



## VIOLATION OF CORPORATE POLICY BY YARD ENGINEER

October 13, 2016

CASE OIG-I-2016-522

In August 2015, we received an allegation that an Amtrak Yard Engineer in New York was operating trains with a suspended driver's license that resulted from a driving while intoxicated (DWI) adjudication and a felony conviction for evading the police. Our investigation determined that contrary to company policy, the Yard Engineer failed to properly report his felony conviction for evading the police.

However, we also found that the Yard Engineer followed applicable regulations in notifying the company of his DWI *adjudication*—even though it occurred almost two years after his DWI *arrest*. We confirmed that existing regulations allowed the Yard Engineer to remain silent about his DWI arrest during the pendency of his case. As a result, he was operating Amtrak trains, including high-speed Acela trains, without anyone in the company knowing there was a safety issue. After his DWI adjudication, he followed applicable regulations and notified the company, who then assessed him for his fitness to operate trains. This consisted of a one-hour "Employee Assistance Program" interview with a counselor, who cleared him to continue operating trains -- even though the State of New Jersey would not allow him to operate his car without an interlock device. Later, the company "re-certified" him as an engineer, and did so after following a regulatory process that included a review of his driving record, which contained the DWI adjudication and over 1000 days where his driver's license was suspended for other infractions.

Based on these findings, our report raised questions about the effectiveness of certain company and Federal Railroad Administration (FRA) rules affecting passenger railroad engineers and, ultimately, the safety of the traveling public. Specifically, this case underscored three issues with safety implications: 1) whether existing rules result in untimely notifications to management of DWI-related events; 2) whether the company's policies for responding to that information sufficiently protects the public; and 3) whether existing limitations on information the company may consider in assessing its

engineers' driving record are reasonable when making decisions to certify and recertify engineers.

The company responded to our investigative report, where they agreed that the Yard Engineer violated company policy regarding his failure to notify management of his evading the police conviction. Reasoning that this was a little known requirement, the company opted not to discipline the employee and elected to educate him and other employees on company policies regarding conviction notifications. Further, they agreed to evaluate its current Drug and Alcohol policy in an effort to strengthen employee notification requirements of drug and alcohol arrests. Finally, the company stated they are working on a strategy to inform FRA of their concerns with current regulations pertaining to engineers and conductors. To date, the Yard Engineer continues to operate Amtrak trains.