

**South Carolina
Office of Regulatory Staff**

Annual Report

**Railroad Transportation
Activities**

2016

November 2, 2017



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 2016, the ORS continued to share 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 understanding of and compliance with the federal Track Safety standards and provided technical expertise regarding track safety standards, roadway worker standards, and roadway maintenance machine standards, relevant to 49 CFR 213 and 214 disciplines. The OP Division promoted 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 the ORS related to its duties and addresses railroad accidents recorded by the FRA for South Carolina.

PARTNERSHIP WITH FEDERAL RAILROAD ADMINISTRATION

Through the Staggers Rail Act of 1980, Congress 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. The ORS inspects approximately 2,600 miles of track and accompanying railroad operations annually. In 2016, the ORS conducted 292 routine inspections, compiled 270 inspection reports, detected 17 safety violations, and documented 773 safety defects through these inspections.

The ORS coordinated closely with the FRA in non-inspection matters as well. As a participating state, ORS inspectors were able to participate in accident and investigation training and discipline recurrency training sponsored by the FRA. Through seminars and webinars sponsored by the FRA, the ORS was able to track and monitor regulation

promulgation pertaining to train length and securement. The ORS worked closely with FRA track and OP inspectors to coordinate inspections and referred highway-rail grade crossing complaints to FRA Grade Crossing inspectors, when appropriate. In May 2016, ORS co-hosted the FRA Region III Biannual Seminar in Charleston which allowed the ORS to achieve additional training without incurring out-of-state travel expenses.

STATE INSPECTOR PERFORMANCE

In 2016, the ORS ranked highly in performance outputs when compared to other state inspectors. **Chart 1** illustrates that track inspections and reports exceeded the national average among all state track inspectors. **Chart 2** demonstrates that OP inspections and reports exceeded the national average among all state OP inspectors.

