



2021 Railroad Transportation Activities Annual Report

South Carolina
Office of Regulatory Staff

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Introduction

The South Carolina Office of Regulatory Staff (ORS) is 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 2021, 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 Report documents 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, 2021.

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 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 2021, the ORS conducted 204 routine inspections, compiled 228 inspection reports, detected 11 safety violations, and documented 473 safety defects through these inspections.

The ORS coordinated closely with the FRA in non-inspection matters throughout the year despite the lingering impacts of COVID-19. As a participating state, ORS inspectors trained both virtually and in-person 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, OP, and highway-rail grade crossing inspectors to coordinate inspections and make referrals of highway-rail grade crossing complaints, when appropriate. The ORS rail safety program manager was elected District 3 representative to the Association of State Rail Safety Managers (ASRSM). District 3 includes South Carolina, North Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi. In October, the ORS hosted the ASRSM annual conference and training in Charleston. Representatives from over 30 state rail-safety programs, as well as FRA executive leadership and representatives from the railroads, attended the three-day training conference. The highlight of the conference and training was a tour and discussion with Palmetto Railways, the state-owned railroad, at the Port of Charleston.

State Inspector Performance

In 2021, the ORS ranked highly in performance outputs when compared to other state track inspectors. **Chart 1** illustrates that inspection days, inspection reports, and violations exceeded the national average among all state track inspectors.

Chart 1: State Program Performance Outputs – Track

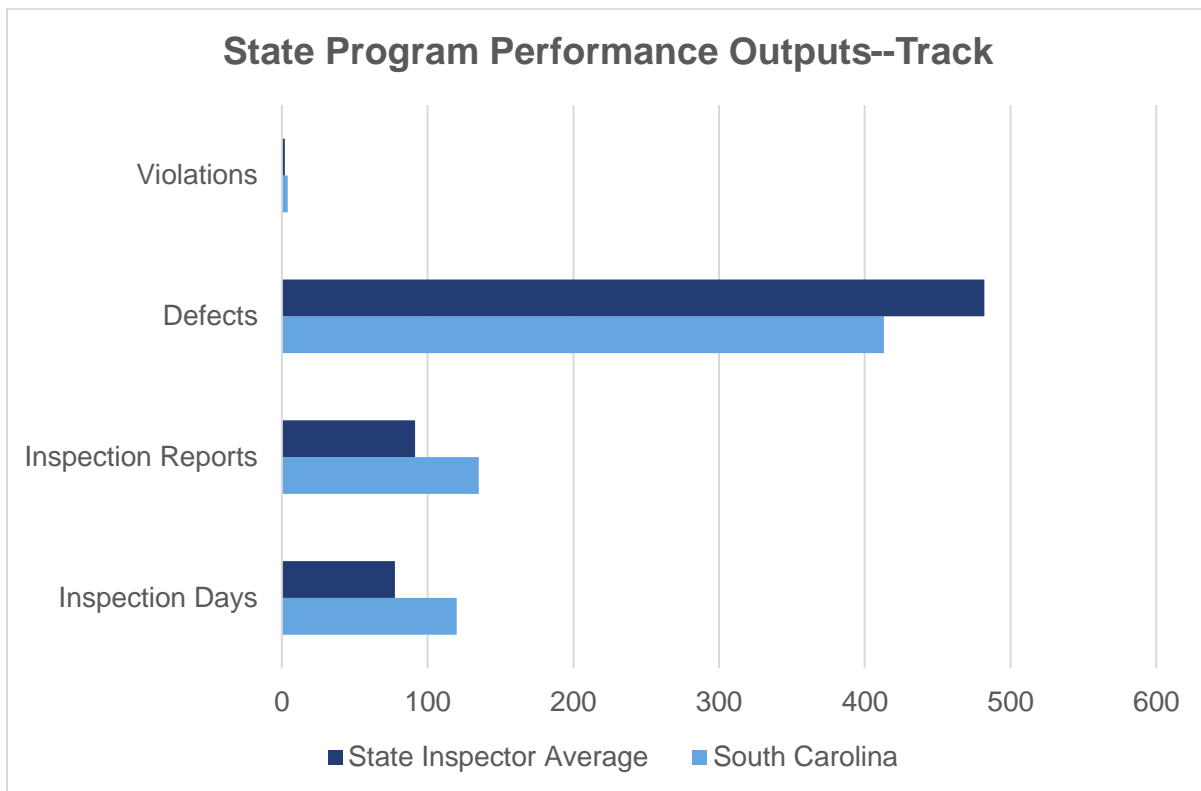
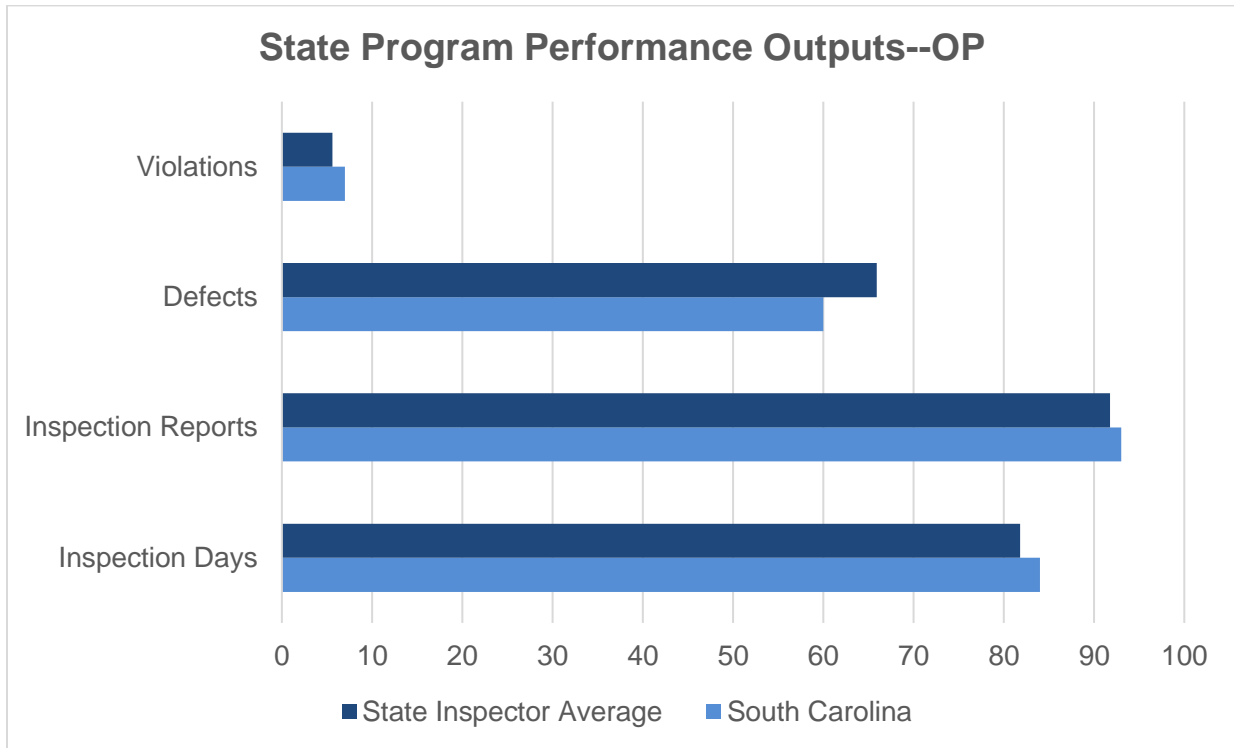


