



NATIONAL TRANSPORTATION SAFETY BOARD - **Public Hearing**

Conrail Derailment in Paulsboro, NJ with Vinyl Chloride Release

GROUP	5
EXHIBIT	
P	

Agency / Organization

CONRAIL

Title

Conrail Certification of Conductors

# **CONRAIL**

## **PROGRAM FOR CERTIFICATON OF CONDUCTORS**

March 2012

## SECTION 1: PROGRAM ADMINISTRATORS

Contact person for this submission document is:

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Contact persons responsible for all certification and recertification of conductors are:

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## **SECTION 2: CERTIFICATION OF NEW CONDUCTORS**

Contact person for this section:

**\*\* PII \*\***

(MOORC)

**\*\* PII \*\***

(RFE-S)

Conrail will evaluate, train, and test, and persons not previously certified in the following manner:

### **I. PROCEDURES FOR EVALUATING AND REVIEWING DATA CONCERNING NEW CONDUCTORS.**

- A. Prior to certification each employee will receive a waiver to be signed and returned to Conrail authorizing the release of his/her driving record from the appropriate state(s). (See Section 4)
- B. A physical examination, prior to certification, to include drug, alcohol screening, visual and hearing acuity tests required by 49 CFR Section 242.117 will be conducted by a network of company appointed medical examiners or nurses who possess the equipment required by these regulations. Results of the examinations will be forwarded to Conrail's Director of Medical Services who will determine whether or not the individual meets the FRA's vision and hearing acuity requirements.

### **II. STUDENT CONDUCTORS MUST ATTEND PHASE I AND PHASE II TRAINING OF THE CONDUCTOR TRAINING PROGRAM.**

- A. Phase I training of Conductor Program:
  - 1. Films, slide presentations and videos;
  - 2. Classroom props and mockups;
  - 3. Classroom instruction regarding knowledge and skill in areas such as operating rules and practices, mechanical condition of equipment, HAZMAT, air brake, switching operations, timetable special instructions and relevant federal safety rules;
  - 4. Instruction and testing regarding personal safety
  - 5. Written quizzes concerning knowledge of the previous subject matter plus signal aspects (names and indications).
  - 6. Final operating rules examinations for Phase I training are given to each trainee which is made up of a written exam containing a minimum of 50 questions covering safety, operating rules, HAZMAT and air brake. A minimum score of 85% is required.
  - 7. Upon successful completion of Phase 1, the prospective conductor will progress to Phase II.

**B. Phase II Conductor training:**

1. The student conductor will follow a scheduled program for on-the-job (OJT) training under the direct supervision and instruction of a certified conductor. The student conductor will be scheduled for on-the-job training in all types of service, while rotating on assignments that the student conductor will be required to perform after certification.
2. Each student conductor will be assigned a mentor who will hold conferences on a daily basis with the student conductor.
3. During Phase II each class is scheduled to attend 5 one day classes which cover the following subject:
  1. Day 1 – Job of a Conductor, Situational Awareness, Leadership Risk management and Safety
  2. Day 2 – Hazardous Materials, Environment, Security and Job Briefing
  3. Day 3 – Derailment and Air Brake
  4. Day 4 – Communication, Radio, Flagging Rules and Signals
  5. Day 5 – Customer Service, Crew Call, Human Recourses and Labor Relations.

C. At the conclusion of the OJT, conductors will attend a conductor promotion and certification class which will include a BOR exam and physical characteristic exam on the territory they will work. They must pass the BOR exam with a minimum 85 % and the physical characteristics exam prior to be promoted as a conductor.

D. Conductors who previously were employed and certified by Conrail or another railroad will be required to participate in a refresher classroom training program that will vary in length depending upon the judgment of the Manager of Field Operations and Manger of Operating Rules and Regulatory Compliance.

E. Candidates failing the required exams will be notified of the reason(s) for the failure at the completion of the test. Any further testing will be in accordance with applicable labor agreements, NORAC Rules and Timetable Special Instructions.



### SECTION 3: RECERTIFICATION OF CONDUCTORS

Contact persons for this section:

**\*\* PII \*\***

In accordance with 49 CFR 242.121, remedial training if they are involved in incidents which results in disciplinary/revocation action or if any deficiencies are revealed or observed as a result of knowledge or performance testing. **\*\* PII \*\*** (RFE-S) duration of the remedial training is to be determined by the senior transportation officer.

In accordance with the criteria of 49 CFR Section 242.121 Conrail will provide for continuing the evaluation and education of certified conductors in the following manner:

#### I. PROCEDURES FOR EVALUATING AND REVIEWING DATA CONCERNING THE RECERTIFICATION OF CONDUCTORS

A. In the first quarter of each year conductors will receive the following:

1. A packet including paperwork for a physical to include a Drug & Alcohol screening and a visual and hearing acuity test

C. Conrail selects to use at-rail equipment, like locomotives, or other similar equipment or devices to permit the conductor to initially observe and experience the physical characteristics of the territory. Following this initial training, the conductor will be tested on the operating instructions and physical characteristics pertaining to track speeds, methods of operation, timetable special instructions and/or any other unique peculiarities of that territory.

