

# **EXHIBIT 3-M**

**Docket No. DCA-08-MR009**

**NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C. 20594**

**Metrolink Contract with Connex, Appendix 6, Train  
Operation duties and Responsibilities**

**COMMUTER RAIL OPERATOR  
TRAIN OPERATION DUTIES AND RESPONSIBILITIES**

**I. GENERAL**

The Operator shall perform the train operations and related functions described in the Agreement in a manner that will (1) provide a safe and well maintained facility and on-time train operations, (2) be consistent with the objective of providing the highest quality service to the public, with the policies of and in the best interests of SCRRA, and (3) be in accordance with all applicable local, state and federal requirements.

**II. SAFETY**

The Services shall be operated at all times in a safe manner. Operator shall comply with all applicable safety laws, standards, codes, rules and regulations, including SCRRA's System Safety Plan. Operator shall prepare a System Safety Plan, for train operations, for review and approval by SCRRA. Operator is responsible for implementing the System Safety Plan. The above-mentioned requirements shall be submitted to SCRRA for review and approval.

The System Safety Plan shall establish safety guidelines for prevention of accidents, injuries and illnesses and to provide for the safe performance of the Services. The Plan will include procedures and corrective actions, in accordance with all applicable federal, state and industry standards including APTA's Manual on Development of a System Safety Program Plan, and will provide for monthly inspections.

- Provide SCRRA with a monthly summary of audits, inspections, results and corrective action. The Plan will include a written safety rules and instructions covering all aspects of the operation covered by this agreement, which will be distributed to all employees. Operator will ensure that all of its employees receive training in safe job procedures. Operator will conduct regular safety meetings and other safety programs for all employees and will organize safety committees. All supervisors shall be responsible for continuously monitoring the work operations of subordinates, correcting hazardous job practices and educating subordinates in safe job procedures. The Contractor will cooperate with other SCRRA contractors who have access to the Service Property, in insuring a coordinated safety effort.
- The Operator will participate in and coordinate training which will include emergency procedures governing earthquake, train evacuation, grade crossing accident and others, including steps employees will take to accommodate and assist disabled persons during emergencies. Operator will participate in necessary training and coordination with employees, local fire, police and other public agencies in support of emergency preparedness.

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- Operator will perform operating efficiency tests as approved by FRA, and quality of service<sup>1</sup> tests as required by SCRRA's System Safety Program Plan and at the contractors' own prescribed rate. Copies of written results of the tests, and if the contractor maintains an electronic means of recording such tests will be provided to SCRRA monthly per Appendix 4.

Operator will be responsible for assisting under SCRRA direction, the clearing of wrecks and derailments, which involve SCRRA trains and may be required to assist freight railroads operating on SCRRA property in clearing of wrecks of their trains.

SCRRA may elect to require the train and engine employees to use portable hand-held devices or some other means of electronic data collection on fare enforcement, mechanical defects, passenger counts and other operating requirements of train and engine crews.

SCRRA shall be solely responsible for the issuing of head-end and train authorization passes.

### III. OPERATIONS MANAGEMENT

The Service shall be operated in compliance with the following Rules, Regulations and Procedures:

- Applicable federal, state and local laws and regulations including those of the FRA and CPUC.
- Necessary crew qualifications, including FRA certification of engineers.
- General Code of Operating Rules and timetable Special Instructions.
- Contractor or SCRRA Air Brake & Train Handling Rules.
- The Contractor Rules and Instructions Governing Conductors and Trainmen.
- Other instructions governing the Contractor employees.
- SCRRA Supplemental Instructions and other Metrolink specific quality of service instructions.
- System Safety Plan developed for SCRRA Commuter Railroad Operations.
- Equipment operating instructions issued or approved by SCRRA or Operator.
- Train schedules, timetables and equipment turns agreed upon by the parties.

The Contractor management will be qualified to operate hi-rail vehicles and will cooperate in arranging hi-rail or other inspection trips as required by SCRRA.

<sup>1</sup> "Quality of service tests" means those tests documenting compliance with SCRRA Supplemental Instructions and Contractor's conductors' manual.

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Operator will develop qualification guidelines subject to SCRRA review and approval for conductors entering Metrolink services that may include physical characteristics, equipment training, fare enforcement and emergency procedures.

Operator will perform frequent observations and tests of its employees' passenger relations' practices and knowledge, including fare verification and information, general service information, emergency preparedness, and connecting transportation services. SCRRA and the Operator will determine the rate of tests jointly.

Train and Engine supervisors shall be responsible for complying with SCRRA's or other railroads joint efficiency test program.

