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2020 Railroad Transportation Activities annual report

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2020 Railroad Transportation Activities Annual Report

South Carolina
Office of Regulatory Staff

ORS.SC.GOV



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November 5, 2021



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 2020, 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 promotes understanding of and compliance with the federal Track Safety standards and provides technical expertise regarding track safety standards, roadway worker standards, and roadway maintenance machine standards, relevant to 49 Code of Federal Regulations (CFR) 213 and 214 disciplines. The OP Division promotes understanding of and compliance with federal Operating Practices standards and provides technical expertise regarding railroad carrier operating rules, employee qualification guidelines, 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 for the period ending December 31, 2020.

Partnership with Federal Railroad Administration

Through the Staggers Rail Act of 1980, Congress created 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, 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. In 2020, the ORS conducted 256 routine inspections, compiled 209 inspection reports, detected 22 safety violations, and documented 630 safety defects through these inspections.

The ORS coordinated closely with the FRA in non-inspection matters throughout the year despite COVID-19's impact. As a participating state, ORS inspectors trained virtually in accident investigation and discipline recurrency sponsored by the FRA. Through seminars and webinars sponsored by the FRA, the ORS tracked and monitored regulation promulgation, trends in the rail industry, and areas of regulatory emphasis. The ORS worked with FRA Track and OP inspectors to coordinate inspections and make referrals of highway-rail grade crossing complaints, when appropriate. In October, the ORS state program manager attended virtually the Association of State Rail Safety Managers (ASRSM) annual conference and training that was sponsored by the FRA.



State Inspector Performance

In 2020, the ORS ranked highly in performance outputs when compared to other state track inspectors. **Chart 1** illustrates that inspections and reports exceeded the national average among all state track inspectors.

