



**American Short Line and
Regional Railroad Association**

The Voice of America's Independent Railroads

October 17, 2013

Joseph C. Szabo, Administrator
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Szabo:

The American Short Line and Regional Railroad Association ("ASLRRA") is pleased to respond to your letter of September 30, 2013 concerning Safety Advisory 2013-006 and Emergency Order 28. As you know ASLRRA is the trade organization which represents 455 of America's Class II and Class III railroads in the nation's capital. It is the voice of America's small railroads.

In that capacity ASLRRA has worked diligently to inform its member railroads about the requirements of Emergency Order 28 and the terms of the Safety Advisory 2013-006. As a voluntary membership organization we have no capacity to direct or assess the performance of individual railroads in their progress towards compliance and conformity with federal regulations and guidelines. Nevertheless, ASLRRA has provided a continuous stream of information to our short line railroads. As has always been our practice with regard to safety issues we are in constant communication with individual railroads so that no questions about Emergency Orders or Safety Advisories go unanswered.

Specifically, on August 5 ASLRRA issued an Operations Bulletin which advised members of the rail accident at Lac-Megantic, Quebec and provided member railroads with the link to the Federal Railroad Administration website containing the full text and summary of Emergency Order 28 and Safety Advisory 2013-006 issued following that incident. On August 8 ASLRRA published a special edition of its widely read newsletter, *Views & News*, in which we published a detailed report of Emergency Order 28 and Safety Advisory 2013-006, a detailed report of the forthcoming Emergency Railroad

Safety Advisory Committee (RSAC) meeting, and an item-by-item review of all ASLRRA actions and recommendations to date. Subsequently, ASLRRA gave updates on the Emergency Order and published the FRA Guidance on the Emergency Order. In addition, on August 15 ASLRRA issued to its member railroads a compliance template and relief request template to help them better respond to the new requirements. In its August 2013 Safety Bulletin ASLRRA published information about the Emergency Order, the Safety Advisory and internet links to the Emergency Order 28 compliance templates, and we republished it in the October edition along with the FRA's post-Emergency RSAC press release. After the August 29 Emergency RSAC meeting we published a detailed summary of the substance of the meeting and the tasks taken on. In addition, the ASLRRA website contains Emergency Order 28, the Safety Advisory and two compliance templates for use by its members at any time. Finally, ASLRRA has featured information about the Emergency Order and the Safety Advisory at its regional conferences around the country in September and October and will do so at its upcoming November meeting on the west coast.

While we cannot specify how each of our 455 short line railroads reviewed this material internally, we can say with confidence that the circumstances of an accident such as the one which occurred last summer in Lac Megantic, Canada will be a subject of intense scrutiny and self-examination on every rail property. No railroad professional underestimates the human tragedy of a Lac Megantic event, and each and every one will devote considerable effort to understanding how such an event can be avoided on his or her own railroad.

In addition to ASLRRA's blanket communication to our membership on this subject, we have recruited some of our industry's most knowledgeable and experienced safety and operating experts to participate in FRA's upcoming RSAC process tasked with examining the safety issues arising from Lac Megantic. They will be fully immersed in the RSAC's deliberations and they will, through ASLRRA, make regular and detailed reports of these proceedings to our railroad membership.

With regard to crew staffing requirements our member railroads at all times carefully consider the appropriate train and engine crew assignments to assure the highest degree of safety for the movements they operate, as they have for many decades of safe and secure operations. The industry's ability to staff crews in the safest possible manner is robust: as FRA itself has publicly noted, 2012 – the last full year for which data are available – was the safest year in the long history of railroading in America.

ASLRRA has advised its member railroads that Safety Advisory 2013-006 urges railroads to remove the reverser in the controlling locomotive of a train or locomotive consist left unattended on a main track or siding outside of a yard or terminal. ASLRRA member railroads with operations to which Safety Advisory 2013-006 is directed have developed plans addressing these issues and are implementing them.

