



Brotherhood of Railroad Signalmen

917 Shenandoah Shores Road
Front Royal, VA 22630

(540) 622-6522
(540) 622-6532

W. Dan Pickett
International President

Walt A. Barrows
International Secretary-Treasurer

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Ms Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re. STB Ex Parte No 677 (Sub-No. 1) — Public Hearing Comments — Rescheduled Hearing
Concerning the Common Carrier Obligation of Railroads' Transportation of Hazardous
Materials

Written Comments of the Brotherhood of Railroad Signalmen

The Brotherhood of Railroad Signalmen (BRS) is filing written comments concerning the public hearing on the common carrier obligation of railroads transporting hazardous materials as was printed in the June 27, 2008, Federal Register (page 36586). The BRS is the duly recognized collective bargaining representative, under the Railway Labor Act, for more than 9000 signal craft employees employed by various railroads in the United States, all of whom are directly affected by the results of this public hearing.

Our nation's rail carriers are seeking to limit their liability while fulfilling the common carrier obligation with respect to the hazards inherent in hauling hazardous materials.

There is no question that transporting hazardous material using our nation's railroads is far safer than hauling the same materials by truck. However, hazards will always exist when dealing with deadly chemicals. The problem is compounded because the railroads can haul such large volumes of hazardous materials and when a derailment or other catastrophic event occurs, chemical releases often involve multiple containers. Fortunately, these events are rare, however, the number of reports involving hazardous material releases increased from 28 in 2006 to 43 in 2007¹, an increase of 54% in 12 months — a trend that should not be taken lightly.

Our best efforts will never eliminate the hazards associated with the transportation of deadly chemicals, but the technology is available to eliminate many of the hazards. Some of the technologies that can mitigate the major hazards have been available for more than a century, yet approximately 40 percent of all mainline track is located in dark territory². According to the

¹ FRA — *Railroad Safety Statistics 2007 Preliminary Annual Report*

² FRA — Press Release November 14, 2005 — *Railroad Switch Safety Demonstration Project Begins Testing*

FRA, a disproportionate number of incidents which result in loss of commodities classified as toxic or poison inhalation hazards material (e.g., chlorine and anhydrous ammonia) have occurred in dark (non-signalized) territory.³

Signal systems are required to be installed and maintained on the "fail-safe" principle and to detect a number of specific conditions that affect the safety of train operations. In signalized territory, tracks are monitored by track circuits for broken rails and occupancy, switches are monitored for proper position, and numerous other safety devices are integrated to operate trains safely and efficiently. A signal system, appropriately spaced hazard detectors, and a Positive Train Control (PTC) system should be considered a minimum to mitigate the hazards of hauling hazardous materials. PTC systems help eliminate the human-error element by forcing compliance with the signal system and will enforce a brake application if a signal is not properly heeded. Hazard monitors (e.g., overheated bearing detectors, high water detectors, slide detectors, etc.) monitor other wayside hazards that pose threats to train operations.

The BRS recommends that no liability relief be provided where there is no combination of signal, PTC, and hazard detection systems in place. All three systems are necessary to provide the appropriate safeguards to protect the public and railroad employees from the catastrophic potential of an inadvertent hazardous material release.

In addition, the BRS also urges that *all* hazardous material cargo be restricted to 30mph in areas that fail to meet the above minimum requirements.

Respectfully submitted,



W. Dan Pickett
International President

³ FRA May 2008 — *National Rail Safety Action Plan Final Report 2005-2008*