

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. PI-200
Public Service Commission, on)
its own motion, to investigate)
the blocking of railroad) ORDER RELEASING FINDINGS
crossings in eastern Cass) AND CLOSING DOCKET
County, Nebraska.)
)
) Entered: September 27, 2016

BY THE COMMISSION:

On September 29, 2015, the Nebraska Public Service Commission ("Commission") opened the above-captioned investigation into the blocking of railroad crossings in eastern Cass County, Nebraska. The Commission sought written comment on questions related to single entry/exit railroad crossings, public complaints about blockages, and any efforts to address blocked crossings across the state. The Commission also sought additional information regarding an August 22, 2015, railroad crossing blockage at Treasure Island Road near Plattsmouth, Nebraska.

Written comments were received from BNSF Railway Company ("BNSF") and Union Pacific Railroad Company ("UPRR"). The Commission also received written comment and telephone calls from members of the public to express concerns regarding blocked crossings in various areas of the state, including areas of Lincoln, Crete, Fairmont, Plattsmouth, and Denton.

In its comments, BNSF stated that it attempts to limit the amount of time that its trains block railroad crossings. However, BNSF noted that certain conditions might necessitate a stopped train, such as equipment malfunctions, track defects, train traffic, and weather conditions. BNSF stated that breaking a train to create an opening for road traffic at the crossing could extend the amount of time that the train would be stopped at the crossing due the amount of time needed to perform required inspections after recoupling and before departure.

UPRR also submitted written comments. UPRR stated that while its operating rules forbid blocking road crossings, if a train is being laid down or secured for an extended period of time, there are circumstances related to safety, regulator, network or operational issues which may result in a blocked crossing. As with BNSF, UPRR stated that decoupling a train into segments is feasible if the train will block the crossing for an

extended period of time. According to UPRR, breaking the train apart can take a minimum of an hour and rejoining the train can take at least another hour due to the inspections and tests that must be performed before the train can depart. UPRR commented that it analyzes train movements to ensure safety and network efficiency. UPRR also works with states' Roads departments and local municipalities on grade crossing issues.

BNSF worked with UPRR to resolve the frequency and duration of blocked crossings near Oreapolis, Nebraska, which has been an area of concern for residents near and around Plattsmouth, Louisville, and South Bend, Nebraska. BNSF made capital investments to install an enhanced signal system, which has reduced the number of trains stopping and ultimately blocking the crossings in question. Additionally, BNSF and UPRR are working together to share capital maintenance plans and notify each other regarding track work prior to the commencement of that work.

O P I N I O N S A N D F I N D I N G S

The Commission recognizes the jurisdiction of both the Nebraska Department of Roads ("NDOR") and the Federal Railroad Administration ("FRA") in the area of railroad grade crossings. Although the Commission has limited jurisdiction in the area of railroad safety, the Commission is concerned about the potential safety risks associated with long blockages of railroad crossings over roads that serve as the only road to enter or exit residential or business areas. The Commission appreciates the comments of BNSF and UPRR and their willingness to engage in dialogue with the Commission regarding complaints and concerns received from the public regarding these single entry/exit crossings.

In regards to the August 22, 2015 blockage at Treasure Island Road, the Commission received information from the industry as to what occurred that evening. On the night of August 22, a storm came through the area which struck down trees onto a nearby single-line track west of Oreapolis, Nebraska. Around 7:30 pm, a train struck the downed trees. Trains were rerouted until the trees could be cleared and the stopped train inspected. As a result, an empty coal car train was re-routed onto a side track which crosses Treasure Island Road for about two hours to allow the passage of a "Z" train, which is a train which carries high-priority goods. As soon as the single track was clear, the empty coal train was moved.

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Although this particular incident was the spark of this investigation, the Commission received reports of other instances where crossings in the area similar to the single entry/exit crossing at Treasure Island Road are blocked for various reasons for varying lengths of time. The Commission appreciates the efforts of BNSF and UPRR in the development and implementation of operational changes and a new signaling solution at Oreapolis. Hopefully, these improvements will help the flow of railroad traffic in the area and reduce the number of blockages. The Commission will continue to monitor this area and work in conjunction with the Nebraska Department of Roads, the Federal Railroad Administration, BNSF, and UPRR should any future issues arise.

Finally, the Commission will continue to engage with the public regarding blockages. The Commission recommends the following:

1. When a railroad crossing is blocked, the public should use the Emergency Notification Number located on the notification sign posted at every at-grade crossing in the state. Make note of the date, time, and locomotive or crossing number, if possible, for the emergency number operator. This information is helpful in pinpointing the location being blocked.
2. Members of the public may contact the Commission or the Nebraska Department of Roads. Each agency has certain areas of jurisdiction, and may be able to work together with the industry to resolve issues.

The Commission is committed to doing what it can to increase public awareness of what one should or should not do when a train approaches a crossing or when a train seems to be stopped and is blocking a crossing. Based on the above, the Commission finds that this investigation should be closed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned investigation be, and is hereby, closed.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 27th day of September, 2016.

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Up
Refused

Tim Schram
Chairman

ATTEST:
Shane K. R.
Deputy Director

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Commissioner Rhoades, concurring:

I concur with the Commission's decision to close this investigation. However, I have additional comments which I would like to put into the record about the blocked crossing issue in Cass County.

The Commission and the Public Safety Answering Point (PSAP) in Cass County received complaints on multiple occasions about trains blocking single ingress/egress access points for the communities of Buccaneer Bay and Linder Lakes. Blockages were variable and unpredictable, and the duration varied from a few minutes to several hours. Complainants reported that they were unable to report to work and school, could not return home to obtain needed medication, and at least one person reported missing a flight as a result of a train blocking a crossing.

Burlington Northern Santa Fe (BNSF) and Union Pacific (UP) acknowledged there had been prolonged blockages at those locations. The companies worked collaboratively to address the frequent blockages. While there has been a substantial reduction in the number of incidents and the duration of the blockages, the companies could not guarantee such blockages would not occur in the future. The public and the Commission should continue to monitor these crossings and seek to find additional remedies should additional situations arise.


Commissioner Crystal Rhoades