



## Association of State Railroad Safety Managers Washington DC



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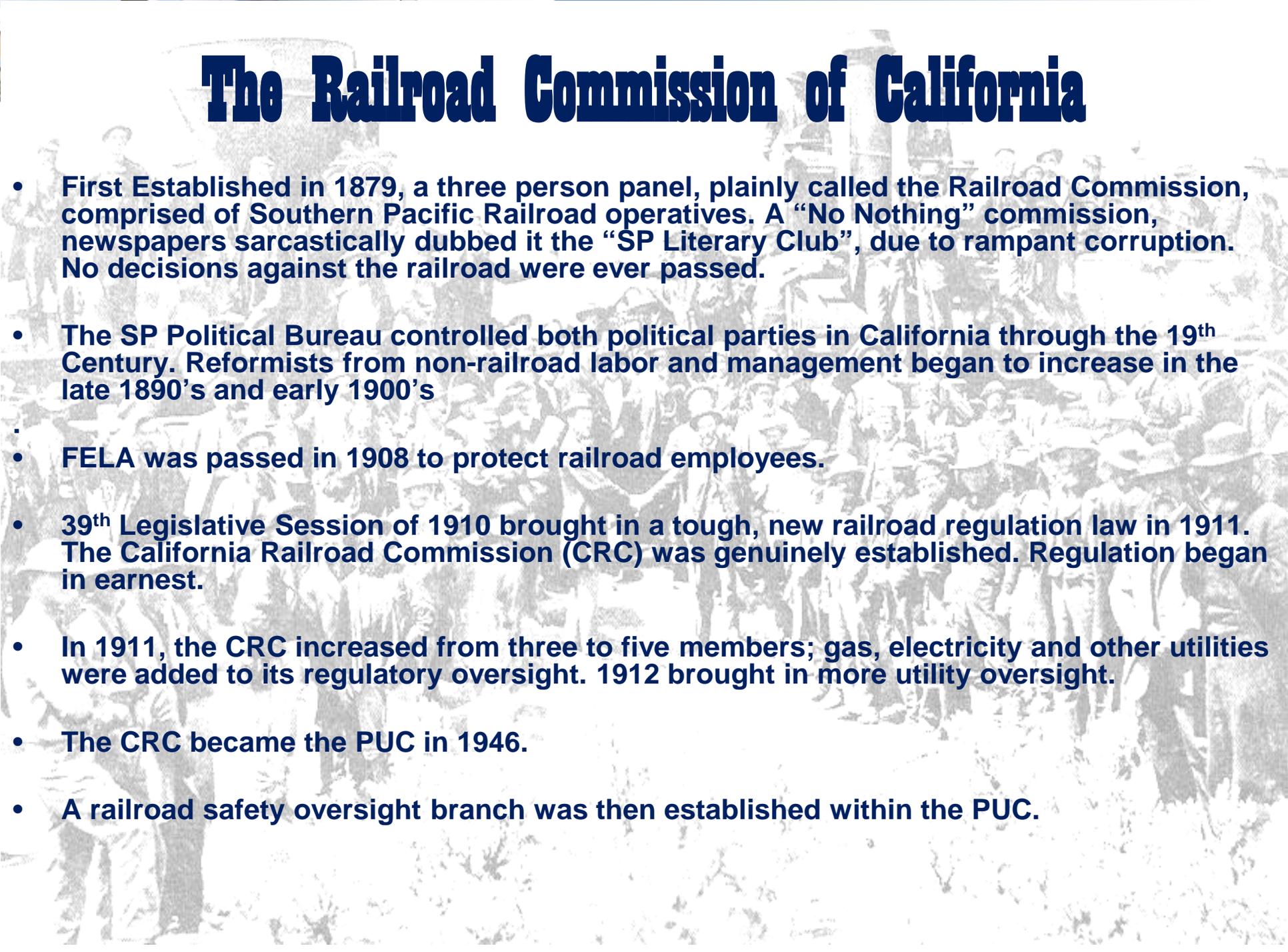
**California Public Utilities Commission (CPUC)**

September 8 - 12, 2014

# ROSB Mission Statement

To ensure that California communities and railroad employees are protected from unsafe practices on freight and passenger railroads by promoting and enforcing rail safety rules, regulations and inspection efforts; and by carrying out proactive assessments of potential risks before they create dangerous conditions.

