related accidents, incidents, and casualties.

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APPENDIX A – Purpose, Scope, and Methodology

The **purpose** of this engagement was to evaluate if rail inspections are being conducted in compliance with federal regulations, state statutes, and Department policies.

The **scope** of this audit consisted of all policies and procedures related to rail inspections managed by the Freight and Rail Office.

The **methodology** included:

- review of relevant regulations, laws, Department policies, and procedures;
- interviews of appropriate Department employees;
- review of rail safety inspector training and certification records;
- review of Freight and Rail Office’s rail inspection procedures; and
- observation of conducted rail inspections.

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APPENDIX B – Management Response

On August 30, 2022, the OIG received the response from Rickey Fitzgerald, Manager of the Department's Freight and Rail Office:

We concur with the findings that rail inspections are being conducted in compliance with the federal regulations, state statutes, and Department policies. We further commend you for recognizing the hard work of the inspection team, the Freight and Rail Office (FRO) operational effectiveness, and the Department's and FRO's commitment in its efforts to promote safety in railroad operations to reduce rail related accidents, incidents, and casualties.

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DISTRIBUTION

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Rickey Fitzgerald, Manager, Freight and Rail Office
Kelli Phillips, Rail Operations Administrator, Freight and Rail Office

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PROJECT TEAM

Engagement was conducted by:
Danielle Cunningham, Auditor-in-Charge

Under the supervision of:
Andrea Sistrunk, Senior Audit Supervisor
Jessica Mobley, Deputy Audit Director for Intermodal
Joseph W. Gilboy, Director of Audit

Approved by:
Kristofer B. Sullivan, Inspector General

STATEMENT OF ACCORDANCE

The Department's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities.

The Office of Inspector General's mission is to provide independent and objective investigative and audit services that promote accountability, integrity, and efficiency within the Florida Department of Transportation and its partners.

This work product was prepared pursuant to section 20.055, Florida Statutes, in accordance with the Association of Inspectors General *Principles and Standards for Offices of Inspector General*, and conforms with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

Please address inquiries regarding this report to the Department's Office of Inspector General at (850) 410-5800.