

**REPORT OF THE JOINT SUBCOMMITTEE STUDYING
STATE PARTICIPATION IN THE FEDERAL
ADMINISTRATION TRACK AND EQUIPMENT
INSPECTION PROGRAM
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 10

**COMMONWEALTH OF VIRGINIA
RICHMOND
1981**

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Madison E. Marye
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**Report of the Joint Subcommittee
Studying State Participation in the Federal
Railroad Administration Track and Equipment
Inspection Program
November, 1980**

To: Honorable John N. Dalton, Governor of Virginia
and
The General Assembly of Virginia

INTRODUCTION

Prior to 1970, the federal government and the states shared responsibility for railroad safety. The 1970 Federal Railroad Safety Act changed that arrangement by providing for federal preemption over the states in the regulation of railroad safety.

However, the 1970 act did authorize participation by the states in the Federal Railroad Administration Track and Equipment Inspection Program. Under the provisions of the act, each state chooses whether it prefers to hire state inspectors and participate in the program, or not to participate, thus allowing for inspection by federal employees of railroad track and equipment within its borders.

Because Virginia has not joined the program, presently railroad track and equipment in the Commonwealth is being inspected by employees of the Federal Railroad Administration (FRA) of the Department of Transportation. Thus, since 1970 the State Corporation Commission has been unable to act pursuant to Virginia Code section 56-128, which requires the Commission to inspect the works and equipment of all railroads operating in the Commonwealth.

It should be noted that the federal inspectors who inspect track and equipment in the Commonwealth are also responsible for conducting such inspections in nearby states.

Senate Bill No. 932 of the 1979 General Assembly would have authorized the State Corporation Commission to participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order or standard prescribed by the Secretary of Transportation under the authority of the Federal Railroad Safety Act. The bill would have further provided that the Commonwealth's participation in the program would be supplemental and would not replace the federal government's responsibility in the inspection of railroad facilities. Attached as Appendix I of this report is a copy of Senate Bill No. 932 of 1979.

After Senate Bill No. 932 was introduced, it was referred to the Senate Committee on Commerce and Labor. That committee considered the legislation and decided to carry it over to the following year. Senator William E. Fears, Chairman of the committee, appointed a Senate subcommittee to study the merits of the legislation between General Assembly Sessions and to report its findings to the committee. After studying Senate Bill No. 932 during 1979, the subcommittee recommended to the full committee that a joint subcommittee be appointed to thoroughly review the legislation and the consequences it might have. Thus, Senate Joint Resolution No. 46 of the 1980 General Assembly was introduced and adopted.

SENATE JOINT RESOLUTION NO. 46

Requesting the Senate Committee on Commerce and Labor and the Committee on Corporations, Insurance and Banking of the House of Delegates to establish a joint subcommittee to study whether the State Corporation Commission should be authorized to participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order or standard prescribed by the Secretary of Transportation of the United States under the authority of the Federal Railroad Safety Act of 1970.

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Patron-Holland, E. M.

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Referred to the Committee on Rules
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WHEREAS, the Federal Railroad Safety Act of 1970 established the Federal Railroad Administration Track and Equipment Safety and Inspection Program; and

WHEREAS, the states may participate jointly with the United States Department of Transportation in the program; and

WHEREAS, Senate Bill No. 932 of the nineteen hundred seventy-nine General Assembly would have authorized the State Corporation Commission to administer the rules, regulations and standards of the Act; and

WHEREAS, although that bill was not passed by the nineteen hundred seventy-nine General Assembly, a subcommittee of the Senate Committee on Commerce and Labor was established to study the bill and present its recommendations regarding the legislation to the nineteen hundred eighty General Assembly; and

WHEREAS, the subcommittee diligently studied the merits of the bill and believes that further study is in order; and

WHEREAS, the issue of whether the Commonwealth should participate in the Federal Railroad Administration Track and Equipment Safety and Inspection Program should be studied thoroughly; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Senate Committee on Commerce and Labor and the Committee on Corporations, Insurance and Banking of the House of Delegates are requested to establish a joint subcommittee to study whether the State Corporation Commission should be authorized to participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order or standard prescribed by the Secretary of Transportation of the United States under the authority of the Federal Railroad Safety Act; and be it

RESOLVED FURTHER, That the joint subcommittee shall consist of thirteen members. The Chairman of the Senate Committee on Commerce and Labor is requested to appoint three members of his Committee to serve on the joint subcommittee, and the Chairman of the House Committee on Corporations, Insurance and Banking is requested to appoint five members of his Committee to serve on the joint subcommittee. The Chairmen of the respective Committees are also requested to jointly appoint five persons who shall serve as ex-officio members of the joint subcommittee. It is requested that one of those persons shall be a representative of the Virginia Railway Association, one shall be a representative of the United Transportation Union, one shall be a representative of the State Corporation Commission, one shall be a representative of the Brotherhood of Locomotive Engineers, and one shall be a representative of one of the railroad companies operating in the Commonwealth.

The joint subcommittee is requested to complete its work by November one, nineteen hundred eighty, and introduce any legislation it deems appropriate.

Senator Edward M. Holland of Arlington was elected Chairman of the subcommittee. Other members of the Senate appointed to the subcommittee were Peter K. Babalas of Norfolk and Madison E. Marye of Shawsville.

Delegate Alson H. Smith, Jr., of Winchester was elected Vice-Chairman of the subcommittee. Other members of the House of Delegates appointed to serve were Erwin S. Solomon of Hot Springs; Lewis W. Parker, Jr., of South Hill; W. Ward Teel of Christiansburg; and Harvey B. Morgan of Gloucester.

The following five persons were appointed ex-officio members of the subcommittee: Houstin Kitts of the United Transportation Union; W. Bruce Wingo of the Virginia Railway Association; Stuart M. Duffer of the State Corporation Commission; C. M. Hughes of the Brotherhood of Locomotive Engineers; and George R. Janosko of the Norfolk and Western Railroad.

C. William Cramme', III, and Hugh P. Fisher, III, of the Division of Legislative Services served as legal and research staff for the subcommittee. Robert F. Doult of the Senate Clerk's Office provided administrative and clerical services for the subcommittee.

WORK OF THE SUBCOMMITTEE

The subcommittee held meetings on July 28, September 15 and November 24, 1980. The July 28 meeting was, for the most part, an organizational meeting in which the subcommittee elected a Chairman and a Vice-Chairman and conducted other business procedural in nature.

However, during the July 28 meeting the subcommittee heard testimony from Commissioner Preston C. Shannon of the State Corporation Commission. Commissioner Shannon argued that the Commonwealth should participate in the FRA Track and Equipment Inspection Program.

During the subcommittee's September 15 meeting, the following individuals voiced support for State participation in the track portion of the FRA Track and Equipment Inspection Program: Bernard L. Henderson, Jr., of the State Corporation Commission; Hoy Richards, a former professor at Texas A & M University and presently a consultant in the field of railroad track and equipment safety; and George E. Hardy, administrator of the Rail Safety Division of the Oregon Public Utility Commission and Chairman of the National Association of Regulatory Utility Commissioners Staff Subcommittee on Rail Safety. William Stallsmith and H. R. Moore of the Southern Railway testified in opposition to State participation in the track portion of the FRA Track and Equipment Inspection Program.