# The Railroad Commission of California



- **First Established in 1879, a three person panel, plainly called the Railroad Commission, comprised of Southern Pacific Railroad operatives. A “No Nothing” commission, newspapers sarcastically dubbed it the “SP Literary Club”, due to rampant corruption. No decisions against the railroad were ever passed.**
- **The SP Political Bureau controlled both political parties in California through the 19<sup>th</sup> Century. Reformists from non-railroad labor and management began to increase in the late 1890’s and early 1900’s**
- **FELA was passed in 1908 to protect railroad employees.**
- **39<sup>th</sup> Legislative Session of 1910 brought in a tough, new railroad regulation law in 1911. The California Railroad Commission (CRC) was genuinely established. Regulation began in earnest.**
- **In 1911, the CRC increased from three to five members; gas, electricity and other utilities were added to its regulatory oversight. 1912 brought in more utility oversight.**
- **The CRC became the PUC in 1946.**
- **A railroad safety oversight branch was then established within the PUC.**



## ROSB Organization

**The Railroad Operations and Safety Branch has a total of 45 field inspectors covering 6 railroad safety areas:**

Track.

Motive Power and Equipment (MP&E).

Hazardous Materials (HM).

Operating Practices (OP).

Signal & Train Control (S&TC).

Railroad Bridges





## CPUC Authority - examples

- Commission rail safety inspectors have the authority and responsibility for conducting inspections and investigations on railroads operating in California under various California State General Orders and Public Utility Codes (e.g.- §§ 309.7, 315, 768 and 771) for the purpose of invoking civil enforcement remedies.
- If non-compliant conditions are found, the civil enforcement remedies shall include, but are not limited to, the issuance of citations and civil penalties and the initiation of Orders Instituting Investigations (OII).





## PUC 309.7(a)

- The division of the commission responsible for consumer protection and safety shall be responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description by rail.





## PUC 768

- The commission may, after a hearing, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to **promote** and **safeguard** the **health** and **safety** of its employees, passengers, customers, and the public.
- The commission may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling.
- The commission may establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.





## Public Utility Code 771

- The commissioners and their officers and employees may enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this part, and may set up and use on such premises any apparatus and appliances necessary therefor. The agents and employees of the public utility may be present at the making of such examinations and tests.





# ROSB October 2013





## Current ROSB Projects and Initiatives

- Risk Management Projects
- Railroad Bridge Evaluation Program
- Crude Oil Recon Team (CORT)
- Branch reorganization:
  - More effective time management
- Increased CPUC focused inspections
- CPUC annual training:
  - Cross discipline training
  - Other training opportunities





## ROSB and Risk Management

An organization's maturity in the area of Risk Management is indicated by the priority, pro-active thought and serious effort it allocates to this process.





## Risk Assessment / Risk Management Team (Team)

Beginning in 2013, the CPUC Office of Rail Safety risk assessment team was established to analyze potential risks unique to the railroad industry:

- The team was initially assigned to assist in further developing a CPUC **railroad bridge inspection program** to assess the vital components of railroad bridge structures; adequate structure inspection, structure component maintenance, and bridge management plans, practices and procedures by railroads.
- **Crude oil transportation** in association with the Governor's multi-agency working group and our in-house proactive surveillance / monitoring activities.
- The team is also focusing on **track / train dynamics**, which is the science behind how trains and tracks interface, due to how the locomotives and rail cars are positioned in transit and how those combinations relate to track geometric conditions.
- The team is tasked with reviewing **earthquake risk and early warning systems** and how they may be implemented successfully by railroads.





# ROSB Risk Management

## Risk Management Program – Inspectors.

- The ROSB risk management plan is designed to identify, record, and eliminate risks that are not covered by specific regulations – by looking beyond the regulations and documenting the concern.
- Besides filing FRA and State defect and violation reports for non-compliance, inspectors discuss with railroad management any perceived unsafe act, condition or issue not regulated.
- Risks are recorded on a simple form (RMSR) that allows the inspector to fully report on the perceived situation or condition and add photos or other documents, as he sees fit. Reports are maintained in a data base.





# Risk Management Status Report (RMSR)

Allows ROSB Investigators to:

- Be Proactive, pursue continuous improvement.
- Look beyond the regulations.
- Develop/improve internal communication skills.
- Discuss **any** perceived safety risk with railroads, shippers, contractors...and seek resolution.
- Document the risk investigation on an RMSR.
- Assess, mitigate, eliminate or accept (if minimal) the risk.
- Report results to supervisors for further guidance.
- Follow up...follow up...follow up.





