§ 225.17 Doubtful cases; alcohol or drug involvement.

(a) The reporting officer of a railroad will ordinarily determine the reportability or nonreportability of an accident/incident after examining all evidence available. The FRA, however, cannot delegate authority to decide matters of judgment when facts are in dispute. In all such cases the decision shall be that of the FRA.

(b) Even though there may be no witness to an accident/incident, if there is evidence indicating that a reportable accident/incident may have occurred, a report of that accident/incident must be made.

(c) All accidents/incidents reported as “claimed but not admitted by the railroad” are given special examination by the FRA, and further inquiry may be ordered. Accidents/incidents accepted as reportable accident/incident may have occurred, a report of that accident/incident must be made.

(d) In providing information required by this section, a railroad shall not disclose any information concerning use of controlled substances determined by the railroad’s Medical Review Officer to have been consistent with 49 CFR 219.103.

[75 FR 68906, Nov. 9, 2010]

§ 225.18 Alcohol or drug involvement.

(a) In preparing Form FRA F 6180.54, “Rail Equipment Accident/Incident Report,” under this part, the railroad shall make such specific inquiry as may be reasonable under the circumstances into the possible involvement of alcohol or drug use or impairment in such accident or incident. If the railroad comes into possession of any information whatsoever, whether or not confirmed, concerning alleged alcohol or drug use or impairment by an employee who was involved in, or arguably could be said to have been involved in, the accident/incident, the railroad shall report such alleged use or impairment as provided in the current FRA Guide. If the railroad is in possession of such information but does not believe that alcohol or drug impairment was the primary or contributing cause of the incident, then the railroad shall include in the narrative statement of such report a brief explanation of the basis of such determination.

(b) For any train accident within the requirement for post-accident testing under §219.201 of this chapter, the railroad shall append to the Form FRA F 6180.54, “Rail Equipment Accident/Incident Report,” any report required by 49 CFR 219.209(b) (pertaining to failure to obtain samples for post-accident toxicological testing).

(c) For any train or non-train incident, the railroad shall provide any information concerning the possible involvement of alcohol or drug use or impairment in such accident or incident.

(d) In providing information required by this section, a railroad shall not disclose any information concerning use of controlled substances determined by the railroad’s Medical Review Officer to have been consistent with 49 CFR 219.103.

[75 FR 68906, Nov. 9, 2010]

§ 225.19 Primary groups of accidents/incidents.

(a) For reporting purposes reportable railroad accidents/incidents are divided into three groups:

Group I—Highway-Rail Grade Crossing;

Group II—Rail Equipment;
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Group III—Death, Injury and Occupational Illness.

(b) Group I—Highway-rail grade crossing. Each highway-rail grade crossing accident/incident must be reported to the FRA on Form FRA F 6180.57, regardless of the extent of damages or whether a casualty occurred. In addition, whenever a highway-rail grade crossing accident/incident results in damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, or roadbed, that accident/incident shall be reported to the FRA on Form FRA F 6180.54. For reporting purposes, damages include labor costs and all other costs to repair or replace in kind damaged on-track equipment, signals, track, track structures, or roadbed, but do not include the cost of clearing a wreck.

(c) Group II—Rail equipment. Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God, and other events involving the operation of on-track equipment (standing or moving) that result in damages higher than the current reporting threshold (i.e., $6,700 for calendar years 2002 through 2005, $7,700 for calendar year 2006, $8,500 for calendar year 2007, $8,900 for calendar year 2008, $9,200 for calendar year 2009, $9,400 for calendar year 2010, $9,500 for calendar year 2011, $9,900 for calendar year 2012, $10,500 for calendar year 2013, and $11,000 for calendar year 2014) to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material. If the property of more than one railroad is involved in an accident/incident, the reporting threshold is calculated by including the damages suffered by all of the railroads involved. See § 225.23, Joint Operations. The reporting threshold will be reviewed periodically, and, if necessary, will be adjusted every year.

(d) Group III—Death, injury, or occupational illness. Each death, injury, or occupational illness that is a new case and meets the general reporting criteria listed in paragraphs (d)(1) through (6) of this section shall be reported to the FRA on Form FRA F 6180.55a, “Railroad Injury and Illness Summary (Continuation Sheet)” if an event or exposure arising from the operation of a railroad is a discernable cause of the resulting condition or a discernable cause of a significant aggravation to a pre-existing injury or illness. The event or exposure arising from the operation of a railroad need only be one of the discernable causes; it need not be the sole or predominant cause. The general injury/illness reporting criteria are as follows:

(1) Death to any person;
(2) Injury to any person that results in:
   (i) Medical treatment;
   (ii) Significant injury diagnosed by a physician or other licensed health care professional even if it does not result in death, medical treatment or loss of consciousness of any person; or
   (iii) Loss of consciousness;
(3) Injury to a railroad employee that results in:
   (i) A day away from work;
   (ii) Restricted work activity or job transfer; or
   (iii) Significant injury diagnosed by a physician or other licensed health care professional even if it does not result in death, medical treatment, loss of consciousness, a day away from work, restricted work activity or job transfer of a railroad employee;
(4) Occupational illness of a railroad employee that results in:
   (i) A day away from work;
   (ii) Restricted work activity or job transfer;
   (iii) Loss of consciousness; or
   (iv) Medical treatment;
(5) Significant illness of a railroad employee diagnosed by a physician or other licensed health care professional even if it does not result in death, a day away from work, restricted work activity or job transfer, medical treatment, or loss of consciousness;
(6) Illness or injury that:
   (i) Meets the application of any of the following specific case criteria:
      (A) Needlestick or sharps injury to a railroad employee;
      (B) Medical removal of a railroad employee;
      (C) Occupational hearing loss of a railroad employee;
      (D) Occupational tuberculosis of a railroad employee;
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(E) Musculoskeletal disorder of a railroad employee if this disorder is reportable under one or more of the general reporting criteria; or
(ii) Is a covered data case.
(e) The reporting threshold is $6,700 for calendar years 2002 through 2005, $7,700 for calendar year 2006, $8,200 for calendar year 2007, $8,500 for calendar year 2008, $9,000 for calendar year 2009, $9,200 for calendar year 2010, $9,400 for calendar year 2011, $9,500 for calendar year 2012, $9,900 for calendar year 2013, and $10,500 for calendar year 2014. The procedure for determining the reporting threshold for calendar years 2006 and beyond appears as paragraphs 1–8 of appendix B to part 225.
(Secs. 11144 and 11145, Subtitle IV of Title 49 (49 U.S.C. 11144 and 11145); secs. 1 and 6, Accident Reports Act (45 U.S.C. 431 and 437); sec. 6(e) and (f), Department of Transportation Act (49 U.S.C. 1655(e) and (f)); sec. 1.49(g) and (m), regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g) and (m))
[39 FR 43224, Dec. 11, 1974]

EDITORIAL NOTE: For Federal Register citations affecting §225.19, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§225.21 Forms.
The following forms and copies of the “FRA Guide for Preparing Accident/Incident Reports” may be obtained from the U.S. Department of Transportation, Federal Railroad Administration, Office of Safety Analysis, RRS–22, Mail Stop 25 West Building 3rd Floor, Room W33–107, 1200 New Jersey Avenue, SE., Washington, DC 20590 or downloaded from FRA’s Office of Safety Analysis Web site at http://safetydata.fra.dot.gov/officeofsafety/, and click on “Click Here for Changes in Railroad Accident/Incident Recordkeeping and Reporting.”

(a) Form FRA F 6180.54—Rail Equipment Accident/Incident Report. Form FRA F 6180.54 shall be used to report each reportable rail equipment accident/incident which occurred during the preceding month.

(b) Form FRA F 6180.55—Railroad Injury and Illness Summary. Form FRA F 6180.55 must be filed each month, even though no reportable accident/incident occurred during the month covered. Each report must include an oath or verification, made by the proper officer of the reporting railroad, as provided for attestation on the form. If no reportable accident/incident occurred during the month, that fact must be stated on this form. All railroads subject to this part, shall show on this form the total number of freight train miles, passenger train miles, yard switching train miles, and other train miles run during the month.

(c) Form FRA F 6180.55a—Railroad Injury and Illness (Continuation Sheet). Form FRA F 6180.55a shall be used to report all reportable fatalities, injuries and occupational illnesses that occurred during the preceding month.

(d) Form FRA F 6180.56—Annual Railroad Report of Manhours by State. Form FRA F 6180.56 shall be submitted as part of the monthly Railroad Injury and Illness Summary (Form FRA F 6180.55) for the month of December of each year.

(e) Form FRA F 6180.57—Highway-Rail Grade Crossing Accident/Incident Report. Form FRA F 6180.57 shall be used to report each highway-rail grade crossing accident/incident which occurred during the preceding month.

(f) Form FRA F 6180.81—Employee Human Factor Attachment. Form FRA F 6180.81 shall be used by railroads, as a supplement to the Rail Equipment Accident/Incident Report (Form FRA F 6180.54), in reporting rail equipment accidents/incidents that they attribute to an employee human factor. This form shall be completed in accordance with instructions printed on the form and in the current “FRA Guide for Preparing Accident/Incident Reports.” The form shall be attached to the Rail Equipment Accident/Incident Report and shall be submitted within 30 days after expiration of the month in which the accident/incident occurred.

(g) Form FRA F 6180.78—Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor: Employee Statement Supplanting Railroad Accident Report. When a railroad alleges, in the Employee Human Factor Attachment to a Rail Equipment Accident/Incident Report, that the act, omission, or physical condition of a specific employee was a primary or contributing cause of