



Rail Safety Inspection

State Participation | August 11, 2022

State Rail Safety Participation Program

Summary

States are authorized to work in partnership with the Federal Railroad Administration to enforce federal railroad safety laws and regulations through the [State Rail Safety Participation Program](#). The primary goal of this program is for participating states to maintain the proper certifications necessary to perform investigative and surveillance activities to enforce federal requirements.

Most states (29 and D.C.) participate in the program either through their Departments of Transportation or a regulatory agency, such as public utilities or public service commissions, and receive funding under the related [grant program](#).

Federal Authority and Regulation

The Federal Railroad Administration's (FRA) Office of Railroad Safety regulates safety throughout the Nation's railroad industry. States are authorized through [49 U.S.C. § 20105](#) to work in partnership with FRA to enforce federal railroad safety laws and regulations. To participate, states must enter into an agreement with FRA through the [State Rail Safety Participation Program](#) for the exercise of specified authority regarding all or any part of Federal railroad safety laws. This program is regulated through [49 CFR 212](#).

A state agency with jurisdiction under state law may participate in investigative and surveillance activities in one of two ways:

- 1) By entering into an agreement with the FRA under [49 CFR § 212.105](#)
 - This is the principal method by which States may participate in investigative and surveillance activities. An agreement may delegate investigative and surveillance authority with respect to all or any part of the Federal railroad safety laws.
- 2) By filing an annual certification under [49 CFR § 212.107](#).
 - This option is available in the event the FRA and the state agency do not agree on the terms for participation under [49 CFR § 212.105](#).

State Participation

As of June 2022, at least [30 states and the District of Columbia](#) were participating in the State Rail Safety Program—either through state Departments of Transportation or through state regulatory agencies, such as public utilities or public service commissions. States with an agreement with the FRA are eligible to apply for the related [grant program](#), initiated in FY2017, that supports technical training, travel expenses, and computers required to support reporting and data analysis.



States Participating in FRA's State Rail Safety Participation Program



A few examples of state programs are highlighted in [Appendix B](#) and a complete list of participating states is included in [Appendix C](#), below.

In general, state programs may perform investigative, surveillance, and enforcement activities in one of six main disciplines: track, motive power and equipment, operating practices, hazardous materials, grade crossing, and signal and train control.

Budgets and Funding

The table below contains information on how eight states who have FRA safety programs fund their offices. Funding comes from either a general fund appropriation or fees collected from the rail companies operating in the state. Information was gathered from phone calls with the state office rail managers or through a search of state code.

State	Funding Source	Funding Amount	How Fee/Tax is Determined	Number of Employees	Statute Reference
Arizona	General fund	\$855,500-1,000,000	Allocation determined with every new fiscal year	7	Title 49, Subtitle V, Part A, Chapter 201
California	Railroad corporation fees	\$3.5 mil	Percentage of annual revenue fees	45	Pub. Util. Code, Div. 1, Part 1, Chapter 2, 309.7
Illinois	Railroad corporation fees	\$5.9 mil	Based on number of highway rail crossings and gross receipts in Illinois	21 FT Authorized – currently at 19.	Chapter 625, 5/18c-1204
Minnesota	Railroad corporation fees		Track mileage assessment	6	Chapter 219.015
Missouri	Railroad corporation fees	\$1 mil	Assessment of up to 3% based on intrastate revenue from previous calendar year	6	Chapter 389
Oregon	Railroad corporation fees	About \$3 mil	Tax on gross revenue fee	10	Chapter 824.010
Tennessee	Railroad corporation fees	\$4.5 mil	Ton per mile tax on railroads calculated by what the railroads report to the American Association of	Fully staffed: 9 inspectors, 1 manager, 1 admin, 1 program	Chapter 65-3-2



State	Funding Source	Funding Amount	How Fee/Tax is Determined	Number of Employees	Statute Reference
			Railroads (AAR) and collected annually	monitor, 1 manager. Currently staffing 4 inspectors and 1 manager	
Washington	Railroad corporation fees		Percentage of gross operating revenue with additional amount for crude oil	12	Chapter 81.24.010



