



UNITED STATES SENATE
WASHINGTON, D.C. 20510

April 7, 2014

Joseph C. Szabo
Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Szabo,

I was greatly disturbed to read this weekend's article in the *Connecticut Post* describing the report of 7,100 defects that the FRA has discovered on the Metro-North railroad system over the past decade, apparently without conducting further investigation.

This report, along with my own analysis of similar materials and information, leads to serious questions about the adequacy of scrutiny and oversight by federal agencies responsible for assuring safety and reliability. As chair of the Senate Commerce Committee's surface transportation subcommittee, I have urgent questions about the specifics of these seriously troubling findings, and what, if anything, was done to remedy and correct the defects.

The *Post* described the FRA reports it obtained as painting a "startling picture of widespread neglect and operational problems" in all areas of Metro-North activity, ranging from track issues and alcohol policies to certifications and train control. While not every reported defect may be a serious safety threat, the sheer number of issues – described by FRA associate administrator Kevin Thompson as five times greater per 100 miles of track in 2013 than any other commuter railroad – is deeply troubling.

Particularly alarming and appalling is the frequency and number of reported defects, as well as the repetition of specific shortcomings. Tracks and equipment, inspection and repair, training and preventive procedures – all are basic to safety and reliability. All were found deficient, again and again. Who was made aware of this shameful record – the MTA Board, elected or appointed public officials, or anyone else? Sadly and unacceptably, the public was left in the dark.

The pertinence and practical importance of these defects is staggeringly clear. One of the most frequently found failings – broken or cracked joint bars, loose rail braces and missing bolts – almost certainly caused the Bridgeport derailment and collision, which entailed more than 70 injuries and severe damage. Lack of proper safety training and procedures contributed to the

senseless, tragic death of a Metro-North worker in West Haven. Safety failings have huge consequences and human costs.

As a first step, I request that you provide immediately – as I have repeatedly requested – all records of FRA enforcement actions or violations decisions concerning Metro-North for the past 15 years. Please also describe how often inspections occurred and explain why the frequency of inspections fluctuated during this period. This enforcement information is vital to a public understanding as to whether prompt and effective remedial action has been taken in response to the equipment and track defects, inspection and maintenance lapses, and other failings.

Additionally, as soon as possible, please provide me with the following information:

1. According to Mr. Thompson's description contained in the article, the disproportionate amount of Metro-North defects did not prompt the FRA to conduct one or more comprehensive investigations until late last year. Please provide the number and/or type of defects that triggers a more comprehensive, Deep Dive-type of investigation. Please provide the number of times since 2000 that the FRA has conducted a comprehensive investigation (on any railroad) and which railroads were the subject of such investigation.
2. Please clarify – in situations that do not trigger a subsequent comprehensive investigation – how the FRA is assured that the railroad has taken corrective action. Please provide the FRA policy regarding follow up to cited violations, including the time in which the FRA requires the railroad to correct the violation and the type of documentation that the FRA requires so it is assured that corrective action has been taken. Are there types of violations in which the FRA does not require any documentation of corrective action? If so, please explain. Are there types of violations that always require a follow up on-site reinspection by the FRA? If so, please explain in detail what types of circumstances require reinspection. Finally, are there a certain number of what the FRA may determine to be minor violations that nonetheless in the aggregate would trigger FRA investigations?
3. With regard to the Metro-North violations, please provide a detailed list of the number, type, and seriousness of the Metro-North defects, the amount of fines assessed or other punitive action taken for such violations and the specific follow up steps the FRA took regarding each of the violations since 2000. What was done to disseminate this information about defects on tracks or rail beds?
4. Please provide a similarly detailed list of the number, type and seriousness of violations cited by the FRA for other railroads since 2000, the amount of fines assessed or other punitive action taken for such violations, and the specific steps the FRA took to ensure corrective action was taken by the railroad.

I look forward to using the information that you provide in response to this letter to determine how we can work together to ensure that Metro-North and other commuter rail systems are as safe as they can be.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Blumenthal". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard Blumenthal
United States Senate