From:	Kilgore, Kenton (FRA)
To:	David Casaceli
Cc:	FRA[redacted]; Baker, Daniel (FRA); Ruben Payan; Troy Lloyd; Pirato, Michael (FRA); David Bucher; Dana Sanzo
Subject:	RE: Information Request: Great Barrington, MA Fatality
Date:	Wednesday, October 25, 2023 3:40:03 PM
Attachments:	HRRC_SNFR.pdf NTSB Request Update.docx

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Dave, thanks for your patience. We're continuing to work this request, but please see the attached. Thanks for your patience.

Respectfully,

Kenton Kilgore
RSAC Coordinator
[redacted]

From: David Casaceli <[redacted]@ntsb.gov>
Sent: Wednesday, October 18, 2023 9:20 AM
To: Kilgore, Kenton (FRA) <[redacted]@dot.gov>
Cc: FRA[redacted] <[redacted]@dot.gov>; Baker, Daniel (FRA) <[redacted]@dot.gov>; Ruben Payan <[redacted]@ntsb.gov>; Troy Lloyd <[redacted]@ntsb.gov>
Subject: RE: Information Request: Great Barrington, MA Fatality

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Kenton,

Could you please let me know the status of the remaining nine requests (numbers 3 – 11)?

As I've offered previously, I am happy to clarify any request or discuss alternate responses to the requests, such as the summary reports of inspections instead of the 96 reports.

Thank you,

David F Casaceli PE

Railroad Accident Investigator
National Transportation Safety Board

OMB No. 2130-0504

U.S. Department of Transportation
Federal Railroad Administration

Special Notice For Repair Report

Part 1

1. Name of Inspector:	2. ID Number:	3. SNFR Report No.:	4. Region:	5. Inspector Rpt No.:
WILSON, DONALD	97230	0001	1	62

6. Operating Railroad:	7. RR Initials:	8. City:	9. State:
HOUSATONIC RR CO., INC.	HRRC	MA/CT STATE LINE	MA

10. County:	11. Date:	12. Time:	13. Railroad Official Name:
BERKSHIRE	6/8/2017	5:12 P.M	MATT BOARDMAN

14. Railroad Official Title:	15. Railroad Division:	16. Railroad Subdivision:
Manager of Track	SYSTEM	BERKSHIRE LINE

In Accordance With Title 49 CFR Part 216, You Are Hereby Notified Of The Following:

17. Equipment:
[ ] Locomotive
[ ] Freight Car
[ ] Passenger

18. Initials & No.:

Is not in Serviceable condition and shall be removed from service and remain out of service until it complies with all applicable Federal Regulations. Movement for repair may only be made in accordance with applicable movement provisions, conditions, or restrictions, and in accordance with any movement restrictions (if applicable), imposed by the inspector.

19. Track No.: SNG
20. Track Class 2
21. MPH Passenger: N/A

The track described in this report does not comply with Federal Regulations for the class at which it is being operated. The track is hereby lowered to the class and maximum allowed operating speeds indicated to the left. These speeds shall not be exceeded until the track conforms to applicable track safety standards for a higher class.

22. MPH Freight: 25
23. Reference Measurement: MP 67 TO MP 78
24. Track Description: BERKSHIRE MAIN

25. Location from City, State, and Mile Post:	26. Location to City, State, and Mile Post:
STOCKBRIDGE, MA, MILEPOST 67	LENOX, MA, MILEPOST 78

27. Line Item No.: 1
28. CFR, Rule, & Subrule: 213 0053 B3

29. Defects:

FRA performed an Automated Track Inspection Program (ATIP) survey of the Housatonic Railroad with FRA geometry car DOTX 218/220 between milepost(MP) 9 and MP 86. This survey indicated a significant quantity of defects throughout the Berkshire Line of the Housatonic Railroad. An especially concentrated amount of wide gage exceptions were indicated between MP 67 and MP 78. This prompted FRA to field verify three of the indicated wide gage locations the results of which illustrated both the seriousness of the defect and the accuracy of the geometry car testing. FRA is placing this SNFR due to these three locations field verified and using the indications of the geometry car to illustrate that the wide gage is a significant problem throughout the track segment noted.

