

The CPUC's Railroad Safety Action Plan

Train Accidents 1997-2005 Excluding Highway-rail Crossings

(Source: Federal Railroad Administration)



NOTE: 2004 Preliminary Data, 2005 Projected Data

Consumer Protection and Safety



The CPUC's RAILROAD SAFETY ACTION PLAN

During the last six months there have been a series of significant railroad accidents that have caused great damage and profound concern among many citizens of California. With increasing urbanization and rapid economic growth forcing greater use of railroad corridors, unless mitigated with swift action, greater numbers and more serious accidents can be expected. The CPUC is prepared to act in every way it can to resolve this problem, much as it attempted to do in the wake of the Cantara Loop disaster. Though the new state safety laws stemming from that incident were overturned in federal court, the CPUC has continued to be vigilant. Again, federal law and the Federal Railroad Administration are failing to adequately address the current situation. The CPUC will seek help from both the state and federal governments to acquire new tools to meet the challenge. We intend to accomplish this mission through the following steps:

We will continue our traditional activities, and will:

- Increase the number of focused track, equipment and operating practice inspections performed by CPUC staff;
- Investigate rail related fatalities and significant accidents, and apply the lessons learned to rail crossing diagnostic reviews, to rail corridor safety enhancements, and to operational safety enhancement that advance the cause of rail safety;
- Issue public reports regarding the root causes and significant contributing factors of all accidents investigated;
- Convene quarterly meetings between FRA regional management and CPUC management
- Convene monthly conference calls between CPUC management and FRA management
- Expand the CPUC's commitment to Operation Lifesaver, Inc (OLI)
- Publicly advocate in favor of positive train control and video cameras mounted on locomotives

We will also launch new initiatives designed to prevent accidents, and to increase California's control over railroad safety. We will:

- Identify new construction projects that adversely impact rail safety, and then initiate informational and other actions to ensure that rail safety is addressed before the project is built;
- Collect and analyze “near miss data” relative to rail crossings and along the rail right of way;
- Focus on fatigue issues and advocate changes in laws, rules and operational practices that ensure efficient train line-ups and crew replacement processes that are designed to minimize crew fatigue
- Develop a citation process for violations of our general orders
- Open a rulemaking to develop the ability to cite railroads for violations of their own operating rules
- Support and/or initiate efforts to require accident reporting directly to the CPUC and the Office of Emergency Services
- Track federal railroad safety legislation, publicly support and solicit California Legislative support for legislation including, but not limited to:
 - **S. 230** (Shumer/Graham) the Railroad Crossing and Hazardous Materials Transport Safety Act of 2005;
 - **H.R. 2378** (Oberstar) - “the Railroad Safety Reform Act of 2003”;
 - **Companion bills - H.R. 603** (Watson): A bill to improve safety and reduce traffic congestion at grade crossings, and **S. 197** (Boxer): A bill to improve safety and reduce traffic congestion at grade crossings.
 - **S. 1402** “Federal Railroad Safety Improvement Act”: A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes.
 - **S. 763** (Dorgan/Hutchison) “Welded Rail and Tank Car Safety Improvement Act”. A bill to direct the FRA to make welded rail and tank car improvements.

- **And more**
- Ensure that functioning automatic grade crossing safety equipment is not discarded or otherwise unaccounted for when it is removed from a location during crossing improvement/upgrade work. The equipment that is replaced was in most cases purchased with public funds, and should be “recycled” for use at lower volume crossings that do not have automatic warning devices.
- Facilitate regular (at least annual) in-person reports/testimony from the Administrator of the Federal Railway Administration (FRA) to the Commission and/or to the California Legislature
- Push the FRA to develop institutional knowledge about the railroads’ maintenance programs, priorities, practices and funding levels
- Push the FRA to develop institutional knowledge about the railroads’ safety programs, priorities, practices and funding levels
- Solicit a Joint Legislative Resolution from the California Legislature to support amendments to the Federal Railroad Safety Act (FRSA) to allow states like California the ability to designate Local Safety Hazard (LSH) sites and regulate railroad safety locally, and to assess financial penalties when the lives of citizens, the environment or local security is threatened;
- Change the applicable rules and regulations to provide that all FRA penalties collected are paid to the state in which the violation occurred;
- Petition the FRA to hold violation appeal hearings in the state in which the violation occurred, and to allow the states to participate in the federal claims settlement process.

