



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

April 1, 2023

Mr. Brent Cagle  
Interim Chief Executive Officer, Charlotte Area Transit System  
Assistant City Manager, City of Charlotte  
600 E. 4th Street, CMGC - 7<sup>th</sup> Floor  
Charlotte, NC 28202

**Subject: NCDOT Unannounced Inspection of CATS' Rail Operations Control Center**

Mr. Cagle:

On March 31, 2023, the North Carolina Department of Transportation (NCDOT) State Safety Oversight (SSO) personnel conducted an unannounced inspection of the Charlotte Area Transit System (CATS) Rail Operations Control Center (ROCC). This inspection was conducted as part of NCDOT's ongoing investigation, initiated on March 27, 2023, for reported allegations of unsafe working conditions within CATS' Rail Operations Control Center (ROCC).

Information obtained by NCDOT suggests that CATS is routinely assigning a single Rail Controller to oversee and manage the movement of all revenue service light rail vehicles and streetcars, while simultaneously overseeing and managing rail vehicle yard movements in two rail yards. If true, this would be contrary to NCDOT's verification of CATS' actions to address known staffing shortages following NCDOT's 2022 triennial audit of CATS. Since the audit last summer, CATS has increased Chief Rail Controller positions, from one to three (promoting 2 Rail Controllers) and hired additional Rail Controllers to provide adequate ROCC staffing.

At 10:45pm on March 31, 2023, NCDOT entered CATS' ROCC facility and conducted an unannounced inspection to observe and verify current working conditions and Rail Controller assignments within the ROCC. During the 2 hours spent in the ROCC facility, NCDOT noted the following:

1. Two ROCC qualified employees, a Rail Controller and a Chief Rail Controller, were on-duty and managing an evenly distributed workload. The Rail Controller was also providing training to a newly hired Rail Controller. At 11:00pm, the Rail Controller's shift was scheduled to end, and the trainee left for the evening. However, the Rail Controller remained on-duty in the ROCC for an additional twenty-five minutes to assist with a spike in two-way radio communication.

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
RAIL DIVISION  
1556 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1556

*Telephone:* (919) 707-4100  
*Fax:* (919) 707-4154  
*Customer Service:* 1-877-368-4968

*Website:* [www.ncdot.gov](http://www.ncdot.gov)  
[www.ncbytrain.org](http://www.ncbytrain.org)

*Location:*  
862 CAPITAL BLVD  
RALEIGH, NC 27603

2. From 11:25pm Friday until 1:00am Saturday morning, NCDOT observed CATS' Chief Rail Controller dutifully complete the following key activities, among other work:
  - 1) Oversee and manage the movement of multiple light rail trains and streetcars in revenue service.
  - 2) Monitor and respond simultaneously to two-way radio traffic, with other CATS employees, using three separate communication radio channels.
  - 3) Coordinate yard movements of trains in advance of the next day's revenue service plan.
  - 4) Coordinate train movements to facilitate rail car maintenance schedules.
  - 5) Communicate with multiple CATS departmental personnel who were responding to a minor event on the streetcar system.
  - 6) Supervise and coordinate all Blue Line, Gold Line, and yard activities for right-of-way (ROW) and streetcar alignment access.
  - 7) Complete a minimum of thirty (30) additional critical Rail Controller duties, per CATS' current ROCC Procedures Manual.

As part of its ongoing investigation for reported allegations of unsafe working conditions within the ROCC, NCDOT's unannounced inspection identified the following two (2) **Findings**:

**Finding # 1:** Despite prior assurances received and CATS' ongoing actions to address NCDOT's required ROCC staffing related Corrective Action Plans (CAPs), NCDOT has verified that scheduling a single ROCC qualified employee to oversee and manage all ROCC job duties, on various work shifts, is routinely planned. This practice creates undue stress and nearly overwhelming levels of responsibilities on ROCC controllers completing singular employee shifts. During its ongoing investigation, NCDOT has also learned that CATS may not be utilizing all active ROCC qualified Rail Controllers and Chief Rail Controllers on the weekly ROCC work schedules. This is counter-productive to reducing the level of ROCC employees' on-job stress and safety risk associated with the ROCC employees' ability to focus on train movements throughout the system. As such, NCDOT identifies CATS' intentional scheduling and expectations for ROCC qualified employees, to work singular-employee blocks of work hours, to be a finding. Additionally, CATS must establish a procedure to include ROCC facility staffing, within the agency's budget process, at the highest level.

**Finding # 2:** Based on recent observations in the ROCC, NCDOT has determined that the current level of specific job duties assigned to the 3rd shift ROCC employees is excessive and further distracts ROCC employees from the critical responsibilities of overseeing and managing rail vehicle and streetcar movements on the mainline and in rail yards. To date, CATS personnel have routinely stated to NCDOT that workload assessments and staffing analyses are budget-driven at CATS. As such, NCDOT identifies the currently assigned workload on ROCC 3<sup>rd</sup> shifts and lack of formal analyses to be a finding.

**As such, NCDOT hereby directs CATS to utilize all qualified [active] ROCC personnel and assign one (1) ROCC employee to work in the ROCC facility and oversee and manage no more than one service line (light rail or streetcar) system per shift. If the ROCC cannot be staffed with at least two (2) fully qualified ROCC employees, on any work shift, then CATS shall cease revenue service on the line affected by not having a dedicated ROCC employee assigned. As CATS' Accountable Executive, you shall implement this Directive today, April 1, 2023.**

This Directive, in no way relieves CATS of its responsibility to comply with current Hours of Service (HOS) requirements included in NCDOT's Program Standard and CATS' Agency Safety Plan.

In accordance with the requirements of NCDOT's SSOPS and 49 CFR Part 674, please be advised that NCDOT hereby directs CATS to develop a CAP, for each of the findings included herein, and submit both to NCDOT for review and approval **within ten (10) calendar days** from the date of this letter. The CAPs shall include proposed actions to expeditiously address ROCC employee staffing issues and work assignments to address the current level of associated safety risk, a timeframe for CAP implementation, and the assignment of responsible staff or personnel.

Per North Carolina's enabling legislation, N.C. G.S. 136-18(36), NCDOT may take additional actions to delay, suspend, or temporarily cancel rail services until a time when CATS has properly addressed ASP noncompliance issues related to: 1) an imminent threat to public safety at CATS, or 2) a lack of action or noncompliance from CATS in carrying out its ASP and corrective action plans approved by NCDOT.

NCDOT also directs CATS to also provide a weekly planned/actual ROCC employee schedule to NCDOT for review and ongoing safety risk monitoring until further notice.

NCDOT greatly appreciates your continued cooperation and support of the SSO Program. If you have any questions, please contact me at 919-707-4149.

Regards,



Timothy P. Abbott  
Safety Enforcement and Oversight Manager  
SSO Program Manager  
Rail Division  
North Carolina Department of Transportation

Cc: Chad Hagans, CATS  
David Moskowitz, CATS  
Jahmal Pullen, NCDOT  
Jason Sergent, NCDOT Contractor  
Don Pike, NCDOT Contractor  
Jerrad Jones, NCDOT Contractor