



Railroad Safety Advisory Committee



Safety Advisory 2013-06 Presentation

to the

49th Railroad Safety Advisory Committee Meeting

August 29, 2013
Washington, DC



Safety Advisory 2013-06



Safety Advisory 2013-06 Recommended Railroad Actions



Recommendation No. 1



- Review with employees the circumstances of the Lac-Mégantic accident described in this Safety Advisory.
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Recommendation No. 2



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- Review crew staffing practices for over-the-road trains that transport materials referred to in Appendix A to EO 28.
 - ✓ Amend existing crew staffing practices as necessary to ensure safe train movement.
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Recommendation No. 3



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- Amend procedures adopted to comply with 49 CFR 232.103(n)(4) by requiring that the reverser lever of the controlling locomotive of a train or locomotive consist be either:
 - ✓ Removed from the cab of the controlling locomotive; or
 - ✓ Secured (when such reversers are capable of being removed by a train crewmember) to prevent unauthorized movement of any train or locomotive consist left unattended on mainline track or mainline siding outside of a yard or terminal.
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Recommendation No. 4



- Review both their operational testing programs (as adopted in accordance with 49 CFR 217.9) and relevant accident data related to the securement of unattended equipment.
- Determine whether it is appropriate to increase the frequency of, or to otherwise enhance, operational tests performed to determine the extent of railroad employee compliance with operating rules governing the proper securement of unattended equipment.

(Continued)



Recommendation No. 4

(Continued)



- Ensure that tests are conducted under all operational conditions.
 - Ensure that tests results are properly recorded.
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Recommendation No. 5



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- Conduct system-wide evaluations to identify particular hazards (e.g., grade, train commodity, trespasser accessibility) which increase securement and other safety risks at crew change locations and other locations where any trains or rolling equipment are regularly left unattended.
 - Identify hazards at these locations, and adopt procedures to mitigate risks that could result in unauthorized or uncontrolled train movements.
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Recommendation No. 6



- Review the other requirements in Transport Canada's emergency directive and order, to include human factor requirements such as:
 - ✓ operator fatigue;
 - ✓ the use of derails as a secondary line of defense at high risk locations; and
 - ✓ available personnel to secure a train.

(Continued)



Recommendation No. 6

(Continued)



- If necessary, amend the procedures governing these issues to ensure the safety of train operations, particularly as they relate to train operations conducted on main track.
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Safety Advisory 2013-06



Recommended Hazardous Materials Actions



HAZMAT Recommendation No.1



- Offerors evaluate their processes to ensure that hazardous materials are properly classed and described in accordance with the HMR.
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HAZMAT Recommendation No.2



- Offerors and carriers of hazardous materials review their safety and security plans adopted in accordance with subpart I of part 172 of the HMR.

(Continued)



HAZMAT Recommendation No.2

(Continued)



- Offerors and carriers evaluate whether their existing plans adequately address personnel security, unauthorized access, and en-route security and, as necessary, amend the plans to ensure the continued safe and secure transportation of railroad tank cars containing hazardous materials.
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END





Railroad Safety Advisory Committee



Emergency Order No. 28 Presentation

to the

49th Railroad Safety Advisory Committee Meeting

August 29, 2013
Washington, DC



Emergency Order No. 28



FRA Emergency Order No. 28
Notice No. 1
78 Fed. Reg. 48218 (Aug. 7, 2013)



Emergency Order No. 28



In light of the July 6, 2013, derailment in Lac-Mégantic, Quebec, FRA re-examined its regulations governing the securement of certain unattended equipment and relevant accident and inspection data. This examination led FRA to the conclusion that action was necessary to eliminate an immediate hazard of death, personal injury, or significant harm to the environment, particularly in instances where the transportation of certain hazardous materials was involved. Subsequently, FRA issued Emergency Order No. 28 (EO 28) on August 2, 2013, which required that railroads take six actions. EO 28 is effective September 1, 2013.



Emergency Order No. 28



The following slides summarize EO 28's requirements and the information contained in an accompanying guidance document* issued by FRA on August, 21, 2013. Please refer to those documents for the exact requirements of EO 28.

* all guidance contained in this presentation refers to the EO 28 guidance document issued by FRA on August 21, 2013, which is publicly available online at: www.fra.dot.gov/.



