

[®] LORAM

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October 11, 2012

Via Email

and First Class Mail

Cyril T. Gura Safety Engineer National Transportation Safety Board 31W775 North Ave. West Chicago, IL 60185

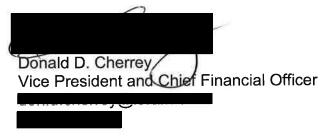
RE: Neil T. Touvell

Dear Mr. Gura:

Attached is the information you requested on the Loram training curriculum and materials regarding safety training received by the Loram employees involved in the incident regarding Neil T. Touvell. The training given to the Loram employees in January, 2012 consisted of training on BNSF rules and on Loram rules. Specifically, I have attached the following:

- 1. BNSF.
 - A. BNSF Contractor Orientation Course 2012.
 - B. Training Profile for Michael Prock, Gerald Hollinger, Nicholas Hill and Matthew Rossing.
- 2. Loram Materials and Documentation.
 - A. Loram Field Safety Training Rules Review Exam.
 - B. Field Safety Training Notes.
 - C. Payroll Records showing the training and certifications received by Michael Prock, Gerald Hollinger, Nicholas Hill and Matthew Rossing.

Yours very truly,



Test Form

Burlington Northern Santa Fe Railroad Contractor Safety

BASF

BNSF Contractor Orientation Course 2012

Course Exam

Question 1:Can there be unscheduled assessments of any contractor's operations?

A. Yes B. No

Question 2: Can a contractor's work be ordered to stop out of concern for safety and/or property damage?

A Yes B. No

Question 3: Does BNSF require that all on-site injuries be reported to the BNSF Project Representative?

A. Yes B. No

Question 4: Can you use a pocket knife as a tool at BNSF?

Α.	Yes
В.	No

Question 5: Is it true that yellow lens tints are acceptable?

A. Yes B. No

Question 6: Do all safety shoes worn at BNSF have to have a safety toe?

A. Yes B. No

Question 7: Workers need to receive training to help them to make decisions on safety equipment selection and use.

A. True B. False

Question 8: Who should you contact to obtain permission for a new or additional entry/egress route to a right-of-way worksite?

A. Your Supervisor B. BNSF Project Representative Question 9: Do you need to gain approval to park vehicles within 25 feet of the centerline of the track? A. Yes B. No Question 10: I do have to come to a complete stop at a an internal BNSF maintenance crossing before I cross. A. True B. False Question 11: After going into emergency, it may take a train up to 1.5 miles to come to a stop. A. False B. True Question 12: Do MSDSs need to be maintained with your on-site work groups that are using hazardous materials? A. No B. Yes Question 13: When voltage is unknown, what is the proper distance that needs to be maintained for clearance from high voltage lines? A. 40 Feet B. 45 Feet
 C. 50 Feet
 D. 75 Feet Question 14: Name three potential work hazards that you are familiar with. A. Falls and Fires B. Slips and Falls C. Slips, Trips, and Falls D. Fires, and Trains Question 15: Is it the responsibility of BNSF and all contractors to help protect the environment while working on-site? A. No B. Yes Question 16: Do you have to call the BNSF Service Interruption Desk if there is a low-level hazard clean-up needed? A. Yes B. No Question 17: When working on a railroad bridge, should you have measures in-place to guard against falls from heights greater than 12 feet? A. No B. Yes Question 18: Fall arrest equipment only needs to be inspected on a weekly basis. True or False A. False