Proponents of State participation in the program argued that the Commonwealth should participate in the program for the following reasons:

(1) The total cost of State participation in the track portion of the program would be modest (less than \$100,000). The subcommittee was advised that the Commonwealth would need to hire two track inspectors in order to participate in the program. The study group was also advised that under federal law, one-half of the costs related to State participation in the program would be paid for by the Department of Transportation. Thus, the Commonwealth would have to provide less than \$50,000 in funds. Also, proponents testified that the costs of State participation in the track program can be absorbed by the maximum allowable assessment the State Corporation Commission is authorized to levy on the Commonwealth's railroads.

(2) Problems relating to federal-state cooperation, which were prevalent during the early and mid 1970's, have been reduced in magnitude; and it appears that there can be harmonious federal-state relationships in administering the program.

(3) State inspectors would be more sensitive than federal inspectors to the needs of the Commonwealth and would cultivate better relations with those individuals in the State who work directly with promoting railroad safety. Also, the point was made that if the State does not participate, then the federal government will operate the program as it sees fit.

(4) The present federal inspectors responsible for railroad safety in Virginia also inspect track and equipment in other nearby states, thus allowing them only limited opportunities to inspect in the Commonwealth.

(5) Due to geographical factors, State inspectors would be able to respond to emergencies in less time than their federal counterparts. Moreover, State inspectors would be able to investigate complaints of safety violations much quicker than their federal counterparts.

(6) State participation in the program would not result in a duplication of effort on the part of federal and State inspectors. If the Commonwealth was to hire two track inspectors and become fully certified, then the State's employees would handle the bulk of the actual inspections. The Department of Transportation would monitor the program and provide inspectors to supplement the State's activities.

(7) Currently there are individuals in the Commonwealth with sufficient expertise to administer the State's participation in the program.

The testimony delivered by Mr. Hardy summarized the arguments advanced by the proponents of State participation. A copy of his prepared statement is attached as Appendix II of this report.

During the subcommittee's September 15 meeting, the opponents of State participation in the program made the following arguments:

(1) Since the federal government presently pays all of the costs related to railroad inspection in Virginia, it is illogical for the Commonwealth to participate in the program and pay one-half of the State costs related to inspection. Furthermore, it was pointed out that since the railroad companies in the Commonwealth pay for their regulation, those companies would actually be paying the costs of State participation in the program. In other words, the railroad companies would be paying for services which the federal government has been funding and would continue to fund if the State did not join the program.

(2) The addition of any number of inspectors, whether State or federal, would not significantly improve railroad safety or have an appreciable impact on whether a serious accident occurs. The point was made that many railroad accidents are the result of human error and have nothing to do with defects in track or equipment. It was argued that the addition of even huge numbers of inspectors cannot prevent accidents caused by human error.

(3) State participation in the program would burden the Commonwealth's railroad companies with additional unnecessary regulation and lead to a duplication of effort by State and federal inspectors. Several parties noted that railroad companies frequently inspect their own track and equipment in an effort to ensure safe operating conditions. The point was made that any such company must make safety its number one objective, both to avoid damage to or loss of expensive track and equipment, and to prevent human injuries and deaths. Therefore, it was argued, railroad companies spend large sums of money each year on inspection activities and on replacement or repair of faulty or damaged track and equipment. Also, the point was made that since additional inspections and monitoring activities are already performed by federal employees, additional inspections by State personnel would be totally unwarranted.

(4) Virginia's safety problems with regards to track and equipment failures are not as severe as the problems existing in most states, because Virginia's railroads have committed their resources to safe track and equipment. It is argued that this obviates the need for State participation in the program.

(5) The railroad companies are already accustomed to working with the FRA.

The testimony delivered by Mr. Moore during the meeting summarized the arguments advanced by those in opposition to State participation in the program. A copy of the prepared statement read by Mr. Moore constitutes Appendix III of this report.

Having heard testimony from both the proponents and opponents of State participation in the program, the subcommittee decided to hold a final meeting in order to formulate its recommendations. Senator Holland requested that prior to the next meeting, the members of the study group review the available testimony.

The subcommittee's final meeting was held on November 24, 1980. During the meeting the members discussed the merits of State participation in the program.

RECOMMENDATION

The subcommittee recommends that the General Assembly adopt legislation providing for State participation in the track portion of the Federal Railroad Administration Track and Equipment Inspection Program. A draft of legislation authorizing State participation in the program is attached as Appendix IV of this report.

REASONS FOR RECOMMENDATION

The subcommittee would note that the annual cost to the Commonwealth of participating in the

program is relatively modest (less than \$50,000). A majority of the study group believes that the costs of such an annual expenditure are outweighed by the benefits the Commonwealth would derive from participation in the program.

Moreover, testimony presented before the subcommittee indicates that the cost to the Commonwealth of participation can be paid for from the annual assessment levied each year on the State's railroad companies. No additional assessment will be necessary in order to provide the State funds for participation. Also, the subcommittee would note that inasmuch as there are twenty-seven railroad companies in the Commonwealth, four of which have main lines, the costs of State participation would not impact heavily on any individual company.

Another reason for the study group's recommendation is the fact that testimony delivered before it indicates that duplication of effort on the part of federal and State inspectors can be avoided through proper planning and scheduling procedures. A majority of the subcommittee was impressed by testimony which indicates that Oregon and other states fully certified under the program have not had significant problems relating to duplication of efforts. In fact, a representative of the Rail Section Division of the Oregon Public Utility Commission advised the study group that his office has enjoyed harmonious relations with federal authorities.

Also, the subcommittee was disturbed to learn that there have been recent instances in which a full week has elapsed between the time an alleged safety violation was observed and the time that the person noting the alleged violation could get in touch with a federal inspector to report the violation. A majority of the subcommittee believes a delay of this time length is unwarranted, and it feels that State inspectors would be able to investigate complaints of alleged safety violations much quicker than their federal counterparts.

Additionally, the subcommittee feels that State inspectors would be more sensitive than federal inspectors to the needs of the Commonwealth and would cultivate better relations with those parties in the State who deal directly with railroad safety, such as railroad companies and unions. The point should be made that by not participating in the program, the Commonwealth would have little influence in controlling the destiny of rail safety within its borders.

The subcommittee would emphasize that if its recommendation is adopted, the State would participate initially in only the track portion of the FRA Track and Equipment Inspection Program. During the study group's deliberations, a representative of the State Corporation Commission said the Commission is of the opinion that it would be appropriate to enter only the track inspection portion of the program initially. He noted that after some experience in the program, perhaps the SCC might ask the General Assembly for authority to enter the equipment inspection portion of the program, too. The subcommittee concurs with that viewpoint and believes it would be appropriate for the Commission to become fully competent in one part of the program before entering the other part. Hence the draft legislation attached as Appendix IV authorizes the Commission to participate only in the track inspection part of the program.