Train and Engine supervisors shall be responsible to see that all SCRRA's passengers are managed whenever a service disruption occurs to Metrolink trains. A service disruption includes, highway-rail grade crossing accidents, train versus pedestrian accidents, train versus train accidents, mechanical breakdown, and all other interruptions in Metrolink Service.

Train and Engine supervisors shall be responsible to download all event recorders on locomotive or cab cars after train accidents or events at the direction of SCRRA operating staff.

### **IV. TRAIN AND ENGINE SERVICE EMPLOYEES**

Train and engine service employees will maintain proficiencies required to perform the above, including the qualifications required by law or other railroads operated which are utilized in the provision of the Services. All extra board employees are to be qualified by the Operator on all SCRRA routes and other train and engine service employees are to be qualified as deemed appropriate by both parties.

Operator will establish and provide SCRRA approved training programs for all T&E service employees who are working on the SCRRA Commuter Railroad Operations. The Operator shall make these training classes, curriculum and instructors resumes available to SCRRA before instruction is scheduled to begin.

Train crew members may be utilized in addition to normal crew assignments at SCRRA's option to perform fare verification, passenger counts, passenger assistance, gather or disseminate information or perform any other duties normally performed by train crew members.

SCRRA may employ persons other than Operator's employees to perform fare verification, passenger assistance, marketing, informational functions, passenger counts or other similar duties.

There will be no yard or road crew distinctions. Any crew may perform any tasks and any mixture of tasks such as revenue commuter service, non-revenue movements, switching, work train service or other passenger train service.

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**A. Responsibilities of Crew Members in Normal Train Operations**

1. Report for duty in the proper uniform (if applicable) as scheduled.
2. Contact the designated employee for instructions.
3. Inspect and prepare train, including: exterior, brake system, cables or connections, lights, doors, destination signs, public address system.
4. Ensure that necessary supplies are on board.
5. Perform brake tests and other inspections as required.
6. Ensure operation of air conditioning or heat.
7. Switch cars in or out of train as necessary and make all connections.
8. On assignments where equipment is scheduled to make a subsequent revenue trip before being cleaned and serviced, crews will pick up newspapers and all litter, which may be picked up by hand, and will change destination signs as necessary.
9. Train crews must refrain from smoking while acting as a representative of the SCRRA.
10. Move train to platform and spot for boarding.
11. To assist with boarding.
12. Conductors shall be positioned on platform unless duties require presence elsewhere.
13. Conductors shall assist disabled passengers as required by SCRRA policies or applicable laws or regulations.
14. Conductors shall make periodic announcements as required by SCRRA supplemental instructions.
15. Conductors will operate doors and signal engineer for departure.

**B. En Route**

1. Trains shall be operated in an expeditious manner, consistent with applicable operating rules, special or other instructions and the employee timetable.
2. Trains shall not depart any station prior to the departure time published for that station in public timetables.
3. Trains shall be spotted appropriately at stops and passenger assistance rendered as above.
4. Conductors shall answer passenger questions in a courteous and informative manner.
5. Conductors shall provide assistance to disabled passengers in accordance with SCRRA policy.
6. Crew members shall perform passenger counts as required by SCRRA policies, including those required to satisfy federal, state or local funding or reporting requirements.
7. Conductors shall verify fares according to SCRRA policy.
8. Conductors shall make required announcements as specified by SCRRA Supplemental Instructions and as appropriate to circumstances, including concerning safety, delays or unusual conditions.
9. All employees shall avoid "Conduct Unbecoming an Employee", as defined in the Agreement.

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10. Crew members shall enforce SCRRRA policies such as those that apply to smoking, noise, passenger behavior, bicycles, baggage/packages, etc. Handling of disorderly passengers shall be in accordance with policy agreed upon by SCRRRA and the Operator.
11. Crew members shall take emergency actions and follow procedures as required.
12. Crew members shall operate mechanical controls and breakers as instructed.
13. Crew members shall report mechanical or electrical problems in manner specified: by radio, telephone or orally to expedite repair arrangements as well as in writing on the specified report and/or form.
14. Crew members shall operate communications, public information or other equipment which SCRRRA may install, consistent with other duties.

### C. Arrival

1. Conductors shall assist with general passenger disembarking and information.
2. Engineers shall secure the train, change controlling cabs and make brake tests as required.
3. Train crews shall walk through and inspect train to determine that: all passengers have detrained, mechanical and toilet problems have been identified, lost personal items are collected and doors are secured.
4. Crew shall fill out required reports, including mechanical defect forms.
5. Crews shall reposition train at terminal as required or take train to the appropriate location for servicing.
6. Crews shall perform switching, work train or other services as required.