B. True

Question 19: Do the FRA E	Bridge Worker Safety Standards apply to buildings or telecommunication towers?
A. No B. Yes	
Question 20: Most confined	space related illnesses I injuries and fatalities are caused by atmospheric hazards?
A, False B, True	
Question 21: Do contractor equipment?	s who will be entering a permit-required confined space need to provide their own air monitoring and rescue
A. Yes B. No	
Question 22: Extreme caul track structure in a negativ	ion needs to be used when sloping in right-of-way areas as there is concern with affecting the Integrity of the e way.
A. True B. False	
Question 23: Can a contra A. No B. Yes	ctor be used to perform the duties of a flagger?
Question 24: Contractors v information would be on th	vorking with a BNSF flagger are required to record the method of on-track safety and limits of authority. This eir person at all times.
A. True B. False	
Question 25: What is the r A. 310 Feet B. 250 Feet C. 500 Feet D. 300 Feet	equired work equipment spacing requirement when in the track travel mode?
Question 26: Hazardous N regulation.	laterials Security Awareness is of the utmost importance in our workplace environment and is required by
A. True B. False	
Question 27: You must ha on your dashboard.	we your highway vehicle registered through this website for safety reasons and place the registration confirmation
A. True B. False	

WHEREAS, you and/or your company are obtaining this orientation and any of the materials provided for certain of its employees who work on or about railroad equipment, and WHEREAS, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, hereinafter called "BNSF", is willing to provide this orientation and any of the materials provided, but only upon the following terms and conditions, NOW THEREFORE, it is agreed as follows: In consideration of this orientation and any of the materials provided to the employee and management of your company or you as an individual for their internal use by you, hereby assume all risk of and agrees to indemnify and hold BNSF and the administrator of this site harmless from any personal injury to or death of its officers, agents and employees, and loss of or damage to property in its or their custody or possession, which shall in any manner arise from or be alleged to be due to in, in whole or in part, this orientation or materials provided to its employees by BNSF, EXCEPT TO THE EXTENT SUCH INJURIES OR DAMAGES BE CAUSED BY OR CONTRIBUTED TO BY THE INTENTIONAL MISCONDUCT OR GROSS NEGLIGENCE OF BNSF, ITS OFFICERS, EMPLOYEES, AGENTS, OR ANY THIRD PARTY, BNSF is hereby released and forever discharged, as well as its subsidiary and affiliated companies, and the officers, agents, and employees of said companies, from all claims, liabilities, and costs of every kind by reason of any such injury to or death of persons and loss of or damage to property. This Release shall be binding upon the submission of this document . I understand that by submitting my name and, as applicable, the names of the other individuals who have completed this orientation section, I am indicating that (I), these personnel have actually completed this section of the orientation and understand this document. I am an employee and/or officer of the corporation named above, who is duly authorized and fully empowered by said corporation to execute the same on its behalf or myself as an individual.

Submit

Item 1. - B. Training Profile

User Training

Michael Prock

ID	Certificate Name	Training Profile Completion Date	Expiration Date	Score
100	BNSF Safety	4/12/2011	4/12/2012	100
	BNSF Safety	1/8/2011	1/8/2012	100
	BNSF Safety	1/6/2012	1/6/2013	100

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Gerald Hollinger

		Training Profile		
ID	Certificate Name	Completion Date	Expiration Date	Score
100	BNSF Safety	1/2/2011	1/2/2012	100
100	BNSF Safety	1/6/2012	1/6/2013	100

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		Nicholas Hill		
		Training Profile		
ID	Certificate Name	Completion Date	Expiration Date	Score
100	BNSF Safety	7/18/2011	7/18/2012	100
	BNSF Safety	1/6/2012	1/6/2013	100

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ID Certificate Name	Completion Date	Expiration Date	Score
100 BNSF Safety	1/6/2012	1/6/2013	100
200 UPRR Safety	1/6/2012	1/6/2013	100
310 CN Safety for US Contractors	1/6/2012	1/6/2013	100
320 CN Safety for Canadian Contractors	2/14/2012	2/14/2015	100
500 FEC Safety	1/6/2012	1/6/2013	100
600 Metra Safety	1/6/2012	1/6/2013	100

Matthew Rossing

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http://railroadcourses.com/master/user_dev_profile.asp?user_id=287743

Item 2. - A. Loram Field Safety Training Rules Review Exam

Field Safety Training Rules Review Exam

Loram Maintenance of Way, Inc

NAME:

DATE:

1. If a component has been tagged out:

- A. An operator can use that component.
- B. Only the person placing the tag can remove it.
- C. An operator can use that component after talking to the person who placed it there.
- D. All of the above.

2. When a train is passing (hot rail situation), operators:

- A. May be on the ground along the side of the equipment adjacent to the passing train.
- B. Are allowed on the catwalks on the same side as the train is passing.
- C. Are to be in an enclosed cab, parts room, or the non live side of the machine.
- D. None of the above.

3. When using a radio to direct movement of the equipment:

- A. The direction of movement must be given.
- B. The distance must be given.
- C. Both the distance and direction must be given.
- D. There are no restrictions on what information must be provided.

4. When working in electrified line and third rail territories:

- A. It must always be assumed that the power is on.
- B. The "A" man must be available.
- C. The cranes on grinders must not be used.
- D. All of the above answers are correct.

5. The term restricted speed means:

- A. Reduce speed to 20 MPH or less.
- B. Be able to stop in half the range of vision.
- C. Be prepared to stop short of a train or obstruction.
- D. All of the above.

6. The movement of Loram equipment will be under the direction of the:

- A. Superintendent.
- B. Pilot or qualified railroad representative.
- C. "A" cab operator.
- D. Ground man.

7. Loram personnel are not authorized to perform or assist in the duties that are normally the responsibility of railroad employees except to:

- A. Operate a derailer.
- B. Operate a Frog.
- C. Operate a switch.
- D. There are no exceptions.

8. A block or interlocking signal designated by an "A" marker or without a number plate is:

- A. An intermediate signal.
- B. An absolute signal.
- C. A switch signal.
- D. A yard signal.

9. Working on the live side of equipment without lookout protection:

- A. Could cause injury to yourself.
- B. Could cause you to lose your job.
- C. Could cause you to be written up in a warning.
- D. All of the above.

10. Approaching a whistle board:

- A. Would indicate to sound the siren.
- B. Would indicate to start sounding the horn for an upcoming crossing.
- C. Would indicate to sound the horn continuously.
- D. Would indicate to sound the whistle when the equipment reaches the crossing.

11. Loram crews are limited to a maximum of _____ continuous hours of work on the track:

- A. 14.
- B. 12.
- C. 8.
- D. 10

12. Operators must not occupy the tops of water cars, shrouds or convenience cars:

- A. Except when the Superintendent says its O.K.
- B. Under any circumstances.
- C. When traveling or speed exceeds 10 mph.
- D. None of the above.

13. When entering siding or backtracks which are in poor condition:

- A. The equipment may travel at restricted speed.
- B. The pilot must proceed the equipment on foot.
- C. The Superintendent must proceed the equipment on foot.
- D. A Loram operator will precede the equipment, and will look for derails, broken track, or other obstructions that might cause a derailment and will have a radio and be in contact with the operator controlling movement of the equipment.

14. Blocking the track so as not to allow movement of other equipment or trains is:

- A. Fouling the track.
- B. Blocking the track.
- C. Permitted.
- D. None of the above.

15. When getting on or off equipment, employees must:

- A. Face the equipment.
- B. Have both hands free in order to gain a secure handhold.
- C. Verify that the equipment is not or will not be located on bridge or culvert.
- D. All of the above.

16. Before moving equipment you should:

- A. Sound the proper horn signal.
- B. Verify that all personnel are clear.
- C. Make PA announcement of engine start-up.
- D. Both A and B.

17. Employees are prohibited from working, or riding on the catwalks when the speed of the equipment exceeds:

- A. 5 MPH
- B. 15 MPH
- C. 25 MPH
- D. 40 MPH

18. If the headlight fails en route, notify the pilot or other railroad representative at the earliest convenience and:

- A. Equipment must move at restricted speed and all crossings at grade must be flagged.
- B. Operator must contact the pilot and be governed by his instruction.
- C. Equipment must move at restricted speed.
- D. Use a white light in its place and sound the horn frequently.