The subcommittee would note that if, for any reason, it is determined at a later date that the State should cease its participation in the program, then the Commonwealth would be free to withdraw from the program.

CONCLUSION

The subcommittee expresses its appreciation to all parties who participated in its study. In particular, the legislative members would like to acknowledge the contributions made to the study by the ex-officio members.

The study group's recommendation has been offered only after thoroughly considering the testimony presented to it. A majority of the subcommittee believes the recommendation is in the best interest of the Commonwealth, and it encourages the General Assembly to adopt that recommendation.

Respectfully submitted,

**Edward M. Holland, Chairman
Alson H. Smith, Jr., Vice-Chairman
Peter K. Babalas
Madison E. Marye
Harvey B. Morgan
W. Ward Teel
Lewis W. Parker, Jr.
Erwin S. Solomon
Houston Kitts
W. Bruce Wingo
Stuart M. Duffer
C. M. Hughes
George R. Janosko**



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STATEMENT CONCERNING JOINT SUBCOMMITTEE RECOMMENDATIONS

As representatives of Virginia's railroad industry on this Joint Subcommittee Study, we wish to note several concerns we have with the Subcommittee's recommendations.

1. Virginia must pay 50% of the expense of a state inspection program. This 50% cost to the Commonwealth will come from a regulatory tax applied on Virginia's railroads. The Federal government pays 100% of the present Federal program.

2. This proposed legislation could result with less track inspection in Virginia. Mr. Hoy Richards, a consultant to the Federal Railroad Administration, stated at a meeting of the Joint Subcommittee on September 15, 1980, "that once the state was fully certified and total compliment is on board, i.e., two certified track inspectors, then Virginia inspectors could handle the whole state. At that point all the Federal government would be doing would be monitoring the program and supplementing inspectors." (Underlining added)

3. The proposed legislation contains the language: "The Commonwealth's participation is supplemental and not to replace the federal government's responsibility in the inspection of railroad track facilities within the Commonwealth, and the Commonwealth shall not be deemed to be liable for any actions or omissions in inspecting or failing to inspect railroad track facilities."

Mr. Richards' statement sheds considerable doubt that this would be the case.

For these reasons the Virginia Railway Association and its thirteen member railroads do not favor this proposed legislation.

Sincerely,

W. Bruce Wingo
Executive Director
Virginia Railway Association

George R. Janosko
Chief Engineer
Norfolk & Western Railway Co.

MEMBER LINES

BALTIMORE AND OHIO RAILROAD
CHESAPEAKE AND OHIO RAILWAY
CHESAPEAKE WESTERN RAILWAY

CLINCHFIELD RAILROAD
INTERSTATE RAILROAD
LOUISVILLE AND NASHVILLE RAILROAD
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
NORFOLK AND WESTERN RAILWAY
NORFOLK, FRANKLIN AND DANVILLE RAILWAY
NORFOLK SOUTHERN RAILWAY

RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD
SEABOARD COAST LINE RAILROAD
SOUTHERN RAILWAY

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SENATE BILL NO. 932

Offered January 22, 1979

*A BILL to amend the Code of Virginia by adding a section numbered 56-129.1 to a e
the State Corporation Commission to administer rules, regulations and standards of the
Federal Railroad Safety Act.*

Patron—Holland

Referred to the Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-129.1 as follows:

*§ 56-129.1. Participation in, the Federal Railroad Administration Track and Equipment
Safety and Inspection Program.—The State Corporation Commission shall have the
authority to participate in carrying out investigative and surveillance activities in
connection with any rule, regulation, order or standard prescribed by the Secretary of
Transportation of the United States under the authority of the Federal Railroad Safety Act,
United States Code, Title 45, Chapter 13, provided that the Commission shall comply with
all the requirements imposed by the United States Code, Title 45, Section 435. The
Commission shall employ such expert, professional or other assistance as is necessary to
carry out the activities authorized by this section. Such Safety Inspectors shall n
Federal Railroad Administration qualifications necessary to qualify the Commonwealth for
federal funds.*

*The Commission shall have the authority to adopt such additional rules that are
necessary for the promulgation of railroad safety within the Commonwealth.*

*The Commonwealth's participation is supplemental and not to replace the federal
government's responsibility in the inspection of railroad facilities within the
Commonwealth and the Commonwealth shall not be deemed to be liable for any actions
or omissions in inspecting or failing to inspect railroad facilities.*

Official Use By Clerks	
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Clerk of the Senate	Clerk of the House of Delegates

Appendix II

STATEMENT OF GEORGE E. HARDY, JR., ADMINISTRATOR
RAIL SECTION DIVISION
PUBLIC UTILITY COMMISSION OF OREGON

BEFORE

VIRGINIA STATE LEGISLATURE
JOINT SUBCOMMITTEE STUDYING RAILROAD SAFETY
SENATE JOINT RESOLUTION NO. 46

SEPTEMBER 15, 1980

MR. CHAIRMAN AND SUBCOMMITTEE MEMBERS, MY NAME IS GEORGE HARDY. I AM AN ADMINISTRATOR OF THE RAIL SAFETY DIVISION OF THE PUBLIC UTILITY COMMISSIONER OF OREGON. I AM ALSO CHAIRMAN OF THE NARUC STAFF SUBCOMMITTEE ON RAIL SAFETY AND A MEMBER OF THE STATE/FEDERAL TASK FORCE ON THE IMPROVEMENT OF THE STATE PARTICIPATION PROGRAM. I AM HERE AS REQUESTED TO PROVIDE INFORMATION TO THE SUBCOMMITTEE ON EXPERIENCE OF A STATE PARTICIPATING IN THE FEDERAL RAILROAD ADMINISTRATION STATE PARTICIPATION PROGRAM.

AT THIS POINT I WILL NOT ATTEMPT TO GO OVER ANY OLD GROUND REGARDING THE RAILROAD SAFETY ACT OF 1970 OR THE SECTION 206 OF THAT ACT THAT PROVIDES FOR STATE PARTICIPATION. HOWEVER, AT THE CONCLUSION OF MY REMARKS I WILL BE HAPPY TO ANSWER ANY QUESTIONS THE SUBCOMMITTEE MEMBERS MAY HAVE.

OREGON HAS BEEN PARTICIPATING IN BOTH THE TRACK AND EQUIPMENT RAIL SAFETY PROGRAMS SINCE FIRST MADE AVAILABLE TO THE STATES. WE BECAME CERTIFIED IN THE TRACK SAFETY PROGRAM IN JUNE 1974, AND IN THE EQUIPMENT SAFETY PROGRAM IN APRIL 1976. AS SUCH, OREGON HAS BEEN A SUPPORTER AND CRITIC OF THE PROGRAM FROM EARLY ON.

WHY BECOME INVOLVED?