Chart 2 illustrates that inspection days, inspection reports, and violations exceeded the national average among all OP inspectors.

Chart 2: State Program Performance Outputs – OP



The ORS routinely attended industry training, provided 110 technical assists to operators, 112 technical assists to the public, and gave presentations to industry partners and county/state emergency managers.



Railroad Accidents and Incidents in South Carolina

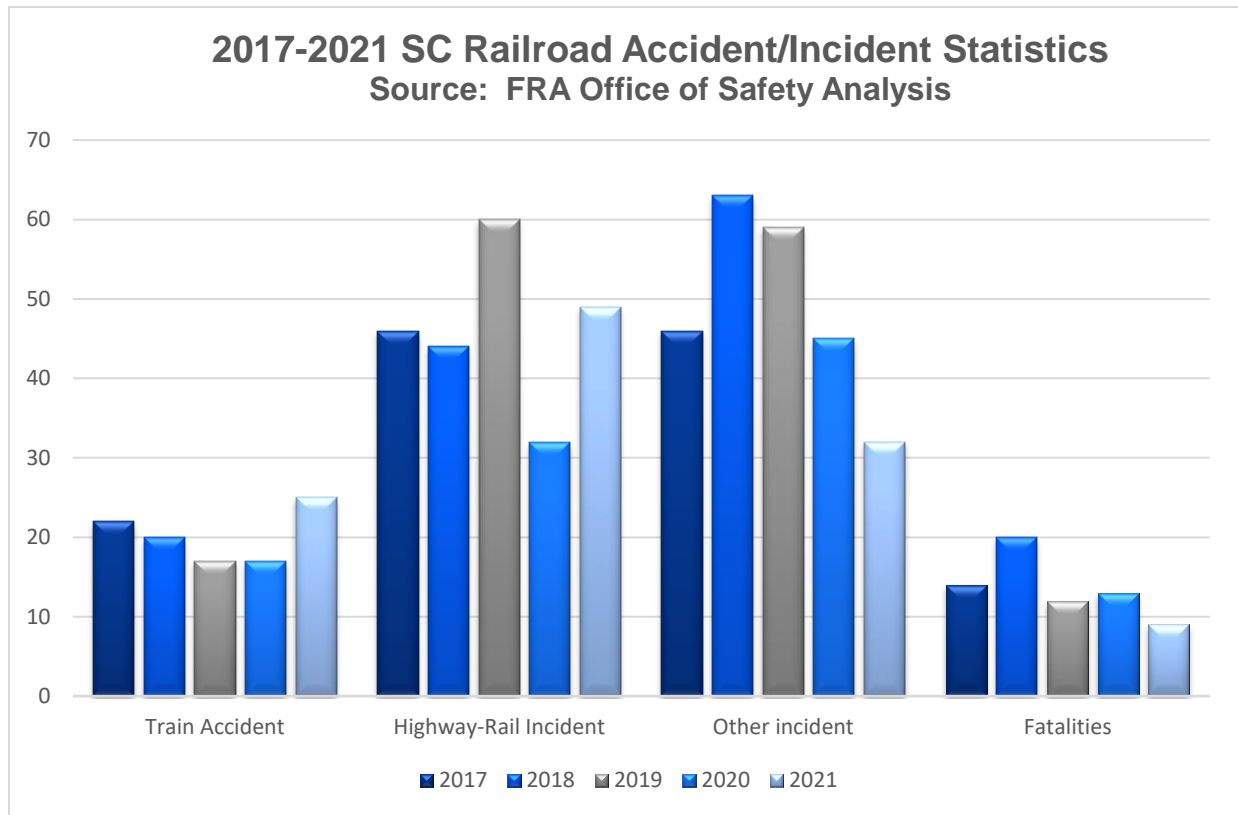
The partnership between the FRA and the ORS focuses on regulatory oversight activities to promote safety in railroad operations with the goal of reducing rail-related accidents, incidents, and casualties. The FRA conducts formal investigations of select railroad accidents and incidents to determine the 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 2021, there were 106 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 2017 through 2021 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 63 rail-related incidents in 2021.