19. In case of doubt or uncertainty:

- A. Train dispatcher must be contacted and be governed by his instruction.
- B. Radio other crews in the area for advice.
- C. The safe course must be taken.
- D. The pilot has the ultimate authority, his instructions must be complied with.

20. If a block signal in view displays a clear block indication, and changes to a stop indication before it is passed, the equipment should:

- A. Proceed at restricted speed to next signal.
- B. Stop and contact dispatcher.
- C. Proceed as governed by previous signal indication.
- D. Proceed at current speed.

21. Personal items are not to be worn when working around moving equipment including:

- A. Watches and rings.
- B. Watches, rings and jewelry.
- C. Loose fitting clothing
- D. Both B and C are correct.

22. When welding or cutting:

- A. An approved safety helmet or goggles are necessary.
- B. Someone to watch out for fires is necessary.
- C. A fire extinguisher is necessary.
- D. Both A and C are correct.

23. Cutting or welding must not be done:

- A. In non ventilated spaces.
- B. Under the equipment.
- C. Around flammable materials.
- D. Both A and C are correct.

24. Of first importance in the discharge of duty is:

- A. Obedience.
- B. Safety.
- C. Performance.
- D. Compliance.

25. In the event of violation of a safety rule, an employee is responsible for promptly reporting any:

- A. Misconduct or negligence affecting the interest of the company.
- B. Violation of the rules to the proper authority.
- C. Condition or practice which may imperil the safety of equipment, or operators.
- D. All of the above.

26. A hand or flag signal swung across the track is a signal to:

- A. Go to restricted speed.
- B. Proceed.
- C. Stop.
- D. Reverse direction.

27. If you arrive at the machine after the job briefing you should do what?

- A. Nothing need be done just go to work.
- B. Report to shift supervisor for a job briefing
- C. Report to operator driving that day for job briefing
- D. Cannot report for work if late.

28. Loram equipment is approaching a green over red signal:

- A. It is a proceed indication.
- B. It is a stop and proceed.
- C. It is a proceed at restricted speed indication.
- D. It is a proceed at restricted speed aspect.

29. Loram equipment is approaching a yellow signal:

- A. It is a proceed indication.
- B. It is a proceed aspect.
- C. It is a proceed being prepared to stop at next signal.
- D. It is a proceed being prepared to stop at next signal not exceeding restricted speed.

30. When boarding or de-boarding moving equipment, the speed of the equipment should be less than:

- A. 10 MPH.
- B. 15 MPH.
- C. 5 MPH.
- D. Working Speed.

31. Loram motor vehicles may <u>only</u> be operated by the:

- A. The field clerk.
- B. Persons authorized by the Superintendent.
- C. The Superintendent.
- D. Anyone with a valid drivers license.

32. When two or more people are required to work together in handling heavy materials:

- A. Only the designated person is allowed to give the commands.
- B. The route to be taken should be checked prior to moving.
- C. Lift or move on command only.
- D. All of the above are correct.

33. A brake test should be performed:

- A. Daily before each shift.
- B. After performing brake maintenance.
- C. More frequently in cold weather conditions.
- D. All of the above.

34. An absolute signal indicates stop:

- A. The equipment must be halted at the signal.
- B. The equipment must come to a stop, but then can proceed if the track is known to be clear.
- C. The equipment must stop short of the signal and the insulated joint.
- D. The equipment must stop and proceed at restricted speed.

35. If a fire is discovered on any Loram equipment:

- A. Grab a fire extinguisher and put out the fire.
- B. Sound the horn, apply the brakes, and grab a fire extinguisher and put out the fire.
- C. Kill the engine(s), announce that there is a fire, apply the brakes, and grab the closest fire extinguisher and put out the fire.
- D. Kill the engine(s), apply the brakes, and grab the closest fire extinguisher and put out the fire.

36. When moving the equipment the horn will be sounded:

- A. By the pilot.
- B. By an operator.
- C. By the Superintendent.
- D. By the operator on the leading end of movement.