OREGON HAS ENJOYED GOOD, HEALTHY RAILROADS AND WANTS TO KEEP THEM THAT WAY. OUR INTEREST IS TO MAINTAIN SAFE AND ADEQUATE RAIL SERVICE FOR OREGON CITIZENS. WE FELT IN ORDER TO DO SO, WE HAD TO BE IN CONTROL OF THE PROGRAM IN OREGON.

UNDER THE FRA/STATE RAILROAD SAFETY PROGRAM, STATES HAVE THE FLEXIBILITY TO SET PRIORITIES ACCORDING TO THE NEEDS OF ITS PUBLIC. FURTHER, WHEN A STATE BECOMES FULLY CERTIFIED IN A GIVEN PROGRAM, IT BEARS THE RESPONSIBILITY FOR INSPECTIONS IN THAT STATE. FOR EXAMPLE, WE CONCENTRATE OUR TRACK INSPECTIONS ON HIGH SPEED FREIGHT, PASSENGER AND HAZARDOUS MATERIAL CARRYING LINES. THE STATE IS ABLE TO RESPOND TO THE PUBLIC AND OUR RAILROAD EMPLOYEE SAFETY CONCERNS AND HAVE THE EXPERTISE TO TAKE PROPER ACTION.

FRA DOES NOT ASSIGN INDIVIDUAL INSPECTORS FOR EACH STATE; THEREFORE, ITS INSPECTIONS ARE FEW AND FAR BETWEEN. BY PARTICIPATING, A STATE IS ABLE TO PROVIDE IMPROVED RAIL SAFETY INSPECTIONS.

THE CERTIFICATION PROCESS AND DAY-TO-DAY OPERATION

TO BECOME CERTIFIED, A BUDGET IS DRAWN UP BY THE STATE AND APPLICATION SUBMITTED TO FRA. ONCE THE APPLICATION IS SUBMITTED, RECRUITMENT FOR INSPECTORS IS UNDERTAKEN. FOR OUR TRACK PROGRAM, WE CHOSE TWO ROADMASTERS WITH WELL OVER THE REQUIRED SIX YEARS (12 AND 25 YEARS) EACH. THE LEVEL OF EFFORT REQUIRED BY FRA FOR US IS TWO INSPECTORS THE SAME AS VIRGINIA.

WE CHOSE ROADMASTERS FOR INSPECTORS AS WE DESIRE PERSONNEL WHO ARE ABLE TO CONVERSE WITH AND HAVE THE RESPECT OF RAILROAD DIVISION ENGINEERS AND ALL MAINTENANCE-OF-WAY PERSONNEL. WE HAVE BEEN VERY SATISFIED WITH THE PERFORMANCE OF THESE INSPECTORS AND THEIR RECEPTION BY THE RAILROADS.

OUR INSPECTORS CREDENTIALS AND EXPERTISE ARE RESPECTED BOTH BY FRA AND THE RAILROADS. BY THE NATURE OF THEIR WORK, THESE INSPECTORS MUST EXERCISE A GREAT DEAL OF JUDGMENT WITHOUT SUPERVISION.

OUR TRACK INSPECTORS MAKE INSPECTIONS THROUGHOUT THE STATE ON A SYSTEMATIC BASIS AND FOLLOW-UP INSPECTIONS AS NEEDED. SPOT CHECKS AND SPECIAL INSPECTIONS ARE MADE WHERE PROBLEMS PERSIST. OUR TRACK INSPECTORS ALSO INVESTIGATE MORE SERIOUS DERAILMENT ACCIDENTS.

LIKewise, FOR A FREIGHT CAR INSPECTION PROGRAM, OUR EQUIPMENT INSPECTORS EXCEED THE MINIMUM QUALIFICATIONS OF TWO YEARS, AS REQUIRED BY FRA (10 AND 25 YEARS). THE BASIC OPERATION OF OUR EQUIPMENT PROGRAM IS MUCH AS THE TRACK. WE MAKE ROUTINE INSPECTIONS, PRIMARILY, AT MAJOR TERMINAL POINTS. SECONDARY TERMINALS AND BRANCH LINE LOCATIONS ARE ALSO INSPECTED. SPECIAL OR CONCENTRATED INSPECTIONS ARE MADE AT LOCATIONS WHERE AN UNUSUALLY HIGH PERCENTAGE OF DEFECTIVE CARS ARE FOUND. EQUIPMENT INSPECTORS MAY ALSO INVESTIGATE DERAILMENTS.

EQUIPMENT DEFECTS ARE MORE DIFFICULT TO CONTROL WHICH, UNLIKE TRACK, IS TRANSIENT NATURE OF RAILROAD EQUIPMENT. TRACK ON THE OTHER HAND, AS YOU KNOW, IS ~~SEITE~~ STATIONARY

COORDINATION OF STATE AND FEDERAL PROGRAMS

COORDINATION BETWEEN THE STATE AND FEDERAL INSPECTION OFFICES IS MAINTAINED TO PREVENT DUPLICATE INSPECTIONS BY FRA

AND STATE INSPECTORS. THE STATE INSPECTORS SUBMIT MONTHLY WORK SCHEDULES TO THE FRA REGIONAL OFFICE WHICH DETAILS PLANNED INVESTIGATIVE AND SURVEILLANCE ACTIVITIES TO BE CONDUCTED. ALSO, THE STATE AND REGIONAL OFFICE ADMINISTRATORS HOLD PERIODIC MEETINGS TO REVIEW RULE INTERPRETATIONS AND POLICY PROCEDURES TO MAKE SURE THE RULES ARE ENFORCED ON A UNIFORM BASIS.

GOAL OF THE FRA STATE SAFETY PROGRAM

THE BASIC GOAL OF THE PROGRAM IS TO REDUCE AS MUCH AS POSSIBLE TRACK AND EQUIPMENT-CAUSED DERAILMENTS BY REQUIRING RAILROADS MEET THE FEDERAL REGULATIONS. IN MEETING THIS GOAL THE PROGRAM IS AIMED AT REDUCING THE RISK OF INJURY OR DEATH TO THE PUBLIC AND RAILROAD EMPLOYEES.

THE INSPECTOR'S JOB IS TO MONITOR THE RAILROADS OWN INSPECTORS TO ENSURE THEIR COMPLIANCE WITH THE RULES. THE STATE INSPECTORS ARE NOT TO TAKE THE PLACE OF THE RAILROAD'S OWN INSPECTORS. THE STATE INSPECTORS SPOT CHECK THE CARRIER AT VARIOUS POINTS ON THE RAILROAD TO ENSURE THAT CARRIER INSPECTORS ARE MAKING THE PROPER NUMBER AND KIND OF INSPECTIONS. THEY IDENTIFY DEFECTS IN TRACK OR EQUIPMENT AS THE CASE MAY BE.