Examples of accidents that may be prevented by increased state safety oversight

Trespasser Accidents

January 11, 2005: Pedestrian at crossing.. SCAX. Passons Blvd, Pico Rivera. Metrolink Train 841, operating on BNSF San Bernardino Subdivision, struck and fatality injured a 14-year-old juvenile. **Cause:** Trespassing. **Recommendation:** Increased enforcement and observations by local law enforcement agencies at crossings near schools, before and after school hours. Contacted the Pico Rivera School District and have scheduled Operation Lifesaver Presentations to students. Also recommend a pedestrian clearance line on the north and south side of the tracks. For this reason I am requesting that our Rail Engineering Section evaluate the Passons Blvd Crossing

March 2, 2005: Trespasser. SCAX, Oxnard, CA. 48-year-old Oxnard woman was struck and killed by a Metrolink train as she was trespassing and walking on a railroad bridge. **Cause:** Trespassing **Recommendation:** "No Trespassing" signage be placed on railroad right of way.

Track defect Caused Accidents

October 16, 2004 - Union Pacific (UP), Pico Rivera, California
An eastward UP freight train operating at 57 mph derailed 11 cars. A precautionary evacuation was ordered as three of the containers indicated that they contained some hazardous materials. Additionally, one residence was destroyed by rail cars that fell onto the house. **Cause:** Track related defect. **Recommendation:** Monitor rail detector car reports to ensure proper remedial actions have occurred. Additional training needed with emphasis on detection and repair of switches and switch components. Review of inspection reports by managers to ensure incipient geometry conditions are being recorded. Training needed by track inspectors on the proper use of section 213.9(b). Managers need to perform on-site field inspections with their track inspectors to ensure proper documentation and identification of track defects

April 4, 2005 – Union Pacific (UP), Slover, California
A northbound UP train was proceeding from the siding to Main Track when 13 cars, including nine Hazardous Materials derailed. During the rerailling process, a leak developed causing the evacuation of approximately 200 citizens from a nearby trailer park near the tracks. **Cause:** Track defects. **Recommendation:** Increased testing by UP track force employees with closer oversight by UP management.

Mechanical Defect Caused Accidents

September 8, 2002- UP (Union Pacific) Colfax. A UP freight train derailed 21 cars 3 miles east of Colfax. **Cause:** Mechanical Defect. **Recommendation:** additional mechanical inspections on outbound trains at Roseville.

March 21, 2003 – Union Pacific (UP) Cliff, CA.

A northbound UP freight train was descending a 2.2% grade from Tehachapi towards Bakersfield when eight cars derailed onto their sides. The derailment was a result of a malfunction with the distributed power, which was at the rear of the train, which stopped communicating with the head-end. **Cause:** Mechanical failure. **Recommendation:** UP railroad to seek upgrade to the software currently being used.

Human Error-Operating Rule Non-Compliance Caused Accidents

June 20, 2003 - Union Pacific (UP), Montclair, CA. Thirty-Seven cars rolled out of a siding in Montclair onto the main track and continued rolling for 33 miles before they were derailed in the City of Commerce. There were no injuries or hazardous release associated with this incident, but there was substantial property damage to area residents. **Cause:** Human error-Operating Rule non-compliance. **Recommendation:** Railroad to install derails in all locations where a descending grade, in excess of 1%, exists and there is access to a main track.

December 10, 2004 - Union Pacific (UP), Niland, CA. An eastward freight train, operating at 30 mph, collided head-on with a westward freight train operating at 10 mph. As a result of the collision, 1 crewmember was killed and 4 were injured. **Cause:** Human Error-Operating Rule Non-compliance. **Recommendation:** UP must institute increased efficiency testing at all hours of the day and night, with emphasis on nighttime testing.

Grade Crossing Accidents

January 06, 2003 - Southern California Regional Rail Authority (SCAX), Burbank, CA.

A highway vehicle (2-ton stake bed pick up truck) made an illegal turn, and was struck by a commuter train traveling 79 MPH at the Buena Vista highway-rail grade crossing. The train crew received minor injuries and 25 passengers received other minor / major injuries. **Cause:** Driver Error. **Recommendation:** Engineering configuration changes were made in addition to stronger enforcement of highway rail grade crossing laws.

February 17, 2005: Driver Trespass. BNSF MP 897.33. Amtrak. Kratzmeyer Road, Bakersfield, Kern County. A vehicle traveling west of Kratzmeyer Road turned north and drove down the BNSF siding on the BNSF Single Main Track where it became high centered. AMTRAK train struck the vehicle resulting in fatal injury to the vehicle occupant. This did not take place at a crossing. **Cause:** Driver Error **Recommendation:** Refer to crossing Engineering Section for review.