

**South Carolina
Office of Regulatory Staff**

Annual Report

**Railroad Transportation
Activities**

2013

November 5, 2014



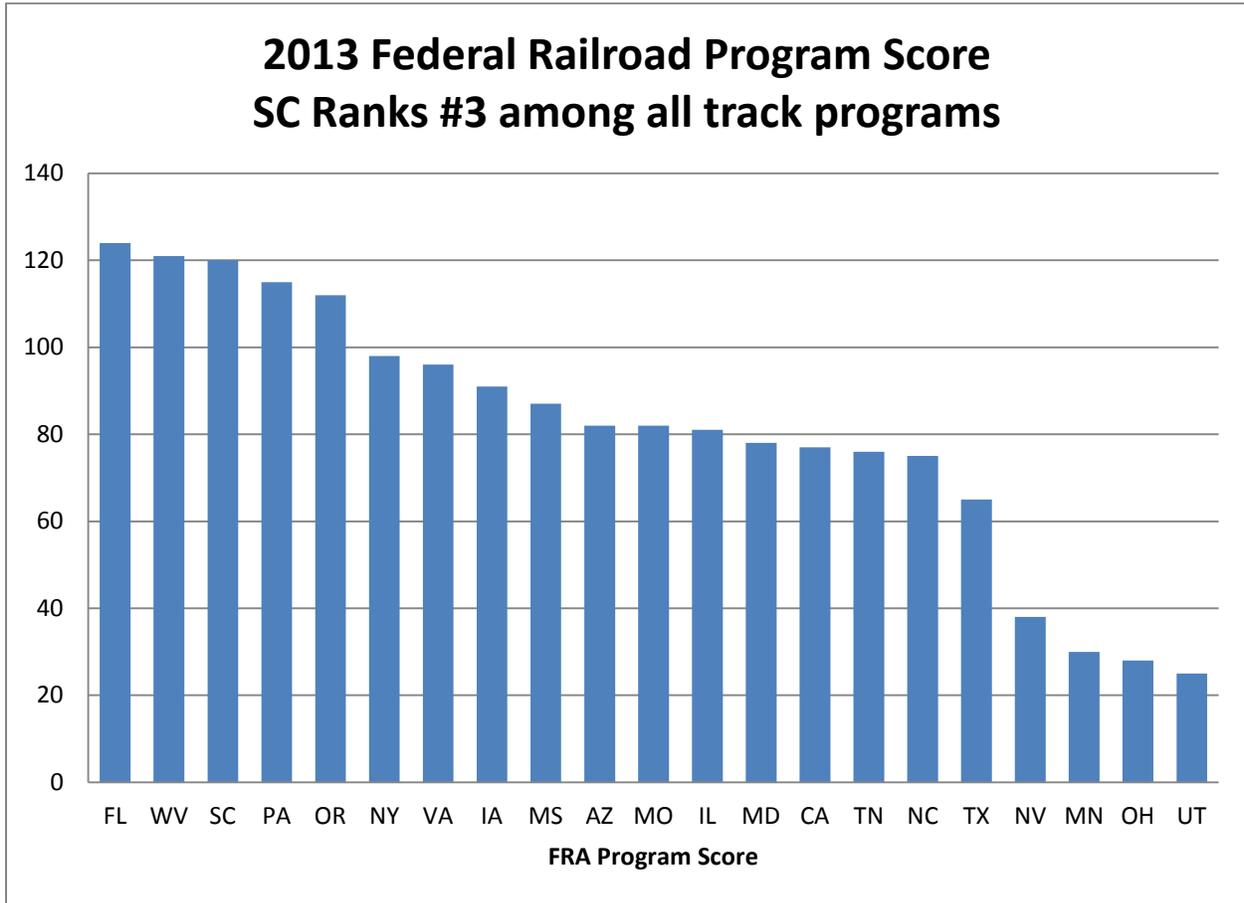
INTRODUCTION

The South Carolina Office of Regulatory Staff (“ORS”) has been directed by the South Carolina General Assembly (S.C. Code Ann. Section 58-17-140 as amended by 2006 S.C. Acts No. 318) to compile information regarding railroad transportation activities in the State on an annual basis. In 2013, ORS shared the responsibility for railroad safety oversight with the Federal Railroad Administration (“FRA”) in two areas: 1) Track and 2) Operating Practices (“OP”). The FRA Track Division promoted an understanding of and compliance with the Federal Track Safety Standards and provided technical expertise of the track safety standards, roadway worker standards, and the roadway maintenance machine standards, relevant to 49CFR 213 and 214 disciplines. The OP Division promoted an understanding of and compliance with Federal Operating Practices Standards and provided technical expertise regarding railroad carrier operating rules, employee qualification guidelines, and carrier training and testing programs; railroad occupational safety and health standards; the Hours of Service Act; and accident and personal injury reporting requirements. This document reports the activities of ORS related to its duties and addresses railroad accidents recorded by the FRA for South Carolina.

FEDERAL RAILROAD PROGRAM SCORE

Each year, the FRA uses an evaluation program to assess the strengths and weaknesses of each state with respect to implementation, impact, and long-term viability. The overall goal of these evaluations is to hold each state accountable, and to provide direction and guidance for designing programs to be as efficient as possible. The evaluation begins by identifying stakeholders, and then logic models are designed to clearly explain the implementation of the changes being proposed. A score is generated after looking at elements such as: justifying funding, obtaining and analyzing relevant information, reporting results in a timely manner, and promoting appropriate and effective use of findings. South Carolina has met, and in many cases, exceeded the requirements as it pertains to the criteria of the evaluation. **Chart 1** illustrates that South Carolina ranks third among all track programs in the nation among the twenty-one states with track programs. ORS hired an Operating Practices inspector in mid-2013; as a result OP did not receive a program score for 2013, as the inspector was enrolled in FRA sponsored training program and not eligible to receive a score.