CHART 1: STATE PROGRAM PERFORMANCE OUTPUTS--TRACK

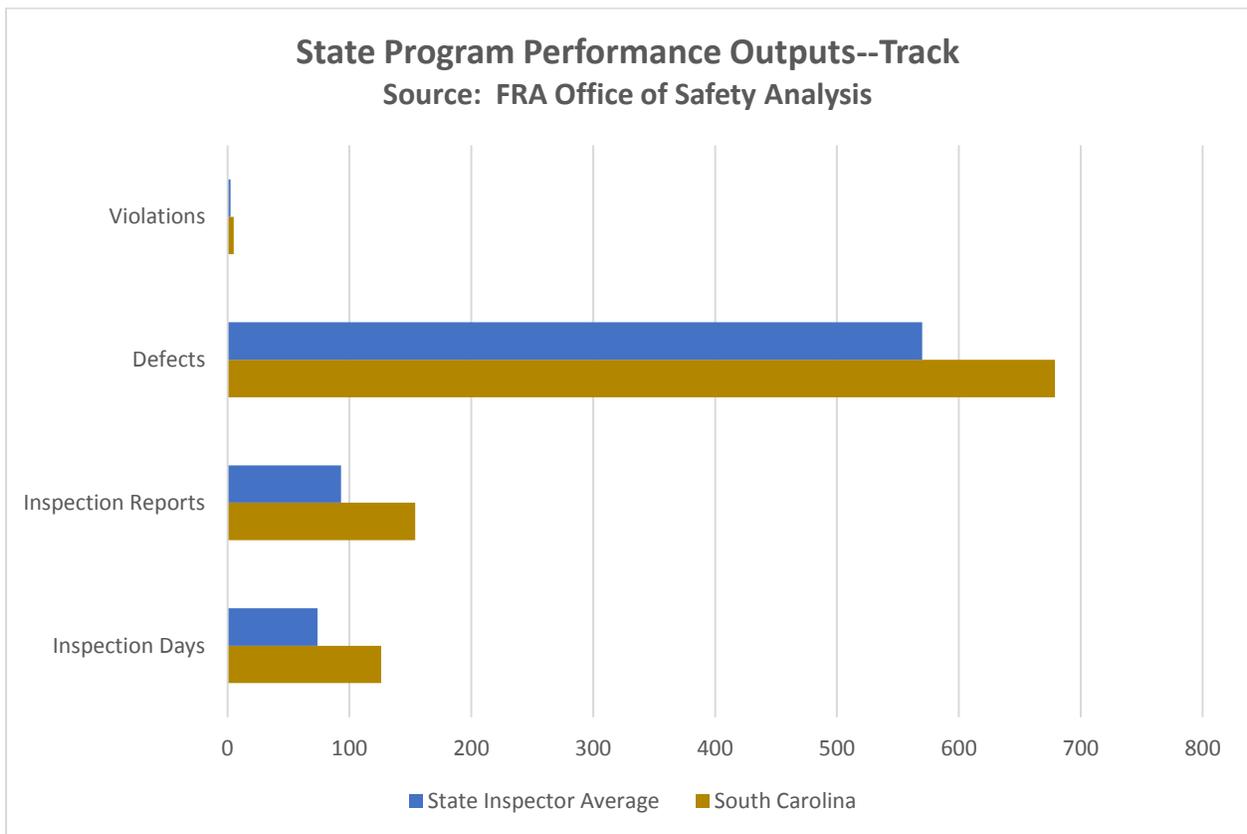
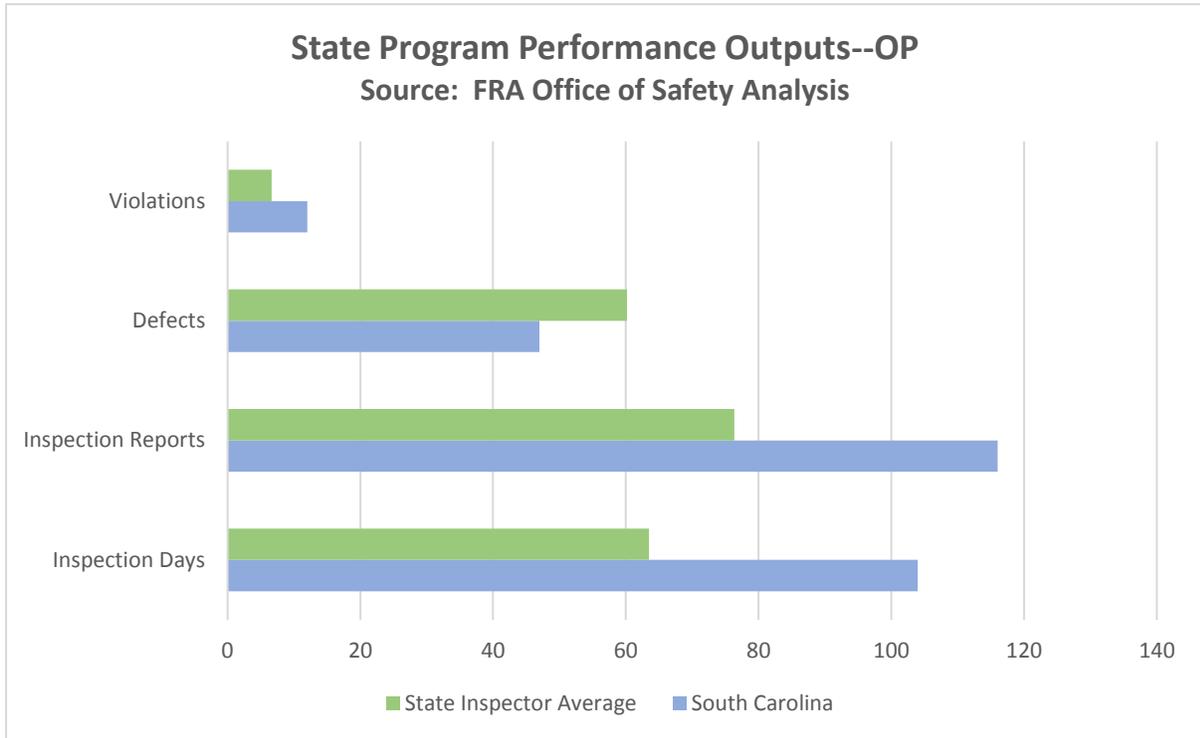


CHART 2: STATE PROGRAM PERFORMANCE OUTPUTS-OP



Also, the ORS routinely attended industry training, provided technical assistance to operators, and delivered speeches and presentations to industry and to county and state emergency managers.

RAILROAD ACCIDENTS AND INCIDENTS IN SOUTH CAROLINA

The partnership between the FRA and the ORS focuses on regulatory oversight activities to promote safety in railroad operations with the goal of reducing rail-related accidents, incidents, and casualties. The 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, the ORS provides a supporting role in accident/incident investigation. According to the FRA Office of Safety Analysis, 124 reportable accidents/incidents were recorded for 2016 in South Carolina.

