



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Federal Railroad  
Administration**

**AUG 21 2017**

Mr. Stephen M. Ryan, Esq.  
McDermott Will & Emery LLP  
500 North Capitol Street, NW  
Washington, DC 20001-1531

Dear Mr. Ryan:

Thank you for your May 30, 2017, letter to the Federal Railroad Administration (FRA) regarding your client's concerns with All Aboard Florida's (AAF) Brightline passenger rail project (Brightline). Your letter identified general issues about the overall project and a concern regarding a recent incident that occurred within the Brightline yard facility. Specifically, you noted that the intent of your letter is to:

- Formally notify the U.S. Department of Transportation (DOT)/FRA of this possible incident;
- Inquire whether AAF filed the required report under Title 49 Code of Federal Regulations (CFR) Part 225, *Railroad Accidents/Incidents: Reports Classification, and Investigations*, within the appropriate timeline; and
- Request that DOT publicly address whether such a derailment occurred and should have been reported, so that the community will know the facts.

In response to your inquiry, FRA notes that Brightline and the Florida East Coast Railroad (FEC) notified FRA of the February 11, 2017 accident within the Brightline yard facility. Based on those notifications and Brightline's subsequent filing of an accident report under 49 CFR part 225, FRA understands that on February 11, 2017, a Brightline locomotive derailed its trailing truck while negotiating a switch at four miles per hour within the Brightline yard facility. The derailed Brightline locomotive was the second locomotive in a consist led by a FEC locomotive into the Brightline yard and maintenance facility. Brightline and FEC promptly notified FRA officials of the incident. FRA appreciates your client's concern, agrees that proper reporting is important, and notes that Brightline and FEC adhered to 49 CFR Part 225 when they initially notified FRA of the derailment and when Brightline subsequently filed an accident report related to the derailment. The report can be found under Incident Number 201702001, on FRA's Office of Safety Analysis website<sup>1</sup>.

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<sup>1</sup> See <http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx>

Safety is of paramount importance, and FRA appreciates your client's desire to ensure that Brightline complies with Federal requirements. FRA will continue to provide oversight of this railroad, as it has from its inception, to ensure that the operation meets or exceeds the safety requirements set by Federal regulations.

I hope this letter answers your questions regarding this incident. If you have any additional questions, please feel free to contact Mr. Devin Rouse, Staff Director, Passenger Rail Division at (202) 493-6185 or Devin.Rouse@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Herrmann", with a long horizontal flourish extending to the right.

Thomas J. Herrmann  
Director, Office of Technical Oversight