Chart 1: State Program Performance Outputs – Track

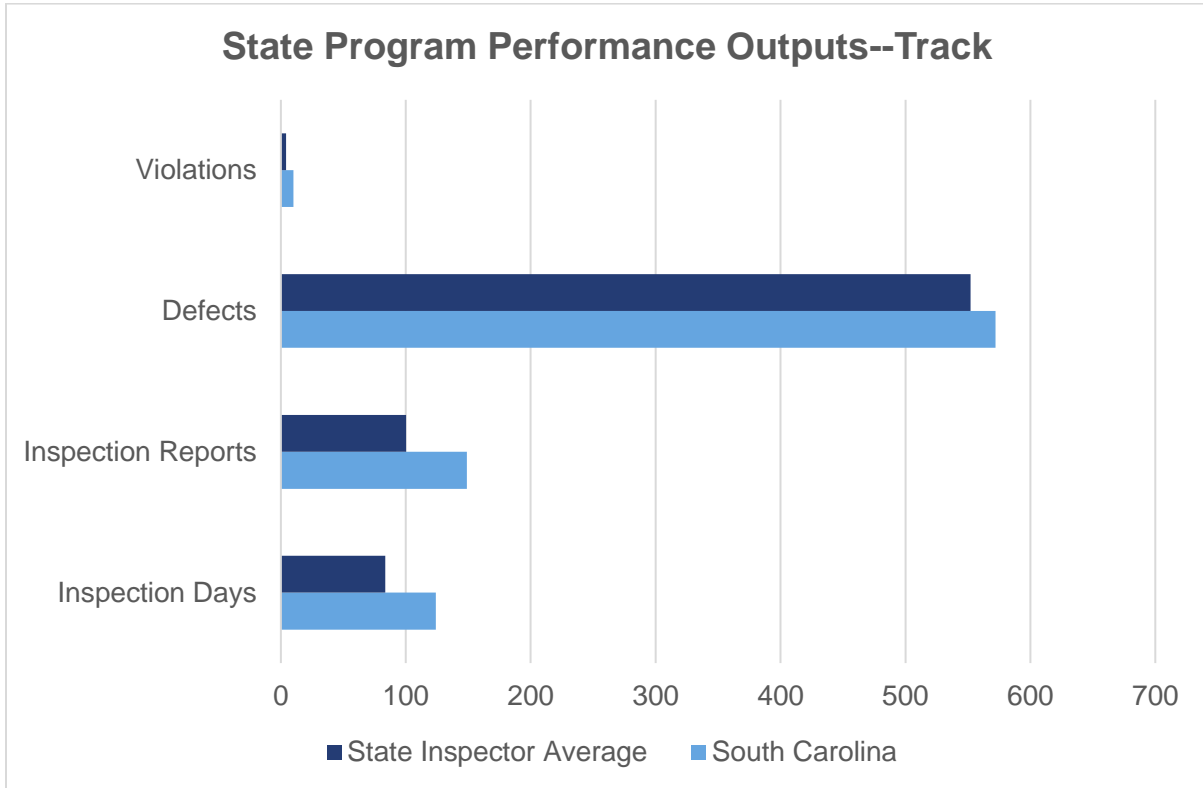
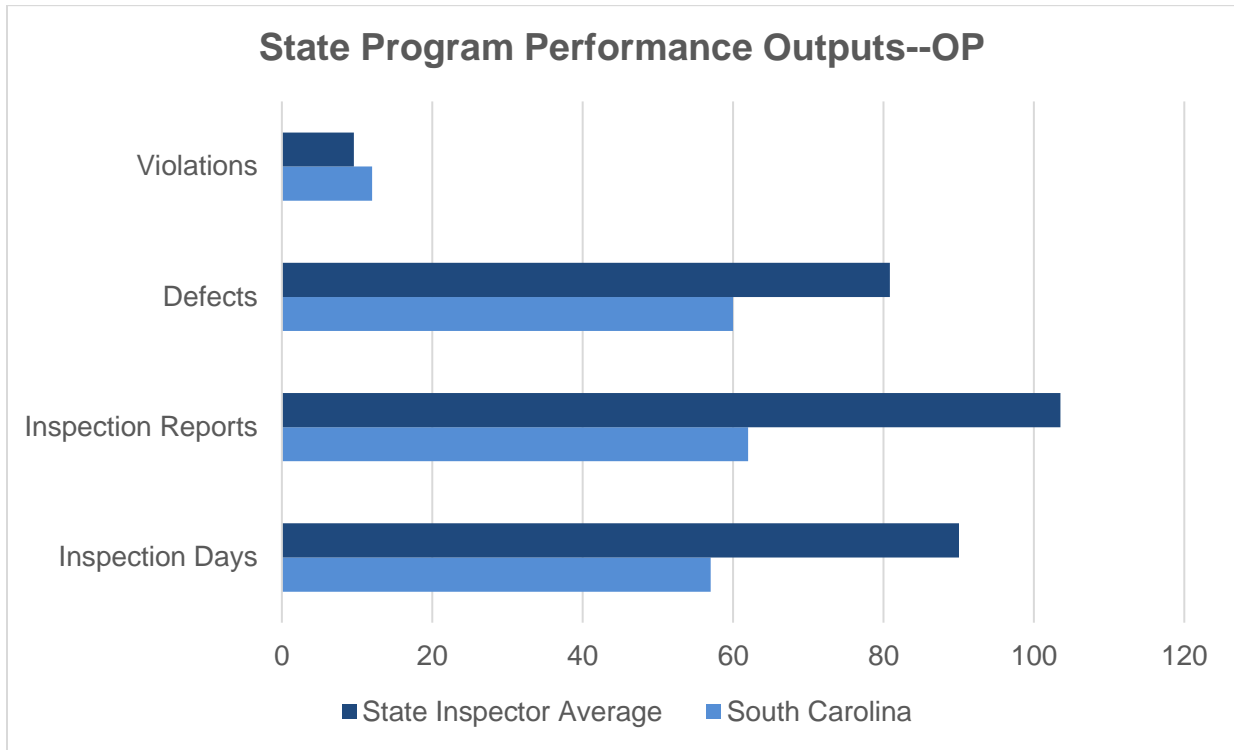


Chart 2 illustrates inspections and reports for the ORS' OP inspector. The ORS OP inspector completed his eighteen (18) month on-the-job training (OJT) program with the FRA in early 2020 and has only a partial year of outputs for the year.

Chart 2: State Program Performance Outputs – OP



The ORS routinely attended industry training, provided 89 technical assists to operators, 401 technical assists to the public, and gave presentations to industry partners and county/state emergency managers.

