

RIO GRANDE PACIFIC CORPORATION INTERNAL CONTROL PLAN

49 CFR Part 225.33



Idaho Northern & Pacific Railroad

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This Internal Control Plan shall be maintained at the office of the Accident/Incident Reporting Officer and available for examination and copying by Federal Railroad Administration representatives (including participating State personnel) during normal business hours.

TABLE OF CONTENTS

1. POLICY STATEMENT	3
2. COMPLAINT & DISCIPLINE PROCEDURES	3
3. INTERNAL REPORTING FORMS	4
4. INTERNAL REPORTING PROCEDURES	4
Incident Notification	
Employee Injuries and/or Occupational Illnesses	
Injuries to Non-Railroad Employees	
Rail Equipment Accident/Incidents	
Highway-Rail Grade Crossing Accident/Incidents	
5. INTERNAL REVIEW PROCEDURES	6
6. INTERNAL COST DATA COLLECTION PROCEDURES	6
7. INTERNAL COMMUNICATION PROCEDURES	7
8. INTERNAL REPORT UPDATING PROCEDURES	7
9. INTERNAL PERFORMANCE AUDITING PROCEDURES	7
10. RAILROAD ORGANIZATION	8
11. CUSTODIAN OF FRA FORMS	8
ATTACHMENT A	9
Initial Injury Report (Form)	
ATTACHMENT B	10
Manager Incident Report (Form)	
ATTACHMENT C	11
Employee Incident Report (Form)	
ATTACHMENT D	12
Personal Injury Report (Form)	

1. POLICY STATEMENT

The respective railroads of Rio Grande Pacific Corporation (RGPC), herein referred to as “THE RAILROAD” are committed to complete and accurate reporting of all accidents, injuries, incidents and occupational illnesses arising from railroad operations. THE RAILROAD is further committed to full compliance with the letter and spirit of the Federal Railroad Administration’s (FRA) accident reporting regulations and to the principle, in absolute terms, that harassment or intimidation of any person that is calculated to discourage or prevent any person from receiving proper medical treatment or from reporting any accident, incident, illness or injury will not be permitted or tolerated and will result in disciplinary action against any employee, manager, or company officer of the railroad committing such harassment or intimidation.

Any employee having knowledge of any such harassment or intimidation should immediately report it to the RGPC President. Any employee who provides such knowledge shall be protected from harassment as stated in THE RAILROAD Employee Handbook.

This policy statement has been disseminated to all employees, management personnel, and company officers by posting on the company operations website, all railroad headquarters and other reporting locations.

2. COMPLAINT & DISCIPLINE PROCEDURES

THE RAILROAD will investigate and implement the following procedure to process all complaints from any person about the policy stated above being violated:

- Complaints regarding this policy should be directed to the RGPC President by calling (817) 731-7187 ext. 3125.
- The RGPC President will conduct a prompt, thorough, and objective investigation of any and all complaints with regard to this policy.
- Upon completion of the investigation, results will be provided to the complainant and disciplinary procedures, if appropriate, will be assessed.

THE RAILROAD will implement the following procedure in order to impose the appropriate prescribed disciplinary actions on any employee, manager, or officer of the railroad found to have violated the policy:

- Following a thorough investigation by the RGPC President, THE RAILROAD will impose appropriate prescribed disciplinary actions on each employee, manager, or officer of the railroad found to have violated the policy.

THE RAILROAD shall provide “whistle blower” protection to any person subject to this policy. Any act of intimidation should be reported to the RGPC President by calling (817) 731-7187 ext. 3125. Upon receipt of such complaint, the reporting employee will be asked to provide the details of the complaint and a prompt, thorough, and objective investigation will ensue to verify the complaint. The employee making the complaint may be asked to provide further information to facilitate the investigation, and will be advised of the results.

3. INTERNAL REPORTING FORMS

The following forms are used for the collection and internal recording of accident/incident information (all forms attached):

- INITIAL INJURY REPORT — manager report of initial assessment of medical condition of the employee.
- MANAGER INCIDENT REPORT — manager report of initial/interim/final information concerning ALL incidents/accidents/injuries/occupational illnesses
- EMPLOYEE INCIDENT REPORT — employee report of initial information concerning ALL incidents/accidents/injuries/occupational illnesses
- PERSONAL INJURY REPORT — employee and/or witness report of initial information concerning personal injury accidents

4. INTERNAL REPORTING PROCEDURES

Incident Notification: All incidents/accidents/injuries/occupational illnesses occurring on company property or involving company employees will be fully investigated and reported to the Incident Management Team. The team will ensure that all internal reporting forms are properly completed and submitted in a timely manner. All completed forms will be distributed via company secure email to the appropriate company officials, including railroad reporting officers for purposes of FRA reporting when required. All forms and records will be stored electronically via secure internal systems.

Railroad Reporting Officers may make use of the Accident/Incident Report generator (AIRG) to report to the FRA. All procedures will be in compliance with the FRA Guide for Preparing Accidents/Incidents Reports and all amendments as issued. Incidents cost figures are derived from wage, benefit and salary tables. Damage costs are derived from Federal and AAR provided monetary and depreciation figures.

Employee Injuries and/or Occupational Illnesses: All injuries/occupational illnesses will be reported using the MANAGER INCIDENT REPORT. The injured/ill employee and all other involved employees are required to complete the EMPLOYEE INCIDENT REPORT. Other forms listed in the Internal Reporting Forms will be used, as appropriate. When complete, all reports will be distributed via company secure email to the appropriate company officials, including railroad reporting officers for purposes of FRA reporting when required. The railroad reporting officer will complete and update (as necessary) a report to track any lost time and/or medical treatment rendered.

