

Attention: One or more violations have been cited on this report.

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION (FRA)

INSPECTION REPORT

OMB Approval No.: 2130-0509

Inspector's Name CALDWELL, RANDY C.		Inspector's Signature		Inspector's ID No. P4816	Report No. 20	Date yy mm dd 2009 03 11		
Railroad/Company Name & Address Capital Metro Railroad 2910 East 5th Street Austin TX 78702				R/C R	Division SYSTEM	RR/Co. Representative (Receipt Acknowledged) Name Bill LeJeune <i>3-13-09 11:30</i>		
				RR/Co. Code CMTY	Subdivision SYSTEM	Title DIRECTOR OF COMMUTER RAIL Signature <i>[Signature]</i>		
From: City AUSTIN	Codes 0330	Destination City & County			Codes	From Latitude		
State TX	48	City				From Longitude		
County TRAVIS	C453	County				To Latitude		
Mile Post: From	To	Inspection Point NORTH OPERATIONS OFFICE AND JOINT USE CORRIDOR				To Longitude		
Activity Code:	240	228	219					
Units:	27	3	2					

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
1										N	N	0	

Description - [**** Comment to Railroad/Company ****]
 FOR CLARITY OF THIS REPORT THERE ARE MANY LINE ITEMS THAT WILL APPEAR TO BE DUPLICATE AT FIRST GLANCE. THIS IS DUE TO THE FACT THAT THERE ARE TWO SEPERATE INCIDENTS WHICH OCCURRED FEBRUARY 18, 2009 (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE) AND FEBRUARY 19, 2009 (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE) INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. 49 CFR 240.117 (e)(4)
 NOTE: CAPITAL METRO RAILROAD DMU COMMUTER TRAIN CMTY 106 OF FEBRUARY 18, 2009 HAD A TOTAL OF THREE (3) STUDENT DMU ENGINEERS ONBOARD AT TIME OF INCIDENT AND CAPITAL METRO RAILROAD DMU COMMUTER TRAIN CMTY 105 OF FEBRUARY 19, 2009 HAD A TOTAL OF FOUR (4) STUDENT DMU ENGINEERS ONBOARD AT TIME OF INCIDENT.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code: Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
2				240	0307	A				N	N	1	240

Description
 EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (A). FAILURE OF RAILROAD TO REVOKE CERTIFICATION, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code: Date(mm/dd/yyyy): Comments on back?

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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
3				240	0307	A				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (A). FAILURE OF RAILROAD TO REVOKE CERTIFICATION, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
4				240	0307	B2I				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(2). PENDING REVOCATION RAILROAD FAILED TO: PROVIDE PROPER NOTICE OF: CERTIFICATE SUSPENSION, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
5				240	0307	B2I				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(2). PENDING REVOCATION RAILROAD FAILED TO: PROVIDE PROPER NOTICE OF: CERTIFICATE SUSPENSION, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
6				240	0307	B2II				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(2). PENDING REVOCATION RAILROAD FAILED TO: PROVIDE PROPER NOTICE OF: THE PENDING REVOCATION, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
7				240	0307	B2II				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(2). PENDING REVOCATION RAILROAD FAILED TO: PROVIDE PROPER NOTICE OF: THE PENDING REVOCATION, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
8				240	0307	B2III				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(2). PENDING REVOCATION RAILROAD FAILED TO: PROVIDE PROPER NOTICE OF: AN OPPORTUNITY FOR A HEARING BEFORE A PRESIDING OFFICER OTHER THAN THE INVESTIGATING OFFICER, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:
 Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code [][] Date(mm/dd/yyyy): [] Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
9				240	0307	B2III				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(2). PENDING REVOCATION RAILROAD FAILED TO: PROVIDE PROPER NOTICE OF: AN OPPORTUNITY FOR A HEARING BEFORE A PRESIDING OFFICER OTHER THAN THE INVESTIGATING OFFICER, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:
 Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code [][] Date(mm/dd/yyyy): [] Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
10				240	0307	B3				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(3). PENDING REVOCATION RAILROAD FAILED TO: CONVENE A HEARING WITHIN THE 10 DAYS REQUIRED BY THE REGULATIONS, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:
 Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code [][] Date(mm/dd/yyyy): [] Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
11				240	0307	B3				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(3). PENDING REVOCATION RAILROAD FAILED TO: CONVENE A HEARING WITHIN THE 10 DAYS REQUIRED BY THE REGULATIONS, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:
 Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code [][] Date(mm/dd/yyyy): [] Comments on back?