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

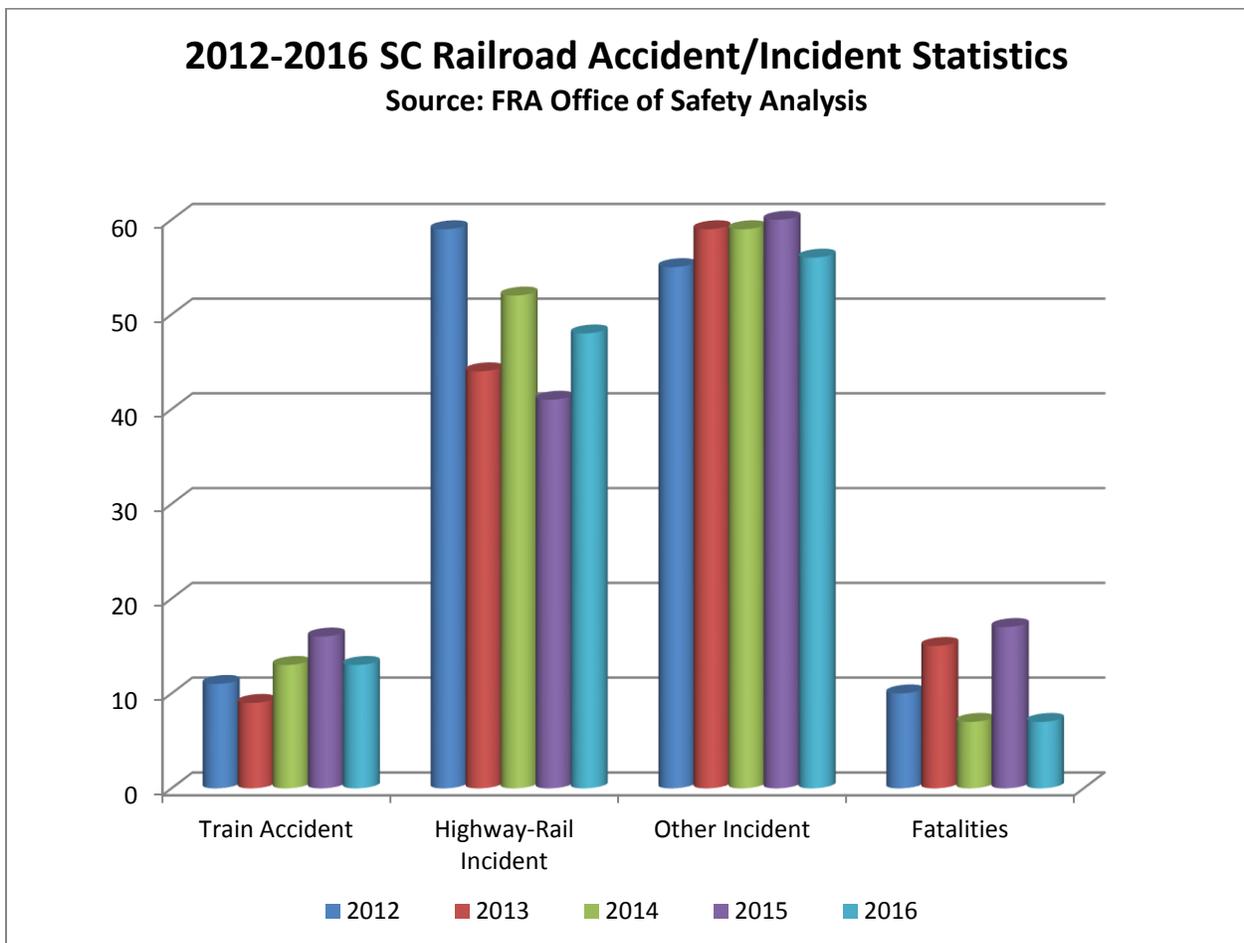
- 1 Train Accident An event involving on-track rail equipment that results in monetary damage to the equipment and track.

- 2 Highway-Rail Incidents Any impact between a rail and highway user at a crossing site, regardless of severity. This category 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 2012 through 2016 reportable railroad accident and incident statistics, as well as fatalities that occurred in South Carolina.

CHART 3: RAILROAD ACCIDENT AND INCIDENT STATISTICS



INTER-AGENCY COOPERATION

The ORS continued its training and preparations for potential incidents and accidents. The rail safety staff participated in tabletop and active exercises with Greenwood County (derailment and chemical release), South Carolina Emergency Management Division (SCEMD) (derailment and chlorine release), and Columbia Fire Department (passenger train emergency response). Consequently, when the ORS received State Warning Point alerts from the South Carolina Emergency Management Division related to rail incidents within the State, the ORS was able to respond quickly to any accident or incident. The ORS investigated 119 rail-related incidents in 2016. The ORS also attended Joint Terrorism Task Force quarterly meetings sponsored by the Federal Bureau of Investigation to assess threats against the rail industry.