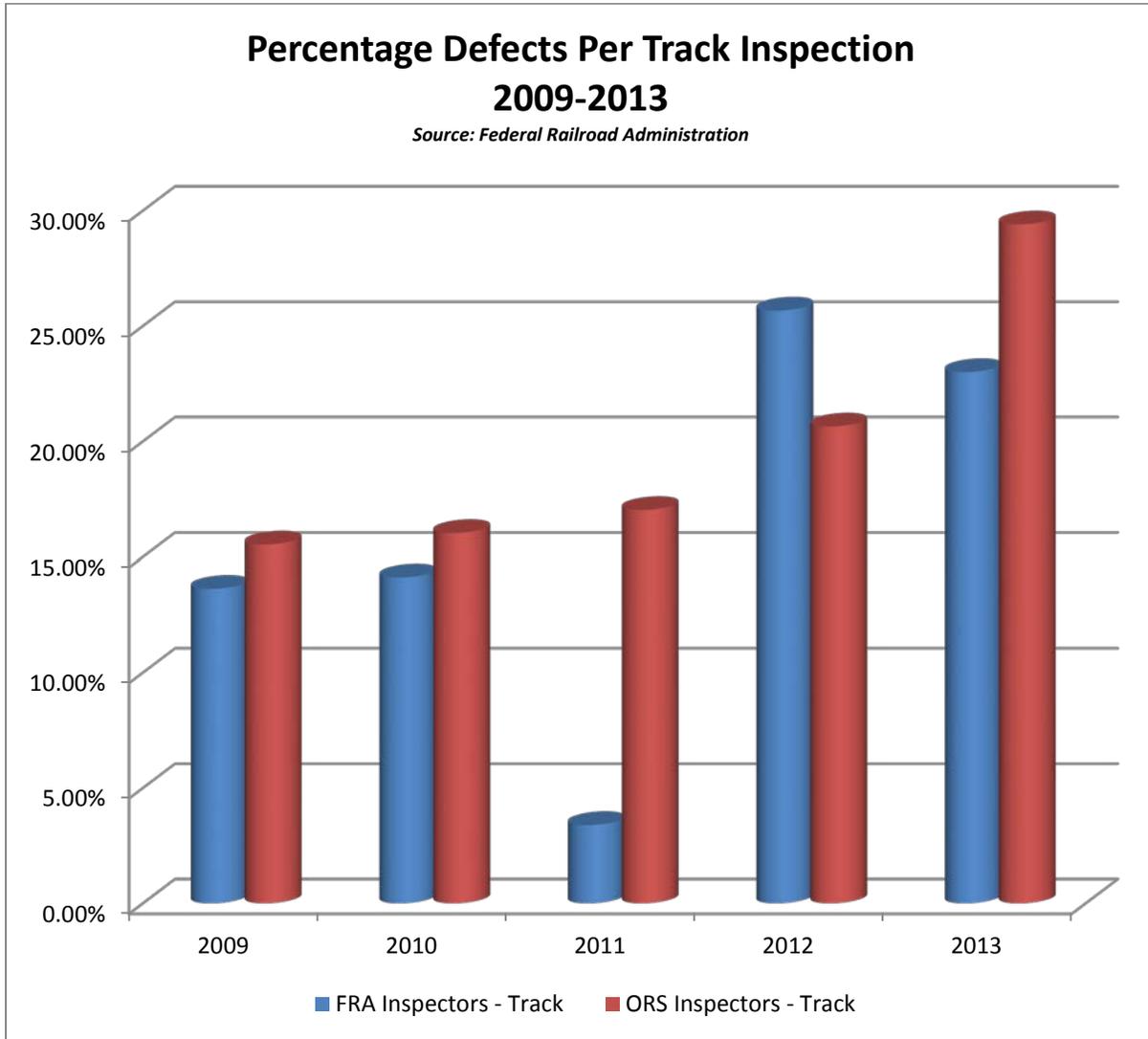
CHART 1: FEDERAL RAILROAD PROGRAM SCORE



PARTNERSHIP WITH FEDERAL RAILROAD ADMINISTRATION

Congress, through the Staggers Rail Act of 1980, intended to create a competitive economic environment for railroad transportation by deregulating the rates and charges of railroads. The Rail Safety Act and its amendments authorized states to work with the FRA to enforce federal railroad safety regulations. As a result of this legislation, ORS inspectors work in partnership with the FRA to provide routine compliance inspections for two FRA disciplines: 1) Track and 2) OP. ORS only had its OP inspector for six months during 2013. The Program was able to conduct 280 routine inspections, detected 11 safety violations, and documented 1028 safety defects. ORS inspects approximately 2600 miles of track in South Carolina, annually. The ORS track inspector has discovered a comparable percentage of defects per inspection as those discovered by the federal counterparts. The most recent five (5) years are illustrated in **Chart 2** below.

CHART 2: TRACK INSPECTIONS



RAILROAD ACCIDENTS AND INCIDENTS IN SOUTH CAROLINA

The partnership between the FRA and ORS focuses on regulatory oversight activities to promote safety in railroad operations with the goal of reducing rail-related accidents, incidents, and casualties. FRA conducts formal investigations of select railroad accidents and incidents to determine the cause and identify proper remedial action. If called upon by the FRA, ORS provides a supporting role in accident/incident investigation. According to the FRA Office of Safety Analysis, 124 reportable accidents/incidents were recorded for 2013.

