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25 January 2012

Via Email ([REDACTED])

George Rasco
S&TC Inspector
U.S. Department of Transportation
Federal Railroad Administration
P.O. Box 51752
Amarillo, TX 75159

RE: Incident on BNSF Railroad, Amarillo, TX
January 9, 2012

Dear Mr. Rasco:

The following is Loram's response to your request for information.

1. FRA Request: Copy of safety briefing(s) for date of incident

Loram Response: On operating days, written copies of the daily Loram job briefing have information only on matters such as location, job description, type of work, etc.. I am attaching a copy of the form which normally would have been filled out, as "Job Briefing Safety Form". As you can see, very little of the information is safety related. We only consider this form to have a safety function on equipment maintenance days when no railroad employees are present and on those maintenance days, the line "Safety Rule/Safety Focus" is filled out. On operating days, it is not normally filled out. On operating days, the BNSF has a safety briefing attended by all BNSF employees and all Loram employees where safety issues are discussed. We do not receive a copy of the BNSF's safety briefing form.

2. Employee information for all involved including:

- A. Employee work/rest (off duty) history for 10 days prior to accident.

Loram Response: All four employees had exactly the same work schedule for the preceding ten days. J6 shut down on December 10, 2011 and all employees went home for the shutdown. A startup meeting of all J Series operators was held in Kansas City on Wednesday, January 4th and Thursday, January 5th. These were normal eight-hour workdays. On Friday, January 6th the four crew members traveled from Kansas City to Amarillo, a distance of about 600 miles, which took about ten driving hours. Typically several crew members would drive on long trips like this. On Saturday, January 7th, the crew worked about four hours on J6 doing maintenance. All crew members had Sunday, January 8th off. On Monday January 9th, the crew met at the Loram truck at 6:00 am to begin work, did some minor work on the machine, began their move at about 10:00 and worked until the incident.



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B. Employee history (hire date, promotion dates).

Loram Response:

1. George Hollinger. On April 19, 2007, Loram acquired the assets of the switch and crossing division of Tangent Rail Services, including all the J series grinders. We also hired most of the employees of Tangent employed in their rail grinding division. Our records show that Mr. Hollinger had been an employee of Tangent Rail Services or a Tangent Rail Services predecessor since July 9, 1986. We understand that he has been a Superintendent of a J Series grinder for about 15 years. He has almost five years experience working for Loram, all as a Superintendent of a J Series grinder.
2. Nicholas Hill. Mr. Hill was hired on July 11, 2011 as a General Laborer and remains in that position.
3. Matthew Rossing. Mr. Rossing was hired on November 29, 2010 as a Safety Coordinator and remains in that position.
4. Michael Prock. Mr. Prock was hired on January 22, 2009 as a General Laborer and promoted on July 6, 2009 to Operator 1.

C. Last formal rules training date.

Loram Response. All four employees attended the Loram startup meeting in Kansas City on January 4th and 5th, 2012 and received Loram safety training (including rules training), as well as Roadway Workers Training for the NS and CSX and BNSF orientation training.

D. Last formal safety training date.

Loram Response. Same as Loram Response to C. above.

E. CPR training date and level.

Loram Response. All four employees received CPR training during the startup meeting in Kansas City on January 4th and 5th, 2012.

3. Copy of Employee's post accident drug screening test results.

Loram Response. Copies of both alcohol and drug screening test results for the four Loram employees are attached. All tests were negative.

4. Copy of Operator manual for the SCG-23 rail grinder.

Loram Response. When Loram purchased J6 from Tangent, the only operator's manuals we received were written at the time the J Series was designed and manufactured, which is over 20 years ago. The J Series has been significantly



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modified over the years and the old manuals are obsolete and are not usable. All training for the J Series is on the job.

5. Copy of Loram rule book.

Loram Response. Attached.

6. Copy of SCG-23 J6 maintenance records for the last 30 days.

Loram Response. Since J6 had not worked since December 10, 2011, the only recent maintenance done was on Saturday, January 7, which was focused on those items which needed to be done because of the lengthy shutdown. We do not have a record of that maintenance.

7. Copy of previous safety audit results prior to accident.

Loram Response. Loram does the following safety audits. First, the crew of each machine does a self-audit approximately once per month. I have attached a copy of the four most recent self audits. Second, our safety coordinators periodically visit each of our approximately 75 machines and do an audit. I have attached the most recent safety audit which was done May 24, 2010.

Finally, I want to inform you of the steps Loram has taken to make sure an incident like this does not happen again. First, we sent to all our machines a Loram Safety News flash (attached) describing the accident, affirming our policy of the accountability of each employee for safety, and discussing the relevant Loram rules. We have followed up with a series of conference calls with all affected employees and the managers of our employees. Second, we have also been in contact with many of our other customers to discuss the incident, including telling them what we have done to ensure that it not happen again. We are also preparing a document we will send to all affected customers with a more complete list of our actions and our recommended customer actions. Finally, we have begun a process to make certain equipment changes on the J Series and similar equipment, including allowing the television camera to move to allow a fuller view of the track ahead, putting a "kill" switch on each end of the equipment, and putting a horn button on each end of the equipment. I have attached a copy of the program to improve the safety of the equipment

Please contact me if you require additional information.

Yours very truly,

Robert C. Carlson
General Counsel and Secretary