AS AN EXAMPLE, IN 1977, THERE WERE 10,352 REPORTED TRAIN ACCIDENTS IN THE UNITED STATES, OF WHICH 2,054 OF THESE ACCIDENTS WERE RELATED TO EQUIPMENT PROBLEMS (20 PERCENT). FOUR MILLION CARLOADS, ABOUT 80 MILLION TONS OF HAZARDOUS MATERIAL TRAVEL BY RAIL EACH YEAR. WE FEEL THERE IS A NEED TO ENSURE THAT THE EQUIPMENT USED TO HANDLE HAZARDOUS MATERIALS

IS IN A SAFE OPERATING CONDITION. ENFORCEMENT OF THE FREIGHT CAR SAFETY STANDARDS PLAYS A MAJOR ROLE IN REACHING THAT OBJECTIVE. AS A PRACTICAL MATTER WHEN DEFECTS ARE FOUND IN EQUIPMENT, IT IS SENT BACK TO THE REPAIR TRACK. IT IS THE RAILROAD'S RESPONSIBILITY TO ENSURE THEIR EQUIPMENT UNDER NORMAL OPERATIONS CAN BE USED IN A SAFE AND SATISFACTORY MANNER. DISCOUNTING HUMAN ERROR OR 60 PERCENT OF TRACK ACCIDENTS OCCURRING IN 1977 WERE ATTRIBUTED TO TRACK EQUIPMENT.

GENERALLY, RAILROADS VOLUNTARILY TAKE CORRECTIVE ACTION AND IN KEEPING WITH FRA POLICY, WE ALLOW THEM TO DO SO. WHERE VERY SERIOUS PROBLEMS EXIST OR WHERE RAILROADS FAIL OR REFUSE TO REMEDY SERIOUS DEFECTS, WE CAN AND DO FILE VIOLATIONS FOR PENALTY ACTION. FRA ADMINISTERS THE VIOLATION ACTION AND COLLECTS PENALTIES. AT PRESENT, STATES MUST WAIT 90 DAYS BEFORE TAKING FORMAL ACTION IN COURT UNDER THE 1970 ACT. HOWEVER, A CHANGE IN THE TIME FRAME IS BEING CONSIDERED BY CONGRESS.

THE PROGRAM IS FLEXIBLE IN THAT THE STATE AND FRA INSPECTORS CAN CONCENTRATE INSPECTIONS, FOR INSTANCE, ON CERTAIN SEGMENTS OF THE CARRIER'S RAILROAD WHERE THE CARRIER'S RAILROAD HAS BEEN SUBJECT TO DEFERRED MAINTENANCE OR WHERE LARGE AMOUNTS OF HAZARDOUS MATERIALS ARE CARRIED. HOWEVER, TO HAVE A WELL-COORDINATED COMPREHENSIVE SAFETY PROGRAM, A STATE SHOULD BE INVOLVED IN BOTH PROGRAMS: TRACK AND THE EQUIPMENT.

A TRADE-OFF EXISTS WITH THE LEVEL OF EXPERTISE OBTAINED BY THE STATE IN THIS PROGRAM IN RAIL PLANNING AND INVESTIGATING CARRIER ABANDONMENT APPLICATION. THE INSPECTORS

CAN VERIFY THAT THE TRACK CONDITIONS, AS DESCRIBED IN THE APPLICATION, AND THAT REHABILITATION ESTIMATES ARE REALISTIC IN THE TERMS OF THE LINE'S OPERATING CAPACITY. THESE INSPECTIONS HAVE PROVEN QUITE VALUABLE IN CHALLENGING ABANDONMENT APPLICATIONS, ESPECIALLY WHEN THE INSPECTOR FINDS THAT THE REHABILITATION ESTIMATES MAY BE TOO HIGH FOR THE SERVICE AND TONNAGE HANDLED ON THE LINE. IN ADDITION, IF THE STATE DETERMINES THAT A PARTICULAR LINE MAY BE ELIGIBLE FOR REHABILITATION OR SUBSIDY UNDER FUNDS AUTHORIZED BY THE 4-R ACT, THE TRACK INSPECTOR CAN BE QUITE VALUABLE IN ASSESSING WHAT REHABILITATION WORK NEEDS TO BE DONE TO BRING THE LINE UP TO THE CLASS OF TRACK SO DESIGNATED BY THE STATE OR FRA. ALSO, THE INSPECTOR MAY MONITOR THE WORK AND PROGRESS DURING THE REHABILITATION PROJECT TO ENSURE THAT THE LEASEE IS DOING THE PROPER WORK AS OUTLINED IN THE INITIAL REHABILITATION AGREEMENT WHERE THE FUNDING WILL BE APPROVED BY FRA.

ANOTHER EXAMPLE OF THE USE OF THIS EXPERTISE IS THAT RECENTLY WE DISCOVERED A SERIOUS TUNNEL SAFETY PROBLEM IN OREGON. WHICH, THANKS TO OUR TRACK PROGRAM, IS UNDER CORRECTION AT THIS TIME.

TO ASSIST THE STATE, THE SAFETY PROGRAM SHOULD RECEIVE REPORTS OF ALL RAIL ACCIDENTS OCCURRING IN THE STATE, AS WE DO IN OREGON. THESE REPORTS CAN BE ANALYZED AND CATEGORIZED IN SUCH A WAY AS TO IDENTIFY POTENTIAL HAZARDOUS CONDITIONS AND POINT INTO AREAS WHERE INSPECTORS SHOULD CONCENTRATE INSPECTION ACTION. IN THIS WAY, THE STATE CAN SET ITS OWN PRIORITIES AS BEST TO MEET THE NEEDS OF THE STATE.

EXPANSION OF THE OREGON RAIL SAFETY PROGRAM

SINCE 1972, THERE HAS BEEN A GROWING AWARENESS OF THE PUBLIC AND RAIL LABOR THAT IS ADVANTAGEOUS TO HAVING INCREASED STATE RAIL SAFETY PROGRAM. THE RAIL SAFETY FIELD STAFF IN OREGON, INCLUDING GRADE CROSSINGS, CLEARANCE, AND OPERATIONS, AND TRACK AND EQUIPMENT SAFETY, HAVE INCREASED FROM 3 TO 14 IN AN EIGHT-YEAR PERIOD. THIS GROWTH HAS BEEN CAUSED, IN PART, BY A NATIONWIDE INCREASE IN DERAILMENTS AND HAZARDOUS MATERIAL ACCIDENTS CONCERN FOR RAILROAD EMPLOYEE SAFETY AND AN EMPHASIS ON STATE RAIL.

IMPACT OF STATE PROGRAMS

ALL CITIZENS ARE DIRECTLY OR INDIRECTLY AFFECTED BY AN ONGOING STATE/FEDERAL INSPECTION PROGRAM. RAILROAD EMPLOYEES DEPEND ON STATE INSPECTORS TO MONITOR TRACK AND FREIGHT CAR CONDITIONS, RAILROAD OPERATING PRACTICES AND OTHER FACTORS TO ENSURE RAIL MANAGEMENT PROVIDES ADEQUATE OR SAFE WORKING ENVIRONMENT. IN THIS MANNER, THE PROGRAM SEEKS REDUCTION OF RAIL ACCIDENTS CAUSED BY TRACK AND EQUIPMENT DEFECTS WHICH MAY RESULT IN THE LOSS OF LIFE, INJURIES AND A FINANCIALLY DRAIN ON A CARRIER'S LIMITED CASH RESOURCES. UNFORTUNATELY, SOME RAIL CARRIERS HAVE BEEN KNOWN TO TAKE THE SHORT FALL APPROACH AND ALLOW ACCIDENTS TO OCCUR RATHER THAN PERFORM MAINTENANCE WITH EXISTING CASH MONIES TO REDUCE THE CHANCE AND CAUSE OF RAIL ACCIDENTS.

