



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: April 10, 2008

In reply refer to: R-08-08

Mr. Freddie N. Simpson
President
Brotherhood of Maintenance of Way Employes Division
20300 Civic Center Drive, Suite 320
Southfield, Michigan 48076

The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating transportation accidents, determining their probable cause, and making recommendations to prevent similar accidents from occurring. We are providing the following information to urge your organization to take action on the safety recommendation in this letter. The Safety Board is vitally interested in this recommendation because it is designed to prevent accidents and save lives.

The recommendation in this letter addresses the Brotherhood of Maintenance of Way Employes Division's (BMWED's) need to promote the prevention of alcohol and drug abuse by assisting your members in addressing awareness, education, and treatment options. This recommendation is derived from the Safety Board's investigation of the January 9, 2007, collision of southbound Massachusetts Bay Transportation Authority (MBTA) passenger train 322 operated by Massachusetts Bay Commuter Railroad (MBCR) and a track maintenance vehicle that was on the track near Woburn, Massachusetts. As a result of this investigation,¹ the Safety Board has issued four safety recommendations, one of which is addressed to the BMWED. Information supporting this recommendation is provided below. The Safety Board would appreciate a response from you within 90 days addressing the actions you have taken or intend to take to implement our recommendation.

On Tuesday, January 9, 2007, at 1:38 p.m., southbound MBTA passenger train 322 operated by the MBCR struck a track maintenance vehicle that was on the track near Woburn, Massachusetts. Passenger train 322 consisted of six passenger cars, including a lead control car, and a locomotive pushing from the rear. The track maintenance vehicle was thrown forward about 210 feet; the train did not derail. Of the six maintenance-of-way employees (work crew)

¹ For additional information, see <<http://www.nts.gov/publictn/2008/RAR0801.pdf>>. National Transportation Safety Board, *Collision of Massachusetts Bay Transportation Authority Train 322 and Track Maintenance Equipment near Woburn, Massachusetts, January 9, 2007*, Railroad Accident Report NTSB RAR-08/01 (Washington, DC: NTSB, 2008).

working on or near the track maintenance vehicle, two were killed, and two were seriously injured. Emergency responders treated and released 10 passengers at the accident scene. As a result of the accident, 160 feet of rail, 80 crossties, and 100 tons of ballast had to be replaced. The cost, including labor, was \$15,841. The accident damaged the lead control car and undercarriage of the train. Repairing the train cost an estimated \$450,000. The track maintenance vehicle was destroyed; replacing it cost \$95,000. Total estimated property damage was \$560,841.

The National Transportation Safety Board determines that the probable cause of the January 9, 2007, collision of train 322 with a track maintenance vehicle near Woburn, Massachusetts, was the failure of the train dispatcher to maintain blocking that provided signal protection for the track segment occupied by the maintenance-of-way work crew, and the failure of the work crew to apply a shunting device that would have provided redundant signal protection for their track segment. Contributing to the accident was Massachusetts Bay Commuter Railroad's failure to ensure that maintenance-of-way work crews applied shunting devices as required.

The fatally injured track foreman tested positive for marijuana. He had likely used marijuana within 3 hours of his death and possibly much more recently. The Safety Board concludes that the foreman's performance would likely have been measurably impaired at the time of the accident by his recent use of marijuana.

The positive drug test result for the track foreman is not an isolated incident among MBCR maintenance-of-way employees. The Safety Compliance Agreement, an agreement adopted in 2007 by the Federal Railroad Administration (FRA), the MBTA, and the MBCR, discusses four MBCR accidents within a 3-year period (December 2003–January 2007) involving maintenance-of-way employees. Following these accidents, seven maintenance-of-way employees were tested for alcohol and/or drugs. Four of the employees were killed and therefore were tested under Federal authority. Two of the four fatalities tested positive and are included in the FRA postaccident test data described later in this letter. The three surviving employees were tested at company request; consequently, they are not included in the FRA postaccident test data. Two of the survivors tested positive, and the third survivor submitted a diluted specimen that may have masked a positive.

The MBCR's percentage of positive test results involving maintenance-of-way employees in postaccident alcohol and drug testing is a cause for concern. The FRA addressed this problem in the Safety Compliance Agreement by prescribing multiple actions, including having the MBCR make a good faith effort to work with the applicable parties to institute a company random alcohol and drug testing program of maintenance-of-way employees.

The Safety Board reviewed industry-wide postaccident test data for accidents involving maintenance-of-way employee fatalities. Postaccident test data provided to the Board by the FRA show that over the 10-year period ending January 9, 2007 (the date of this accident), the postaccident testing of 26 maintenance-of-way fatalities resulted in 5 positive test results, a 19.23 percent positive rate. The positive rate for maintenance-of-way employees is in marked contrast to the postaccident test results of covered employees. During the same 10-year period, FRA postaccident test data for accidents involving 122 fatally injured covered employees show 8 positive test results, a 6.56 percent positive rate. Covered employees are subject to random

testing for alcohol and drugs at any time and at any place while they are on duty. The Safety Board concludes that postaccident test data for fatally injured railroad employees indicate greater alcohol and drug use among maintenance-of-way employees than among railroad employees subject to random and postaccident testing requirements.

Therefore, the National Transportation Safety Board makes the following recommendation to the Brotherhood of Maintenance of Way Employees Division:

Promote the prevention of alcohol and drug abuse by assisting your members in addressing awareness, education, and treatment options. (R-08-08)

The Safety Board also issued safety recommendations to the Federal Railroad Administration. In your response to the recommendation in this letter, please refer to Safety Recommendation R-08-08. If you need additional information, you may call (202) 314-6177.

Chairman ROSENKER, Vice Chairman SUMWALT, and Members HERSMAN, HIGGINS, and CHEALANDER concurred in these recommendations.

[Original Signed]

By: Mark V. Rosenker
Chairman