EXHIBIT 3-FF Docket No. DCA-08-MR009

NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C. 20594

Copies of the Two FRA 217 Audits Conducted in January 2009, and the Previous Test; the Results and Recommendations of these Audits

<u>Memorandum</u>

Robert Schrecengost Operating Practices Inspector Federal Railroad Administration

Date:

April 2, 2007

To:

Rick Peterson

From:

Robert Schrecengost

Subject:

Closeout for Metrolink, Southern California Regional Rail Authority Audit (SCRRA), at Pomona, California. Items audited included Accident and Incident reporting / Operating Practices testing records.

Present:

Tommy McDonald, General Superintendent

Brenda Lettengarver, Director Safety and Operating Rules

Thad Laferriere, OP Inspector CPUC

Robert Schrecengost, OP Inspector FRA/Team Leader

An Accident Incident/Operating Practices audit was conducted on March 13^{th, and} 14th at Pomona, CA regional headquarters for Southern California Regional Rail Authority (SCRRA). Robert Schrecengost of the FRA led the team of four, which also included, Thad Laferriere, Thomas Logan and Matthew Cardiff, OP Inspectors for the State of California. The audit consisted of a focused inspection on Metrolinks compliance with the record keeping requirements of Accident and Incident reporting and Operating Practices Testing records, as defined by Code of Federal Regulations.

The audit consisted of reviewing records for all injuries, derailments, and incidents for a two year period for both operating employees and sub-contractors of SCRRA. No defects were found on the information that was provided. Several sub-contractors had provided incomplete information with regard to medical records. These files have been held in abeyance pending receipt of required medical documents. Receipt of the medical records will determine if the injuries were categorized correctly. FRA has requested of SCRRA that medical records be made a portion of their record keeping or, at a minimum, be made available at the time of future audits. They have agreed to make that a requirement of their sub-contractors. All actual injuries of category A and B (operating employees) have been reported to the FRA. Injuries of sub-contractors have been reported correctly with the exception of the item sited above.

The audit for Operating Practices testing consisted of review of testing records for the second half of 2006 for all SCRRA operating officers and ramp officers. SCRRA appears to meet or, in most cases, exceed the requirements of their submission. Examples are as follows:

Signal Compliance	Delayed in Block	50 required	144 tested
	Stop Tests	30 required	107 tested
	Restricted Speed	30 required	126 tested
Calling signals		30 crews	195 tested

In addition, crews are monitored for fatigue, speed checks, emergency preparedness, skills performance, and normal operating and safety rules. All testing requirements were met and no defects were noted.

FRA did note and request that SCRRA reflect that all testing be reflected as observed or unobserved, and that any testing that was unobserved not be used to fulfill testing requirements. SCRRA indicated that a modification would be made to assure that all tests were properly categorized in the comments field.

The audit and closeout with Superintendent McDonald was able to focus attention on several specific items that need additional attention. During the Accident and Incident reporting portion, it became apparent that several of SCRRA's sub-contractors were not making medical records available when providing information on accountable accidents. This information is required to ascertain if the sub-contractors are categorizing the accidents correctly, i.e. accountable vs. reportable. In addition, during the OP testing portion of the audit, FRA requested that SCRRA be extremely clear on whether the testing and any subsequent rules violations are observed, or after the fact, when entering them into the testing records. The Operating Practices inspector, Robert Schrecengost, will do additional monitoring for compliance on a regular basis.

Copies of this letter, as well as inspection reports, are attached for ready reference, and will be sent to all parties of interest.

DEPARTMENT OF TRANSPORTATION INSPECTION REPORT OMB Approval No.: 2130-0509 FEDERAL RAILROAD ADMINISTRATION (FRA) Inspector's Signature Report No. ንታ 2007 Ó3 14 SCHRECENGOST, ROBERT 77505. 31 RRS o. N SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY R SYSTEM Tommy McDonald 2358 Sannly St. RR/Co. Solutivision Tille General Manager Building A SCAX SYSTEM CA 91767 Pomons 2870 City POMONA Destination City & County Codes ÓÓ City State CA COUNTY LOS ANGELES To Latitude C037 Imperion Point POMONA HEADQUARTERS Mile Post: From To Longitude To Activity Code: 217P Equipment/Track # Type/Kir/1 49 CFR/ USC Train is Bits SVFR N 0 Description - [** Comment to Railroad/Company **] FOCUS INSPECTION CONDUCTED AT THIS LOCATION TO ASCERTAIN COMPLIANCE WITH CARRIER RULES AND FEDERAL REGULATIONS. ALL VIOLATIONS, DEFECTS OR EXCEPTIONS WERE DISCUSSED WITH A CARRIER MANAGER WITH RESPONSIBILITY ON THIS DISTRICT. RIFORMATION DISCUSSED WITH TRAINING OFFICER AND GENERAL MANAGER TOMBAY MCDONALD. Yes Written Northeation to Date(mm/do/yyyy); neues on back? FRA of Remedial Action is: Required ✓ Option Type/Kind 49 CER USC Description - [** Comment to Railroad/Company **] REVIEWED RECORDS FOR ENTICIENCY TESTING FROM 01/01/2006 THRU 9/30/2006 FOR RULE 6.27 RESTRICTED SPEED TESTS AND RULE FRADERAL AT CALLING SIGNAL TESTS. REQUIREMENTS FOR EACH MANAGER SHOWED 20 TRAINS QUARTERLY FOR RULE 6.27 TESTS AND 6 CREWS QUARTERLY FOR CALLING SIGNALS. SUBMISSION REQUIREMENTS FOR RESTRICTED SPEED TESTS INDICATE 30 REQUIRED WITH 126 PROFORMED. SURMISSION REQUIREMENTS FOR CALLING SIGNALS SHOWS 30 CREWS TO BE TESTED WITH 195 TESTS PREFORMED. COMDNUE IN ITEM#3. Yes Written Notification to Date(man/dd/yyyy): Required Options FRA of Remedial Action is: Type/Kind |49 CFR/ SNFR Class Train #/Site Description - [** Comment to Railroad/Company **] REQUIREMENTS FOR DELAYED IN BLOCK, STOP TESTS, RESTRICTED SPEED, EVENT RECORDER REVIEW, CALLING SIGNALS, T&E EFFICIENCY TESTS FOR ALL CREW MEMBERS, SPEED CHECK, MANAGER TESTING, EMERGENCY PREPAREDNESS, SKILLS PERPORMANCE, IOINT TESTING, ROAD CREWS LOCAL, ALL MET OR EXCEEDED REQUIREMENTS. NO DEFECTS NOTED. l Yes No Written Notification to FRA of Remedial Action is; Required [Optional Comments on back? Source Code D's of Accompanying Inspector(s) A FORM FRA F 6180-95 (Revised 16/02) "SHFR-Special Notice for Repairs s of Oce. Number of Co. FRACOPY

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