B. Upon completion of testing and exams:

1. Medical Department will send results of Hearing and Vision to Director of Operations Performance and Planning.

D. Monitoring  
2. After results of all mandatory testing and exams are complete, the employee will have satisfied his/her requirements.  
3. Conductor certification license will be mailed to conductor with an issue date prior to expiration date of June 30. This will coincide with existing Engineer and RCO issue date.

In accordance with CFR 242.123(f) when a certified conductor returns to a service that requires a certification pursuant to this part, that certified conductor must be tested within 30 days of his/her return.

#### II. CONDUCTORS

A. Conrail will provide an ongoing educational program for its conductors to ensure that every conductor maintains the necessary knowledge, skill and ability concerning personal safety; operating rules and practices; mechanical condition of equipment, including familiarity with physical characteristics; and relevant safety rules. This training shall be provided through the following methods and processes:

1. A mandatory comprehensive operating rules and practice training session will be conducted during annual Book of Rules in a classroom environment. The training will also incorporate an objective type written examination containing a minimum of 50 questions. A score of 85% is required for passing; At annual BOR driving documents will be filled out and submitted to the appropriate agency for the driver check.
2. Posted Instructions (e.g. Bulletin Orders, Division Notices, Safety Alerts, Road Foreman/Superintendents Notices, etc.).
3. Information covering new technology, procedure changes, etc. through videos, programmed instruction booklets, operating manuals, safety meetings, and quick reference cards.
4. Employee manuals, including timetables, operating rules, air brake, safety rules, hazardous materials regulations and restricted equipment rules.

## **SECTION 4: PROCEDURES FOR ROUTINE ADMINISTRATION OF THE CERTIFICATION PROGRAM**

Contact person for this section:

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**\*\* PII \*\***

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### **I. PROCEDURES FOR EVALUATING AND REVIEWING DATA CONCERNING PRIOR SAFETY CONDUCT AS A MOTOR VEHICLE OPERATOR**

In compliance with 49 CFR sections 242.109, 242.111 and 242.115, Conrail will employ the following procedures for evaluating and reviewing data concerning prior safety conduct as a motor vehicle operator.

- A. Prior to certification or recertification each affected employee will receive a waiver to be signed and returned to Conrail authorizing the release of his/her driving record from the appropriate state(s). If any adverse information is received from the candidate's driving record that would support ineligibility, he/she will be given an opportunity to review those records along with an officer of the company. This will avoid the potential for accidental reliance on records that were somehow erroneously associated with a candidate. It will also allow the candidate to explain or offer any mitigating information the candidate believes Conrail should consider before making an eligibility decision.
- B. Any incidents that are alcohol or drug related, as described in 49 CFR Section 242.115, in the previous three (3) years will be acted upon as follows:
  1. The information will be sent to the Medical Review Officer (MRO) along with railroad service record data (rules compliance, attendance and other job related incidents).
  2. The Medical Review Officer will refer the individual to the Manager Drug and Alcohol Rehabilitation Services (DARS) for evaluation. The individual may be required to furnish any other records concerning counseling or treatment for confidential review.
  3. A DARS counselor will then determine if the employee has an active substance abuse disorder.
  4. If the DARS counselor determines that no active substance abuse exists the data will not be used to preclude certification. The DARS counselor retains as confidential, the data provided by the employee concerning prior treatment.
  5. If the DARS counselor determines that the employee has had in the past, an active substance abuse disorder, certification may be conditioned on any needed aftercare as determined by the DARS counselor.
  6. If the DARS counselor determines that the employee has an active substance abuse disorder, except as provided in 49 CFR Section 242.115 a certified employee shall be suspended from certification.

## **II. CONRAIL WILL CONFORM TO THE TIME LIMITS PLACED BY PART 242 IN THE FOLLOWING MANNER:**

### **A. For a person seeking recertification as a Conductor**

1. Conductors will be selected for recertification on the following basis:

Last names beginning with:

A through G - 2013 and every 3<sup>rd</sup> year thereafter

H through O - 2014 and every 3<sup>rd</sup> year thereafter

P through Z - 2015 and every 3<sup>rd</sup> year thereafter

2. The employee will schedule his/her physical examinations prior to end of February in recertification year. Once the physical examinations are complete the medical office will furnish the results to the Manager of Operating Rules.
3. After successful completion of all requirements for re-certification the Road Foreman of Engines-System will deem the conductor certified. Certificates will be issued to all certified in June so employee will have them by July 1<sup>st</sup>. Certificate will remain in effect for 3 years.