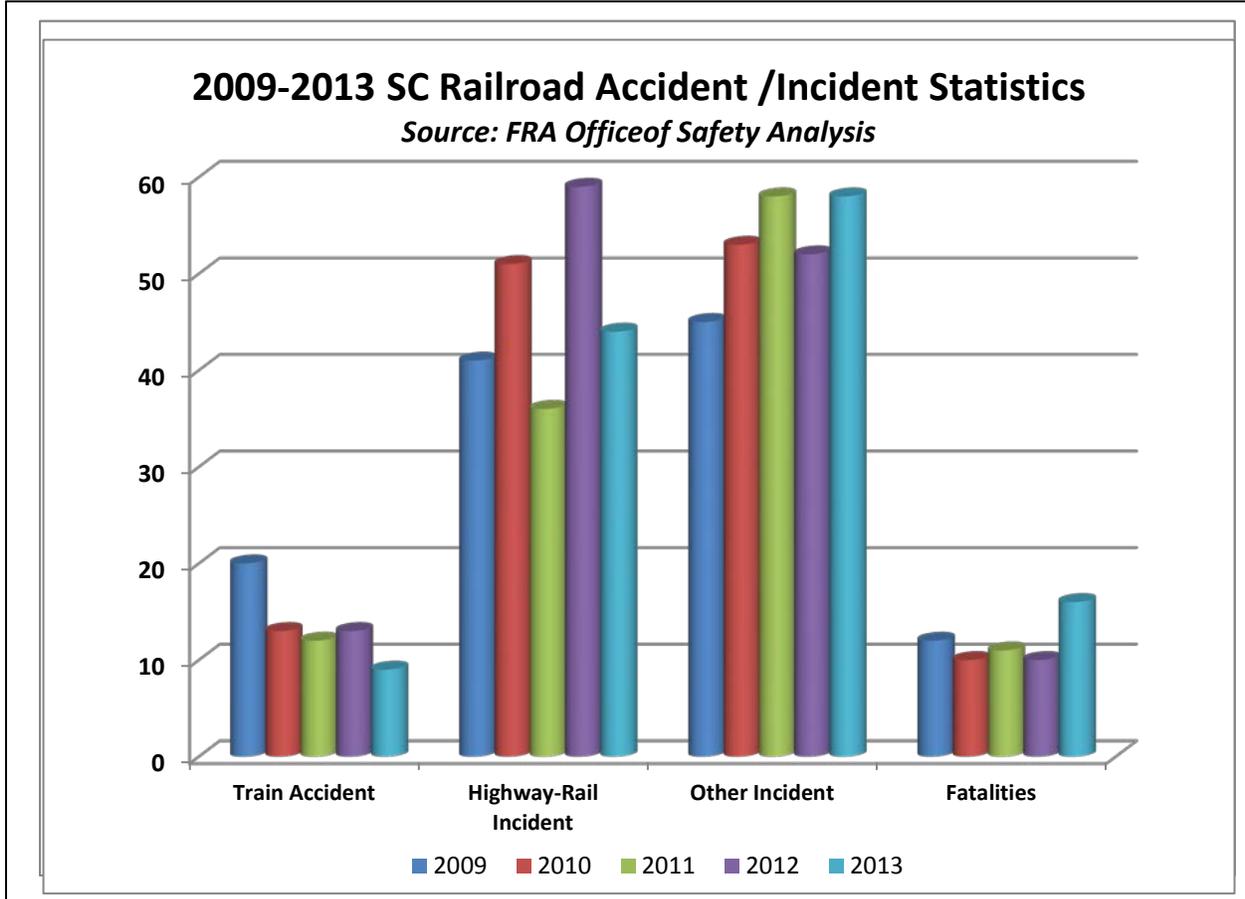
The FRA Office of Safety Analysis categorizes reportable accidents/incidents into three categories:

- 1 Train Accident An event involving on-track rail equipment that results in monetary damage to the equipment and track.

- 2 Highway-Rail Incidents Any impact between a rail and highway user at a crossing site, regardless of severity. This includes motor vehicles and other highway/roadway/sidewalk users at both public and private crossings.

- 3 Other Incidents Events other than train accidents or crossing incidents, that caused death or nonfatal condition to any person. Most fatalities in this category are due to trespassing.

Chart 3 provides a detailed breakdown of the 2009 through 2013 reportable railroad accident and incident statistics, as well as fatalities that occurred in South Carolina.

CHART 3: RAILROAD ACCIDENT AND INCIDENT STATISTICS**CONCLUSION**

In 2013, ORS monitored the South Carolina rail transportation system for compliance with federal regulations in the areas of Track and OP. ORS encouraged railroad operators to exceed the regulations and to remedy defects and violations in a timely manner. In addition, ORS co-sponsored Operation Lifesaver to promote the three E's – education, enforcement, and engineering – in order to keep people safe near railroad tracks and crossings in the State. ORS offered free railroad safety education to school children and community groups across South Carolina. ORS also received State Warning Point alerts from the South Carolina Emergency Management Division related to rail incidents within the State to enable quick response to any accident/incident. Finally, each inspector undergoes yearly recurrency training sponsored by the FRA in his discipline, and the State Program Manager remains in constant contact with the FRA in order to receive regulatory updates and guidance on enforcement of FRA rules and regulations.