Railroad Accidents and Incidents in South Carolina

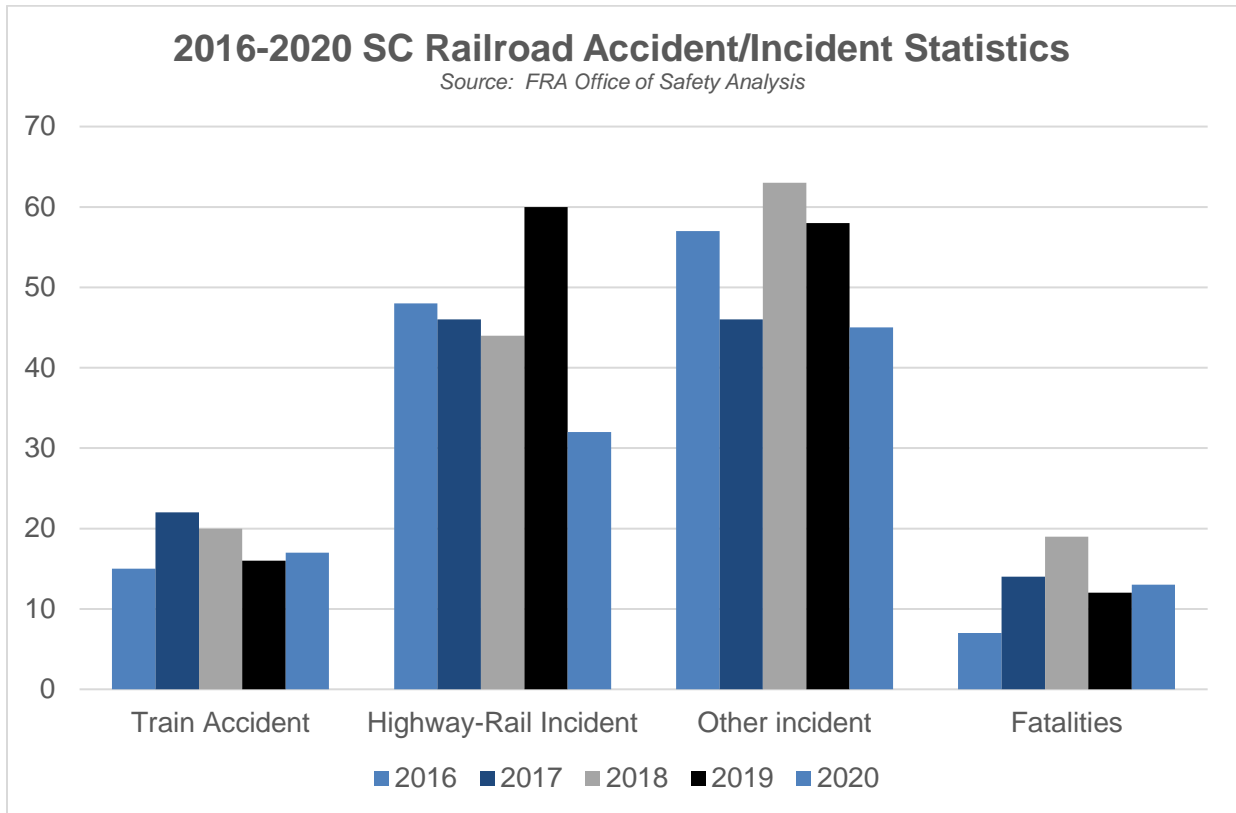
The partnership between the FRA and the ORS focuses on regulatory oversight activities to promote safety in railroad operations with the goal of reducing rail-related accidents, incidents, and casualties. The FRA conducts formal investigations of select railroad accidents and incidents to determine the cause and identify proper remedial action. If called upon by the FRA, the ORS provided support for accident/incident investigation. According to the FRA Office of Safety Analysis, in 2020, there were 94 reportable accidents/incidents recorded 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 2016 through 2020 reportable railroad accident and incident statistics, which includes fatalities that occurred in South Carolina.

