

DATE: December 11, 2023

TO: Andrew Brody, Director, Rail and Bus Safety
Eric Anderson, Manager, Rail System Safety

FROM: Aimee Gillespie, Associate Auditor, Program Evaluation and Audit

CC: Matt LaTour, Chief Audit Executive 
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SUBJECT: NorthStar Accident/Incident Internal Control Plan Review: October 2022 through September 2023

Background

The Code of Federal Regulations (CFR) Title 49, Part 225.33, *Railroad Accidents/Incidents: Reports Classification and Investigations*, requires that “each railroad shall adopt and comply with a written Internal Control Plan that shall include, at a minimum, each of the following components:

1. A policy statement declaring the railroad's commitment to complete and accurate reporting of all accidents, incidents, injuries, and occupational illnesses arising from the operation of the railroad to full compliance with the letter and spirit of FRA's accident reporting regulations, and to the principle, in absolute terms, that harassment or intimidation of any person that is calculated to discourage or prevent such person from receiving proper medical treatment or from reporting such accident, incident, injury or illness will not be permitted or tolerated and will result in some stated disciplinary action against any employee, supervisor, manager, or officer of the railroad committing such harassment or intimidation.
2. The dissemination of the policy statement; complaint procedures. Each railroad shall provide to all employees, supervisory personnel, and management the policy statement described above. Each railroad shall have procedures to process complaints from any person about the policy stated above being violated, and to impose the appropriate prescribed disciplinary actions on each employee, supervisor, manager, or officer of the railroad found to have violated the policy. These procedures shall be disclosed to railroad employees, supervisors, managers, and officers. The railroad shall provide whistle blower protection to any person subject to this policy, and such policy shall be disclosed to all railroad employees, supervisors, and management.
3. Copies of internal forms and/or a description of the internal computer reporting system used for the collection and internal recording of accident and incident information.
4. A description of the internal procedures used by the railroad for the processing of forms and/or computerized data regarding accident and incident information.

5. A description of the internal review procedures applicable to accident and incident information collected, and reports prepared by, the railroad's safety, claims, medical and/or other departments engaged in collecting and reporting accident and incident information.
6. A description of the internal procedures used for collecting cost data and compiling costs with respect to accident and incident information.
7. A description of applicable internal procedures for ensuring adequate communication between the railroad department responsible for submitting accident and incident reports to FRA and any other department within the railroad responsible for collecting, receiving, processing, and reporting accidents and incidents.
8. A statement of applicable procedures providing for the updating of accident and incident information prior to reporting to FRA and a statement of applicable procedures providing for the amendment of accident and incident information as specified in the FRA Guide for Preparing Accidents/Incidents Reports.
9. A statement that specifies the name and title of the railroad officer responsible for auditing the performance of the reporting function; a statement of the frequency (not less than once per calendar year) with which audits are conducted; and identification of the site where the most recent audit report may be found for inspection and photocopying.
10. (i) A brief description of the railroad organization, including identification of: (A) All components that regularly come into possession of information pertinent to the preparation of reports under this part (e.g., medical, claims, and legal departments; operating, mechanical, and track and structures departments; payroll, accounting, and personnel departments); (B) The title of each railroad reporting officer; (C) The title of each manager of such components, by component; and (D) All officers to whom managers of such components are responsible, by component. (ii) A current organization chart satisfies paragraphs (a)(10)(i) (B), (C), and (D) of this section.
11. In the case of the Form FRA F 6180.107 or the alternate railroad-designed form, a statement that specifies the name, title, and address of the custodian of these records, all supporting documentation, such as medical records, and where the documents are located.

Results of Review

Program Evaluation and Audit (Audit) compared the Northstar Commuter Rail Accident/Incident Internal Control Plan (ICP) with the eleven required elements stated above.

- No revisions were made over the past 12 months to 49 CFR 225.33, *Railroad Accidents/Incidents: Reports Classification and Investigations*, affecting these elements. No revisions were made to Northstar Commuter Rail's ICP in the past 12 months.
- All 11 items are included in the Northstar Commuter Rail ICP.

Audit also conducted a review of the "reporting function" as required by Item 9, above.

- The accidents/incidents, and the supporting documentation, that occurred during the period October 1, 2022, through September 30, 2023, have been accounted for, including three that required reporting to the Federal Railroad Administration.

- Every month, Metro Transit Rail Safety is uploading the completed FRA F 6180.55 forms to the FRA, retains a signed hardcopy of the form, and a copy of the upload receipt.

Further Action

Audit will continue to conduct annual independent reviews of Northstar Commuter Rail accident/incident reporting and the ICP.