

Rec'd NCR 28 Aug 79 14

REQUEST FOR RECORDS DISPOSITION AUTHORITY  
(See Instructions on reverse)

LEAVE BLANK	
JOB NO	NCI-399-79-1
DATE RECEIVED	Aug. 28, 1979
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
2-8-80 James E. O'Neil Date acting Archivist of the United States	

TO GENERAL SERVICES ADMINISTRATION,  
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Transportation

2. MAJOR SUBDIVISION

Federal Railroad Administration

3. MINOR SUBDIVISION

Office of the Chief Counsel, Enforcement Division

4. NAME OF PERSON WITH WHOM TO CONFER

Terri Buri

5. TEL EXT

426-0776

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 3 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention.

C. DATE	D. SIGNATURE OF AGENCY REPRESENTATIVE	E. TITLE
8-21-79	<i>Albert Scott Kaye</i>	Records Manager

7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO	10. ACTION TAKEN
1.	<p>Congress created the Federal Railroad Administration with the passage of the Transportation Act of 1966 (80 Stat.932) 3(e)(1). Its purpose is to combine federal government support to rail transportation activities, and to provide a unified national policy; to administer and to enforce rail safety laws and regulations; to administer financial assistance for certain railroads; to conduct research and development to improve intercity ground transportation; and to operate the Alaska Railroad. An administrator, the Chief Counsel, and five associate administrators lead the FRA. The Chief Counsel's Office directs the legal affairs of FRA. The Enforcement Division of the Chief Counsel's Office negotiates settlements with carriers for safety law violations; transmits violation cases to the various U. S. Attorneys for collection of civil or criminal penalties when administrative settlement is impossible; and generally represents the FRA in all non-bankruptcy litigation.</p> <p>Cases referred to United States Attorneys</p> <p>Violations of Federal Railroad Safety laws and regulations which provide for criminal penalties, or which involve civil penalties that were not settled administratively. These cases are referred to the United States Attorneys' Office for prosecution/collection. They have been processed and closed by the various United States Attorneys.</p> <p>Transfer to FRC upon close of case. Destroy when 3 years old, after close of case.</p>		5 items

115-107

Copy to NCW, NNF,  
Closed Out 2-13-80

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
2.	<p><u>Federal Tort Claims Act Cases</u></p> <p>Files on cases involving tort claims, such as automobile accidents, against Federal Railroad Administration Employees. These Federal Tort Claims Act cases have been settled or closed.</p> <p style="text-align:right;">Destroy <del>when</del> 3 years <u>old</u>, after close of case. <span style="float:right;">RTB 1/29/80</span></p>		
3.	<p><u>Civil Penalty Violation Cases</u></p> <p>Violations of Federal Railroad Safety laws and regulations which provide for civil penalties and settlement under the Federal Claims Collection Act, 31 U.S.C. §§ 951-953 and the Federal Railroad Safety Act of 1970 (45 U.S.C. §§ 421, 431-441). These files are transmitted by the Office of the Chief Counsel directly to the railroad involved, and have either been voluntarily settled or closed by the railroad and FRA using procedures established by the Federal Claims Collection Act.</p> <p style="text-align:right;">Transfer to FRC 1 year after close of case. A Destroy <del>when</del> 3 years <u>old</u>, later. <span style="float:right;">RTB 1/29/80</span></p>		
4.	<p><u>Civil Assessment Cases under the Hazardous Materials Transportation Act</u></p> <p>Violations of the Hazardous Materials Transportation Act (49 U.S.C. 1801-1812) which result in the assessment of civil penalties by FRA against the shipper/carrier. These files are transmitted by the Office of the Chief Counsel directly to the shipper/carrier, who may then present defenses or factors in mitigation. A final assessment is then made by members of the Chief Counsel's staff. A final assessment has been made in these cases. Also included in this category are hazardous materials cases which have been referred to the United States Attorney for collection of the final assessment.</p> <p style="text-align:right;">Transfer to FRC 1 year after close of case. A Destroy <del>when</del> 6 years <u>old</u>, later. <span style="float:right;">RTB 1/29/80</span></p>		

**Request for Records Disposition Authority - Continuation**

JOB NO.

PAGE OF

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7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
5.	<p><del>Alleged Violations for Which Enforcement has been Declined</del></p> <p>Alleged violations of Federal Railroad Safety Laws and Regulations. Enforcement has been declined on these cases by the Office of the Chief Counsel either because they were lacking in legal sufficiency or because the statute of limitations had expired.</p> <p><del>Destroy when 3 years old.</del></p>	<p>withdrawn, 1/16/80</p> <p>X 1/16/80</p> <p>RTB 1/16/80</p>	<p>→ WITHDRAWN</p>