

2. INSPECTION RESPONSIBILITIES

Railroad fire prevention inspections are made by both the railroad companies and by the fire protection agencies. The reasons for and the timing of these inspections may differ but advantages to both parties can often come from making joint inspections.

2.1 Company Inspections

The responsibility for inspecting their rights-of-way (R/W) and rolling stock for compliance with laws and regulations, maintenance of uninterrupted traffic and avoidance of civil liability rests exclusively with the railroad companies. When equipment owned by one company is being operated by another, the responsibility and liability may be subrogated by contract or agreement. The operating company is the one, with which the protection agency will normally deal and will hold responsible for compliance with the law. It is the responsibility of the management personnel of each company to determine how, when and by whom its inspections will be carried out.

There is no pat answer to the question of how often inspections should be made due to several variables. Each company must determine its own appropriate inspection schedules, which will probably differ between divisions, at least for R/W inspections. Some company rules establish inspection schedules and procedures either more frequent or more intensive than those required by federal or state laws and regulations. At least one company conducts a thorough inspection of the entire train, including the locomotive exhaust system and the complete train air brake system, as soon as possible after each reported fire.

2.2 Protection Agency Inspections

The fire protection agencies are charged with the responsibility of protecting the public from loss of life, property and resources by fire. They are also charged with enforcing the forest and fire laws. To accomplish these missions, they inspect railroad property and equipment in order to prevent wildland fires. Protection agency inspections do not, however, relieve railroad companies of the responsibility of inspecting their own facilities. Public fire protection agencies do have a duty to make known to railroad companies those violations and defects noted during their inspections.

Fire agency inspections are generally of two types: routine and fire emergency. Routine inspections are usually general surveys (by air or rail vehicle) of R/W, or roll-by of air brakes or exhaust systems either at division points or in service areas. The inspector will make every effort to interfere as little as possible with train operations. These may be original inspections or compliance checks following prior notification of violations.

Fire emergency inspections include point of origin and ignition source determination as well as identification of the specific locomotive or car that provided the ignition source. Both types of investigation commonly occur simultaneously, thus requiring the assignment of several inspectors at different locations.

The suspected offending train must be identified and stopped. This requires quick and efficient communications between the fire and train dispatchers. Unless an unusually dangerous fire situation exists, the train should not be stopped on the main line but should be put into the next available siding where it should be held until the inspection is completed. In any event, it should not be stopped where grade crossings will be blocked. The nearest trained and qualified inspector(s) should

be dispatched to the train and the company requested to send for the trainmaster. The inspector should make the inspections thorough but expeditious and should release the train as soon as evidence and statements have been collected. The inspector should also be satisfied that the problem has either been corrected or isolated.

Most fire agency inspections can be adequately conducted by visual inspection. Inspectors should be equipped with such aids as tape measures, notebooks and cameras. For fire cause investigations, they should also have magnifying glasses and magnets. All major violations should be recorded in the field notebook and photographed.

The results of any fire agency inspection should be properly recorded. Each agency has its own forms and procedures for this purpose. Fire-cause investigations will usually be recorded on special forms. Other types of inspections may be recorded on forms, memos, formal letters, etc. One useful form used by CDF and the U.S. Forest Service, and available to other agencies, is the Inspection Report (LE-38 or R5-5100-209). Regardless of the format of the report, a copy should be sent or given to the Railroad Company. Reports should be specific enough for the company to act on them and for the courts to relate them to complaints or other legal actions in the event such actions are filed. They are not to serve as work lists for the company.

Protection agency personnel often have occasion to observe conditions on railroad rolling stock, and to a lesser extent on R/W, that are not violations of fire laws or regulations but which may be dangerous or a violation over which they have no jurisdiction. These should be reported to the company verbally as soon as possible. If they have contributed to a fire, or are likely to, they should also be recorded in writing and photographed.

2.3 Joint Inspections

Joint inspections are for the purpose of acquainting both fire protection agency and railroad personnel with violations and other problems and conditions. They often result in mutual agreement on methods of correction of problems. Joint inspections are not always possible due to time commitments or company or agency policy. They are, however, encouraged to the extent feasible as they provide an excellent opportunity for mutual training, understanding and trust.