## ROSB Risk Management

- Actions by railroad managers, positive or negative, are recorded to hold the railroad or other entity accountable for their action or inaction.
- SED has had a number of successes with this new plan.
- Staff seeks to identify proactive indications (accident precursors, or leading indicators) regarding risks as found in the field by staff inspectors, based on their individual and combined experience and training.
- This compliments the reactive data (accident data, or lagging indicators) that we have always followed, such as the FRA data base, as well as our own RSSIMS database.

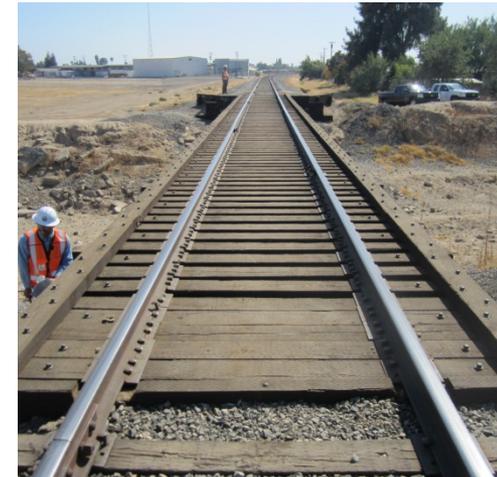
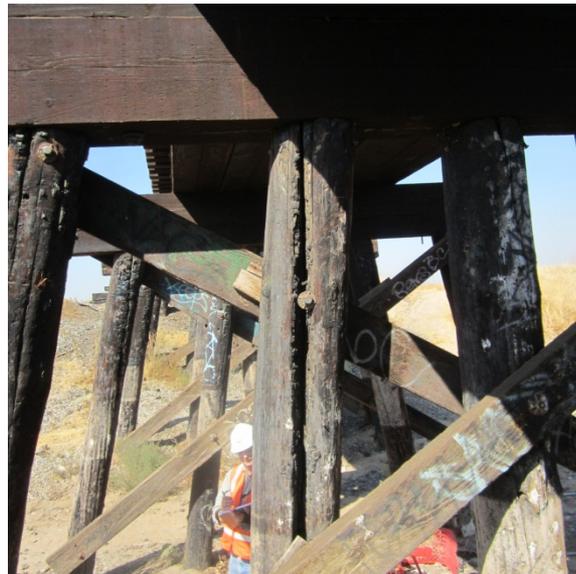




## Railroad Bridge Evaluation Program

ROSB has added two new bridge inspector positions, approved by the Governor, to ensure that railroad bridge safety and maintenance practices by railroads are more closely monitored:

- The program will mirror the FRA bridge oversight program and will work in concert with FRA at every opportunity.
- The intent is to enhance railroad bridge safety oversight in California.
- The railroad bridge inspectors will work with our risk assessment staff.





## Crude Oil Recon Team (CORT)

To proactively monitor crude oil projects before they come online by:

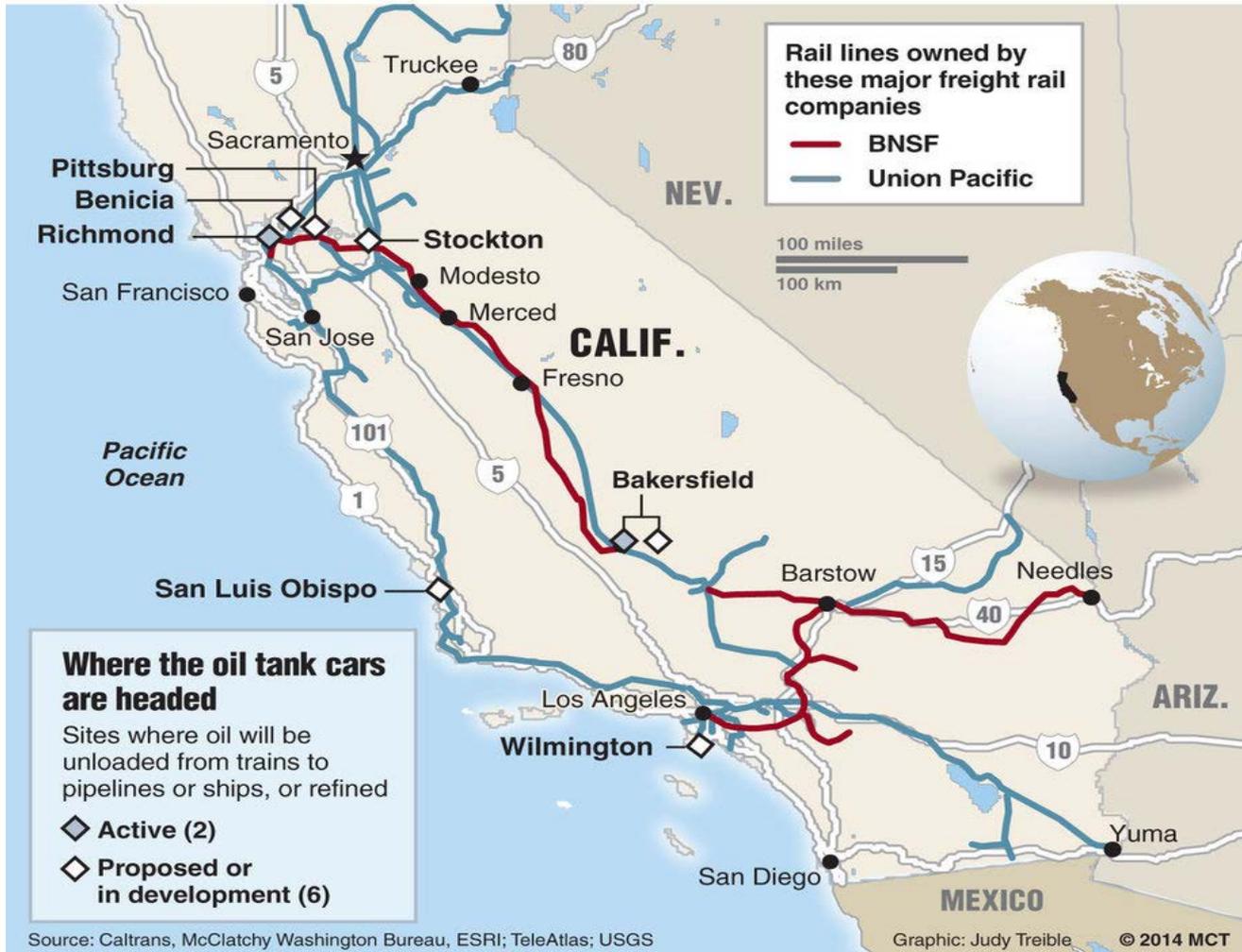
- identifying and seeking remediation on all regulated and non regulated potential, perceived and existing risks;
- provide guidance to the railroads, crude oil facilities and their respective contractors to mitigate identified risks and non-compliant issues.





# More oil rides the rails to California

California plans to expand its oil spill response program to address the increased risk of inland oil spills as the volume of crude oil shipped by rail has skyrocketed. Most of the railroad tank cars that carry crude have proved vulnerable to ruptures or punctures in a derailment.





## Plains All American, LLC

- Plains All American, LLC, will integrate its existing California crude oil pipelines with an all new crude-by-rail facility, located 30 miles southwest of Bakersfield.
- Rehabilitation of existing railroad branch line by Union Pacific, BNSF and Genesee & Wyoming to accommodate increased rail traffic.
- Plains facility online by September/October 2014.
- Potential unloading capacity of about two unit trains (208 rail cars) worth of crude per day to both the Los Angeles and San Francisco refining markets.





## Alon Refinery

- The Alon Bakersfield Refinery Crude Flexibility Project is a development plan that will allow for greater refinery flexibility regarding a variety of crude oils that can be processed on site.
- Refinery modifications to optimize processing of light crudes - Bakken, Niobrara, Permian Basin and Monterey shale.
- Utilize existing BNSF main track infrastructure; build new tracks within complex; repurpose existing facility to accommodate crudes.
- Rail terminal design to unload two unit trains per day (200 rail cars) of shale field crudes and Canadian crudes.
- Access to pipelines that can serve local markets, Los Angeles and San Francisco.





# Potential Associated Risks

## Track:

- Rehabilitation and new construction – competencies.
- Bridges, culverts - integrity.

## Hazardous Materials:

- Facility tank car unloading procedures - competencies.
- Tank car shipment condition – arrival and departure.

## Railroad equipment

- Equipment condition – inspection practices by railroads and shippers.

## Train Operations

- Railroad train handling operations - competencies.
- Coordination with other railroad traffic.
- Staging, switching procedures.
- Facility tank car handling operations and procedures.

