

Members

Rep. Clyde Kersey, Chairperson
Rep. Dan Stevenson
Rep. Cleo Duncan
Rep. Eric Gutwein
Sen. Ron Alting
Sen. Brandt Hershman
Sen. James Lewis
Sen. Timothy Lanane



RAIL CORRIDOR SAFETY COMMITTEE

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Authority: P.L. 114-2005

MEETING MINUTES¹

Meeting Date: August 31, 2007
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Clyde Kersey, Chairperson; Rep. Dan Stevenson; Rep. Cleo Duncan; Rep. Eric Gutwein; Sen. Ron Alting; Sen. Brandt Hershman; Sen. James Lewis; Sen. Timothy Lanane.

Members Absent: None.

1. Call to order/ introduction of members.

Rep. Kersey called the meeting to order at 1:08 p.m. Members of the Committee introduced themselves to the audience.

2. Discussion of Committee charge:

Rep. Kersey read the charge of the Committee contained in P.L. 114-2005, SEC.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

3:

- "(1) Study the safety of rail corridors, including corridors at overpasses, underpasses, and crossings.
 (2) Review railroad safety records.
 (3) Study methods of encouraging cooperation among the railroads, local government, state government, and federal government to enhance the safety of railroads.
 (4) Study other topics as assigned by the Legislative Council."

Rep. Kersey discussed the rail safety bill he introduced in the 2007 session, HB 1100. He said that H.R. 1, the recently enacted federal legislation, addresses some of the issues addressed in HB 1100. Rep. Kersey explained that he wants the Committee to look at requiring communication and cooperation between the railroads and local authorities with regard to the transportation of hazardous materials and hazardous materials incidents. Rep. Kersey explained that at the second meeting, the Committee would receive testimony from the railroads. At the last meeting, the Committee would receive testimony from homeland security officials.

Bill Verdeyen, Brotherhood of Locomotive Engineers and Trainmen, discussed the Teamsters' security survey of rail workers, the results of which are contained in the pamphlet "High Alert: Workers Warn of Security Gaps on Nation's Railroads". (Exhibit #1). Although H.R. 1 addressed some of these concerns, Mr. Verdeyen said that the following issues still need to be addressed:

- Locking mechanisms need to be installed on locomotives to secure locomotive crews and prevent theft of unmanned locomotives.
- State law needs to require railroads to communicate with state and local authorities about transportation of hazardous materials and incidents, since federal law and railroad policy does not require this communication. He distributed a federal regulation (49 CFR 171.15) regarding notice of hazardous materials incidents. (Exhibit #2). Railroad policy prohibits employees from notifying anyone outside of the railroad regarding hazardous materials incidents. Employees must contact the dispatcher, the dispatcher contacts railroad management, and management then contacts the National Response Center.
- Fines and penalties need to be increased for trespassing in rail yards. Gates with locks need to be installed at rail yards to restrict vehicle access.
- Money received from the federal government as a result of H.R. 1 needs to be distributed to different types of railroads and for the purposes contemplated by the legislation.
- Need to ensure that the railroads cooperate with the Indiana Department of Homeland Security.

Chuck Sosbe, Professional Firefighters Union of Indiana, said that the more information that is communicated to firefighters, the better prepared they can be to respond to a hazardous materials incident. In response to the Committee's questions, Mr. Sosbe said that the hazardous materials teams have a standard operating procedure for responding to hazardous spills. He recommended that local authorities be notified only about the larger hazardous materials incidents, because the railroads can often take care

of the smaller incidents themselves.

Matt Brase, Indiana Association of Cities and Towns, said that the Association is working with the National League of Cities to determine how H.R. 1. will affect municipalities across the state. He said that the Association would like to work with the Indiana Department of Homeland Security to obtain grants and other assistance. Mr. Brase introduced Fire Chief Carl Blair of the Washington Township/Avon Fire Department and Fire Chief John Bennett of the New Haven/Adams Township Fire Department. Chief Blair explained that the third largest CSX Railroad yard in the nation is located in Avon. He said that Hendricks County is in the process of forming its own hazardous material team, funded in part by a donation from CSX Railroad. He said that railroads are hesitant to contact local authorities about hazardous materials incidents because in the past, municipalities would respond by shutting down the entire rail yard. He explained that now local firefighters are better trained in responding to hazardous materials incidents. In response to Committee questions, he said that he doesn't think local authorities should be notified about every hazardous materials incident, only those the requiring their assistance. Chief Bennett said that the Norfolk Southern Railroad has been very cooperative and has provided the fire department with hazardous materials assistance. He said that the department inspects the rail facility annually and that the railroad provides them with their manifests. He said that in accordance with the railroad's policy, the railroad notifies the department if something extremely hazardous is transported through the area.

3. Scheduling of next meeting/ adjournment.

The next meeting of the committee was scheduled for September 19 at 1:00 p.m. The meeting adjourned at 2:20 p.m.