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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
12				240	0307	B5				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(5). PENDING REVOCATION RAILROAD FAILED TO: IMPOSE PROPER PERIOD OF REVOCATION, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
13				240	0307	B5				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (B)(5). PENDING REVOCATION RAILROAD FAILED TO: IMPOSE PROPER PERIOD OF REVOCATION, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
14				240	0307	C				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (C). FAILURE OF RAILROAD TO FOLLOW PROPER HEARING PROCEDURES IN ABSENCE OF COLLECTIVE BARGAINING AGREEMENT (CBA), ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE) THERE IS NO VERIFICATION THAT THE HEARING WAS WAIVED AS REQUIRED BY 49 CFR 240.307 (C)(1).

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
15				240	0307	C				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.307 (C). FAILURE OF RAILROAD TO FOLLOW PROPER HEARING PROCEDURES IN ABSENCE OF COLLECTIVE BARGAINING AGREEMENT (CBA), ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE) THERE IS NO VERIFICATION THAT THE HEARING WAS WAIVED AS REQUIRED BY 49 CFR 240.307 (C)(1).

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
16				240	0117	C2				N	N	1	240

Description
EXCEPTION TAKEN. INSPECTED FOR COMPLIANCE OF 49 CFR 240.117 (C)(2). FAILURE TO REVOKE CERTIFICATE OF DESIGNATED SUPERVISOR OF DMU ENGINEER (DSDE), ROBERT CURRIE, ON AN INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
17				240	0117	C2				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.117 (C)(2). FAILURE TO REVOKE CERTIFICATE OF DESIGNATED SUPERVISOR OF DMU ENGINEER (DSDE) PENNY PAGE, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
18				228	0017	A11				N	N	1	228

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 228.17 (A)(11). THE RAILROAD FAILED TO INCLUDE IN EACH DISPATCHERS RECORD OF TRAIN MOVEMENTS A BRIEF DESCRIPTION OF THE UNUSUAL EVENTS AFFECTING THE MOVEMENT OF TRAINS AND THE IDENTIFICATION OF DMU COMMUTER TRAINS AFFECTED ON THE DISTRICT OF RECORD. (THIS IS A SECOND FAILURE SEE MY REPORT RCC-2008-38) FOR INCIDENT THAT OCCURRED ON FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
19				228	0017	A5				N	N	1	228

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 228.17 (A)(5). THE RAILROAD FAILED TO INCLUDE IN EACH DISPATCHERS RECORD OF TRAIN MOVEMENTS THE IDENTIFICATION OF ENGINEMEN AND THEIR TIMES ON DUTY FOR EACH DMU COMMUTER TRAIN DISPATCHED ON OR OVER THE DISTRICT OF RECORD.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

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Inspector's ID No. P4816	Report No. 20	Report Date 03/11/2009
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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
20				228	0017	A6				N	N	1	228

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 228.17 (A)(6). THE RAILROAD FAILED TO INCLUDE IN EACH DISPATCHERS RECORD OF TRAIN MOVEMENTS THE IDENTIFICATION OF DMU COMMUTER TRAIN AND ENGINES BEING DISPATCHED ON OR OVER THE DISTRICT OF RECORD.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
21				219	0300	A1				N	N	1	219

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 219.300 (A)(1) AND 219.301 (b)(3)(i)(A). FAILURE TO CONDUCT FEDERAL DRUG AND ALCOHOL TEST WHEN REASONABLE SUSPICION CRITERIA IS MET, ON INCIDENT THAT OCCURRED FEBRUARY 18, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 106-ROBERT CURRIE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
22				219	0300	A1				N	N	1	219