THERE ARE THOUSANDS OF PEOPLE WHO LIVE IN URBAN AREAS NEAR RAILROAD TRACKS WHO CAN BE AFFECTED BY DETERIORATING TRACK AND EQUIPMENT AND UNSAFE PRACTICES. EACH STATE CAN IDENTIFY THESE LINES ~~THAT~~^{THAT} CARRY LARGE AMOUNTS OF HAZARDOUS MATERIAL AND INSPECT THE RAIL CARS HANDLING SUCH MATERIAL TO ENSURE THE RAIL, THE TRACK AND EQUIPMENT COMPONENTS ARE IN COMPLIANCE WITH THE STANDARDS. TRAIN SPEEDS CAN BE MONITORED THROUGH THE USE OF CERTIFIED RADAR EQUIPMENT OPERATED BY INSPECTORS TO ENSURE TRAINS OPERATE AT DESIGNATED SPEED LIMITS WHICH, IN MANY CASES, ARE SET ON CONDITIONS OF THE TRACK STRUCTURE.

MOST EQUIPMENT CARRYING HAZARDOUS MATERIALS, SUCH AS TANK CARS, ARE USUALLY FREE FROM ANY SERIOUS FREIGHT CAR SAFETY DEFECTS. HOWEVER, THE PROBLEM CAN BE OF OTHER GENERAL SERVICE RAIL EQUIPMENT AND TRAIN WITH THE SPECIAL HAZARDOUS MATERIAL CARS. IT IS EXTREMELY IMPORTANT TO MONITOR THE CARRIER'S FREIGHT CAR INSPECTORS AT MAJOR TERMINAL POINTS TO ENSURE THEY IDENTIFY DEFECTIVE CONDITIONS ON ALL EQUIPMENT BEFORE TRAINS ARE ALLOWED TO DEPART A YARD. IN MOST CASES, IT IS NOT NON-HAZARDOUS MATERIAL BEARING CARS THAT CAUSE ACCIDENTS INVOLVING HAZARDOUS MATERIAL.

IF FINANCIALLY SOUND RAILROADS WERE ALLOWED TO DIVERT FUNDS FROM NEEDED CAPITAL IMPROVEMENTS IN PLANT OR EQUIPMENT INVESTMENTS OR FINANCIALLY TROUBLED RAILROADS ARE ALLOWED TO CONTINUE DEFERRING MAINTENANCE ON THESE RAILROADS OR OPERATE TRAINS AT SPEEDS NOT CONDUCIVE TO THE PREVALENT TRACK CONDITIONS, DERAILMENTS INCREASE, SERVICE BECOMES UNRELIABLE, TRAFFIC IS LOST TO OTHER MODES, NEEDED CASH IS DRAINED OFF BY

THE COST OF DERAILMENTS WHICH IS NEEDED TO BE PLOWED BACK INTO IMPROVING THE PLANT AND SERVICE, RATES CONTINUE TO INCREASE, RAIL JOBS ARE LOST, ETC.

EVEN HEALTHY RAILROADS NEGLECT CERTAIN PORTIONS OF THEIR TRACKAGE. YARD TRACKAGE USUALLY RECEIVES THE LEAST AMOUNT OF ROUTINE MAINTENANCE; HOWEVER, SOME YARD TRACKS ARE BUSIER THAN HIGH SPEED MAIN LINES. TRUE, SPEEDS ARE LOW, BUT TRACK CONDITIONS CAN AND DO LEAD TO BAD DERAILMENTS, SOMETIMES INVOLVING HAZARDOUS MATERIAL.

WITHOUT PARTICIPATING IN THE STATE/FEDERAL PROGRAM, THE STATES DO NOT HAVE AUTHORITY TO REGULATE AND MONITOR THE TRACK AND EQUIPMENT SAFETY PERFORMANCE OF RAILROADS OPERATING IN THE STATE. HISTORICALLY, FEDERAL INSPECTORS NORMALLY HAVE TO COVER FIVE OR SIX STATES AND CANNOT SPEND AN ADEQUATE AMOUNT OF TIME IN ONE PARTICULAR STATE TO FOLLOW-UP DEFECTIVE CONDITIONS IDENTIFIED AND TO ENSURE CORRECTIVE ACTION. THE STATE INSPECTORS, BEING LOCATED IN THE STATE, CAN TIMELY HANDLE SAFETY COMPLAINTS AND OTHER SAFETY MATTERS. WITH A STATE SAFETY PROGRAM, THERE IS A MUCH BETTER MONITORING OF SAFETY MATTERS AND ABILITY TO OBTAIN ON-THE-SPOT CORRECTIVE ACTION WITHOUT GOING THROUGH FEDERAL BUREAUCRATIC PROCESS. AN ADDITIONAL FACTOR IS THAT BY ENTERING THE STATE/FEDERAL SAFETY PROGRAM, THE STATES CAN GET TWO INSPECTORS FOR THE PRICE OF ONE (WITH A 50 PERCENT FEDERAL SHARE).

IN CLOSING I WOULD LIKE TO SAY THAT BY NOT PARTICIPATING, A STATE CANNOT CONTROL THE DESTINY OF RAIL SAFETY WITHIN ITS BORDERS. BY PARTICIPATING, THE STATE CAN APPLY

UNIFORM NATIONAL STANDARDS AND THE GUIDELINES SET FORTH BY FRA FOR A JOINT EFFORT TO ENSURE UNIFORM RAIL SAFETY THROUGHOUT THE UNITED STATES. WE MUST REMEMBER THAT SAFETY OF RAILROADS IN OUR OWN STATE WILL ALSO IMPACT OUR ADJOINING STATES AND VICE VERSA.

IF YOU HAVE ANY SPECIFIC QUESTIONS ON OUR DAY-TO-DAY OPERATION, THE FUNDING PROCEDURES OF FRA, THE APPLICATION PROCEDURE, OR ANY OTHER ASPECT OF THE PROGRAM, I WILL BE HAPPY TO ANSWER ALL YOUR QUESTIONS.

Appendix III

Testimony of H. R. Moore
on behalf of Southern Railway Company
before the Joint Subcommittee on Railroad
Legislation Established Under Senate Joint
Resolution No. 46.

I am H. R. Moore, and am employed by Southern Railway Company as General Manager - Eastern Lines, with headquarters in Atlanta, Georgia. As you may know, Southern Railway Company is the principal member of a related group of railroad carriers operating under the trade name of Southern Railway System (Southern). Other member railroads operating in Virginia are Interstate Railroad Company and Norfolk Southern Railway Company. Most of Southern's track in Virginia is under my supervisory jurisdiction as General Manager.