## **III. FAILURE TO QUALIFY FOR INITIAL CERTIFICATION OR RE-CERTIFICATION**

In compliance with 49 CFR Section 242.401, candidates who fail to qualify for initial certification or re-certification will be notified in person or by certified mail. The notification will include the reason(s) for denial as well as additional courses of action in order for completion:

## **IV. DOCUMENTATION**

### **A. Conrail will employ the following procedures to document facts upon which we will rely when making certification determinations for Conductors:**

1. Operation of motor vehicles. Conrail will employ an outside agency to perform checks of motor vehicle driving records. Reports supplied by that agency will be kept on file at the office of the Manager of Operating Rules, located in Mount Laurel, New Jersey.
2. Operating rules compliance. Records concerning operating rules compliance are kept by the office of the Manager, Operating Rules. These records are electronically filed in a secured database by employee name and identification number.
3. Alcohol/drug abuse violations. Records concerning alcohol and drug abuse are kept by the Medical Services Department at Norfolk, Virginia.
4. Knowledge testing. Answer sheets for the knowledge test for each Conductor are kept on file at the office of the Manager of Operating Rules, located at Mount Laurel, New Jersey.



5. Unannounced compliance testing. Results for unannounced compliance test are kept on file at the office of the Manager of Operating Rules, located at Mount Laurel, New Jersey.
6. Training program records. Complete trainee files including answer sheets for all examinations are kept at the office of the Manager of Operating Rules, located at Mount Laurel, New Jersey.

## **V. REPLACEMENT OF CERTIFICATES**

In compliance with 49 CFR Section 242.211, whenever certificates are lost, stolen, destroyed, or need to be replaced for any reason, the procedure is as follows:

### **A. Conductors**

1. The employee reports the fact to a Railroad Officer.
2. The reporting officer will issue a temporary certificate to the employee until permanent certificate is received.
3. The supervisor contacts the Manager of Operating Rules and requests a new certificate for the employee.
4. The new certificate will be issued and mailed directly to the employee after a check has been made to see if the certificate has been revoked or suspended.

## **VI. REQUEST TO ELECTRONICALLY MAINTAIN REQUIRED WRITTEN RECORDS**

Conrail requests the right to maintain required written records in electronic form. Information maintained electronically will be accessible from various locations at Conrail.

## **VII. JOINT OPERATIONS – 49 CFR SECTION 242.301**

A. Conrail will rely on the certification determinations for conductors when made by other railroads when operating on Conrail territory or on joint territory where Conrail is the controlling railroad in the following manner. The Railroad Officer on each district will insure that the conductors of other railroads:

1. Have current certificates from their respective carriers.
2. Are knowledgeable of Conrail's operating rules and bulletin instructions for the territory.
3. Are familiar with the physical characteristics of the territory.

Items 2 and 3 will be determined either based on Conrail's prior experience with these conductors operating over Conrail territory or through reciprocal agreements with other railroads pursuant to which those railroads will certify and monitor their conductors who operate over Conrail controlled joint territory

## **SECTION 5: REVOCATION OF CERTIFICATION**

In compliance with 49 CFR sections 242.109, 242.111 and 242.117, Conrail will employ the following procedures for evaluating and reviewing data concerning prior safety conduct as a railroad Conductor.

- A. A failure to comply with the following rules and practices for the safe operation of trains will render the employee ineligible for certification or recertification for the prescribed time as set forth in 49 CFR Sections 242.403 and 242.405:
1. Failure to take appropriate action of controlling a locomotive or train in accordance with a signal indication, excluding a hand or a radio signal indication or a switch, requiring a complete stop before passing it.
  2. Adhering to limitations concerning train speed when the speed at which the train was operated exceeds the maximum authorized limit by at least ten (10) miles per hour or violations of the conditional clause of restricted speed rules or the operational equivalent thereof, which cause reportable accidents or incidents under 49 CFR Part 225;
  3. Adhering to procedures for the safe use of train or engine brakes when the procedures are required for compliance with the initial terminal, transfer train and yard, or road transfer test, test provisions or 49 CFR part 232 or when the procedures are required for compliance with the class I, class IA, class II, or running brake test provisions of 49 CFR Part 238;
  4. Occupying main track or a segment of main track without proper authority or permission;
  5. Operated a train with an unauthorized disabled safety device in the controlling locomotive; RCT, or:
  6. Shoving movements
  7. Equipment fouling adjacent tracks
  8. Hand operated switches (Cross-over)
  9. Hand operated switches connected to mainline track
  10. Cross over switches before and after movement
  11. Hand Operated Derails
  12. Drug and Alcohol
- B. A certified employee who has demonstrated a failure to comply with the above stated rules and practices for the safe operation of trains shall have his/her certification revoked for the prescribed time as set forth in 49 CFR Sections 242.403 and 242.405. A hearing will be held for decertification in conjunction with a Company hearing.

- C. Only a person whose certification has been denied, suspended or revoked for a period of one (1) year or less in accordance with the provisions of 49 CFR Section 242.405(c) for reasons other than non-compliance with 49 CFR Section 219.101 shall be eligible for reinstatement of the certificate prior to the expiration of the initial period of ineligibility. Such a person shall not be eligible for reinstatement unless and until:
1. The person has been evaluated by a railroad officer and determined to have received adequate remedial training;
  2. The person has successfully completed any mandatory program of training or retraining as required by Conrail; and
- D. Prior to certification or recertification, Conrail will contact any other railroad at which he/she previously worked requesting information concerning the individual's prior service and that it be provided to Conrail. The Manager, Operating Rules will evaluate any such records to determine if the individual's prior safety conduct would affect eligibility.