Emergency Order No. 28



Emergency Order No. 28 Six Required Railroad Actions



Requirement No. 1



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- A railroad shall not leave trains or vehicles transporting the type and quantity of hazardous materials specified in Appendix A to EO 28 (Appendix A materials) unattended on mainline track or mainline sidings outside of a yard or terminal until the railroad develops, adopts, and complies with a plan that identifies the specific locations and circumstances when such trains or vehicles may be left unattended.
 - ✓ Plans must contain a sufficient safety justification for the determination regarding such locations and circumstances.
 - ✓ Railroads must notify FRA prior to implementation of the plan and make the plan available to FRA upon request.
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Requirement No. 1



Guidance

- The term “vehicle” is a statutorily defined term meaning “a car, locomotive, tender, or similar vehicle.” See 49 U.S.C. 20301. For purposes of EO 28 applicability, a train is defined as “one or more locomotives coupled with one or more freight cars, except during switching service.” See 49 CFR 232.5
 - EO 28 does not apply to a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation (i.e. plant railroads) when operating on track that is considered within the installation that is not part of the general system.
 - Refer to the definition of “yard limits” at 49 CFR 232.5 in making the determination whether a train or vehicle is “within a yard or terminal”, except that for purposes of EO 28 applicability mainline track or mainline siding within such yard limits are considered to within “a yard or a terminal”.
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Requirement No. 2



- Railroads must develop processes for securing unattended trains or vehicles transporting Appendix A materials on mainline track or mainline siding outside of a yard or terminal that include:
- ✓ Locking the cab of the controlling locomotive, or removing and securing the controlling locomotive's reverser.
 - ✓ Communicating to the train dispatcher (and dispatcher must record) the following information:
 - Number of hand brakes applied;
 - Train tonnage;
 - Train length;
 - Grade and terrain features of the track;
 - Relevant weather conditions; and
 - Type of equipment being secured.

(Continued)



Requirement No. 2 (continued)



- A train dispatcher or other qualified employee must then verify and confirm with the train crew that the securement applied to the train or vehicle meets the railroad's requirements.
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Requirement No. 2 (continued)



Guidance

- “Other qualified employee” making the securement verification can be a fellow train crew member, road foreman, trainmaster, etc., so long as a qualified employee makes the verification.
 - Written, voice, or electronic records satisfy the requirement that dispatchers record the securement information conveyed by a train crew .
 - A reverser merely stored out of sight on the controlling locomotive, but not otherwise secured, violates EO 28.
 - A railroad’s plan adopted to comply with Requirement No. 1 should specify the processes for securing unattended trains or vehicles transporting Appendix A materials that are adopted in accordance with this requirement.
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Requirement No. 3



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- Railroads shall review, verify, and adjust as necessary existing railroad procedures and processes related to:
 - ✓ The number of hand brakes to be set on all unattended trains and equipment; and
 - ✓ Ensuring that the means of verifying that number is appropriate.
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Requirement No. 3



Guidance

- Requirements No. 3-6 apply to all freight railroads operating on the general system of railroad transportation, regardless of whether such railroads transport Appendix A materials.



Requirement No. 4



- Railroads shall implement operating rules and practices that require a securement job briefing for any such job that requires or impacts the securement of equipment in the course of the work being performed.
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Requirement No. 4



Guidance

- The required job briefing must address the equipment to be secured, the responsibilities of each employee involved in the securement, the number of hand brakes that will be required to secure the affected equipment, the process for ensuring that the securement applied is sufficient, and any other relevant factors affecting securement.
 - In situations where the train or vehicle to be secured is transporting Appendix A materials, the job briefing would also necessarily be required to address responsibility for contacting the train dispatcher and how the securement verification by another qualified employee will be accomplished.
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Requirement No. 5



- Railroads shall develop procedures that ensure that a qualified railroad employee inspects all equipment that any emergency responder has been on, under, or between for proper securement before the train is left unattended.
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Requirement No. 5



Guidance

- A qualified railroad employee is required to inspect equipment after it has been accessed by an emergency responder under Requirement No. 5 in any circumstance where a railroad acting in a reasonable manner knows, or should have known, of an emergency responder's presence on, under, or between the subject equipment.
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Requirement No. 6



- Provide notice of EO 28 to all affected employees.
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Requirement No. 6



Guidance

- Requirement No. 6 applies to all employees whose duties involve the securing of rolling equipment.
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Emergency Order No. 28



General EO 28 Guidance

- Generally, EO 28 does not apply to passenger rail vehicles or passenger rail operations. However, EO 28's requirements do apply to freight operations traveling over a rail line owned or operated by a railroad engaged in passenger service.
 - Petitions for relief from any of the requirements of EO 28 may be submitted to the FRA Associate Administrator for Railroad Safety/Chief Safety Officer. See 78 Fed. Reg. 48223.
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Emergency Order No. 28



General EO 28 Guidance

- A railroad's plan developed to comply with Requirement No. 1 shall be submitted to the FRA Associate Administrator for Railroad Safety/Chief Safety Officer prior to the plan's implementation.
 - FRA will not grant approval to any plan. However, FRA will monitor such plans and if FRA determines that a plan does not provide adequate safety justification for leaving trains or vehicles containing Appendix A materials unattended on mainline track or siding outside of a yard or terminal, the railroad submitting the plan in question shall not leave such trains unattended until appropriate modifications to the plan are completed.
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END