As General Manager, I am responsible for the operation of the railroad within my jurisdiction. I have held the position of General Manager - Eastern Lines since 1968. Before that, during the period 1956 to 1961 I was chief engineer, Maintenance of Way & Structures - Eastern Lines of Southern. I am a Virginian and a VPI honor graduate in civil engineering. I have been employed by Southern since 1939.

I am pleased to be here today to express Southern's position in opposition to any legislation which would authorize the State Corporation Commission to undertake investigative and surveillance activities in the railroad track or equipment inspection area, with that agency presumably to be certified by the Federal Railroad Administration under the appropriate provision of the Federal Railroad Safety Act of 1970.

I was privileged to testify before the Senate Commerce and Labor Subcommittee last November on Southern's position on such legislation. I said then and reiterate now, Southern's prime concern in carrying on its operations is safety. The first sentence of Southern's book of operating rules, in the "General Notice Section", reads:

"Safety is of the first importance
in the discharge of duty."

The promotion of safety is Southern's policy in general, and we carry it out in every feasible way. When you stop to think about it, it is apparent that 'safety first' is not only the right way to operate, but also makes sense financially. No railroad can afford unsafe operations.

We are proud of our safety record at Southern and are recognized as an industry leader. We received first place in the Harriman Safety Awards competition among the major railroads in 1976 and 1978, and second place in 1977 and 1979. We want to be back on top in 1980.

Southern has about 1,301 track miles in Virginia, and about 820 miles of line of road. To improve the safety, efficiency and reliability of its service, Southern has expended a total of \$101,656,000 on track maintenance in Virginia from 1975 through the first half of 1980. In 1975 expenditures in Virginia on maintenance of way and structures were around \$12 million. By 1979 expenditures had doubled to \$24 million. This increase represents a 15% to 23% increase in expenditures on maintenance

per year...a large commitment on our part.

These figures include only maintenance expenses, not capital improvements which come to many more millions of dollars, I assure you.

Our safety record is a reflection of our continual efforts to maintain and upgrade our track. If you look at the derailments reportable to the FRA which occurred on Southern lines in Virginia and which were attributed to defects in track, roadbed or structure, you will find that derailments decreased 33% between 1975 and 1979. In 1975 there were 18 reportable derailments. In every year except one that number has decreased. In 1979 there were 12. Through July of this year there have been only 5 reportable derailments on our lines in Virginia.

Most of the 71 reportable derailments occurring between 1975 and July 1980 were on branch lines, in yards, or on shippers' tracks, and were at very low speeds. Only 6 took place on main line track carrying over 10 million gross tons annually. Another 13 took place on main line tracks with 0.5-10 million gross tons carried annually. Thirty-three (33) took place in yards and sidings, 8 on industry tracks and leads, and 5 on foreign track. Analysis of the 22 derailments in January, 1978, through July, 1980, shows that 4 occurred at speeds between 11 and 25 miles per hour, while the other 18 occurred at speeds of 10 miles per hour or below.

These facts bring us to the bottom line, our concern for human life and limb. Not one life was lost as a result of the

71 track-caused derailments in Virginia from 1975 through July of this year. Only two of the derailments resulted in a reportable personal injury. Our goal, of course, is zero injuries. But I do not believe that Southern's accident experience, and the accident experience reported by other railroads in Virginia, justify the conclusion that an increase in federal track safety standards enforcement through the use of state inspectors is needed.

FRA track inspectors regularly inspect Southern's lines. In addition, the FRA operates a track geometry car over our track.

Southern's own track inspectors inspect our tracks according to the frequency and density of their use and the speed of the trains over them. Main line track is inspected twice a week, sidings and passing track once a week and yard track once a month. We inspect our track more frequently than required by the FRA's regulations and, for the most part, maintain our track at a higher standard than that required by the FRA.

In addition, we regularly operate our own track geometry car, the R-1 car, over our lines. The R-1 car is an incredible package of measuring equipment and computer which simultaneously measures gage, twist, surface, superelevation and alignment of track by quality and in relation to all other track, utilizing the sums and the sums of the squares of each observed value. Southern pioneered the development of the R-1 in 1969 and has continually improved it. In 1978, all measuring equipment and the computer were replaced at a cost of \$450,000.

We try to inspect with the R-1 car all our more heavily travelled main lines such as between Alexandria and Danville four times a year. Other less heavily travelled lines are inspected in proportion to their use. Southern also regularly tests its main track using the Sperry Rail Service Car.

Let me say a few words about our equipment inspection and repair program before concluding. At the beginning of 1980, Southern owned 75,661 freight cars, leased 1,303 additional cars, and owned 1,395 locomotives.

FRA regulations require every locomotive be thoroughly inspected and tested every 92 days. However, Southern's policy is to run most of our locomotives through one of our two diesel shops located in Chattanooga and Atlanta once every 30 days. Some of our newer locomotives are on a 60-day cycle. All locomotives also receive an inspection, which includes running gear and safety appliances, prior to being dispatched for train service or at least daily. These daily inspections and minor repairs, such as renewing brake shoes, are performed at locomotive fueling and servicing facilities throughout the system.

Freight cars are inspected and maintained strictly in accordance with standards established by the FRA and the Association of American Railroads. Our freight car repair shops are located at Coster Shop, Knoxville, Tennessee and Hayne Shop, Spartanburg, South Carolina. In 1979, 5,513 Southern cars received what is known as heavy repairs and 4,744 Southern cars received light repairs at these two shops. Inspections, testing and repairs are also performed at car repair facilities located at yards

and terminals throughout the system.

In addition to performing locomotive and car inspection on the basis of days elapsed, inspections are also performed on the basis of the number of miles travelled. In Virginia, Southern maintains inspection forces for cars and locomotives at Alexandria, Monroe, Lynchburg, Richmond, Danville, Norfolk, and Andover. At Potomac Yard, RF&P inspects our trains as Southern's agent. In compliance with FRA requirements, trains are inspected at these eight points if they will exceed 500 miles from point of origin before reaching the next terminal. Cars originating at these points also are inspected; however, blocks of cars may be changed from one train to another at these points without additional inspection if they are within the 500 mile limit. Inspections are made by parking the cars or locomotive on a given track and providing flag protection so the equipment will not be coupled to or moved while the inspection is in progress, thereby allowing the inspectors carefully to examine the equipment with special attention being paid to running gear, couplings, safety appliances, and other appurtenances prone to cause accident or injury. All inspections are performed by qualified car and locomotive inspectors.

This concludes my outline of Southern's safety record and inspection and maintenance procedures. As you may know, my remarks merely touch the surface of the time, work and money that goes into our efforts to maintain safe equipment and track. In Southern's view there is no need for additional inspection by the State under the FRA Safety Standards.