Line item No. 1 of FRA Inspection Report 97230-62 reads as follows:

GAGE DIMENSION ON CURVED TRACK EXCEEDS ALLOWABLE
DOTX 218/220 Survey No.1734 indicated Exception Milepost (MP) 70 +3737' Gage Wide 58.20 inches which was subsequently field verified by FRA as 58-3/8 inch loaded.
Indicated Exception MP 71 +4924' Gage Wide 58.25" verified by FRA as 58-1/16" static with additional rail canting outward under load.
Indicated Exception MP 73 +2936' Gage Wide 58.28" verified by FRA as 58" static with additional rail canting outward underload.
Survey indicated 62 exceptions from MP 67 to MP 78 (11 miles), 49 of which were for wide gage. Of these 49 gage locations, 18 of these were over 58 inches gage, which is greater than a one class drop.
All field verifications done during survey demonstrated car running accurately and with HRRC personnel present.

--

30. Movement Restrictions: (If Applicable)

OMB No. 2130-0504

When proper repairs have been completed, a detailed report of the repairs must immediately be sent to the Chief Mechanical Officer (Locomotive or Car), or to the Chief Engineer (Track), of your company for his/her approval. The form must be sent to the Regional Administrator whose name and address is given to the right. Use Form F6180.8A, Special Repair Remedial Action Report Part 2, to report remedial action taken. Signature of Inspector	31. Regional Administrator Name and Address: **LES FIORENZO - REGIONAL ADMINISTRATOR** **FEDERAL RAILROAD ADMINISTRATION - REGION 1** **55 BROADWAY - ROOM 1077** **CAMBRIDGE, MA 02142**

1. Data sent to NTSB 10/11/23

2. Data sent to NTSB 10/11/23

3. Attached SNFR from 2017

4. In Progress

5. In Progress

6. In Progress

7. For the last five years for which FRA was data: how many roadway worker employee fatalities as a result of railroad duties, were reported? How many contract employee roadway worker fatalities, as a result of railroad duties, were reported? Please exclude deaths of natural causes or otherwise unrelated to the employees' job duties.

From 2018 to July 2023 (*this is the 5-year range with available data as of October 19, 2023), there have been 22 fatalities to roadway workers. The breakdown is:

Year	Employee	Employee – Off Duty	Contractor
2018	6	0	2
2019	1	2	0
2020	2	2	1
2021	2	0	1
2022	2	0	0
2023 (*Thru Oct 19)	0	0	1
Total	13	4	5

8. In each calendar year since the rule's publication in February of 2020, has FRA completed its two-phase annual analysis to identify railroads with inadequate safety performance?

Given the potential impacts on small businesses that might be required to comply with Part 271, FRA elected to develop guidance prior to making any inadequate safety performance (ISP) determinations. FRA worked with the American Short Line and Regional Railroad Association (ASLRRA) to develop an RRP template, which was published in 2023. FRA has now initiated the ISP determination process by conducting the quantitative assessment, and will shortly be notifying railroads identified that they may have inadequate safety performance.

a. If so, please share any findings related to MassDOT and the HRRC, including: Did the quantitative review identify the HRRC for further analysis based on the October 2020 employee fatality? Was HRRC notified by FRA of a qualitative assessment? What were the results of the qualitative assessment? What was FRA's final determination on the HRRC's safety performance?

   FRA has not officially completed the analysis yet.

b. If not, why was this analysis not performed on an annual basis as outlined in Part 271 Section 13: Determination of inadequate safety performance? When does FRA plan to complete its first *annual* analysis? Does FRA plan to complete this analysis on an annual basis going forward? If FRA had performed the first phase, the quantitative analysis, would the HRRC have been identified as possibly having an inadequate safety performance in this phase?

FRA is in the process of conducting the first ISP determination process. This analysis includes all Class 2 and Class 3 railroad fatalities for the period of January 1, 2020 to December 31 2022. FRA will complete the evaluation 90 days after notifying railroads that they may have ISP, most likely in January, 2024.

9. If FRA determines a railroad like HRRC has inadequate safety performance during the second phase analysis, what does the FRA require of the railroad? What are the goals of these requirements?

If FRA determines a railroad demonstrates inadequate safety performance following the qualitative assessment, the railroad must comply fully with all requirements of FRA's 271 Risk Reduction Program rule, the goals of which are established in sec. 271.1 and further explained in the preamble to the RRP final rule published on February 18, 2020 (85 FR 9262).

10. As it was reported to the FRA, will the August 4, 2023, contract employee fatality be included in the quantitative analysis of HRRC conducted in future years?

The answer to this question depends on whether FRA, after completing both the quantitative analysis and the qualitative assessment, determines that a railroad has demonstrated ISP. If yes, that railroad is removed from the pool of railroads analyzed for ISP during any subsequent year in which they are required to comply with the rule. If a railroad is not determined to have ISP this year, then contract employee (and other) fatalities occurring in CY 23 on that railroad will be included in the next quantitative assessment, which would include data from January 1, 2021 through December 31, 2023.

11. In progress