



ASSOCIATION OF  
AMERICAN RAILROADS

**Office of the President**  
**Edward R. Hamberger**  
**President and Chief Executive Officer**

October 16, 2013

Mr. Joseph C. Szabo  
Administrator  
Federal Railroad Administration  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

Dear Administrator Szabo:

Thank you for your letter advising that FRA is creating a website that will describe the proactive steps being taken to enhance safety since the terrible accident that occurred at Lac-Mégantic on July 6, 2013. As you well know, much has happened in the rail industry since then.

FRA's Emergency Order No. 28 required that

- trains or cars transporting the types and quantities of hazardous materials specified in Appendix A to EO 28 cannot be left unattended on mainline track or a mainline siding outside of a yard or terminal except where a railroad has identified specific locations and circumstances where it is safe to do so;
- where railroads are leaving such trains unattended, the controlling locomotive cab must be locked or the reverser on the controlling locomotive removed and secured, and the train employees must communicate to the dispatcher the number of hand brakes applied, pertinent features of the train and track, and other specified information;
- railroads review their procedures for setting hand brakes on unattended equipment;
- train crews be briefed on securing trains; and

- a railroad employee inspect equipment after an emergency responder has been on the equipment.

Railroads proceeded to implement these mandates by the September 1, 2013, deadline specified in EO 28.

Regarding the safety advisory issued by FRA and PHMSA on the same day as EO 28, AAR's member railroads reviewed each recommendation in the safety advisory.

- FRA and PHMSA recommended that railroads review the circumstances of Lac-Mégantic with their employees. AAR's members have done so.
- FRA and PHMSA recommended that railroads review their crew staffing practices for over-the-road trains that transport the types and quantities of hazardous materials specified in Appendix A to EO 28. Class I railroads currently use two-person crews for over-the-road mainline operations.
- FRA and PHMSA recommended that the reverser lever be removed from the controlling locomotive or otherwise secured on all freight trains. As mentioned above, EO 28 required that the reverser lever be removed and secured or the locomotive cab locked for trains transporting Appendix A materials. On some railroads the option for a locked cab has been chosen. Also, due to the limited availability of reverser handles, some railroads are initially applying a policy of removing the reverser lever only to certain hazardous materials trains, including all trains covered by EO 28. Those railroads anticipate expanding the policy once the handles are more widely available.
- FRA and PHMSA recommended that railroads review operational testing programs related to securement of unattended equipment. Railroads have completed or are in the process of reviewing their testing programs.
- FRA and PHMSA recommended that railroads evaluate hazards that increase safety risks at locations where trains are left unattended. Railroads have either completed their evaluations or are currently in the midst of the evaluation process. With respect to trains covered by EO 28, railroads have developed plans that identify locations and circumstances where the trains may be left unattended.
- FRA and PHMSA recommended that railroads review the requirements in Transport Canada's emergency directive. AAR's member railroads have reviewed the emergency directive and have adjusted their operating practices as noted in this letter.

- FRA and PHMSA recommended that railroads review their hazardous materials safety and security plans. Railroads periodically review their plans for compliance with federal regulations.

Furthermore, AAR's member railroad took actions beyond implementing EO 28 and the safety advisory. For many years the railroads have subscribed to a set of voluntary operating restrictions applicable to specified hazardous materials, embodied in AAR Circular OT-55. After Lac-Mégantic, the railroads expanded the substances subject to OT-55 to include all hazardous materials shipped in tank cars or intermodal portable tanks. Trains with a single tank car load of certain hazardous materials, such as TIH, or 20 tank car or intermodal portable tank car loads of other hazardous materials, such as ethanol and crude oil, are subject to restrictions, such as a speed limit of 50 mph; a maximum distance of 40 miles between hot-box detectors; increased track inspections; and passing restrictions where track does not meet at least Class 2 track standards. A copy of OT-55 is enclosed.

On September 6, PHMSA published an ANPRM that addressed, *inter alia*, standards for DOT-111 tank cars. In 2011, AAR petitioned PHMSA to adopt more stringent requirements for DOT-111 tank cars transporting packing group I and II materials. AAR proposed requiring thicker tanks or jackets, half-height head shields, and enhanced top fittings protection. Subsequently, AAR adopted an interchange standard requiring that tank cars ordered after October 1, 2011, that are used to transport crude oil or ethanol contain those features. The ANPRM addresses AAR's petition as well as the issue of the standards that should apply to existing tank cars. AAR will be providing comments in response to the ANPRM.

Of course, FRA is convening RSAC working groups at the end of October to address issues arising out of Lac-Mégantic, particularly issues raised by EO 28 and the Safety Advisory's recommendations. AAR and its members look forward to the RSAC discussions as part of the continued review and consideration of the Safety Advisory's recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward R. Hamberger", with a long horizontal line extending to the right.

Edward R. Hamberger  
President & CEO