In an effort to promote rail safety awareness throughout the State, the ORS continued working with the emergency management community. The ORS coordinated an effort between SCEMD and the FRA to incorporate Geographic Information Systems (GIS) data into SCEMD's common operating picture. The SCEMD and the ORS also collaborated in a tabletop exercise that simulated the use of a train locomotive as an electric generation unit to produce electricity to special medical-needs shelters during a disaster in which there is a long duration power outage. The ORS also made speeches and presentations to Local Emergency Preparedness Committees (LEPC), South Carolina Emergency Managers Association, and County Emergency Managers regarding rail safety, state warning point, and other useful tools such as the *CSX Rail Respond* website that can be used during a train emergency. In addition, the ORS coordinated with Aiken County and SCEMD to produce a rail response checklist that can be used by first responders during a train incident. The ORS also secured CSX's participation in the Governor's Hurricane Tabletop Exercise in May 2016.

In October 2016, Hurricane Matthew provided a unique opportunity for the ORS, the emergency management community, and the railroads to work together. During this emergency—CSX, Norfolk Southern, Palmetto Railways, Amtrak, FRA, South Carolina Department of Transportation, and the ORS--coordinated not only to prepare their facilities and the public for the storm, but also to restore service to the Port of Charleston in a timely manner. For instance, the ORS assisted in providing resources such as road debris clearance, which enabled the railroads to install generators for switches and signaling in the aftermath of the storm. Due to the numerous washouts and flooding that accompanied the hurricane,

the ORS monitored the re-routing of rail traffic and provided the public and commerce with information regarding the closure of tracks and recovery efforts of the rail industry. At the height of the storm on October 8, 2016, the ORS responded to a derailment near Wallace, South Carolina, that was caused by a washout due to the torrential rains.

The ORS participated in and monitored several regulatory proceedings that involved the rail industry. The ORS provided comments to the National Association of Regulatory Utility Commissioners (NARUC) Task Force on Transportation for their Rail Safety Action Plan and monitored a Petition for Rulemaking before the Public Service Commission of South Carolina related to fees that railroads could charge for other utilities to access their rights-of-way.

SERVING THE PUBLIC

In addition to responding to rail incidents, the ORS provided outreach to those impacted by the rail industry. The ORS co-sponsored Operation Lifesaver to promote the three Es – education, enforcement, and engineering – in order to keep people safe near railroad tracks and crossings in the State. The ORS offered free railroad safety education to school children and community groups across South Carolina.

The ORS also responded to railroad inquiries and complaints. Inspectors investigated and resolved complaints regarding erosion, abandoned lines, hazardous materials, and grade crossings. In the aftermath of the October 2015 flooding and Hurricane Matthew in 2016, the ORS worked with the public and the railroads to resolve issues caused by washouts along private property. The ORS also fielded and resolved public complaints regarding vegetation and drainage along railroad rights-of-way and train noise and train horns. The majority of complaints received by the ORS related to highway-rail grade-crossing issues concerned the safety, condition, or length of time that a train had blocked the crossing. Approximately 71% of all railroad complaints received by the ORS are related to blocked crossings, which are beyond ORS' regulatory jurisdiction. Many requests were received from local media in regard to the statutory penalties for a blocked crossing.

CONCLUSION AND RECOMMENDATIONS

In 2016, the ORS monitored the South Carolina rail transportation system for compliance with federal regulations in the areas of Track and OP. The ORS encouraged railroad operators to exceed the requirements of regulations and to remedy defects and violations in a timely manner. To ensure that inspectors are fully aware of any regulatory changes, each inspector undergoes annual training sponsored by the FRA in his discipline,

and the State Program Manager remains in constant contact with the FRA to receive regulatory updates and guidance on the enforcement of FRA rules and regulations.

Three pressing issues face the general public in regard to rail safety. Most pressing is the issue of blocked railroad crossings. S.C. Code Ann. Section § 58-17-4080 (Supp. 2015) states that any railroad that blocks a crossing for more than five minutes is subject to a fine of no more than twenty dollars. A blocked crossing hinders emergency response, slows the flow of commerce and traffic, and can create a dangerous situation for pedestrians. The ORS' largest volume of complaints is from blocked crossings, although the ORS has no regulatory jurisdiction. A second issue deals with trespassing. As the population increases in the State, the railroads are facing increasing incidents of trespassing on their tracks and rights-of-way. This situation has led to a general increase in fatalities and injuries on railroad property over the last five years. Third, while collisions at highway-rail grade crossings have decreased over the last five years, motorists continue to disregard crossing arms, cross bucks, signals, and stop signs at grade crossings. To mitigate all these incidents, the ORS recommends that penalties be increased for railroad operators whose trains block a crossing and for citizens who trespass or ignore crossing arms and other safety devices at a grade crossing.