Chart 3: Railroad Accident and Incident Statistics



Inter-Agency Cooperation

The ORS continued training and preparations for potential incidents, accidents, and disasters. The ORS received State Warning Point alerts from the South Carolina Emergency Management Division (SCEMD) related to rail incidents within the State. These alerts assisted the ORS to respond quickly to any accident or incident. The ORS investigated 59 rail-related incidents in 2020.

To promote rail safety awareness throughout the State, the ORS worked with the emergency management community. The ORS gave presentations to Local Emergency Preparedness Committees (LEPCs), South Carolina Emergency Managers Association,

and County Emergency Managers regarding rail safety, State Warning Point, and other useful tools including the *AskRail* and *Railroad Crossing Locator* applications that can be used during a train emergency. The ORS participated in the Riverbanks Zoo exercise with CSX and the cities of Columbia, Cayce, and West Columbia, Lexington County and Richland County. The purpose was to simulate the evacuation of Zoo visitors brought on by an incident at the railroad crossing at the Zoo.



In April, severe weather and tornadoes provided another opportunity for the ORS, the emergency management community, and the railroads to work together. During this emergency, CSX, Norfolk Southern, Amtrak, FRA, South Carolina Department of Transportation (SCDOT), and the ORS collaborated in efforts to inform the public about the

impacts of the storms on railroad operations. Due to the storms, track washouts and downed power lines occurred. The ORS assisted the railroad community with coordination of resources to clear road and track debris quickly after the storms, which enabled the railroads to install generators for switches and signals. The ORS monitored and communicated information to the general public and railway customers about the re-routing of rail traffic, the closure of tracks, and recovery efforts of the railroad industry.

In October, the Governor's Office received a letter from the National Transportation Safety Board (NTSB) requesting a response to the NTSB's Safety Recommendation R-14-50. The recommendation urged states to enact legislation that adopts all elements of the FRA's model law known as "Adequate Sight Distance at Passive Highway Grade Crossings Act." The ORS, SCDOT, and the Governor's Office worked cooperatively to provide a response to the NTSB regarding South Carolina's efforts at complying with the recommendation.

The ORS was also notified on multiple occasions that contract crews working for SCDOT and conducting general road maintenance around railroads were "fouling the track," or

encroaching upon the railroad, which created collision concerns and other safety-related issues. The ORS worked with each of the SCDOT regional offices to provide safety seminars on how to remain safe around railroad property.

Serving the Public

The ORS provided outreach to those most impacted by the rail industry. The ORS co-sponsored Operation Lifesaver to promote the three “E’s” – Education, Enforcement, and Engineering – 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, including presentations during National Rail Safety Week.



The ORS investigated and resolved nine (9) complaints regarding tree trimming, fouling the tracks, utility crossing permits, quiet zone violations, blocked crossings, and grade crossings. The ORS resolved complaints from the general public regarding vegetation and drainage along railroad rights-of-way, train noise, and train horns. Many complaints received by the ORS in 2020 were related to highway rail-grade crossing issues and involved the safety, condition, or length of time that a train had blocked the crossing. Several of these complaints were filed by counties and schools. Approximately 76% of all railroad complaints received by the ORS are related to blocked crossings, which are outside of the ORS’ regulatory jurisdiction.



Conclusion and Recommendations

In 2020, 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. Each inspector completed discipline-specific annual training sponsored by the FRA, and the State Program Manager received regulatory updates and guidance from the FRA to maximize the consistent enforcement of rules and regulations.

It is a challenge to maintain safe railways in South Carolina. Blocked railroad crossings hinder emergency response, slow the flow of commerce and traffic, and can create a dangerous situation for pedestrians. Blocked railroad crossings continue to be the most frequent complaint from the general public and local government. S.C. Code Ann. § 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. To address this safety issue at the federal level, ASRSM continued urging Congress to act on the issue of blocked railroad crossings.

The second challenge to railroad safety is pedestrian trespass on railroad tracks. As the population increases, the railroads face increasing incidents of pedestrian trespass on the tracks and rights-of-way. Trespassing has led to an increase in fatalities and injuries on railroad property in 4 of the last 5 years.

Another major challenge to railroad safety is motorists who disregard crossing arms, cross bucks, signals, and stop signs at grade crossings. Mitigation of these railroad-safety challenges will require federal and state legislation to increase penalties 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.