

[4910-06]  
DEPARTMENT OF TRANSPORTATION  
Federal Railroad Administration

[FRA E.O. No. 6]

ILLINOIS CENTRAL GULF RAILROAD COMPANY

Emergency Order Restricting  
Certain Operations

The Federal Railroad Administration (FRA), Department of Transportation has determined that considerations of public safety necessitate the issuance of an emergency order removing from service the line of railroad operated by the Illinois Central Gulf Railroad Company (ICG) between Rock Creek Junction, Missouri, and Clark, Missouri, a distance by rail of approximately 130 miles (portions of the Slater District and Kansas City District, Missouri Division). This document summarizes the factual and legal basis for FRA action and issues the emergency order.

The above-described segment of line is a single track main line over which operations are conducted by timetable, train order, and an automatic block signal system. Under this method of operation, trains will in many instances rely on the aspects displayed by wayside signals to ascertain whether portions of the line of railroad are occupied and, thus, whether entry into the portion of track or "block" is safe. In addition, to a certain extent train crews may tend to rely on clear aspects as assurance that the track structure is intact and switches are properly aligned.

In this context, if a signal displays a more favorable aspect than intended, a train may be drawn into a trap in which the train cannot be stopped short of another train, broken rail, or misaligned switch leading into a low-speed turnout. The display of a more favorable aspect than intended is known as a "false clear" or "false proceed".

As a result of a series of inspections on the segment of line by PRA inspectors and a participating state inspector from the Missouri Public Service Commission over a period of more than one year, PRA became aware that vegetation had been permitted to grow in such a way as to entangle itself in and interfere with signal line wires carried on poles along the right-of-way. Vegetation growth of this kind has the potential to result in signal wires touching one another, producing a false proceed indication by the wayside signals.

The Signal Inspection Act (49 U.S.C. 26) provides that it shall be unlawful for any carrier to use on its line any signal system which is not "in proper condition and safe to operate in the service to which it is put, so that same may be used without unnecessary peril to life and limb..." The PRA Track Safety Standards, issued under the authority of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431-441), provide that vegetation must be controlled so that it does not prevent the proper functioning of signal

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or communication lines. (49 CFR §213.37(d)). FRA administers and enforces both the Signal Inspection Act and the Federal Railroad Safety Act of 1970 under a delegation from the Secretary of Transportation. (49 CFR §1.49).

Through the issuance of numerous inspection and violation reports in the period September 14, 1976, through the present FRA has repeatedly called to the attention of the ICG specific dangerous and defective conditions relating to vegetation on the segment of line. The ICG responded with inadequate measures which left untouched many serious situations.

As a result of persistent carrier neglect, a number of known false proceed conditions have arisen on the ICG since the latter part of June, 1977. At least six false proceeds have been caused by vegetation growth causing signal wires to be wrapped or otherwise to contact other signal wires or communication wires. Vegetation may have contributed to a seventh false proceed. One of the false proceed conditions known to have been caused by vegetation actually existed unabated for a period of twelve days due to an apparent lapse of internal communication within the railroad. An eighth false proceed was apparently caused by a wrapping of lines during the course of work done by bulldozer to remove some of the larger vegetation.

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Given the pattern of noncompliance on this segment of line and an emerging pattern of false proceed indications, FRA intensified its efforts to encourage remedial action by the carrier.

During a meeting with the FRA Regional Administrator in Chicago on September 13, 1977, an ICG Vice President and other responsible officials of the carrier set a target date for removal of vegetation of December 5, 1977. In a letter to ICG's President and Chief Operating Officer on November 23, 1977, I emphasized my concern that this target date be met and stressed that failure of the ICG to take corrective action could result in use of FRA's emergency powers under section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). The information available to FRA on this date indicates that, while ICG has done work designed to clear completely vegetation from signal lines along approximately 52 miles of track and has done partial clearing with bulldozers on an additional 32 miles of line, the current pace of work will permit hazardous conditions to persist on a substantial portion of the line for a number of weeks into the future unless decisive action is taken.

In light of the established pattern of noncompliance by the ICG with respect to this subject matter, the repeated occurrence of known false proceed indications and the continuing significant level of probability that additional false proceed indications will continue to occur in the foreseeable future, and in light of the risk to employees and the public that such conditions may cause collisions or derailments involving immediate death or injury to persons or death or injury to persons following the release of hazardous materials transported on the line, I have determined that the aforementioned vegetation growth affecting the integrity of the signal system on the ICG line extending between Clark, Missouri, and Rock Creek Junction, Missouri, constitutes an unsafe condition and creates an emergency situation involving a hazard of death or injury to persons affected by the use thereof.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to me by the Secretary of Transportation (49 CFR §1.49(n)), it is hereby ordered:

1. That all train service over that part of the Illinois Central Gulf's Missouri Division extending between Clark, Missouri and Rock Creek Junction, Missouri, a distance of approximately 130 miles, shall be terminated not later than 12:01 a.m. December 8, 1977. However, any through train in transit over such track at that time may continue to its final terminal.

2. This order shall remain in effect until all vegetation has been removed from the signal pole line, all wires are properly secured on insulators, all grounds are removed and the Illinois Central Gulf Railroad has determined that the signal system functions as intended.

3. Operation of all train service (except work trains engaged in repair or restoration) over such track shall be and is prohibited by this order until the authorized designated official of the Illinois Central Gulf Railroad has certified that the above conditions have been met and the line has been inspected by a representative of the Federal Railroad Administration. Subject to these procedures, service over the line may be restored incrementally.

In consideration of the discussions and correspondence between FRA and the ICG, I have further determined that the above-stated order shall become effective according to its terms notwithstanding any provision in Part 216 of Title 49, Code of Federal Regulations.

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 CFR §216.25 and section 203 of the Federal Railroad Safety Act of 1970 by written petition.

Issued in Washington, D.C. on

JOHN M. SULLIVAN  
Administrator