37. At the end of the shift:

- A. The brakes must be set and the doors locked.
- B. The hand brakes must be set, wheel chocks placed under the wheels, and the maintenance crew must double check.
- C. Wheel chocks must be set and the doors locked.
- D. Nothing needs to be done because the maintenance crew can take care of it.

38. Occupying Loram vehicles requires certain safety precautions:

- A. Fasten the seat belts.
- B. Lock the doors and be observant for the driver.
- C. Be observant to 15 seconds ahead of the vehicle.
- D. All of the above.

39. Defective tools and equipment are to be:

- A. Thrown in the ditch.
- B. Tagged and taken out of service.
- C. Notify the Superintendent.
- D. Both B and C are correct.

40. The required eye protection required for welding:

- A. Should be a dark pair of sun glasses.
- B. Should be the goggles used for cutting.
- C. Should be an approved welding helmet.
- D. All of the above.

41. In passing around the ends of cars, engines, railroad equipment and Loram equipment:

- A. Allow at least 20 feet between yourself and moving equipment.
- B. Allow at least 30 feet between yourself and moving equipment.
- C. Allow at least 20 feet between yourself and standing equipment.
- D. Allow at least 30 feet between yourself and standing equipment.

42. When operating in electrified territory, no one is allowed:

- A. Outside the enclosed cabs.
- B. On the ground.
- C. Above the level of the operator cab
- D. Both b and c.

43. Walkway ladder chains:

- A. Will be hooked at all times.
- B. Will be hooked at all times on the live side.
- C. Will be hooked only when there is an approaching train.
- D. All of the above.

44. A hand, flag or lantern signal held horizontally at arms length indicates:

- A. A signal to proceed
- B. A signal to reverse
- C. A signal to stop
- D. A signal to reduce speed

45. In which territory, with the protection of one block signal to the rear capable of displaying a stop indication, is the protection against following trains or equipment not required:

- A. DTC
- B. CTC
- C. ACS
- D. Dark Territory

46. In the event of horn failure:

- A. Equipment must proceed at restricted speed
- B. The bell must be rung continuously
- C. None of the above
- D. Both A and B are correct

47. A required air brake test will be used to determine:

- A. The brake pipe pressure
- B. The condition of the brake shoes
- C. The condition of the brakes and locate defective equipment
- D. That pressure loss is not greater then 10 psi

48. A Blue Signal must be provided for:

- A. Protection against a switch
- B. Protection against a derail
- C. Protection of men from trains or other moveable equipment
- D. All of the above

49. A respirator should be cleaned and disinfected after each use when it is used in ?

- A. emergencies
- B. training sessions
- C. areas containing asbestos or lead
- D. all of the above

50. are the most vulnerable part of the body when exposed to workplace hazards.

- A. Eyes
- B. Feet
- C. Hands and fingers
- D. None of the above

Field Safety Training Notes

Introduction

- 1. Why they are there? New approach to getting the information to them...
- 2. Loram Safety Perception Survey
- 3. President's video.

Roadway Worker Review

- 1. Start with an introductory JOB BRIEFING video and ask everyone to pull out their Loram Job Briefing books and follow along copying all the information provided. Review Job Briefing with employees and make sure everyone understands how to fill out a job briefing form and they look for the right information from the EIC to answer the required 10 On-Track Safety questions.
- 2. Review 10 On-Track Safety questions with class.
- 3. Discuss "Working Limits"...make sure they understand the different types of track protection in keeping their crew and machine safe.
 - Track Permits
 - Derails and Switches Locked
 - Watchman Lookout

Rules Review

- 1. First make sure the machine has brought their Operating Rules book(s) to class. Have a couple of extras acquired from Training if necessary.
- 2. Review Cardinal Rules with Crew (See Cardinal rule sheet)
- 3. Go over machine specific rules according to crew types.
- 4. LOTOT Rules: Make sure they understand the basic principles in section 28 of Loram Operating book. Address machine specific procedures to crews according to machine type.
- 5. Review any miscellaneous rules that are either on the test or crews have questions about.

- 6. Take Rules Review Test
 - Minimum of 90 to pass
 - Not Open book
 - Grade Individually
 - Cover missed questions with entire class.