Injuries to Non-Railroad Employees: All injuries/occupational illnesses will be investigated and reported by the responding manager using the MANAGER INCIDENT REPORT. Other forms listed in the Internal Reporting Forms and Procedures will be used, as appropriate. When complete, all reports will be distributed via company secure email to the appropriate company officials, including railroad reporting officers for purposes of FRA reporting when required. The railroad reporting officer will complete and update (as necessary) a report to track any lost time and/or medical treatment rendered.

Rail Equipment Accident/Incidents: Crew members and other employees involved are required to complete the EMPLOYEE INCIDENT REPORT. The responding manager will complete the MANAGER INCIDENT REPORT based on information gathered from the investigation and the employees' report. Other forms listed in the Internal Reporting Forms and Procedures will also be used, as appropriate. When complete, all reports are distributed via company secure email to the appropriate company officials, including railroad reporting officers for purposes of FRA reporting when required. The railroad reporting officer will complete and update (as necessary) a report to track any lost time and/or medical treatment rendered. If drug/alcohol testing is performed, the railroad reporting officer will be informed of the tests and the results by the Designated Employee Representative (DER) of the railroad. Damage costs will be derived from Federal and AAR provided monetary and depreciation figures. Whenever damage cost estimates are changed from the initial report, an INTERIM MANAGER INCIDENT REPORT will be completed. Once finalized, a FINAL MANAGER INCIDENT REPORT will be

completed and the information will be provided directly to the railroad reporting officer as necessary for FRA reporting purposes.

Highway-Rail Grade Crossing Accident/Incidents: All procedures outlined in the preceding paragraph (Rail Equipment Accident/Incidents) are to be followed. Additionally, THE RAILROAD will follow all reporting requirements found in the FRA Guide for Preparing Accident/Incident Reports, including attempt to contact any highway user potentially injured in a highway-rail grade crossing accident/incident.

5. INTERNAL REVIEW PROCEDURES

It is the responsibility of the Incident Management Team to ensure that all internal reporting procedures are properly followed. Upon receipt of a report, the team will review the provided data and contact the preparer if edits are necessary. This provides the first level of accuracy in reporting. Any changes or additions must be reported on interim or final reports and distributed in the same manner as the initial report. Final reports will be reviewed by the team to ensure that all data, including any reportable to FRA, is accurate.

6. INTERNAL COST DATA COLLECTION PROCEDURES

Information concerning the initial estimates of monetary damage to railroad equipment (both labor and material) involved in collisions, derailments, etc., are collected by the responding railroad manager(s) using depreciation information provided by the company AAR repair procedures manuals. Repair costs are determined by using the most recent repairs and parts of a like kind and industry replacement/procurement costs. This information is estimated on the initial MANAGER INCIDENT REPORT and revised as necessary on interim and final reports using knowledge of actual repair amounts obtained from parts manuals, past practices and company procurement procedures.

Information concerning the initial estimates of the monetary damage to railroad track, signals, roadbed, etc., (both labor and material) involved in collisions, derailments, etc., are collected by the responding railroad manager(s) based upon the cost of replacement or repair using the most recent costs of obtaining these same types of materials for railroad use. Costs to the railroad listed in contractual agreements, if any, are used as primary costs, when feasible. If an immediate source of materials, not under contract, is necessary, that cost will be indicated in the initial estimate.

7. INTERNAL COMMUNICATION PROCEDURES

The following individual(s) are designated as the Incident Management Team and will be responsible for monitoring all reporting procedures:

- President
- Vice President of Operations
- Director Safety, Training & Regulatory Compliance

The following individual(s) will be responsible for collecting and reporting all incident/accident/occupational illness information:

- Department Manager(s)

The following individual(s) will be responsible for proper distribution and storage of records:

- Director Safety, Training & Regulatory Compliance
- Chief Information Officer

The following individual(s) will be responsible for FRA reporting:

- Railroad Reporting Officer

8. INTERNAL REPORT UPDATING PROCEDURES

The Incident Management Team has the responsibility to ensure the data included on all reports is accurate. Any changes or additions must be reported on interim or final reports and distributed in the same manner as the initial report. Final reports will be reviewed by the team to ensure that all data, including any reportable to FRA, is accurate.

9. INTERNAL PERFORMANCE AUDITING PROCEDURES

The Incident Management Team has the responsibility of auditing the performance of the reporting function a minimum of once each calendar year. Results of the audit(s) will be maintained at the headquarters of THE RAILROAD for inspection purposes.

10. RAILROAD ORGANIZATION

The specific departments whose personnel regularly come into possession of information pertinent to the preparation of reports are:

- Administration (includes Dispatch and Customer Service)
- Maintenance of Way
- Mechanical
- Operating
- Signal

The company officials whose departments regularly come into possession of information pertinent to the preparation of reports and/or regularly receive reports are:

- Chief Executive Officer
- President
- Vice President of Operations
- Director Safety, Training & Regulatory Compliance
- Chief Information Officer
- Chief Mechanical Officer
- Chief of Dispatching Operations
- General Manager
- Assistant General Manager
- Manager Train Operations
- Accident/Incident Reporting Officer
- Designated Employee Representative
- Department Manager(s)

11. Custodian of FRA Forms

The custodian of all FRA Forms, including Form F 6180.107 (Alternative Record for Illnesses Claimed to be Work-Related) and all records and supporting documentation, including medical records, is the Accident/Incident Reporting Officer, as listed on the cover page of this plan.

ATTACHMENT A

Initial Injury Report (Form)

ATTACHMENT B

Manager Incident Report (Form)

ATTACHMENT C

Employee Incident Report (Form)

ATTACHMENT D

Personal Injury Report (Form)