To promote rail safety awareness throughout the State, the ORS worked with the emergency management community. The ORS presented to Local Emergency

Preparedness Committees (LEPCs), South Carolina Emergency Management Division, 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.



As the pandemic came to an end, the FRA continued to issue and revise emergency orders relating to proper operations to mitigate Covid-19's spread. The ORS assisted the FRA in disseminating these orders to the railroads, their employees, and contractors.

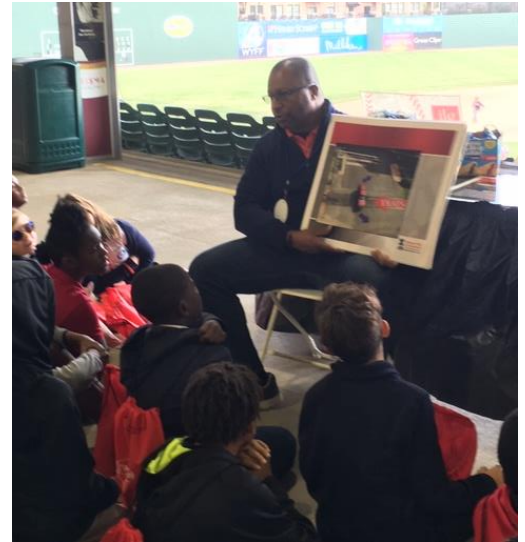
The city of North Charleston notified the ORS of its intent to create an additional Quiet Zone. A Quiet Zone is a segment of track in which the railroads are directed to cease the routine sounding of train horns when approaching public highway-rail grade crossings. The ORS participated in North Charleston's impact studies, public forums, and was available to answer any railroad related questions put forth by the public. The North Charleston public forums and impact study should be completed in 2022.

With the emphasis on broadband deployment in the aftermath of the pandemic, the ORS organized a Broadband Deployment Permit Working Group consisting of representatives from CSX, Norfolk Southern, and Palmetto Railways as well as the SC Department of Health and Environmental Control, US Army Corps of Engineers, SC Department of Transportation (SCDOT), and SC811. The purpose of this group was to identify and coordinate steps to be taken to expedite permitting for broadband deployment and to inform the stakeholders of geographic locations where construction of broadband will occur so the stakeholders may focus resources in those areas. Breakout meetings with broadband providers and railroads were held throughout the summer and early fall of 2021. At the South Carolina Telephone and Broadband Association's November conference, the ORS hosted a panel with members of the working group, including

representatives of the railroads, to answer many of the broadband providers' questions regarding the permitting process.

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 and a press release during National Rail Safety Week.



The ORS investigated and resolved ten (10) complaints regarding needed crossing repairs, poor crossing signage or broken arms, erosion near tracks, utility crossing permits and payment, quiet zone violations, and blocked crossings. Most complaints received by the ORS in 2021 were related to highway rail-grade crossing issues and involved the safety, condition, or length of time that a train had blocked the crossing. The ORS assisted SCDOT to resolve many of the crossing issues related to safety and condition of the crossing. Approximately 70% 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 2021, 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 create a dangerous situation for pedestrians. Blocked railroad crossings continue to be the most frequent complaint from the 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. Congress asked the FRA to track blocked crossing complaints. The ORS posted a link to the complaint form on its website at <https://ors.sc.gov/safety/railroad-safety>.

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. Additional efforts were made by railroads and public safety

officials to decrease injuries and fatalities on railroad property. As a result, 2021 saw the first decrease in trespassing-related deaths and injuries since 2016.

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 requires 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.