

BNSF Fatality Incident

On January 9, 2012, a BNSF welding foreman was struck by a Loram specialty rail grinder and fatally injured while he was changing the position of a fixed derail.

The welding foreman, who was the EIC, secured track and time authority to enter the main track. He opened the derail for the grinder to enter the main track from the yard track. After the grinder passed the derail, the welding foreman restored and locked the derail. The welding foreman noticed a hydraulic leak as the grinder passed by and alerted the operator, who stopped the grinder past the derail. The welding foreman and the Loram crew evaluated the leak and decided to return the grinder to the yard for repairs.

The operator returned to the controls of the grinder then the welding foreman hand signaled the operator to begin moving the grinder. Another Loram employee stood on the leading end of the grinder, in sight of the operator, to observe the movement. The welding foreman stepped across the rail of the track where the grinder was moving and was no longer visible to the operator. The welding foreman positioned himself in the middle of the rails facing away from the machine. He was proceeding to unlock and remove the derail when he was struck by the grinder and was fatally injured.

The welding foreman had 37 years' railroad experience. The Loram operator has 25 years' experience.

Accountability of Loram Employees

Every Loram employee is personally responsible for their own safety and for the safety of their crewmembers, railroad personnel and the public. No Loram employee should ever rely on railroad personnel to ensure safe operations.

Loram Operating Rules

At Loram, safety is of primary importance. Loram is committed to the safety of its employees, railroad personnel, and the public and ensuring no serious incident occurs. The Loram Operating Rules have been put in place for your protection. Use of other operating practices is prohibited. Following the Loram Operating Rules, including those specified below, will ensure safe operations even when other on-track personnel make mistakes.

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Point Protection

Only Loram employees can operate Loram equipment. Likewise, **only a Loram employee may provide point protection** for a Loram operator. Point protection is required in the circumstances in Loram Operating Rule 11.22, as well as whenever the operator has obstructed vision.

11.22 For all non-front cab controlled machines, a Loram employee must be positioned on the leading end of the Equipment when:

- (a) Traveling through Yards, Sidings, or into back tracks, to confirm that switches, derails, interlocks and frogs are properly lined for the movement; or
- (b) Grinding, digging or ditching over or by a Track Side Warning Detector or other related equipment to confirm the location of the railroad equipment to the Operator.
- (c) It is the Operator's responsibility to notify a Loram employee to provide point protection. If a Loram employee is not in proper position, the machine must be stopped. On Ballast and Grade Equipment, the employee may be on the ground.

A **point person is responsible for maintaining constant communication with the operator** to warn of obstructions and direct movements. For example, a Loram point person is responsible for ensuring compliance with the following Loram Operating Rule when a Loram operator is unable to personally ensure compliance:

11.18 Employees must ensure that switches and derails near the Equipment have been properly lined by railroad personnel for movement.

The Loram operator, point person and every other affected person must have mutual understanding of planned moves:

6.1(b) Teamwork is essential to safety. Everyone involved in a particular project must know what moves are going to be made when working as a group.

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Signaling Movement

Unless the Loram operator has clear line of sight for the movement, **only a Loram employee may signal a movement to the Loram operator**. A point person must **signal every movement with a positive confirmation that the path is clear**. When movements are signaled to the operator, they must be made in accordance with the following Loram Operating Rules:

11.33 When moving Equipment in response to hand signals, if the employee or light giving signals disappears from view, it must be regarded as a stop signal.

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16.8 When radio is being used in lieu of hand signals, both the direction and distance to be traveled must be given. Movement must be stopped in one-half the distance specified unless additional instructions are received. When movement is being controlled by radio communication, loss of contact with the person directing the movement must be regarded as a signal to stop.

Standing on and Crossing Tracks

9.2 Employees must expect the movement of Trains, Engines, cars or other equipment at any time, on any track, in either direction.

(a) Employees must not stand on the track in front of an approaching Engine, car or other moving equipment.

9.3 Employees are prohibited from:

(a) Walking, standing, or being foul of tracks except when required in the performance of duty and protected by appropriate on-track safety;

(b) Crossing tracks immediately in front of moving equipment;

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(m) Passing within 30 feet from the ends of standing cars, Engines, and equipment on any track.

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