**Photograph 2-1.
Inspecting a GE Locomotive**

Because of the mechanical and physical hazards involved, inspections of locomotive exhaust systems and inspections to determine air brake isolation should always be joint. Company policies vary with regard to who should represent them. Some want a supervisor present. Others want the train crew to represent them. In any event, the agency inspector should not attempt these types of inspections alone.

2.4 Legal Actions

Inspections or fire cause investigations may lead to any one or a combination of four basic types of legal action. Since these actions are sometimes misunderstood and confused with each other by both agency and company personnel, each will be described briefly here.

Administrative

This is not a legal action in the sense that a court is involved. It is, however, a formal notification of violation of a law or regulation and a notice to correct the violation, usually within a specified time. It becomes a matter of record and may serve as the basis for more stringent action later. If compliance is not obtained, the administrative action becomes a documented history.

Administrative action is initiated by the protection agency and addressed to the operating company. It may take any of a number of forms. The colored inspection tag for locomotives or red tag for other internal combustion engine-driven equipment is affixed to the machine itself. It is both a notice of violation and an order to shut down or isolate the engine and not place it back in service until the violation is corrected. The “Inspection Report” (LE-38 or R5-5100-209) is a notification of the findings of an inspection. It should not be confused with a citation.

Administrative action may also come in the form of a letter, memo, telegram, etc., from the inspector or supervisor. Letters of demand for damages or costs of suppression fall in this category.

Civil

This is a filing, with a court of appropriate jurisdiction, of a suit for damages or costs of fire suppression or both. It is seldom filed unless a letter of demand has been ignored or denied.

Criminal

A citation or a complaint usually initiates criminal action. Most criminal actions coming from violations of fire laws or regulations are misdemeanor actions. Such actions may name either the company or the employee who was found committing the act, or both, as the defendant. If the company is named, the only penalty possible is a fine. If an employee is named, the penalty may be either a fine or a jail term or both.

Equity

An equity action is one seeking a court order requiring the defendant to refrain from doing some specific act that is harmful to the plaintiff or to the public at large or to do something to avoid such damage. This is commonly known as an injunction.

2.5 Identification of Item Inspected

Fire protection agencies have their own systems of identifying locations, usually by section, township and range. They have no specific system of identifying railroad rolling stock. Agency location systems, including place names, generally have no meaning or are confusing to railroad people. It is therefore best for all concerned if the agency personnel identify items and occurrences by the railroad systems' terminology. There are basically two of these: location and rolling stock.

Stock Location

Locations on railroad rights-of-way are best identified by use of the milepost (MP) number. These numbers are indicated on special signs at one-mile intervals along all common carrier railroad R/W. More precise locations between the mileposts are given on different railroads by either pole number, decimal or fraction of a mile. Pole number refers to the telephone poles that parallel most tracks. They are indicated in writing with the MP number followed by a slant (/) followed in turn by the pole number (e.g., 237/20: The 20th pole beyond MP 237). Decimals and fractions are self-explanatory and are indicated by their usual mathematical symbols. Agency inspectors should only use the type of inter-milepost designation used by the particular railroad company being inspected.

Certain special locations can be identified by their names or numbers. These include tunnels, snowshed, bridges, trestles, etc. Most all of these have numbers (e.g., Tunnel 17). The longer or more unique ones are often named (e.g., West Branch Bridge). A properly specific location will also designate which end is being referred to. For this purpose, the end nearest to San Francisco is always "west" to railroad personnel, even if it is north or east geographically.

Place names can be confusing to railroad and protection agency personnel alike if care is not exercised in their use. To railroad people, place names refer to sidings, yards and stations. If the agency people are actually referring to powerhouses, fire stations, campgrounds or something else,

there is no effective communication. In referring to sidings, it is helpful to indicate “east” or “west” switch since many of these sidings are from one to two miles long.

Rolling Stock

A number or a combination of letters and numbers will usually identify trains. However, protection agency personnel are seldom conversant with this system. Still, they can be positively identified by either the lead engine number or any rail car number or both. The time and location seen and the direction of travel (in railroad terminology) should also be given.

Individual locomotives and cars should be identified by number. Additional identifying information is helpful. This might include make and home road of an engine or home road and type (box, flat, gondola, hopper, etc.) of car.



**Photograph 2-2.
Truck Trailers on the Rail**



**Photograph 2-3.
EMD Locomotive**