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 219.300 (A)(1) AND 219.301 (b)(3)(i)(A). FAILURE TO CONDUCT FEDERAL DRUG AND ALCOHOL TEST WHEN REASONABLE SUSPICION CRITERIA IS MET, ON INCIDENT THAT OCCURRED FEBRUARY 19, 2009 INVOLVING OCCUPYING MAIN TRACK OR A SEGMENT OF MAIN TRACK WITHOUT PROPER AUTHORITY OR PERMISSION. (DMU COMMUTER TRAIN CMTY 105-PENNY PAGE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
23				240	0201	D				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.201 (D). ALLOWING UNCERTIFIED PERSON TO OPERATE A DMU LOCOMOTIVE. DIRECTOR OF SAFETY AND TRAINING, PENNY PAGE DID NOT HAVE ANY RECORDS TO SUPPORT CERTIFICATION AS A CERTIFIED DMU TRAIN SERVICE ENGINEER.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
24				240	0205	B1				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.205 (B). FAILURE TO HAVE WRITTEN DOCUMENTS ON FILE OF: MOTOR VEHICLE HISTORY FOR DMU TRAIN SERVICE ENGINEER STEVE GASTON.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

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(Continuation)

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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
25				240	0205	B1				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.205 (B). FAILURE TO HAVE WRITTEN DOCUMENTS ON FILE OF: MOTOR VEHICLE HISTORY FOR DMU TRAIN SERVICE ENGINEER NARVIN LOGANS.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
26				240	0215	B3				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.215 (B)(3). FAILURE TO MAINTAIN ELIGIBILITY RECORD THAT INCLUDES: RELEVANT DATA ON MOTOR VEHICLE SAFETY CONDUCT ON DIRECTOR OF SAFETY AND TRAINING, PENNY PAGE.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
27				240	0215	C1				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.215 (C)(1). FAILURE TO MAINTAIN HEARING AND VISUAL ACUITY RECORD THAT INCLUDES: TEST RESULTS OF ACUITY TEST ON DIRECTOR OF SAFETY AND TRAINING, PENNY PAGE.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
28				240	0215	D1				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.215 (D)(1). FAILURE TO MAINTAIN KNOWLEDGE TEST RECORD THAT INCLUDES: TEST DATA CONCERNING PERSON'S PASS OR FAILURE ON DIRECTOR OF SAFETY AND TRAINING, PENNY PAGE.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/ USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
29				240	0215	E1				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.215 (E)(1). FAILURE TO MAINTAIN PERFORMANCE SKILLS TEST RECORD THAT INCLUDES: TEST DATA CONCERNING PASS OR FAIL RESULTS ON DIRECTOR OF SAFETY AND TRAINING, PENNY PAGE.

Violation Recommended Yes No Latitude: Longitude:

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Inspector's ID No. P4816	Report No. 20	Report Date 03/11/2009
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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
30				240	0109	B1				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.109 (B)(1). FAILURE TO EVALUATE PRIOR SAFETY CONDUCT. DOCUMENTATION MISSING IN ROBERT CURRIE'S ENGINEER FILE THAT HAS NOT BEEN EVALUATED PRIOR TO CERTIFICATION IS PRIOR SAFETY CONDUCT DESIGNED TO CONFORM WITH THE PROCEDURAL REQUIREMENTS OF § 240.111, § 240.113, § 240.115, § 240.117, § 240.119, and § 240.217.

Violation Recommended	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Latitude:	Longitude:
Written Notification to FRA of Remedial Action is:	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Optional	Railroad Action Code	Date(mm/dd/yyyy):
Comments on back?			

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
31				240	0127	B				N	N	1	240

Description
EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF 49 CFR 240.127. CRITERIA FOR EXAMINING SKILL PERFORMANCE. CAPITAL METRO DOES NOT HAVE ANY PUBLISHED SAFETY AND TRAIN HANDLING RULES, AIR BRAKE RULES OR LOCOMOTIVE STANDARDS. ALL ENGINEER CERTIFICATIONS ARE IN QUESTION WITHOUT THESE IMPORTANT COMPONENTS TO PROPERLY EXAMINE A PERSONS SKILLS. (SEE REFERENCE APPENDIX E TO PART 240) "Compliance with the railroad's operating rules, including its safety directives and train handling rules, and compliance with Federal regulations should be carefully monitored. But, in order to effectively evaluate employees, it is necessary to have something against which to compare their performance. In order to hold a locomotive engineer accountable for compliance, a railroad must have adequate operating, safety and train handling rules. (CONTINUED ON NEXT LINE)

Violation Recommended	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Latitude:	Longitude:
Written Notification to FRA of Remedial Action is:	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Optional	Railroad Action Code	Date(mm/dd/yyyy):
Comments on back?			