Railroading involves human beings. Although a zero accident rate must be our goal, realistically, any time people are involved, errors will occur. But I firmly believe that the addition of any number of inspectors, state or federal, would have no impact on whether a serious accident occurs. I suggest to you that Virginia does not have the safety problem other states may have experienced because Virginia railroads have committed their resources to safe track and equipment. Please don't burden us down with more unnecessary regulation and inspection and make us pay for it! Our safety record speaks for itself.

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SOUTHERN RAILWAY SYSTEM FRA REPORTABLE TRAIN ACCIDENTS
BY TRACK LOCATION, STATE OF VIRGINIA
CHARGED TO TRACK, ROADBED, OR STRUCTURES

1975 Through July, 1980

<u>Location of Track</u>	<u>Number of Train Accidents</u>
Main line track over 10 million gross tons annually	6
Main line track 0.5 - 10 million gross tons annually	13
Main line track under 0.5 million gross tons annually	6
Yard tracks and sidings	33
Foreign track	5
Industry tracks and industry leads	<u>8</u>
Total	71

Source: Derailment/Rail Equipment Incident Reports,
Form 968-1

AJW/8-80

SOUTHERN RAILWAY SYSTEM FRA REPORTABLE TRAIN ACCIDENTS
 CHARGED TO TRACK, ROADBED, OR STRUCTURES
 DISTRIBUTION BY SPEED, STATE OF VIRGINIA

January 1978 Through July 1980

<u>Speed</u>	<u>Number</u>
26 MPH & Over	0
11 - 25 MPH	4
10 MPH or Below	18

SOUTHERN RAILWAY SYSTEM FRA REPORTABLE TRAIN ACCIDENTS
 CHARGED TO TRACK, ROADBED, OR STRUCTURES
 INVOLVING INJURIES OR FATALITIES, STATE OF VIRGINIA

1975 Through July, 1980

	<u>Number of Accidents</u>	<u>Percent of Accidents</u>
Involving fatalities	0	0
Involving injuries	2	2.8
Involving neither injuries nor fatalities	<u>69</u>	<u>97.2</u>
Total	71	100.0

Source: Derailment/Rail Equipment Incident Report,
 Form 968-1

LISTING OF SOUTHERN RAILWAY SYSTEM FRA REPORTABLE DERAILMENTS, STATE OF VIRGINIA
CHARGED TO TRACK, ROADBED, OR STRUCTURES

1978 Thru July 1980

<u>Year</u>	<u>Div.</u>	<u>Milepost</u>	<u>Track</u>	<u>Report Number</u>	<u>Date</u>	<u>Derailed Cars</u>	<u>Speed, MPH</u>	<u>Injuries</u>	<u>FRA Cost</u>	<u>Cause</u>
1980	Eas	9.7	Yard	D5894	3-5	4	5	None	7,700	Broken rail
1980	Eas	33.4	Yard	D5475	2-9	5	5	None	3,600	Broken rail - transverse fissure
1980	Eas	112.2	Yard	D5103	1-19	5	2	None	7,450	Broken switch point
1980	Eas	172.0	Yard	D6039	3-14	3	2	None	4,000	Broken switch point
1980	Eas	172.0	Yard	D5313	2-1	6	7	None	17,450	Broken rail - bolt hole break
1979	Eas	43.3DW	Main	D1004	2-8	3	10	None	\$ 10,000	1-3/4" variation in cross level & excessive side bearing clearance & broken Side bearing plate
1979	Eas	42.1DW	Main	D2204	5-17	4	6	None	3,650	Weak timber
1979	Eas	8.0	Yard	D2716	7-5	6	5	None	7,700	Cross level irregular, rail joint low
1979	Eas	44.3DW	Main	D0568	1-12	6	5	None	87,500	Broken rail, base break
1979	Eas	F1.0	Yard	D1528	3-15	8	8	None	6,875	Bolt hole crack or break
1979	Eas	NS16.5	Main	D1838	4-13	9	25	None	68,300	Joint bar broken
1979	Eas	166.3	Yard	D1192	2-19	6	3	None	12,200	Switch point broken
1979	Eas	136.0	Siding	D2954	7-26	2	4	None	2,925	Switch point broken
1979	Eas	166.3	Yard	D3373	9-4	5	5	None	12,950	Switch point broken
1979	Eas	F129.4	Main	D3200	8-21	10	25	None	52,650	Roadbed soft
1979	Eas	F86.3	Foreign	D3756	10-4	3	3	None	4,500	Mismatched joint
1979	Eas	B3.0	Industry	D3979	10-24	6	4	None	4,100	Broken rail - vertical split head
1978	Eas	D14.2	Main	Y8872	10-5	9	25	None	23,000	Weak timber
1978	Eas	46.0	Yard	Y8930	10-12	5	2	None	2,600	Weak timber
1978	Eas	165.2	Yard	Y9305	11-17	5	3	None	3,995	Weak timer
1978	Eas	4.0	Foreign	Y5850	1-15	1	6	None	2,700	Broken rail
1978	Eas	11.2T	Main	Y9156	11-4	8	18	None	20,500	Transverse defect

Source: Derailment/Rail Equipment Incident Reports, Form 968-1

1 D 12/2/80 WL C 12/4/80 llw

2 A BILL to amend the Code of Virginia by adding a section
3 numbered 56-129.1 to authorize the State Corporation
4 Commission to administer rules, regulations, and
5 standards of the Federal Railroad Safety Act.

6

7 Be it enacted by the General Assembly of Virginia:

8 1. That the Code of Virginia is amended by adding a section
9 numbered 56-129.1 as follows:

10 ~~§ 56-129.1. Participation in the Federal Railroad~~
11 ~~Administration Track Safety and Inspection Program.--The~~
12 ~~State Corporation Commission shall have the authority to~~
13 ~~participate in carrying out track inspection activities in~~
14 ~~connection with any rule, regulation, order, or standard~~
15 ~~prescribed by the Secretary of Transportation of the United~~
16 ~~States under the authority of the Federal Railroad Safety~~
17 ~~Act, United States Code, Title 45, Chapter 13, provided that~~
18 ~~the Commission shall comply with all the requirements~~
19 ~~imposed by the United States Code, Title 45, Section 435.~~
20 ~~The Commission shall employ such expert, professional or~~
21 ~~other assistance as is necessary to carry out the activities~~
22 ~~authorized by this section. Such track safety inspectors~~
23 ~~shall attain Federal Railroad Administration qualifications~~
24 ~~necessary to qualify the Commonwealth for federal funds.~~

25 ~~The Commission shall have the authority to adopt such~~
26 ~~rules in conformance with the Federal Railroad Safety Act~~
27 ~~that are necessary for the promulgation of railroad track~~

1 safety within the Commonwealth.

2 The Commonwealth's participation is supplemental and
3 not to replace the federal government's responsibility in
4 the inspection of railroad track facilities within the
5 Commonwealth, and the Commonwealth shall not be deemed to be
6 liable for any actions or omissions in inspecting or failing
7 to inspect railroad track facilities.

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