

Gordon Robert (Joe)

From: Moore, Aaron (FRA) [REDACTED]
Sent: Friday, May 12, 2017 5:27 PM
To: Gordon Robert (Joe); Roberts, Brian (FRA); Hiller Michael; Kendall Edward
Subject: RE: NTSB Request Following April 26th Interview DCA17MR007

Hi Joe,

Please see below FRA's response to NTSB's requests:

1. FRA records of any enforcement actions that result from FRA's investigation into the Graettinger accident.

Response:

FRA's investigation into the Graettinger accident is ongoing at this time.

2. If a review of FRA inspection reports are conducted as part of the investigation, any findings from that review.

Response:

FRA inspection reports are reviewed as part of this investigation and the investigation is ongoing at this time.

3. FRA's differentiation between branch track and main track (definitions).

Response:

FRA's regulations do not define "branch track." 49 CFR 218.5 states: "Main track means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system."

4. An opinion from FRA legal staff if the 2016 UP/FRA compliance agreement requirements apply to the UP Estherville subdivision.

Response:

This is the opinion of FRA's Office of Railroad Safety and FRA's Office of Chief Counsel. For purposes of the UP Compliance Agreement, "mainline network" was intended to mean all "main track," as defined in FRA's regulations. The Estherville subdivision is main track, and thus part of UP's mainline network for purposes of the Compliance Agreement.

Thanks!

Aaron M. Moore

Trial Attorney

U.S. Department of Transportation

Federal Railroad Administration

1200 New Jersey Avenue, S.E., Room W31-229

Washington, D.C. 20590

[REDACTED]

From: Gordon Robert (Joe) [REDACTED]
Sent: Friday, April 28, 2017 2:39 PM
To: Moore, Aaron (FRA) [REDACTED]; Roberts, Brian (FRA) [REDACTED]; Hiller Michael
[REDACTED]
Subject: NTSB Request Following April 26th Interview DCA17MR007

Aaron-

I would like to once again thank FRA for taking the time to come in and discuss inspection activities on the UP Estherville subdivision.

I only recall four things that NTSB requested from FRA during the interview:

- FRA records of any enforcement actions that result from FRA's investigation into the Graettinger accident.
- If a review of FRA inspection reports are conducted as part of the investigation, any findings from that review.
- FRA's differentiation between branch track and main track (definitions).
- An opinion from FRA legal staff if the 2016 UP/FRA compliance agreement requirements apply to the UP Estherville subdivision.

Please contact me if you have any questions regarding this request.

Thank you,

Joe Gordon
Rail Accident Investigator



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