

# ANALYSIS

## Department of Transportation Railroad Safety

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**Analyst:** Ben Ruef

**Request:** Approve, retroactively, the submission of a federal grant application to the Federal Railroad Administration, Railroad Safety State Participation grant program, in the amount of \$75,300, to support its rail safety inspection program.

**Analysis:** The purpose of the Railroad Safety State Participation Grant Program is to provide financial support to states participating in the Federal Railroad Administration's (FRA) Federal Railroad Safety Program. The funding helps cover eligible expenses for state inspectors to maintain the certifications necessary to perform field investigative and surveillance activities.

ODOT would utilize the grant funds to support its rail safety inspection program by covering expenses for field and classroom training required to maintain certification, associated travel, and equipment. Much of this training is conducted at the Transportation Technology Center in Pueblo, Colorado, which provides hands-on learning opportunities. The grant will cover travel costs for inspectors to attend FRA training sessions and fund equipment purchases, such as laptop computers, to support inspection and investigation activities. These funds will ensure that ODOT's 12 FRA-certified inspectors and one program coordinator maintain the qualifications necessary to operate the rail safety program. The grant has no matching fund requirement, and if awarded, ODOT will request an increase in Federal Funds expenditure limitation, as needed.

The grant application submission due date was December 9, 2024, and the Department submitted a 10-day letter on November 21, however, this fell after the deadline for consideration by the Emergency Board in December, requiring retroactive approval.

**Recommendation:** The Legislative Fiscal Office recommends approval of the request.

## Department of Transportation Parada

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**Request:** Retroactive authorization to apply for a grant of \$75,300 from the Federal Railroad Administration (FRA) to pay for eligible training, travel, and laptop computers for state inspectors to maintain the proper certifications necessary to perform field investigations and surveillance activities.

**Recommendation:** Approve the request.

**Discussion:** The Fiscal Year 2025-27 Railroad Safety State Participation grant program provides grant funding over three years to pay for eligible training, travel, and laptop computers for state inspectors to maintain the proper certifications necessary to perform field investigative and surveillance activities.

The deadline to apply was December 9, 2024. The Oregon Department of Transportation submitted a 10-day letter of their intent to apply, on November 21, 2024. The grant does not have any matching requirements. There is not an estimated timeline for agency notification of the grant award. If the grant is awarded the agency may return to request additional Federal Funds expenditure limitation.



# Oregon

Tina Kotek, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

January 17, 2025

Senator Kate Lieber, Co-Chair  
Representative Tawna Sanchez, Co-Chair  
Joint Committee on Ways and Means  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301

Dear Co-Chairs:

## **NATURE OF THE REQUEST**

The Oregon Department of Transportation (ODOT) Commerce & Compliance Division requests retroactive approval to apply for \$75,300 in Railroad Safety State Participation Grant Program funding from the Federal Railroad Administration (FRA).

## **AGENCY ACTION**

On November 13, 2024, FRA opened applications for the FY25-27 Railroad Safety State Participation Grant Program. It will provide \$1,250,000 in grant funding over three years to participating states for eligible training, travel, and laptop computers for state inspectors to maintain the proper certifications necessary to perform field investigative and surveillance activities. Applications were due on December 9, 2024, and the award date has yet to be determined. ODOT submitted the required 10-day notification of its intent to apply for this grant on November 21, 2024.

Title 49 U.S.C. 20105 authorizes states to work in partnership with FRA to enforce federal railroad safety laws and regulations. FRA certifies state inspectors to conduct inspection and investigation activities within their respective state to ensure the uniform application and interpretation of federal railroad safety regulations. States that enter into a Federal Railroad Safety Program State Participation Agreement with FRA are delegated certain authority (defined in Title 49 CFR Part 212) with respect to inspection and investigation activities. This delegation is effective only to the extent that it is carried out by and through personnel recognized by the state and FRA has qualified to perform the functions to which they are assigned.

Certification of state inspectors to apply and enforce federal railroad safety requirements requires extensive field and classroom training which is developed and delivered by FRA's Technical Training Standards Division (TTSD). Much of the training is delivered at the Transportation Technology Center (TTC) in Pueblo, Colorado. The equipment, railroad facilities, and training devices at the TTC facilitate hands-on learning for FRA and state inspectors.

ODOT has a robust rail safety program, operated out of the Commerce and Compliance Division, with 12 FRA-certified inspectors operating across a variety of disciplines, including tracks, hazardous materials, operating practices, and motive power and equipment. These inspectors undertake hundreds of inspection and enforcement actions each year to ensure the safety of Oregon's rail lines and the communities these lines pass through. ODOT's program is funded through an assessment on the gross revenue of freight railroad operations in the state.

Funding under this grant will be made available to eligible states in amounts proportional to the number of inspectors and state program coordinators (excluding vacant positions) participating in the state's program as reported to FRA as of August 13, 2024. Each inspector is assigned a value of 1 and state program coordinators are assigned a value of 0.5. The proportional allocation per inspector for this 3-year grant lifecycle is \$6,024. ODOT's rail safety program currently includes 12 inspectors and one program coordinator so the initial available direct grant allocation to ODOT for the 3-year period is \$75,300. There is no required match of state funds for this grant.

Grant Request:	\$75,300
<u>Matching Funds:</u>	<u>\$0</u>
Total Grant Amount:	\$75,300

The funding provided by this grant is vital for ODOT to maintain a rail safety inspection program that is authorized by FRA to enforce federal rail safety regulations in the state. Failure to obtain these grant funds would significantly impact the ability of state inspectors to obtain the training necessary to maintain their certification to perform railroad inspection and investigation activities.

**ACTION REQUESTED**

ODOT requests retroactive approval to apply for \$75,300 in funding under the Railroad Safety State Participation Grant Program. ODOT may need to return for additional expenditure limitation if funds are awarded; no additional positions will be needed.

**LEGISLATION AFFECTED**

None.

Sincerely,



Kristopher W. Strickler  
Director