



OFFICE *of* INSPECTOR GENERAL
NATIONAL RAILROAD PASSENGER CORPORATION

SAFETY AND SECURITY:

Observations on the Company's Annual Physical Exam
Requirement for Locomotive Engineers

OIG-MAR-2022-001 | November 10, 2021

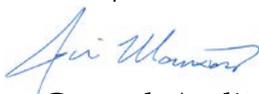
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Memorandum

To: Scot Naparstek
Executive Vice President/Chief Operations Officer

Steve Predmore
Executive Vice President/Chief Safety Officer

From: Jim Morrison 
Assistant Inspector General, Audits

Date: November 10, 2021

Subject: *Safety and Security: Observations on the Company's Annual Physical Exam Requirement for Locomotive Engineers (OIG-MAR-2022-001)*

Amtrak (the company) employs more than 1,200 locomotive engineers (engineers) in its Transportation department under the Chief Operations Officer. The company requires these engineers to pass a comprehensive physical exam every three years as part of the certification process to operate a locomotive, which includes the hearing and vision testing that the Federal Railroad Administration (FRA) requires.¹ From August 2018 to August 2021,² the company also required its engineers to pass annual physical exams in support of its safety goals.

In December 2019, we received a complaint alleging that hundreds of the company's engineers were not in compliance with its annual requirement. We conducted a review and confirmed that, as of February 2020,³ the 1,300 engineers the company had at that time met the three-year requirement,⁴ but 400 of them (30 percent) had not met the annual requirement. The company significantly reduced train operations at the onset of the COVID-19 pandemic in March 2020 and subsequently waived the annual

¹ 49 C.F.R. § 240.121.

² The company implemented this requirement with Amtrak Policy 7.3.3 and *System General Road Foreman Notice Number 45*, August 9, 2018, and suspended it with *System General Road Foreman Notice Number 99*, August 19, 2021.

³ We conducted our review in accordance with standards we developed for alternative products. We started our review in January 2020, and we postponed it until August 2021 because of the onset of COVID-19.

⁴ A senior Transportation official told us the total number of engineers changed from approximately 1,300 in February 2020 to approximately 1,200 in August 2021 due to attrition and COVID-19-related challenges. Numbers are affected by rounding.

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requirement through June 2020 before suspending it indefinitely in August 2021. Senior officials told us the company still expects its engineers to meet the three-year requirement but suspended the annual requirement to reduce the risk of exposure to the COVID-19 virus at medical facilities. We recognize this precaution and are providing this management advisory report to communicate considerations for management if the company reinstates its annual requirement.

TIMELINE OF COMPANY ACTIONS REGARDING ENFORCEMENT OF THE ANNUAL EXAM REQUIREMENT

Below is a chronology of relevant actions the company has taken regarding the annual exam requirement for its locomotive engineers:

- **October 2019:** The company's Medical Services office, under the Chief Human Resources Officer,⁵ reviewed its records and found that 760 engineers—58 percent of the approximately 1,300 engineers the company had at that time—had not met the company's requirement to pass an annual physical exam. In response to this analysis, the System General Road Foreman (SGRF) office, under the Chief Safety Officer, began tracking engineers' compliance.
- **January 2020:** The SGRF office instituted guidelines stating that if engineers did not pass their annual physical exams, the company would remove them from service.⁶ By February 2020, the number of engineers who had not passed their annual exams decreased from more than half to approximately one-third, according to our analysis.
- **March 2020:** The Safety, Health and Environment office, which includes the SGRF office, started providing a regular report that identified engineers who were due for their annual exams to the Transportation department supervisors responsible for removing them from service if they did not comply. This office also created dashboards for Safety and Operations department staff to better track exam requirements and compliance status. These actions, however, coincided with the rise of COVID-19 cases, and safety officials told us enforcement became more challenging. They noted the limited availability of medical facilities to complete the exams and concerns about the additional risk

⁵ The company reorganized its Human Resources department under the Chief Human Resources Officer in June 2020. Previously, the Human Resources department was under the Chief Administration Officer.

⁶ *System General Road Foreman Notice Number 71*, January 14, 2020.

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of exposure to the COVID-19 virus by requiring engineers to enter these facilities. The company initially waived the annual requirement through June 2020,⁷ but when it expired, company officials told us they did not renew efforts to enforce the requirement because the pandemic was still underway.

- **August 2021:** The company indefinitely suspended the annual requirement. Prior to its suspension, the company's rate of compliance with the annual requirement was similar to the rate in February 2020. Senior company officials said they suspended the annual requirement given the emergence of COVID-19 variants and the continued difficulty faced by engineers to meet it under those circumstances. They did not, however, see a significant safety risk in suspending the annual requirement. They noted that the company still requires engineers to pass a comprehensive physical exam as a part of the triennial certification process and in other situations, such as when engineers return to work, for which the company has processes to track and to strictly enforce compliance. Nonetheless, senior company officials told us they view the suspension of the annual exam as temporary and plan to reinstate the requirement once the pandemic abates.

REASONS FOR NONCOMPLIANCE WHEN THE ANNUAL EXAM REQUIREMENT WAS IN EFFECT

Our work identified three factors which, according to senior company officials, likely contributed to the noncompliance rate with the company's self-imposed requirement for passing an annual exam:

- Transportation department supervisors were more concerned with enforcing the FRA requirements than the company's annual exam requirement.
- Although the SGRF office identified and tracked noncompliant engineers, it relied on the Transportation department supervisors to enforce the requirement and remove noncompliant engineers from service. These supervisors, however, did not have a process to do this.
- At the time of our review, company policy had not designated a senior accountable official to ensure that Transportation department supervisors enforce compliance. In October 2021, the Chief Operations Officer told us

⁷ *System General Road Foreman Notice Number 72*, March 16, 2020.

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the Vice President for Transportation will be the accountable official to enforce compliance if the annual exam requirement is reinstated.

If the company reinstates the requirement, senior officials said they plan to coordinate with labor relations groups to help ensure that their members understand that the company intends to enforce the policy with the same rigor as FRA certification and the return-to-work requirement for physical exams. The company, however, has not yet developed its processes and accountability to enforce the annual requirement.

CONSIDERATIONS FOR MANAGEMENT

To further strengthen enforcement if the company reinstates the requirement for engineers to pass annual physical exams, the Chief Operations Officer and Chief Safety Officer may want to consider the following actions:

- Adopt more rigorous processes to enforce the annual exam requirement.
- Designate via company policy a senior accountable official to ensure that Transportation department supervisors are enforcing the annual requirement.

In commenting on a draft of this report, the Executive Vice President/Chief Operations Officer agreed with our two considerations for management and described plans to address each of them if the company chooses to reinstate the suspended requirement. Planned actions include establishing a process similar to the one the company uses to ensure compliance with the federally mandated triennial exam, including removal from service if the annual requirement is not fulfilled. Further, the SGRF office will provide reports to the Vice President of Transportation identifying engineers (1) who require exams sixty days in advance and (2) whom the Transportation department has removed from service as a result of not passing an annual exam. Management also noted that the Vice President of Transportation will continue to serve as the designated executive responsible for compliance with the locomotive engineer physical exams.

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APPENDIX A

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