



Railroad Safety



14P-13 October 2015

What We Found

- ▶ Lack of engagement is limiting the state rail safety program (PSC)
- ▶ An absence of statewide emergency planning (DES)
- ▶ A lack of hazardous materials response capability (DES)
- ▶ First responders are not properly trained or equipped (DES)
- ▶ The highway-rail crossing safety program is adequate (MDT)

Partnerships & Best Practices

- ▶ **PSC Lack of Engagement in National Association**
 - ▶ PSC is not an active member of the Association
 - ▶ Montana does not have a voice at the national level
 - ▶ PSC has no risk assessment or rail safety plan
 - ▶ PSC has no goals, objectives or priorities outside of meeting FRA minimum inspection requirements of 50 inspection days per year per inspector
- ▶ **No relationship between PSC and Montana Disaster & Emergency Services with respect to:**
 - ▶ Safety
 - ▶ Derailment response planning
 - ▶ Railroad priorities
 - ▶ Railroad response plans and capabilities
 - ▶ Risk identification and mitigation

Recommendation #1

We recommend the Public Service Commission actively administer rail safety in Montana to include:

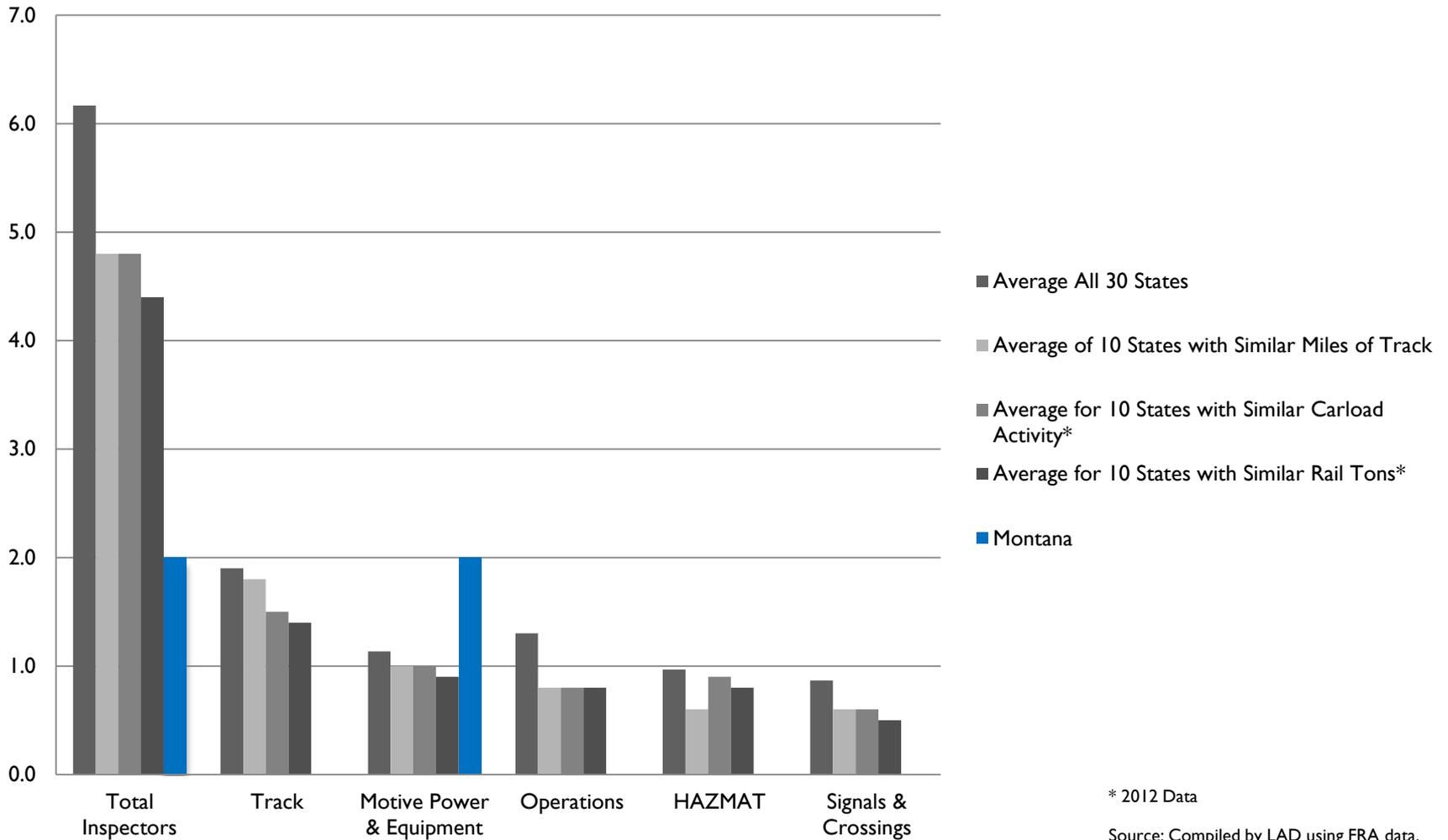
- A. Active involvement in the Association of State Rail Safety Managers to ensure Montana has a voice at the national level.
- B. Conduct a state rail safety risk assessment; establish rail safety goals and objectives; and develop a rail safety plan for Montana that is reviewed annually with the FRA.
- C. Actively engage the Montana Disaster and Emergency Services, and other state and federal agencies, in emergency planning to ensure the rail safety program is proactively addressing risk in the state.

