



U.S. Department
of Transportation

**Federal Railroad
Administration**

Region III

61 Forsyth Street, SW
Suite 16T20
Atlanta, GA 30303-3104

May 14, 2010

RE: 2010-FEC-013646

Mr. Andres Trujillo
UTU Florida Legislative Board
8210 NW 172 Street
Miami, FL 33015

Dear Mr. Trujillo:

This is in response to your letter dated March 19, 2010, requesting an investigation of the Florida East Coast Railway conducting improper brake testing at the Fort Lauderdale yard on February 7, 2010. Our investigation addresses your concern regarding an FEC conductor not being allowed to properly complete a Class I Brake test and alleged violation of 49 CFR Part 232.205.

Federal Railroad Administration (FRA) has investigated this matter and has come to the conclusion that the allegations presented in your complaint were factual. Investigation determined that the FEC was in violation of minimum standards. As a result, violations will be forwarded to the Office of Chief Counsel with recommendation for civil penalty.

It is my understanding that you were advised of our findings.

As always, we appreciate your continuing efforts in identifying issues affecting rail safety and thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in cursive script, reading "Patrick F. Plumb".

Patrick F. Plumb
Regional Administrator