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COMMENTS ON 49 CFR PART 659

1. **659.5 Definitions.**

- a. Investigation means the process used to determine the causal factors of an accident or hazard such that the actions can be identified to prevent recurrence.
- b. Rail transit vehicle means the rail transit agency's rolling stock.

Comment

Suggest the wording:

Rail transit vehicle means the rail transit agency's rolling stock *intended for transporting passengers*.

659.39 Notification

(2) injuries requiring immediate medical attention away from the scene for two or more individuals.

Comment

Suggest the wording:

Injuries requiring immediate medical attention away from the scene *and hospitalization* of two or more individuals.

There are many litigious minded individuals who aren't severely injured but they require the medical documentation to further a claim against a transit agency. The best way for those individuals to obtain medical documentation is to request transport to a hospital. By adding the qualifier *and hospitalization*, the number of injuries becomes more relevant regarding the severity of an accident.

(3) property damage to rail transit vehicles, non-rail transit vehicles, other transit property or facilities that equals or exceeds \$25,000.

Comment

Suggest the wording:

Property damage to rail transit vehicles, non-rail transit vehicles, other transit property or facilities that equals or exceeds **\$100,000**.

\$25,000 is equal to approximately 2.5% total cost of a 1 million dollar rail car.

\$100,000 is equal to approximately 10% total cost of a 1 million dollar rail car.

Damage estimates are unreliable and subjective at the scene of an accident and as a result, \$25,000 is too small a number as a threshold.