PSC: **Concur**

Railroad Accidents Trending Downward

- ▶ Accidents decreased from 1980 to present as inspection activity increased and federal safety rules improved
- ▶ 2006 to 2014 nationwide 46% decrease in accidents
- ▶ Montana had a 26% decrease for same time span

How Does Montana Stack Up?



* 2012 Data

Source: Compiled by LAD using FRA data.

Recommendation #2

We recommend the Public Service Commission increase its railroad safety inspection capability across the state through increased inspection coverage and frequency.

PSC: **Partially Concur**

Montana Disaster & Emergency Services

- ▶ Two objectives of this audit focused on DES and its role in:
 - ▶ Statewide coordination, planning and training for response to rail incidents
 - ▶ Local government planning, training and equipping
 - ▶ State and local response to hazardous materials incidents
- ▶ We determined DES is not meeting all of its Title 10 responsibilities in these areas.

Recommendation #3

- ▶ We recommend the Department of Military Affairs complete all Emergency Support Functions and set a cyclical update process for the Montana Emergency Response Framework (MERF) and the annexes.

DMA: **Concur**

DES Statewide Coordination

▶ Local Planning

▶ Survey results

- ▶ 97% have an all-hazards plan – 50% addressed a rail incident with HAZMAT – 50% had exercised their plan

- ▶ No system in place to review plans and ensure they are addressing new risks or how they link to the MERF

▶ HAZMAT Training

- ▶ Statute requires first responders meet federal standards
- ▶ Three levels of training relevant to local requirements
 - ▶ First Responder Awareness
 - ▶ First Responder Operations
 - ▶ Hazardous Materials Technician

Local HAZMAT Capabilities

▶ Training

- ▶ Majority of volunteer firefighters do not have HAZMAT training at the Operations level, some don't even have Awareness level
- ▶ Volunteers have little time for training
- ▶ Lack of volunteers and “graying” of departments
- ▶ DES has no system to track first responder training

▶ Equipment

- ▶ Lack of Personal Protective Equipment (PPE)
- ▶ DES has no system to track first responder equipment
- ▶ Estimated percentage of fire departments with adequate PPE
 - ▶ Northwest Montana 65%
 - ▶ Western Montana 70%
 - ▶ Northeast Montana 25%
 - ▶ South Central Montana 72%
 - ▶ North Central Montana 50%
 - ▶ Eastern Montana 50%

Recommendation #4

We recommend Department of Military Affairs:

- A. Establish a system for determining local jurisdiction capability statewide in order to address capability limitations at the local, county and regional level.
- B. Seek statutory authority that supports a system whereby local governments report local jurisdiction capability to Disaster and Emergency Services on an annual basis.

DMA: **Do Not Concur**

Regional HAZMAT Teams

- Six HAZMAT Teams
- Resourced by DES through federal and state funds
- Deploy on request by local department after consultation with DES and approval by Governor's office
- 22 of 27 counties with active rail are either totally or mostly dependent on a regional team to respond to any large HAZMAT event
- Teams can respond within 4 to 6 hours to jurisdictions bordering their county. Response time to the northeastern portion of the state could take 12+ hours



DES Options and Recommendation #5

- ▶ Aviation support
 - ▶ Time to deploy is almost the same as driving
 - ▶ Team vehicle and trailer could not be transported
- ▶ Weapons of Mass Destruction – Civil Support Team (CST)
 - ▶ Limited by manning, equipment, and offensive capability

Recommendation #5

We recommend the Department of Military Affairs develop and test hazardous materials response capabilities for Northeastern Montana that mirrors the typical response window of four to six hours.

DMA: **Concur**

Montana Department of Transportation

- ▶ 1360 rail crossings on 3368 miles of track, 452 have active crossing signals
- ▶ RR responsible for maintenance – MDT/FRA oversight
- ▶ Crossing Improvements and Upgrades
 - ▶ Reactive & Proactive Approaches
- ▶ Validating the system
- ▶ **Conclusion**

We conclude the Montana Department of Transportation, Highway-Rail Crossing Inventory System, is an accurate and valuable tool.

Legislative Consideration

- ▶ **Changing Railroad Safety Priorities**

- ▶ Federal preemption
- ▶ 2015 legislative session
- ▶ 30 states with programs, 14 are aligned with department of transportation

- ▶ **Funding Options**

- ▶ Transfer regulation authority, spending authority, and special revenues to the gaining department
- ▶ Utilize existing funding provided through the railroad car tax

- ▶ **Conclusion**

If the Public Service Commission is unwilling or unable to prioritize its railroad safety activities, legislative consideration of where these functions are assigned within state government and how they are funded may be necessary.

Questions?