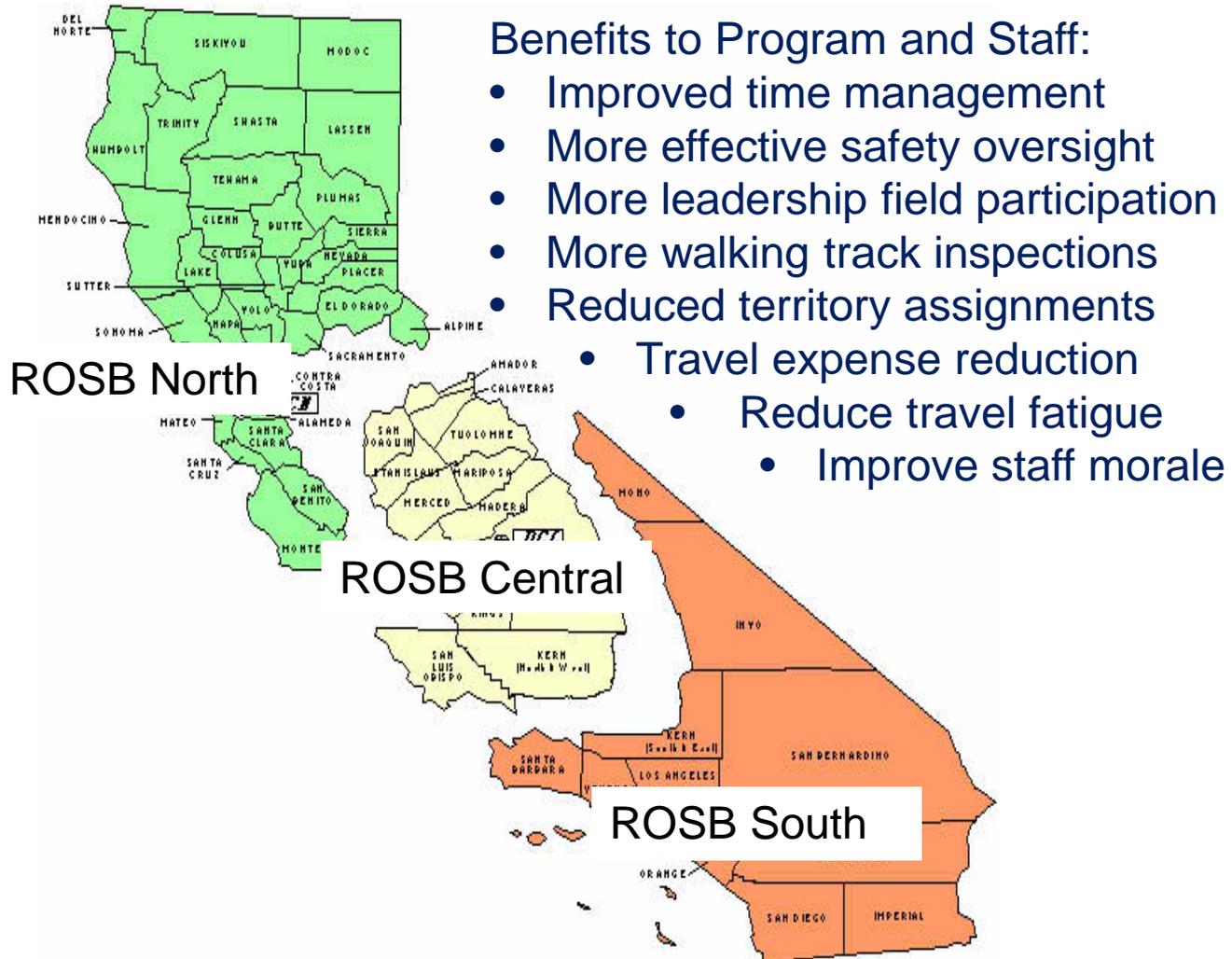
## Signal:

- Grade crossing improvements - competencies.
- Grade crossing warning activation integrity.





# ROSB Branch Reorganization



## Benefits to Program and Staff:

- Improved time management
- More effective safety oversight
- More leadership field participation
- More walking track inspections
- Reduced territory assignments
  - Travel expense reduction
  - Reduce travel fatigue
  - Improve staff morale





# ROSB Focused Inspections





# ROSB Annual Training





# Cross Discipline Training





# Leadership

“The essence of leadership is to get others to do something because they think you want it done and because they know it is worthwhile doing”

- Dwight Eisenhower, September 12, 1956





**Thank you!**

**For additional information please contact me or visit our webpage:**

<http://www.cpuc.ca.gov/PUC/safety/Rail/Railroad/railroadsafety.htm>



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