Further, ASLRRA members comply with an industry driven initiative that further enhances safety that goes beyond the requirements of Emergency Order 28. These requirements are contained in Association of American Railroads (AAR) Circular OT-55. It is also worth noting that most of the ASLRRA members that carry hazardous materials do so at very low speeds of ten miles per hour or less, where the risk of unintended release is low.

It is important to put these actions in the proper context. The American public deserves to know that securement failures in the US on main lines are very rare, and FRA's own safety data reveal no correlation between crew size and safe securement. Nor do the data indicate that securement on main lines is a serious safety issue. The following FRA accident data chart breaks down the number of failure-to-secure accidents for the railroad industry by crew size between 2008 and the current time.¹

Table 1: Number of Securement Accidents by Crew Size on All Tracks

<u>Crew Size</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
1	5	1	3	5	4	1
2	33	22	32	22	24	12
>2	31	31	27	21	21	8

As this table clearly reveals, single person crews have consistently resulted in the fewest accidents related to securement issues, dramatically fewer than two person or larger crews.

¹ Categories included: HO17 – Failure to Properly Secure Engine(s) (Railroad Employee); HO 18 – Failure to properly secure hand brake on car(s) (Railroad Employee); HO21 – Failure to properly secure car(s) (Railroad Employee); HO22 – Failure to properly secure engine(s) or car(s) (Non Railroad Employee)

This remarkably safe record with regard to securement is also reflected in the accident rates for all railroads in three key measurement categories:

Table 2: Accident Rate per Year per Securement Causation Source on Main Lines

<u>Cause</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
HO17 ²	0.0	0.0	0.0
HO18 ³	0.001	0.0	0.0
HO21 ⁴	0.0	0.0	0.0

This table, which shows that accidents due to human failures related to equipment securement on main lines are virtually non-existent, should reassure the American public that current FRA rules and railroad operating procedures are effective in creating a remarkably safe rail industry.

Our member railroads continually review their operational testing procedures to monitor compliance with securement related rules and measure their testing practices to assure they are sufficient and appropriate both in quality and quantity as recommended in Safety Advisory 2013-006. In addition our member railroads regularly inspect their main line and yard tracks and facilities to identify any hazards which create increased securement and other safety risks at all locations including those where trains or other rolling equipment may be regularly left unattended. Once again the almost non-existent accident rate related to securement in the US rail system attests to the effectiveness of their programs.

As you requested ASLRRA has made its member railroads aware of the Canadian Emergency Directives and Orders concerning securement. Additionally the railroad trade press has provided comprehensive coverage of this matter, and railroad operators follow them closely.

With regard to the transportation of hazardous materials ASLRRA has also been proactive in promoting a re-examination and appropriate updating of safety and security plans. We have added programs and materials at all our regional conferences which feature Federal Railroad Administration and Transportation Security Administration speakers and materials to address these issues, and we appreciate greatly the willing participation of both agencies in educating our membership. In addition our member-driven Safety and Training Committee and its safety-professional leaders have reviewed

² HO17 – Failure to properly secure engines (s) (Railroad Employees)

³ HO18 – Failure to properly secure handbrake on car(s) (Railroad Employees)

⁴ HO21 – Failure to properly secure car(s) (Railroad Employees)

the benefits of reviewing safety and security plans with their railroad members on an ongoing basis.

In sum we thank the Federal Railroad Administration for the opportunity to inform the American public of our intensive and ongoing programs both to keep our railroad members informed of government regulations and recommendations and to encourage and assist them in compliance. We are proud of the long safety record of our small railroad industry, particularly in reference to the issue of securement of unattended trains, and look forward to working with the Federal Railroad Administration to maintain the safest possible railroad network.

Respectfully,

A handwritten signature in black ink, reading "Richard F. Timmons". The signature is written in a cursive, flowing style with a large, prominent "S" at the end.

Richard F. Timmons, President
American Short Line and Regional Railroad Association