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
32										N	N	0	

Description - [** Comment to Railroad/Company **]
Any railroad that fails to have adequate operating, safety, or train handling rules will experience difficulty in establishing a objective method of measuring an individual's skill level. The absence of such criteria results in the lack of a meaningful yardstick for the designated supervisor of locomotive engineers to use in measuring the performance of locomotive engineers. It also is essential to have a definite standard so that the engineer and any reviewing body can know what the certification candidate is being measured against." JOHN STANLEY HAS STATED THAT VEOLIA IS WORKING ON THESE DOCUMENTS AND THEY ARE 80-90% COMPLETE AND SHOULD BE COMPLETED SOON. HE HAS STATED THAT WHEN COMPLETE THEY PLAN ON PUTTING OUT A GENERAL NOTICE FOR EVERYONE TO BE AWARE OF COMPLIANCE OF THE REQUIREMENTS WITHIN THE DOCUMENTS.

Violation Recommended	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Latitude:	Longitude:
Written Notification to FRA of Remedial Action is:	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Optional	Railroad Action Code	Date(mm/dd/yyyy):
Comments on back?			

Inspector's ID No. P4816	Report No. 20	Report Date 03/11/2009
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Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
33										N	N	0	

Description - **[** Comment to Railroad/Company **]**
 On October 17, 2008 Capital Metro Railroad submitted to the FRA their 49 CFR Part 240 DMU Engineer Certification Program naming Director of Safety and Training, Penny Page as the only Designated Supervisor of DMU Engineers for Capital Metro Railroad.
 On December 15, 2008 the Capital Metro Railroad revised their 49 CFR Part 240 DMU Engineer Certification Program with updates including listing Robert Currie as the only Designated Supervisor of DMU Engineers. Director of Safety and Training, Penny Page was not listed as a Designated Supervisor of DMU Engineers in the updated revisions of December 15, 2008.
 The documents required by the recordkeeping requirements under 49 CFR Part 240 do not support the railroads decision to qualify Director of Safety and Training, Penny Page as a Designated Supervisor of DMU Engineers or Robert Currie as a Designated Supervisor of DMU Engineers.
 (CONTINUED NEXT LINE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
34										N	N	0	

Description - **[** Comment to Railroad/Company **]**
 As the DMU Engineer Certification Program Administrator of Capital Metro Railroad's 49 CFR Part 240 DMU Engineer Certification Program for both 49 CFR Part 240 DMU Certification Programs submitted to FRA, Penny Page was unable to produce any signed documents supporting the railroads decision as required under 49 CFR Part 240.105 identifying her qualifications as a Designated Supervisor of DMU Engineers.
 As listed in the Capital Metro Railroad 49 CFR Part 240 DMU Engineer Certification Program Gord Ryan is named the contact person for Capital Metro Railroad and had made the determination to qualify Robert Currie on February 12, 2009 as a Designated Supervisor of DMU Engineer, without prior determination that Robert Currie meets the eligibility requirements of § 240.115 involving prior conduct as a motor vehicle operator, § 240.117 involving prior conduct as a railroad worker, and § 240.119 involving substance abuse disorders and alcohol/drug rules compliance.
 (CONTINUED NEXT LINE)

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?

Item	Initials/Milepost	Equipment/Track #	Type/Kind	49 CFR/USC	Defect	Subrule	Speed	Class	Train #/Site	SNFR*	RCL**	# of Occ.***	Activity Code
35										N	N	0	

Description - **[** Comment to Railroad/Company **]**
 Capital Metro Railroad cannot produce records indicating the qualifications of Director of Safety and Training, Penny Page as being qualified to be a certified DMU Train Service Engineer or a Designated Supervisor of DMU Engineers for Capital Metro Railroad from Oct 16, 2008 to Dec 15, 2008 all actions she took toward compliance of 49 CFR Part 240 DMU Engineer Certification Program should be reconsidered.
 Robert Currie does not currently have the required documentation for DMU Train Service Engineer certification as required under Capital Metro's 49 CFR Part 240 DMU Engineer Certification Program all actions he has taken as a Designated Supervisor of DMU Engineer since February 12, 2009 should be reconsidered.
 Immediate action will need to be taken to gain compliance with Federal Regulations under 49 CFR Part 240.

Violation Recommended Yes No Latitude: Longitude:

Written Notification to FRA of Remedial Action is: Required Optional Railroad Action Code Date(mm/dd/yyyy): Comments on back?