Appendix A. Additional Resources

- [State Rail Safety Participation](#), Federal Railroad Administration
 - [State Mangers Contact List](#) (2021)
 - [Railroad Safety State Participation Grant Program](#)
 - [2021 Notice of Funding Opportunity](#)

Appendix B. Examples of State Programs

State	Agency	Statute	Description	Additional Information
Minnesota	Minnesota Department of Transportation	M.S.A. § 219.015	Directs the Commissioner of Transportation to establish a state rail safety inspection program. The commissioner shall apply to and enter into agreements with the FRA under the authority of United States Code, title 49, sections 20103, 20105, 20106, and 20113 , and Code of Federal Regulations, title 49, part 212. A state rail safety inspector may perform, but is not limited to, the duties described in the federal State Rail Safety Participation Program. An inspector may train, be certified, and participate in any of the federal State Rail Safety Participation Program disciplines, including: track, signal and train control, motive power and equipment, operating practices compliance, hazardous materials, and highway-rail grade crossings.	DOT State Rail Safety Participation Program Presentation (2021)
Nevada	Public Utilities Commission of Nevada	N.R.S. 703.1545	Authorizes the public utilities commission of Nevada to enter into an agreement with the Secretary of Transportation pursuant to 49 U.S.C. § 20105 that authorizes the Commission to participate in the enforcement of federal safety regulations and orders applicable to railroad equipment, facilities, rolling stock and operations in this state. The commission shall Accept and expend any federal money made available pursuant to 49 U.S.C. § 20105 for carrying out a safety program relating to railroads and Adopt regulations concerning the safety of railroads in this state that incorporate the provisions of the statutes and regulations of other states and the Federal Government relating to railroad safety.	Railroad Safety



Virginia	Virginia State Corporation Commission	VA Code Ann. § 56-129.1	The State Corporation Commission shall have the authority to participate in carrying out safety inspection activities in connection with any rule, regulation, order, or standard prescribed by the Secretary of Transportation of the United States under the authority of the Federal Railroad Safety Act (49 U.S.C. § 20101 et seq.) as delegated to the Commonwealth by the Federal Railroad Administration, provided that the Commission shall comply with all the requirements imposed by the United States Code. The Commission shall employ such expert, professional or other assistance as is necessary to carry out the activities authorized by this section. Safety inspectors shall attain the Federal Railroad Administration qualifications necessary to qualify the Commonwealth for federal funds. A maximum of \$200,000 paid to the State Corporation Commission under §§ 58.1-2660 through 58.1-2662 shall be allocated to this program.	Railroad Regulation
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Appendix C. Jurisdictions Participating in the FRA’s Rail Safety Participation Program

	State	Agency
1	Alabama	Alabama Public Service Commission
2	Arizona	Arizona Corporation Commission
3	California	California Public Utilities Commission
4	District of Columbia	District of Columbia Department of Energy & Environment
5	Florida	Florida Department of Transportation
6	Idaho	Idaho Public Utilities Commission
7	Illinois	Illinois Commerce Commission
8	Indiana	Indiana Department of Transportation
9	Iowa	Iowa Department of Transportation
10	Maryland	Maryland Department of Labor
11	Maine	Maine Department of Transportation
12	Minnesota	Minnesota Department of Transportation
13	Missouri	Missouri Department of Transportation
14	Montana	Montana Public Service Commission



	State	Agency
15	Nebraska	Nebraska Public Service Commission
16	Nevada	Public Utilities Commission of Nevada
17	New Hampshire	New Hampshire Department of Transportation
18	New Jersey	New Jersey Department of Transportation
19	New Mexico	New Mexico Public Regulation Commission
20	New York	New York State Department of Transportation
21	North Carolina	North Carolina Department of Transportation
22	North Dakota	North Dakota Public Service Commission
23	Ohio	Ohio Public Utilities Commission
24	Oregon	Oregon Department of Transportation
25	Pennsylvania	Pennsylvania Public Utility Commission
26	South Carolina	State of South Carolina Office of Regulatory Staff
27	Tennessee	Tennessee Department of Transportation
28	Texas	Texas Department of Transportation
29	Virginia	Virginia State Corporation Commission
30	Washington	Washington Utilities & Transportation Commission
31	West Virginia	Public Service Commission of West Virginia