Hazard Recognition / Task Analysis

- 1. Intro into what types of Hazards are out in the field that crews are exposed to. As the pictures come onto the screen, identify and explain a short story of how the incident happened and what could be prevented in the future.
- 2. Show PowerPoint presentation "What's wrong with this picture?" In each slide ask the crew or audience to identify the hazard(s) in the picture. As you make your way through the presentation keep reminding them that they do not need yourself or someone from Hamel to come out and notice there are hazards or steps that can be done to correct each item.
- 3. Working Lunch Have something delivered to Hotel or plan ahead to have someone go and pick it up.
- 4. Job Safety Analysis or Task Analysis
 - Explain that JSA & Pre-Task briefings are virtually one in the same.
 - Hand out and Go over sample JSA.
 - Complete a JSA for a specific job on the equipment.
- 5. Go over Loram Safety & Environmental Audit and discuss possible ways to address and fix hazards found on a monthly basis. (See Audit).
 - Safety Monitor Duties
 - Audit exception reports
 - New suggestions to improve process.

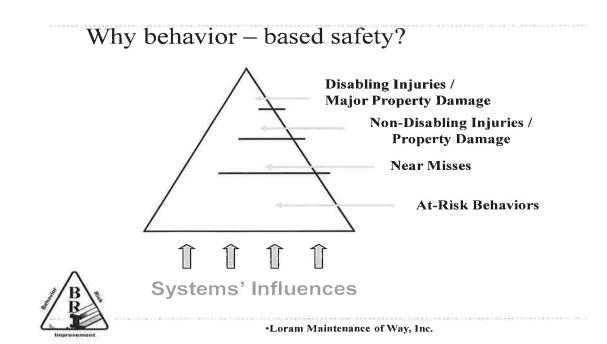
Safety Leadership

- 1. Start with defining the three basic leadership principles to help someone become a great LEADER or make an impact on the culture of the machine or crew.
 - Influence
 - Communication
 - Commitment
- 2. When defining Communication follow the four items outlined.
 - **Context** Considering the context of communication improves its effectiveness. Context takes into consideration the age, region, sex and intellectual abilities of the recipient. It is also useful to assess receptivity and the emotional state of the sender and receiver at the time of communication.
 - **Body Language** Also call nonverbal communication, body language includes posture, position of hands and arms, eye contact and facial expression. People learn to read body language as a way to enhance understanding of the speaker's intent. Body language that is inconsistent with content creates a question in the mind of the listener about the real message. For example, someone may be saying, "I really want to hear your opinion on this." However if the person is looking away, has his arms folded or is typing a text message at the same time, his body language communicates an entirely different message.
 - Interference Emotions can interfere with effective communication. If the sender is angry, his ability to send effective messages may be negatively affected. In the same way, if the recipient is upset or disagrees with the message or the sender, he may hear something different than what was intended by the sender. Considering emotions, language and conceptual barriers is essential to effective communication.

- Active Listening Effective communication is a reciprocal process that includes listening. Successful listening requires eye contact, objective processing and feedback to the speaker. Active listening becomes particularly important when the communication includes emotional content.
- 3. After discussing Commitment, hand out Training List for New Leads and go over. (If time allows).
- 4. Follow-up and close out Leadership with Supervisor Safety Responsibilities handout. (If time allows).

Behavioral Risk Improvement

- 1. BRI Introduction and show the new BRI video.
- 2. The ABC's of Behavior Based Safety (See slide) also, discuss the safety pyramid.
 - Antecedents
 - Behavior
 - Consequences



- 3. Coaching techniques: Analogy of Sports Coach, President or CEO.
- 4. Finish the BRI presentation with covering the need for the BRI graphs. This has always been a burden to the field when they had to input data. Now with getting them automatically they should be able to discuss them more frequently with the crew.

Item 2. - C. Payroll Records

Ceridian HR/Payroll Latitude

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Ceridian HR/Payroll Latitude

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