

National Transportation Safety Board

Office of the Chair

Washington, DC 20594



December 7, 2023

Mr. Chuck Baker
President
American Short Line and Regional Railroad Association
50 F St. NW, Ste. 500
Washington, DC 20001-4600

Dear Mr. Baker:

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant events in the other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space. We determine the probable causes of the accidents and events we investigate and issue safety recommendations aimed at preventing future occurrences. In addition, we conduct transportation safety research studies and offer information and other assistance to family members and survivors for each accident or event we investigate. We also serve as the appellate authority for enforcement actions involving aviation and mariner certificates issued by the Federal Aviation Administration (FAA) and US Coast Guard, and we adjudicate appeals of civil penalty actions taken by the FAA.

We are providing the following information to urge the American Short Line and Regional Railroad Association to act on the safety recommendations in this letter because we believe your organization can help reduce the risk of future accidents. For more information about the NTSB and our recommendation process, please see the attached one-page summary.

This letter also includes information about our November 14, 2023, report: *Norfolk Southern Railway Contract Roadway Worker Fatality*, Reed, Pennsylvania, December 8, 2021, Railroad Investigation Report RIR-23-14. The details of this accident investigation and the resulting safety recommendations may be found in the attached report, which can also be accessed at <http://www.nts.gov>.

As a result of this investigation, we identified the following safety issues:

- Inaudible roadway maintenance machine horns and change-of-direction alarms

- Inadequate inspection procedures of the machines equipped with these warning devices
- Deficiency of and inadequate protection provided by Norfolk Southern Railway's requirement for a 25-foot separation between workers and roadway maintenance machines

Accordingly, the NTSB makes the following safety recommendations to the American Short Line and Regional Railroad Association. Additional information regarding these recommendations can be found in the noted sections of the report.

- Inform your members of the circumstances of this accident and the importance of equipping new and existing roadway maintenance machines with backup camera technology. (R-23-27) (See section 2.2.2.)

To aid you in implementing this recommendation, we are also attaching an article regarding our investigation that you may use, either in its entirety or modified to fit the length and style considerations of your publication and/or website. We ask that you publish it, or similar content, in the next issue of your newsletter and/or website, and that you send us a copy of the newsletter or a link to the website article once it has been published.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate a response within 90 days of the date of this letter, detailing the actions you have taken or intend to take to implement these recommendations. When replying, please refer to the safety recommendations by number (Safety Recommendation R-23-27). We encourage you to submit your response to ExecutiveSecretariat@ntsb.gov. If your reply, including attachments, exceeds 20 megabytes, please e-mail us at the same address for instructions on how to send larger documents. Please do not submit both an electronic copy and a hard copy of the same response.

All communications regarding safety recommendations are stored by the NTSB and viewable by the public. Please do not send privileged or confidential communications in response to this recommendation. Responses marked as confidential or privileged (or similar designations) will be considered nonresponsive. In the likely event that your company uses auto-generated and/or preformatted confidentiality statements on letterhead or outgoing e-mails, please include a statement in your letter indicating that the information can be publicly released. If you have concerns about this protocol, please contact us at ExecutiveSecretariat@ntsb.gov.

Sincerely,

Jennifer Homendy
Chair