

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAIL SAFETY AND CARRIERS DIVISION
Railroad Safety Branch
Railroad Operations and Safety Section

RESOLUTION SR-98
September 3, 1998

R E S O L U T I O N

RESOLUTION SR-98. GRANTING AN EXEMPTION FROM RADIO REQUIREMENTS OF COMMISSION GENERAL ORDER 161 FOR SWITCHING AND INTERCHANGE OPERATIONS OF WEST ISLE LINE IN ALPAUGH, CALIFORNIA.

By letter dated February 12, 1998, West Isle Line (WIL), a wholly owned subsidiary of Western Farm Service, a corporation, requests an exemption from General Order 161, Rule 6, which prescribes that train crew members be able to communicate by radio with each other and with the train dispatcher while transporting hazardous materials. WIL instead proposes communications between crewmembers by hand signals and/or walkie talkies and between crewmembers and its main office and/or emergency response providers by cellular telephone.

Western Farm Service processes liquid fertilizer from raw materials at its plant in Alpaugh. It purchased the 5.5 mile railroad branch connecting its plant to the interchange track from Burlington Northern Santa Fe Railway (BNSF) after deterioration of conditions to "excepted track" and proposed abandonment threatened to put its company out of business. Western Farm Service has upgraded the track to Federal Railroad Administration (FRA) Class 2 standards by installing 15,000 ties and relaying track with 90-pound rail. WIL operates a rehabilitated GP-9 locomotive for the operations from the BNSF interchange at Stoil to the plant. Locomotive maintenance and operational labor have been contracted out to Power Fluid and Metals, which plans to construct a locomotive pit in June to perform routine maintenance and the required FRA 92-day inspection. WIL's locomotive engineer has 41 years experience as a Santa Fe locomotive engineer; WIL's trainman has 20 years experience as a Santa Fe trainman and supervisor.

Operations customarily consist of one switch per week of approximately 12 cars, with loads picked up at Stoil (BNSF Mile Post 936.0), travel of 5.5 miles to the plant's spur tracks, and the return of empty cars back to Stoil. The level route traverses six public grade crossings. Loads

transported involve hazardous materials and typically include phosphoric acid, anhydrous ammonia, and ammonia nitrates.

Proposed communications between crew members are by hand signal or walkie talkie. The walkie talkies to be used will not access BNSF road channels, Western Farm Service management, or emergency responders. Communication procedures, therefore, do not technically comply with General Order 161, Rule 6. However, the proposed use of a cellular telephone on the lead locomotive for emergency response can be implemented to ensure safety. While one can argue that radio communications represent an industry standard, the Commission also wishes to permit flexibility for short-line operations who can demonstrate that safety will not be compromised through the use of alternative means of communications. Though we were initially concerned about conflict with BNSF on the interchange track, we will provide a margin of safety in the order by prohibiting simultaneous movements there. We are satisfied that emergency response can be effected through a functional cellular telephone, capable of calling 911 for CHP (public safety answering point), and referral to Tulare County Fire Department, Tulare County Sheriff, Western Farm Service Plant, and BNSF operating officers.

There appear to be no parties adversely affected by this proposal. Commission staff has faxed a copy of the request to United Transportation Union, who represents BNSF trainmen, and has satisfied the State Legislative Director that appropriate safeguards will protect his constituents.

It is therefore concluded that the request is reasonable, subject to the conditions listed below.

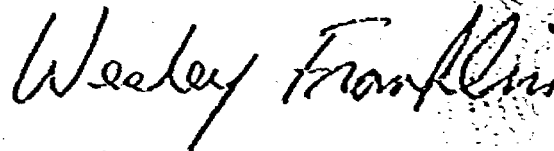
THEREFORE, IT IS ORDERED that the requested authority to substitute the use of functional walkie talkies and cellular telephones for radios for the purpose of emergency notification is granted subject to the following conditions:

1. There shall be no simultaneous WIL/BNSF operations on the interchange track.
2. Walkie talkies for communication between crewmembers must work at all times and in event of a failure train movement must stop until repairs are made, working replacement/substitute units are provided, or movement by hand signals is anticipated by affected parties.

3. The use of cellular telephone, in lieu of radio transceivers in good working order, will be restricted as follows: in the event the cellular telephone fails and cannot be used to communicate with public safety agencies and/or railroad officials, train movement must stop until repairs are effected or a working replacement/substitute unit is provided.

This resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 3, 1998. The following Commissioners approved it:



WESLEY M. FRANKLIN
Executive Director

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners