

COUNCIL OF THE CITY OF PHILADELPHIA
JOINT COMMITTEES ON TRANSPORTATION
AND PUBLIC UTILITIES AND PUBLIC
SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday March 12, 2014
1:55 p.m.

PRESENT:

COUNCILMAN KENYATTA JOHNSON, CO-CHAIR
COUNCILMAN CURTIS JONES, JR., CO-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

RESOLUTION 140028 - Resolution authorizing the
Joint Committees on Transportation and Public
Utilities and Public Safety to hold hearings
to investigate the conditions of railways,
bridges and other surface transportation
infrastructure owned, operated or maintained
by CSX Transportation in the City of
Philadelphia.

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COUNCILMAN JOHNSON: Good afternoon, everyone. I'd like to call this meeting to order. This is a public hearing of the Joint Committee on Transportation and Public Utilities Committee and the Public Safety Committee. My name is Councilman Kenyatta Johnson, Chair of the Transportation and Public Utilities Commission.

A quorum is present in the presence of Co-Chair Councilman Curtis Jones. To my left, Councilman Denny O'Brien, Councilman Greenlee. To my right, Councilman Mark Squilla and the Honorable Councilwoman Jannie Blackwell.

Will the Clerk please read the title of the bill.

THE CLERK: Resolution No. 140028, authorizing the Joint Committee on Transportation and Public Utilities and Public Safety to hold hearings to investigate the conditions of railways, bridges and other surface transportation

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2 infrastructure owned, operated or
3 maintained by CSX Transportation in the
4 City of Philadelphia.

5 COUNCILMAN JOHNSON: Thank you.

6 First and foremost, I want to
7 thank everyone for being here today as we
8 address the issue of CSX railroads and
9 how they maintain their bridges and
10 railways here in the City of
11 Philadelphia.

12 On January 20th, there was a
13 recent train derailment in my district
14 along the Schuylkill River bridge, which
15 brought light to the issue of the
16 maintaining of bridges and roads in the
17 City of Philadelphia by CSX. But,
18 however, as a lifelong resident of South
19 Philadelphia, former State
20 Representative, I have been approached by
21 my constituents in South Philadelphia, in
22 Southwest Philadelphia regarding several
23 issues and concerns regarding the
24 maintaining of one particular bridge in
25 South Philadelphia. We call it the 25th

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2 Street Bridge, which goes from Washington
3 Avenue to Passyunk Avenue. And also once
4 elected as City Councilman for the 2nd
5 Councilmanic District, I spoke with
6 numerous constituents in the Southwest
7 Philadelphia part of my district that
8 have always complained about the
9 maintenance, repair, and the conditions
10 of the railways throughout Southwest
11 Philadelphia.

12 And so today we're going to do
13 a hearing with various City agencies and
14 stakeholders regarding this issue, but
15 more importantly, we have representatives
16 here from CSX.

17 Before I start, I'm going to
18 introduce my Co-Chair, Chair of the
19 Public Safety Committee, Councilman
20 Curtis Jones. I want to also acknowledge
21 we have a representative here from U.S.
22 Senator Bob Casey's office, Cheryl
23 Bullock.

24 Cheryl, can you please stand,
25 please. I just want to thank you for

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2 being here as well on behalf of Senator
3 Casey.

4 I want to now turn it over to
5 Councilman Curtis Jones.

6 COUNCILMAN JONES: Thank you,
7 Mr. Chairman, and I want to thank you for
8 quickly bringing this to these Chambers
9 in a hearing to look at our public safety
10 as it relates to rails that are run
11 through every neighborhood just about in
12 the City of Philadelphia. And so I
13 appreciate you bringing the Public
14 Transportation Committee into gear.

15 I want to also say to the
16 public and to all of us involved is that
17 we recognize that rail transportation of
18 freight is an important part of the U.S.,
19 global, and municipal economy, but we
20 also recognize that it must be done
21 safely. With bigger, faster, longer
22 trains running along railroads, lines,
23 and bridges, that in recent articles over
24 300 of them had been classified as
25 structurally deficient, we need to pay a

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2 lot more attention to, A, how fast things
3 are going, how heavy things are going
4 through those particular infrastructures,
5 but also the types of chemicals that we
6 may not even be aware of in our daily
7 travels as to what are going through
8 neighborhoods.

9 We don't have to look far to
10 see the kinds of derailments and what
11 they can do to destabilize neighborhoods
12 and communities. We don't have to look
13 far. Whether it's in Delaware or New
14 Jersey, we have seen recent instances
15 when accidents -- and there are
16 accidents -- happen to have unintended
17 consequences that are drastic and long
18 term for communities.

19 So, again, I want to highlight
20 the fact that we are appreciative of
21 Chairman Johnson and his committee and
22 working with us in Public Safety to have
23 these hearings today. We look forward to
24 the information that is presented, and we
25 look forward to implementing that within

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2 the City's infrastructure.

3 Thank you. Thank you,

4 Mr. Chairman.

5 COUNCILMAN JOHNSON: Thank you,

6 Chairman Jones.

7 At this particular time, we're
8 going to do an overview of playing a news
9 clip, and we have various photos that
10 have been documented as it relates to
11 addressing this particular issue relating
12 to the maintenance of the 25th Street
13 Bridge, as well as the issue surrounding
14 the actual derailment of the freight
15 train on January the 20th, as well as the
16 maintenance of the railways of CSX in
17 Southwest Philadelphia.

18 And so at this particular time,
19 we're going to start with the clip.

20 (Video played.)

21 COUNCILMAN JOHNSON: The
22 current slideshow that we're going to
23 briefly review just goes to the
24 maintenance, or the lack of, of the 25th
25 Street Bridge located in South

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2 Philadelphia. It's on the borderline
3 between Point Breeze, South
4 Philadelphia's Point Breeze, as well as
5 Grays Ferry. On one side of the
6 residential area known as Wilson Park,
7 which is PHA project home, which is a
8 PHA -- which are PHA homes as well as a
9 daycare center on one side of the street
10 and Prep Charter School on the opposite
11 side of the street and various businesses
12 along the bridge on both sides. And so
13 one of the key issues have always been
14 the lack of maintenance of this
15 particular bridge, but more importantly,
16 looking at it from a public safety issue,
17 oftentimes during the winter, large
18 icicles form along the side of the
19 bridge. Chunks of rocks repeatedly have
20 fallen off the bridge. And I think one
21 day after we did a tour out there, like a
22 slab of brick, a slab of concrete, along
23 the actual barrier of the bridge actually
24 fell.

25 And so we did take a tour with

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2 CSX this morning with the representative
3 Quintin Kendall from CSX to look at
4 firsthand the impact that the bridge is
5 having specifically in a residential
6 area.

7 At this particular time, we're
8 going to start off by calling out
9 witnesses. And I do want to just note
10 for the record at least in the past prior
11 to me becoming Councilperson, most people
12 know that CSX and the federal railroad
13 companies are federally regulated, but
14 however, I'm a firm believer that if
15 you're doing business in the City of
16 Philadelphia, it has to be a joint
17 partnership. There has to be a level of
18 accountability regardless of who is
19 regulating the actual industry that's
20 doing business.

21 And so I do thank the
22 representative from CSX for coming from
23 Jacksonville, Florida, at least taking
24 the time out of his schedule to come see
25 firsthand actually what's taking place.

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2 And the members of the community -- this
3 is solely community driven as a result of
4 several community leaders stepping up to
5 the plate, most recently just saying,
6 Councilman, how can we address this
7 issue. And then recently, thank God we
8 didn't have a catastrophe with the actual
9 derailment of the freight car and the
10 chemicals that was carried inside that
11 actually brought us to where we're at
12 today.

13 So can you please call the
14 first witness, Steve.

15 THE CLERK: Samantha Phillips,
16 Derrick Sawyer, and Michael Roeshman.

17 (Witnesses approached witness
18 table.)

19 MS. PHILLIPS: Thank you. Good
20 afternoon. My name is Samantha Phillips.

21 COUNCILMAN JOHNSON: Go ahead,
22 Samantha. Can you just make sure you
23 state your name for the record and the
24 department in which you represent.

25 MS. PHILLIPS: Sure. Samantha

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2 Phillips and I'm the Deputy Managing
3 Director for the Office of Emergency
4 Management. Joining me from the Fire
5 Department are Deputy Commissioner
6 Derrick Sawyer and Chief Michael Roeshman
7 from the Hazardous Materials
8 Administrative Unit.

9 Thank you for affording me the
10 opportunity to speak about rail safety in
11 Philadelphia and provide an overview of
12 what we have done to prepare for
13 hazardous materials incidents on the rail
14 infrastructure.

15 I understand that there is
16 increased interest and concern about the
17 movement of hazardous materials into and
18 throughout the City. In addition to this
19 hearing today, hearings have been held
20 within the Commonwealth and at Congress
21 to explore the safety and reliability of
22 the rail infrastructure and examine
23 additional opportunities for enhancing
24 public safety.

25 During my testimony this

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2 afternoon, I will walk through the City's
3 ability to manage hazardous materials
4 incidents and outline opportunities for
5 further planning and coordination. I
6 will also discuss the work the Office of
7 Emergency Management does with
8 communities in Philadelphia to help them
9 be better prepared for emergencies.

10 The City of Philadelphia has a
11 Hazardous Materials Response Plan. This
12 plan was finalized in 2010 and is
13 currently under revision, with a
14 completion date of April 2014. The
15 Hazardous Materials Response Plan does
16 not supplant department-specific
17 operating policies and procedures, but
18 rather outlines the coordination across
19 City, Commonwealth, and federal agencies
20 in the response, recovery, and
21 remediation of hazardous materials
22 incidents.

23 Specifically, the plan outlines
24 notification protocols, scene safety and
25 the establishment of command and control,

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2 hazard identification processes, response
3 and decontamination operations,
4 remediation, incident isolation,
5 protection and public information, and a
6 series of specialized protocols for
7 unique circumstances, such as white
8 powder incidents and coordination during
9 major special events.

10 The plans authored by the
11 Office of Emergency Management are
12 developed in a collaborative manner.
13 While the final product is important, I
14 believe the ongoing dialogue during the
15 planning process is perhaps more
16 valuable, as it develops and refines
17 partnerships and educates response
18 agencies on roles and responsibilities
19 and coordinated operations.

20 In response to the increase of
21 rail shipments of crude oil, the Office
22 of Emergency Management was approached by
23 CSX to further expand our partnership.
24 In the near future, the City's Emergency
25 Operations Center will have access to

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2 CSX's SecureNOW system. SecureNOW
3 provides realtime information on trains
4 and commodities, including all hazardous
5 materials being transported through the
6 City by CSX. The aid of this system will
7 enable the City to quickly communicate
8 train consist information to local
9 emergency first responders at the site of
10 a train emergency. Other than
11 Washington, DC, Philadelphia will be the
12 only other city in the nation to have the
13 partnership with CSX. We will continue
14 to explore other areas for enhanced
15 collaboration to include planning,
16 training, and exercising.

17 In addition to preparing City
18 response operations, the Office of
19 Emergency Management educates the
20 community on personal and household
21 preparedness. These workshops educate
22 the community on sheltering-in-place,
23 evacuating, recommendations for building
24 shelter-in-place kits and evacuation
25 go-bags, and provide information on how

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2 the public will be notified during
3 emergencies. We visit each police
4 district once annually at minimum and are
5 more than willing to come more
6 frequently. We also continue to promote
7 our emergency alert system,
8 ReadyNotifyPA. ReadyNotifyPA is an
9 e-mail and text message alerting system
10 which will be used to alert residents of
11 dangerous situations. The Office of
12 Emergency Management is responsible for
13 sending emergency alerts and would like
14 to continue to work with City
15 Councilmembers to encourage residents to
16 join the system.

17 Thank you again for the
18 opportunity to testify. This concludes
19 my formal comments, and I would be happy
20 to answer questions the Committee may
21 have.

22 Thank you.

23 COUNCILMAN JOHNSON: Thank you.

24 Thank you, Samantha. The partnership
25 with CSX, the SecureNOW technology, when

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2 was that partnership established?

3 MS. PHILLIPS: It's very new.

4 We're actually in the process of
5 finalizing an MOU. It's with the Law
6 Department currently.

7 COUNCILMAN JOHNSON: Most
8 recently?

9 MS. PHILLIPS: Yes.

10 COUNCILMAN JOHNSON: So the
11 partnership wasn't in effect prior to
12 January the 20th?

13 MS. PHILLIPS: Correct. We
14 always had the ability to get train
15 information by calling CSX's Emergency
16 Operations Center, but now we'll have the
17 realtime data in the City's EOC.

18 COUNCILMAN JOHNSON: So walk me
19 through a scenario of what took place on
20 January the 20th. Train derails. Who is
21 notified? Who is first on the scene?
22 What City agencies are first on the
23 scene? How do you find out about it?
24 How do you find out what type of
25 chemicals were being shipped during the

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2 derailment? And then how quickly were
3 you able to access this information
4 regarding the whole scenario around
5 January the 20th? And you just mentioned
6 about the emergency alerts. Did y'all
7 actually send out emergency alerts to the
8 surrounding community saying this just
9 took place in your neighborhood?

10 MS. PHILLIPS: The Fire
11 Department was first on the scene, and
12 I'll turn it over to them to walk through
13 their operations. We did not send an
14 emergency alert. There was no chemical
15 released from the train.

16 DEPUTY COMMISSIONER SAWYER:
17 Good afternoon. Derrick Sawyer, Deputy
18 Fire Commissioner, Philadelphia Fire
19 Department.

20 We were first to respond on the
21 scene. We received it as an
22 investigation initially. It took about
23 an hour and 19 minutes before we placed
24 the incident under control, and we
25 partnered with CSX prior to arriving to

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2 determine what chemicals were on the
3 train or what it was -- what the hazards
4 were.

5 I will turn it over to
6 Battalion Chief Roeshman. He can explain
7 the operations.

8 CHIEF ROESHMAN: Good
9 afternoon. I'm Chief Michael Roeshman
10 and I am the Commanding Officer of the
11 Philadelphia Fire Department's Hazardous
12 Materials Administrative Unit.

13 Just a quick background on my
14 unit. We administer the state-required
15 HAZMAT Awareness and HAZMAT Operations
16 courses to every cadet entering the Fire
17 Academy. We also administer the
18 state-required annual Radiological
19 Response Team training to our 14
20 companies that are Radiological Response
21 Teams and our 11 battalions. We plan,
22 set up, and oversee every major hazardous
23 materials exercise, of which there is at
24 least one every year.

25 We purchase, have repairs made,

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2 and replace the equipment that Hazardous
3 Materials Task Force 1 utilizes. We
4 supply CBRN survey teams -- that's
5 Chemical, Biological, Radiological, and
6 Nuclear teams -- to special events such
7 as presidential and vice presidential and
8 other dignitary visits, sporting events,
9 the July 4th celebration, to name a few.
10 We work in partnership with the Secret
11 Service, the FBI, the 3rd Civil Support
12 WMD team out of Indiantown Gap, and the
13 four other counties that comprise the
14 Southeast PA Task Force HAZMAT Group,
15 which of course is Bucks, Montgomery,
16 Chester, and Delaware, and other city,
17 state, and federal agencies. We are
18 recertified every four years by the
19 state.

20 In regards to the PFD's
21 response to the derailment on 1/20/14, at
22 approximately 0050 hours -- that's 10 of
23 1:00 a.m. -- the last seven cars of a 101
24 car freight train carrying crude oil
25 sweet from the Bakken region derailed,

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2 leaving five cars upright and two leaning
3 on the Schuylkill Arsenal Railroad
4 Bridge, which crosses the Schuylkill
5 River near University Avenue.

6 At approximately 0107, a HAZMAT
7 box was dispatched by FCC, Fire
8 Communications Center. Squirrt 43, Squad
9 47, Engine 24, Engine 11, Ladder 9,
10 Ladder 5, Battalion 11, Battalion 7,
11 Medic 35, ES-4, and Hazardous Materials
12 Task Force 1, which is the City's
13 state-certified hazardous materials
14 response team and is comprised of
15 Battalion 1, Foam 60, Ladder 19, HAZMAT
16 1, HAZMAT 2, and Chemical 1, all
17 responded.

18 At approximately 0116, the
19 first arriving PFD companies are on
20 location. They surveyed the scene and
21 conferred with the train's crew and later
22 with CSX representatives as they arrived
23 to determine what had happened, were
24 there any injuries, and what were the
25 railcars' contents.

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2 As per our previous plan with
3 CSX, Battalion 1 spoke with Mr. Mike
4 Austin, CSX's HAZMAT Manager, who we
5 consider a CSX railroad subject matter
6 expert, via cell phone. This all took
7 place as part of a unified command.

8 Water lines were stretched and
9 a part of the expressway was ordered
10 closed for a period of time as a
11 precautionary measure. They gave initial
12 report to FCC, which stated no injuries
13 or life hazards, no fire, and no leaks at
14 that time. Then they stood by while the
15 CSX personnel started to remove the rest
16 of the train and secure the two leaning
17 railcars.

18 At approximately 0130, two of
19 CSX's three groups, engineering and
20 transportation groups, arrive on scene.
21 At approximately 0145, CSX's mechanical
22 group arrives on scene.

23 After conferring with the CSX
24 personnel in person and Mike Austin via
25 cell phone, the PFD Incident Commander

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2 begins to break down the PFD assignment
3 to restore normal citywide protection.

4 At approximately 0227, all PFD
5 units have either returned to their
6 stations or are available on radio
7 running from the scene of the incident.

8 At approximately 0300, Hepaco
9 React, CSX's environmental contractor,
10 arrives on the scene. They immediately
11 place booms in the rivers as a
12 precautionary measure.

13 At 0330, the U.S. Coast Guard
14 arrives on the scene.

15 At approximately 6:30, CSX
16 HAZMAT Manager Mike Austin now arrives on
17 the scene.

18 Later in the day, CSX requested
19 an engine company to stretch water lines
20 and stand by as CSX began transferring
21 and re-railing operations. A fire ground
22 with an engine company was placed in
23 service by Division 1 and continued until
24 completion of the incident.

25 I assessed the situation daily,

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2 conferring with Mike Austin via cell
3 phone. Battalion 1, Battalion 11, and
4 Division 1 perform daily visual on-scene
5 inspections. This continued until
6 completion of the incident on January
7 28th at 1538 hours, at which time I
8 notified Deputy Commissioner Sawyer of
9 same.

10 Thank you.

11 COUNCILMAN JOHNSON: Councilman
12 Jones.

13 COUNCILMAN JONES: Thank you,
14 Mr. Chairman.

15 A couple of quick questions.
16 Is there a provision that says that there
17 is to be a certain length of train? How
18 long is too long of a train? Is there
19 any provision considering that some of
20 the infrastructure -- are there weight
21 limits? Are there length limits? Is
22 there any rule on the book, both federal
23 or local, that requires a check on the
24 length of the train? And if not, I
25 mean...

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2 MS. PHILLIPS: That would be a
3 question for CSX, I think.

4 COUNCILMAN JONES: We'll hold
5 that one.

6 What was on the train that had
7 the incident that we're speaking of
8 today?

9 CHIEF ROESHMAN: The train was
10 transporting -- in the Fire Department,
11 among many of the other things, we use
12 material safety data sheets. This is
13 Hess's material safety data sheets. This
14 was classified as crude oil sweet.

15 COUNCILMAN JONES: And do you
16 consider that dangerous, a hazardous
17 material?

18 CHIEF ROESHMAN: It can be
19 considered a hazardous material, as
20 gasoline or other petroleum products can
21 be. If handled properly and safely,
22 it's, again, no more hazardous than the
23 transportation of gasoline and other
24 products through the City.

25 COUNCILMAN JONES: Well, you

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2 have to talk in the mic because --

3 CHIEF ROESHMAN: Oh, I'm sorry.

4 COUNCILMAN JONES: Well, I do
5 consider gasoline dangerous. That's just
6 me.

7 Are there any types of
8 materials that CSX has to submit to the
9 City before they transport it through our
10 borders? Are there any materials that
11 you would consider dangerous enough or
12 concerning enough that they should have
13 to submit notification to first
14 responders that this is coming through
15 the City of Philadelphia?

16 CHIEF ROESHMAN: I'm unaware if
17 there has to be formal notifications of
18 materials coming through the City, what
19 quantities. That would not come under my
20 purview. I can say this, Councilman. We
21 train -- and I am prepared to speak on
22 the Fire Department's preparedness for
23 major railroad incidents, if you wish,
24 but we do train constantly with CSX. One
25 of the things I handed out is an After

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2 Action Report of a training that we did
3 on April 13th of 2011 with CSX for a TIH,
4 a toxic inhalation hazard, for chlorine
5 gas, which is extremely dangerous.

6 COUNCILMAN JONES: So is there
7 a list of chemicals that you as a
8 professional or you as an emergency
9 manager or you as transportation would
10 make your hair -- I don't want to say it
11 that way. Would make you concerned
12 enough that we would take extra
13 precautions transporting it through the
14 City of Philadelphia, and if so, what are
15 those chemicals?

16 MS. PHILLIPS: Well, I think
17 the challenge that we're faced with is in
18 addition to rail, there are chemicals
19 moving through the City by
20 tractor-trailer and a variety of
21 different mechanisms every single day.

22 COUNCILMAN JONES: We're on
23 rail today. Are there any chemicals --
24 the question is, are there any -- and I'm
25 not trying to be aggressive here, but I

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2 do want an answer.

3 Are there any chemicals that
4 would come to your professional mind that
5 you would want to be notified about if
6 they're coming through the City of
7 Philadelphia?

8 MS. PHILLIPS: By rail, yeah.
9 I mean, if hydrofluoric acid was moving
10 through the City by rail, we would want
11 to know about that.

12 COUNCILMAN JONES: Any other
13 chemicals that come to mind?

14 CHIEF ROESMAN: Well, chlorine
15 gas, ammonia.

16 COUNCILMAN JONES: All right.
17 Have we been notified about any of those
18 types of chemicals? Have they come
19 through the City of Philadelphia in the
20 last year? How much of that type of
21 chemical -- would you have knowledge of
22 it? And, again, I'm not trying to -- I
23 understand.

24 CHIEF ROESMAN: We are aware
25 that these chemicals come through the

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2 City all the time.

3 COUNCILMAN JONES: And how are
4 you notified?

5 CHIEF ROESHMAN: From future
6 practice. But do we receive a formal
7 notification each time a train or a
8 tanker truck moves through the City? Not
9 that I'm aware of. At least it does not
10 cross my desk.

11 COUNCILMAN JONES: Okay. So
12 does it cross anybody's desk?

13 I'm going to turn it back over
14 to you, Mr. Chairman.

15 MS. PHILLIPS: No, it does not.
16 We don't get that information.

17 COUNCILMAN JONES: Should it
18 come to your office and be made aware
19 that these types of chemicals are coming
20 through the City of Philadelphia, in your
21 opinion?

22 And this is not on you. We're
23 trying to get better.

24 In your opinion as a first
25 responder, as an emergency manager, as a

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2 planner, because these are coming into
3 close proximity of neighborhoods, should
4 we be made aware of these types of
5 chemicals, in your opinion?

6 MS. PHILLIPS: In my opinion,
7 no. We do know where chemicals,
8 extremely hazardous substance, and
9 reportable chemicals are stored in the
10 City, but chemicals moving throughout the
11 City would -- I mean, the volume is
12 impossible to manage. It happens so
13 frequently. What would we do with that
14 information? And, you know, would we
15 tell -- would we notify the public every
16 time some sort of chemical comes through?
17 But what would operational departments
18 do? So if I knew that a substance was
19 coming through the City, would we
20 pre-deploy assets? Would we activate a
21 component of the Emergency Operations
22 Center? I think that's what we need to
23 focus on here, is that we don't have the
24 resources to deploy to any stretch of
25 railroad track.

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2 COUNCILMAN JONES: I don't want
3 you to be defensive.

4 MS. PHILLIPS: No, I'm not.

5 COUNCILMAN JONES: Because this
6 is what I want to know, though. It's
7 better to know than not know, and then
8 when you respond, it's better to know
9 what you're dealing with in advance to
10 me. And you are the professionals, and
11 if this document that you're talking
12 about going forward working with CXS --
13 I'm having a problem with those three
14 letters. But if this new document allows
15 you to know that better, then that's a
16 step in the right direction.

17 MS. PHILLIPS: Right. So we
18 can at any time request the train consist
19 or a manifest depending on the type of
20 carrier it is. All materials are also
21 placard. So railcars and vehicles are
22 placard when they're -- tanker trucks.

23 The SecureNOW system would
24 eliminate the need for us to call the CSX
25 Operations Center. We could log in and

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2 get that information in realtime 24/7.

3 We don't have that yet, but we're working
4 on that.

5 COUNCILMAN JONES: This is my
6 final question. From where that train
7 was, how many feet was it from a
8 neighborhood?

9 CHIEF ROESHMAN: I don't know
10 where it would be.

11 MS. PHILLIPS: We don't know
12 how many feet it was from a neighborhood.

13 CHIEF ROESHMAN: I can't give
14 an exact distance.

15 COUNCILMAN JONES: Thank you,
16 Mr. Chairman.

17 COUNCILMAN JOHNSON: Just from
18 cousins from South Philadelphia,
19 Councilman Jones, about maybe not even a
20 half a mile. I mean, if you're riding
21 down 76 east or west, I think some of you
22 probably saw around that time period, I
23 think over a period of ten days we had
24 some snow and you saw the actual freight
25 trains on tilt while we were waiting for

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2 the company to use the cranes to move it.

3 About maybe -- it's the Taneyville area

4 of South Philadelphia, which is on one

5 end maybe a half a mile. You got the

6 Schuylkill River underneath that actual

7 bridge and then you have the actual Taney

8 Park and the 25th and Pine area. So

9 about half a mile, give or take. And

10 then you have the University of

11 Pennsylvania athletic field on the

12 right-hand side. And so if anything

13 would have took place, you have the river

14 or the expressway and then you have the

15 athletic field on the right. It's really

16 hot like how critically important it is

17 to be proactive to preventing such type

18 of incidents becoming a catastrophe.

19 I want to also acknowledge we

20 have been joined by Councilman Brian

21 O'Neill.

22 Councilman Greenlee.

23 COUNCILMAN GREENLEE: Thank

24 you, Mr. Chairman.

25 Maybe I could just add a little

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2 bit to Councilman Jones's questions. I
3 think we all get concern raised by
4 residents when they see certain materials
5 going by the railroad. Talking about
6 distance, I mean, I grew up where I could
7 literally jump out my window onto the
8 tracks. I never did it because I don't
9 have too much athletic ability, but I
10 could.

11 So I guess just one more
12 follow-up question. If you had a wish
13 list, if you could do it, what more
14 information would you think you need?
15 And I guess on a follow-up to that is,
16 how much better prepared would you feel
17 if you knew ahead of time everything that
18 was coming through? Just time-wise if
19 you heard there is a derailment at 30th
20 and Pennsylvania Avenue -- that's where I
21 live -- and you had something listed
22 there and you knew, for example, some of
23 those particularly hazardous materials
24 you referenced earlier was there, how
25 much more would that information help you

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2 time-wise, you know, preparation-wise,
3 the things you might have to bring there,
4 that kind of thing, people you would have
5 to alert? Am I making sense?

6 MS. PHILLIPS: I mean, as the
7 Chief outlined, the response to this
8 incident, you had the full complement of
9 hazardous materials response agencies
10 there in a very short period of time.
11 They were on scene as quickly as they
12 could get there. That response wouldn't
13 have been augmented greatly based on what
14 the product was. A lot of it is getting
15 there and then doing investigation and
16 looking at the placard.

17 I mean, the SecureNOW system is
18 going to -- as I mentioned, it's going to
19 eliminate the step of calling the
20 Operations Center, and we'll have it
21 realtime. But receiving a consist
22 multiple times a day every time a train
23 comes through, you know, you have to know
24 what car we're talking about.

25 COUNCILMAN GREENLEE: No. I

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2 understand. I was just trying to get at
3 if you had that information that
4 Councilman Jones was talking about, how
5 much of a difference would it make.
6 You're saying that, in your opinion, it
7 wouldn't make that much difference.

8 MS. PHILLIPS: No. I feel
9 comfortable with the amount of
10 information we have. I am more
11 comfortable now that we can access it
12 more quickly through the SecureNOW
13 system.

14 COUNCILMAN GREENLEE: Okay.

15 DEPUTY COMMISSIONER SAWYER: If
16 I could also add to that is that
17 regardless of the information we would
18 have in advance, we would still have to
19 confirm that information once we get on
20 the scene.

21 COUNCILMAN GREENLEE: Say that
22 again. I'm sorry.

23 DEPUTY COMMISSIONER SAWYER:
24 Once we get on scene or on location, we
25 would have to verify the information

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2 regardless of what we had in advance. So
3 if they gave us the information saying
4 crude oil is coming through and we
5 responded to an incident, we still have
6 to verify that's what it is.

7 COUNCILMAN GREENLEE: Okay.

8 MS. PHILLIPS: For example, one
9 of the cars that was derailed on the
10 bridge actually had sand in it.

11 CHIEF ROESHMAN: That's a
12 buffer car that they put so many car
13 lengths in in case there is a derailment
14 or an accident.

15 Also, Councilmembers, while
16 we're responding, our Fire Communications
17 Center is also reaching out to CSX's
18 Operations Center and they are passing on
19 pertinent information to us before we get
20 on scene, as well as other things that we
21 need for a HAZMAT incident as weather
22 conditions, wind speed and direction,
23 humidity, temperature. All those things
24 come into play when dealing with a
25 hazardous materials incident.

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2 COUNCILMAN GREENLEE: So really
3 before you really know what to do, you
4 have to be there or have eyes there to
5 tell you what's going on.

6 CHIEF ROESHMAN: Exactly. And
7 even though we're getting -- let me
8 further expound on that. We're getting
9 weather conditions. Once we get on
10 scene, one of the pieces of equipment,
11 HAZMAT 2, which is our big mobile lab,
12 has an on-board weather station, because
13 as you know, you can be in the Northeast
14 and having one condition, you can be down
15 at the airport and the weather conditions
16 are totally different.

17 So we even further verify what
18 the weather conditions are on scene once
19 we arrive. But while we are responding
20 there, we get a little update of what
21 we're probably going to expect, as well
22 as any other pertinent information that
23 comes in from FCC through CSX's center.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 Thank you, Mr. Chairman.

3 COUNCILMAN JOHNSON: Chairman

4 Jones.

5 COUNCILMAN JONES: Thank you.

6 Again, for the record, the
7 Philadelphia Fire Department is probably
8 arguably one of the best departments in
9 the world. Emergency Management has been
10 cited and been given the responsibility
11 not just for Philadelphia but the
12 Commonwealth of Pennsylvania and
13 surrounding communities. I know you are
14 on top of your job.

15 So having said that, I don't
16 want you to think that we're saying you
17 didn't move fast enough. None of that.
18 What we are saying is -- and this is a
19 layperson, and maybe it's just the fact
20 that I don't do what you do, but as a
21 commonsense approach, I want to know
22 whether I need to bring a gun to a gun
23 fight or a knife. If it's airborne,
24 there's a different way that you approach
25 it. If it's oil that's going into a

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2 water stream, you want to know that
3 before you get to the site. And I'm
4 saying my first responders, I want them
5 to go home to their families at night
6 knowing that they're not ingesting any
7 type of contaminant that's on the scene.
8 And if knowing that five minutes before
9 allows you to get the appropriate
10 equipment there, then I want that
11 information pronto.

12 The second part of this hearing
13 is going to be not just what's in it, but
14 what it's riding on, and we're going to
15 hold folk accountable for that. In post
16 9/11 environments, we need to be on top
17 of our game, because derailment, quite
18 frankly, isn't that hard. And so us
19 knowing what we're dealing with is half
20 of the battle.

21 So what I'm saying is, I know
22 you will stand up to giants with midgets.
23 And I know it. I hope I didn't offend
24 anybody, but the analogy is true, you are
25 some of the best in the world, but I want

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2 you to have the best information
3 available, and that's what this hearing
4 is about.

5 Thank you.

6 COUNCILMAN JOHNSON: Nothing is
7 wrong with being short. There's a lot of
8 short people.

9 COUNCILMAN JONES: I'm short.

10 DEPUTY COMMISSIONER SAWYER: I
11 think I agree with your statement that
12 having advance information is a good
13 thing. It helps increase your
14 situational awareness. But I would also
15 add to that that the response that we
16 sent to this incident would have been
17 able to handle whatever we came across
18 when we got there. So you're right that
19 it helps us with our situation of
20 awareness, but we make sure that we send
21 a response that can address multiple
22 situations.

23 COUNCILMAN JONES: I take your
24 credibility on that, but I also want to
25 hold those who send things through our

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2 community -- I understand it's an
3 impractical matter, and I think that's
4 the spirit of your comment, but with
5 technology, with the ability to tweet
6 anywhere and to have GPS on everything,
7 it seems to me we can put together an
8 advance system that alerts you that if 99
9 percent of the time it goes through our
10 community, our borders, without a
11 problem, that one percent of the time
12 given when it went through -- there
13 should be an app for that, that you
14 should be able to tell everything that's
15 on every car. And if we're not there
16 yet, it should be our goal to get there.

17 Thank you, Mr. Chairman.

18 COUNCILMAN JOHNSON: Samantha,
19 can you walk us through the -- I know you
20 just mentioned you're putting together a
21 Memorandum of Understanding with CSX
22 regarding the SecureNOW technology. What
23 would that technology entail? Would part
24 of it be the collection of data regarding
25 what's actually being carried on the

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2 freight or is it just information
3 regarding the overall operations of CSX's
4 partnership with the City?

5 MS. PHILLIPS: No. It's a
6 system that we can log into to find the
7 train consist information in realtime
8 24/7. So instead of having to call and
9 ask for the consist, we're actively able
10 to identify it.

11 COUNCILMAN JOHNSON: I think
12 you kind -- and are materials apart of it
13 as well?

14 MS. PHILLIPS: That's what the
15 consist is. It's the product in each car
16 and where the car is placed.

17 COUNCILMAN JOHNSON: I think
18 you're answering, at least for the
19 future, the key question that the
20 Councilman, the Chairman is asking.

21 Okay. Any other questions by
22 members of the Committee?

23 (No response.)

24 COUNCILMAN JOHNSON: Thank you
25 very much.

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2 MS. PHILLIPS: Thank you.

3 COUNCILMAN JOHNSON: Thank you
4 for your service.

5 CHIEF ROESHMAN: Chairman, one
6 quick thing. The booklets I've handed
7 out, you're more than welcome to keep
8 them, but we consider these sensitive
9 material.

10 COUNCILMAN JOHNSON: I do have
11 one more question regarding the training
12 exercise. This is for the Fire
13 Department. Well, for both of you, Fire
14 Department and Office of Emergency
15 Management.

16 What's the response time? Like
17 when you ran this exercise, give me an
18 idea just overall the response time in
19 the event that there is a chemical spill
20 or in the event that the freight train,
21 which was actually tilted, let's say it
22 would have went down into the river or
23 fell onto the expressway. When you did
24 your exercise, what is the actual
25 realtime response time to actually

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2 addressing such a spill?

3 DEPUTY COMMISSIONER SAWYER: We
4 had the first arriving companies on scene
5 within eight minutes.

6 COUNCILMAN JOHNSON: I didn't
7 hear you.

8 DEPUTY COMMISSIONER SAWYER: We
9 had the first responding companies on
10 scene within eight minutes.

11 COUNCILMAN JOHNSON: Within
12 eight minutes?

13 DEPUTY COMMISSIONER SAWYER:
14 Yes.

15 COUNCILMAN JOHNSON: And just
16 briefly give me an idea, how many
17 participants are on the scene?

18 DEPUTY COMMISSIONER SAWYER: By
19 assignment, I believe it's --

20 COUNCILMAN JOHNSON: Fire
21 Department.

22 DEPUTY COMMISSIONER SAWYER:
23 Four engines, two ladders.

24 COUNCILMAN JOHNSON: Name the
25 agencies. I'm sorry.

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2 DEPUTY COMMISSIONER SAWYER:

3 You're talking about the partner
4 agencies? I know the Fire Department
5 sent their HAZMAT Unit. I'm not sure how
6 long it took for CSX to get there, but we
7 had the Fire Department on scene, like I
8 said, in eight minutes, and that was a
9 complement of four engines, two ladders,
10 two chiefs. And then in addition to
11 that, we sent our Heavy Rescue and our
12 Hazardous Materials Unit, which is
13 another engine and ladder company and a
14 chief.

15 COUNCILMAN JOHNSON: And I'm --

16 DEPUTY COMMISSIONER SAWYER: So
17 I think you're asking not just the Fire
18 Department-wise. How long did it take
19 for the other agencies to get on scene?

20 COUNCILMAN JOHNSON: Well, just
21 an overall rapid response team for the
22 actual team as a whole. Like when you
23 actually did this exercise, it's the
24 Philadelphia Fire Department and who else
25 participates?

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2 CHIEF ROESHPMAN: Well, what
3 we've been doing is trying to include as
4 many other agencies as possible into our
5 exercises, because in a real-world event,
6 we're going to need to all partner
7 together.

8 Besides the CSX personnel --
9 hang on, sir, and let me find it.

10 We had members of the
11 Philadelphia Police Department. We had
12 federal Homeland Security agents. We had
13 some of the utilities standing by, PECO.
14 I believe for this particular exercise
15 that was the contingency.

16 COUNCILMAN JOHNSON: Does EPA
17 participate in these exercises as well?

18 CHIEF ROESHPMAN: They usually
19 do not.

20 COUNCILMAN JOHNSON: Okay.
21 Thank you very much. Thank you for your
22 testimony.

23 CHIEF ROESHPMAN: As I was
24 starting to say, if you do not want these
25 booklets, if they could be returned to me

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2 at the end. You're free to have them.

3 We just don't want them to be thrown in

4 the trash. We'll shred them when we're

5 done.

6 Thank you.

7 COUNCILMAN JOHNSON: Thank you.

8 I'd like to call up the next

9 witnesses, please.

10 THE CLERK: Darin Gatti, David

11 Perri.

12 (Witnesses approached witness

13 table.)

14 MR. GATTI: Good afternoon,

15 Chairman Johnson, Chairman Jones, and

16 members of the Committees of

17 Transportation and Public Utilities and

18 Public Safety. My name is Darin Gatti.

19 With me is Commissioner Dave Perri, the

20 Streets Commissioner. I'm the Chief

21 Engineer and Surveyor for the

22 Philadelphia Streets Department, and

23 we're here to present testimony on behalf

24 of the Streets Department for Resolution

25 140028.

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2 We have 163 major bridges in
3 which the Philadelphia Streets Department
4 has maintenance responsibility. Regular
5 maintenance and inspection is key to
6 keeping aging structures safe for all
7 users. We are required to follow the
8 National Bridge Inspection Standards
9 administered by the Federal Highway
10 Administration. These regulations apply
11 to all publicly owned road and highway
12 bridges. Bridges that carry railroads
13 fall under the jurisdiction of the
14 Federal Railroad Administration, also
15 known as the FRA.

16 Highway bridges are required to
17 be inspected every two years. Bridges
18 that are weight restricted, that have the
19 postings like 10 tons, 20 tons, are
20 inspected on an annual basis and
21 sometimes more frequently, as determined
22 by the engineer. The inspection reports
23 record maintenance and repair items that
24 must be completed and the timeframe in
25 which they must be completed.

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2 Safety-related repairs must be completed
3 immediately. The FRA also has similar
4 inspection requirements to our highway
5 bridges.

6 For example, the South Street
7 Bridge, it's a brand new bridge over the
8 Schuylkill River, is now inspected every
9 two years. Just prior to its
10 reconstruction, we were inspecting that
11 bridge on a monthly basis in order to
12 remove loose concrete that was located
13 and removed before it fell onto the
14 Schuylkill Expressway. The structure was
15 not in danger of collapse, but falling
16 pieces are a danger to the drivers below.

17 During the winter and early
18 spring months, concrete bridges are
19 susceptible to spalling. This is when
20 water gets into the concrete and freezes
21 during the cold temperatures and expands,
22 loosens the concrete, and then causes the
23 concrete to fall off the structure.

24 The CSX 25th Street viaduct is
25 experiencing similar spalling to the

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2 South Street Bridge. When we receive
3 reports of spalled concrete, we
4 immediately notify CSX as the owner of
5 the structure for appropriate action.

6 Thank you for the opportunity
7 to testify on this important matter. We
8 would be happy to answer any questions
9 the Committee has.

10 COUNCILMAN JOHNSON: Councilman
11 Greenlee.

12 COUNCILMAN GREENLEE: Thank
13 you, Mr. Chairman.

14 Just a follow-up to your
15 testimony, using the 25th Street Bridge
16 as an example, because we're talking a
17 lot about that. You said when you
18 receive reports of spalling concrete, we
19 immediately notify CSX as the owner of
20 the structure. What kind of follow-up is
21 done with that? Like is there a
22 timeframe given to them? Like a regular
23 violation of the City, you give a certain
24 amount of time and then you follow up.

25 And then the following question

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2 is, what authority do you have over them
3 if they don't do it?

4 MR. GATTI: All right. We
5 don't have a set timeframe for that.
6 When we get reports of bridge problems,
7 the first reaction is to investigate.
8 And so the 25th Street viaduct, we're
9 familiar with that structure. We know
10 it's owned by CSX. We get a complaint
11 about it, we immediately call CSX and
12 say, Hey, we got a report about concrete
13 falling off of the structure, can you
14 please investigate it. And we generally
15 get a quick response back from them
16 saying that they are on it, and they'll
17 immediately send someone out to
18 investigate.

19 We do not have any actual
20 authority over the railroad. They are
21 governed by the Federal Railroad
22 Administration.

23 COUNCILMAN GREENLEE: But you
24 would say that you usually get what you
25 would call a reasonable response?

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2 MR. GATTI: Yes.

3 COUNCILMAN GREENLEE: Okay.

4 Thank you.

5 COUNCILMAN JOHNSON: Thank you.

6 Quick question, Mr. Gatti. So
7 the actual bridge where the derailment
8 took place, are you saying it's not in
9 the City's jurisdiction to inspect that
10 bridge as well as the 25th Street Bridge
11 in terms of the safetiness of those two
12 bridges?

13 MR. GATTI: No, we do not
14 perform inspections on those bridges.
15 They're required to be inspected by the
16 owner of the structure.

17 COUNCILMAN JOHNSON: And what
18 are our City's regulations in terms of
19 requiring a private company that's doing
20 business in the City of Philadelphia to
21 inspect, maintain, and repair their
22 bridges or railways?

23 MR. GATTI: I don't think we
24 have any regulations for that. There are
25 City code regulations for property

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2 maintenance, but we don't have
3 anything -- Streets Department doesn't
4 have anything specifically for these, and
5 that's mainly because these structures
6 are regulated by federal agencies.

7 COUNCILMAN JOHNSON: So the
8 City of Philadelphia doesn't work with
9 the Federal Railroad Administration to
10 make sure that these private companies
11 that own bridges or railways in the City
12 of Philadelphia are, one, inspecting
13 their bridges and their railways for
14 safety; two, making sure that their
15 bridges and their railways are repaired;
16 and, three, most importantly, making sure
17 that their bridges and railways are safe?
18 So there's no accountability? Because in
19 the past, there's been let's pass the
20 buck. I'm just being frank with you.
21 Rather it's your Administration or the
22 past Administration or the Administration
23 before, because I know with this
24 particular bridge in my district, they've
25 been dealing with this issue for more

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2 than 30 years, and I'm sure people will
3 testify to it.

4 But I would think that like if
5 Joe Citizen was doing something private
6 in the neighborhood, the City has no
7 problem coming out and regulating that
8 person as to how they're operating in the
9 privacy of their own home, on the privacy
10 of their own property. So I would think
11 when it comes to something as significant
12 as a bridge or a railway, there would be
13 some level of interaction with the feds
14 to make sure that if it's a private
15 company, there's some level of
16 accountability. That's not what I'm
17 actually hearing.

18 MR. GATTI: We don't have
19 anything formally in place. We do have
20 regular discussions and conversations
21 with the railroads, and we haven't -- in
22 my time, I have not had any reason to
23 doubt that these regulations aren't being
24 followed. One of the main reasons is
25 with the FRA and FHWA, funding is tied to

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2 those reports, and if you don't have your
3 reports in, you don't get money. So
4 there's a real incentive for both us and
5 the railroads to make sure that we have
6 these inspections done and reports
7 submitted so we don't jeopardize our
8 funding sources.

9 COUNCILMAN JOHNSON: I want to
10 take a -- and I'm going to turn it over
11 to Chairman Jones in a second, but I'm
12 going to also take the liberty and ask
13 Larry Kish, Deputy Regional Administrator
14 for the Federal Railroad Administration,
15 if he can come to the podium for a
16 second, to the panel.

17 If you can, Larry.

18 (Witness approached podium.)

19 COUNCILMAN JOHNSON: Thank you,
20 Larry. Larry, just state your name and
21 your position for the record, please.

22 MR. KISH: My name is Larry
23 Kish. I'm Deputy Regional Administrator
24 for the Federal Railroad Administration.

25 COUNCILMAN JOHNSON: Thank you

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2 for being here, Larry, today.

3 Larry, just give us a brief
4 overview of the level of regulation that
5 the feds have on the railroad industry as
6 well as what we are able to regulate and
7 not regulate as a city, but also the role
8 that the City can play to at least assist
9 in monitoring our bridges, our railways,
10 the maintenance of them, the inspection
11 of them, and then making sure that
12 they're, most importantly, safe.

13 MR. KISH: The federal
14 regulation states that the railroad has
15 to inspect their bridges once a year. We
16 monitor that inspection to ensure that
17 they do this. Sometimes we do have
18 people, depending on the bridge and what
19 we see, that can go out and do an
20 inspection, but it doesn't count as a
21 railroad inspection.

22 Now, that's just to make sure
23 that the integrity of this structure is
24 sound and will support the tonnage of the
25 trains. So from what we're seeing here,

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2 we do not have the regulations to monitor
3 the beauty of it. I hate to say it that
4 way, but...

5 COUNCILMAN JOHNSON: Can you
6 repeat that, please.

7 MR. KISH: The whole thing?

8 COUNCILMAN JOHNSON: No.

9 MR. KISH: Our federal
10 regulation says that the railroads must
11 inspect their bridges once a year.

12 COUNCILMAN JOHNSON: Yes.

13 MR. KISH: We do monitor that,
14 and we do have people employed by the
15 Federal Railroad Administration that can
16 go out and look at these bridges and
17 inspect to make sure they're being
18 inspected properly. We do monitor their
19 inspections and their records to see who
20 has done the inspections, if they're
21 qualified to do the inspections. Most of
22 the time it could be an engineering firm
23 or the railroad themselves that do have a
24 PE, a professional engineering degree.
25 So we do monitor that. Like I said,

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2 that's only for the integrity of the
3 structure to support the weight of the
4 trains.

5 COUNCILMAN JOHNSON: And in
6 terms of the actual City's role in terms
7 of local government, what is the actual
8 role that the City plays in terms of how
9 we monitor or, for the lack of, not
10 monitoring the inspection, the
11 maintenance of our bridges and our roads?

12 MR. KISH: I'm sure if they
13 wanted to, they can come to us for the
14 inspection records. Now, we wouldn't be
15 able to give them the inspection records,
16 but we can tell them whether the bridge
17 was inspected or not.

18 COUNCILMAN JOHNSON: Chairman
19 Jones.

20 COUNCILMAN JONES: Thank you
21 very much.

22 COUNCILMAN JOHNSON: Thank you.

23 COUNCILMAN JONES: Don't go
24 anywhere. In your opinion, was that
25 bridge -- when was the last time that

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2 bridge, the 25th Street Bridge, when was
3 the last time it was inspected?

4 MR. KISH: I did not come here
5 to testify, so I did not pull another
6 record. We were just notified yesterday
7 afternoon of this meeting.

8 COUNCILMAN JONES: Does anyone
9 at the panel know the last time that
10 bridge was inspected?

11 MR. GATTI: No, I do not.

12 COUNCILMAN JONES: All right.
13 So would you provide to the Chair the
14 last inspection of that bridge prior to
15 the incident with the derailment? Can
16 you do that?

17 MR. KISH: Yes.

18 COUNCILMAN JONES: Thank you.

19 There are bridges throughout
20 the City of Philadelphia in a similar
21 state of varying states of disrepair. My
22 question becomes, how do we approach
23 this? What is your suggestion on how we
24 should approach this to get a bit more
25 attention to these bridges in the City of

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2 Philadelphia? Is there anything you
3 could offer us by way of suggestion?

4 MR. KISH: As a federal
5 representative, I don't have an opinion
6 on this, but I can tell you there has
7 been other cities, Cleveland, Ohio and
8 Pittsburgh, Pennsylvania, that has
9 partnered with the railroads and actually
10 got some beautification done, painting
11 and stuff like that. But you could reach
12 out to them. Cleveland, a real prime
13 example, I've been up there a few times
14 talking to them, and they've actually
15 worked with the railroads.

16 COUNCILMAN JONES: So by way of
17 a city, how would you give us a grade by
18 way of our current state of affairs with
19 bridges, if you had to give us a grade?

20 MR. KISH: I hate to say it,
21 but you're probably on the same level as
22 all the other cities.

23 COUNCILMAN JONES: And what
24 grade would you give all the other
25 cities?

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2 MR. KISH: Medium to poor.

3 COUNCILMAN JONES: Okay. Thank
4 you, Mr. Chairman.

5 MR. KISH: Like I said, that's
6 only for the looks of the bridge, not the
7 integrity.

8 COUNCILMAN JONES: So by way of
9 the integrity -- I'm sorry,
10 Mr. Chairman -- how do you rate the
11 integrity of the bridges?

12 MR. KISH: Sound and in good
13 shape.

14 COUNCILMAN JONES: So I
15 heard -- well, contrary to that, I've
16 read and read reports on accounts that
17 consider the bridges in and around
18 Philadelphia in a state of disrepair. So
19 why -- I mean, you're saying they're
20 good. Why would engineers say that
21 they're not?

22 MR. KISH: I'm not sure what
23 reports you're talking to, but I can tell
24 you that our inspections have showed
25 these bridges to be sound.

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2 COUNCILMAN JONES: All right.

3 I have, in fact, sent one of my staffers
4 to bring back two railroad spikes that I
5 have picked up off of bridges that
6 pedestrians, vehicles, children, seniors
7 walk under every day. In fact, Harry
8 Hairston had a big expose about 52nd and
9 Jefferson where a metal plate fell from
10 the bridge. How do you reconcile that as
11 great shape?

12 MR. KISH: I'm not sure what
13 you're talking about, sir, and I cannot
14 answer that.

15 COUNCILMAN JONES: All right.

16 Thank you, Mr. Chairman.

17 COUNCILMAN JOHNSON: I think,
18 Larry, what -- I think I know what
19 Chairman Jones is alluding to, and we did
20 get a letter from the FRA talking about
21 the integrity of the structure of the
22 25th Street Bridge and really rating it
23 as being in good shape. But how do you
24 take that into consideration when you're
25 saying it's structurally sound, but yet

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2 if you look at it -- and we did an

3 overview on our own just doing a tour of

4 the area, but you have slabs of concrete

5 falling, right, and you have in the

6 wintertime icicles falling. And it's

7 putting people's lives in danger.

8 Because all you need -- I mean, we're

9 trying to be on the front end. I mean,

10 we just skipped a catastrophe through the

11 grace of God, and now we're trying to be

12 proactive, because usually we're on the

13 back end after something happens being

14 called to either address the issue or to

15 be held accountable for why we,

16 quote/unquote, weren't doing our job in

17 the first place.

18 But we have a bridge like this

19 where it's supposed to be structurally

20 sound, but people are ducking and dodging

21 bricks that's falling, debris that's

22 falling, windshields being cracked, and

23 all you need is for one catastrophe to

24 happen to say, Okay, now how do we get to

25 this point.

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2 So how does the FRA deal with
3 that aspect, similar to how the
4 Councilman is saying you might see this
5 railroad is structurally sound, this
6 railroad bridge, but if he's bringing in
7 two railroad nails that he didn't go pick
8 up and take them out himself, obviously
9 it shows that it could be a catastrophe
10 waiting to happen. And I know you didn't
11 come prepared. You just came to observe,
12 but from your expertise, your
13 professional response.

14 MR. KISH: The FRA is
15 responsible for the safe operations of
16 trains. So as long as that train can
17 operate safely over that sound bridge,
18 this is what we regulate. We also have
19 regulations in there about like you're
20 saying the spikes, there's regulations so
21 many spikes per rail length. As long as
22 they're within their standards, it's safe
23 operations.

24 COUNCILMAN JOHNSON: Councilman
25 Greenlee.

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2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Chairman.

4 I guess then the question to
5 any of you, obviously if pieces of the
6 bridge are falling off, something is
7 wrong. Who would be responsible for
8 that? You're saying as long as the, in
9 your opinion, the railroad is safe to
10 travel on, that's basically as far as you
11 go. Is that a fair statement?

12 MR. KISH: That's a fair
13 statement, yes.

14 COUNCILMAN GREENLEE: So,
15 Commissioner, Mr. Gatti, as far as the
16 descriptions that Councilman Jones and
17 Councilman Johnson gave -- and I've seen
18 the 25th Street Bridge. I remember
19 driving under it or being in a car when
20 I'm under it and something falling off.
21 So that's not obviously an exaggeration.
22 And I've seen a few times the railroad
23 spikes that Councilman Jones has brought
24 in the hearings. So something is not
25 right there. Who kind of looks after

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2 that?

3 COMMISSIONER PERRI: Good
4 afternoon, Councilmembers. David Perri,
5 Streets Commissioner.

6 Ultimately, the owner of the
7 structure is responsible for inspecting
8 and maintaining a bridge in a state of
9 good repair. So if there's any loose
10 concrete on the 25th Street viaduct
11 bridge, it would be CSX's responsibility
12 to inspect it regularly and make sure
13 that any loose materials are removed
14 promptly. The Streets Department does
15 not have a regulatory role over these
16 other railroads, such as SEPTA. We don't
17 have regulatory responsibility over other
18 bridge structures, such as PennDOT. All
19 these different bridge owners act
20 independently and act in a responsible
21 manner to maintain their structures in
22 accordance with the federal standards
23 that are out there regulating a state of
24 good repair.

25 COUNCILMAN GREENLEE: But

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2 doesn't -- I'm sorry.

3 COMMISSIONER PERRI: Now,
4 talking about the plate that fell, we had
5 done an investigation on that plate on
6 the 52nd Street Bridge and made a
7 determination that the plate actually was
8 thrown off the bridge. It wasn't a piece
9 of material that fell from the underside.
10 So we wrote letters to, I believe it was,
11 Amtrak owned that particular bridge to
12 alert them that they have a security
13 issue on that bridge. They need to make
14 sure that kids or other folks are not
15 getting up there throwing materials off
16 the bridge, because the type of material
17 that fell is something that is on the
18 track area attached to the top of the
19 bridge. It's not something that can fall
20 from the underside of the bridge.

21 So there's a whole lot of
22 issues at play here, spalling concrete,
23 loose debris that's up on the bridge. It
24 all has to be looked at holistically.

25 COUNCILMAN GREENLEE: Okay.

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2 But I guess the railroad spikes didn't
3 get thrown by somebody. They probably
4 fell off, right? I knew he'd have it
5 here.

6 COMMISSIONER PERRI: But they
7 couldn't fall through the bridge. They
8 were probably thrown off the bridge.

9 COUNCILMAN GREENLEE: The
10 spikes too?

11 COMMISSIONER PERRI: In my
12 opinion, I'd think they were.

13 COUNCILMAN GREENLEE: Go ahead.
14 I'll pass to Councilman Jones.

15 COMMISSIONER PERRI: Because if
16 you look at the aerial photographs of the
17 bridge, of some of these bridges, you'll
18 see a lot of loose materials just sitting
19 around on the bridge. They need to be
20 cleaned up so that if you got kids up
21 there, what do kids do? They grab
22 things, they throw them around. I mean,
23 the spike can't fall through the bridge
24 unless there's a giant hole in the
25 bridge.

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2 COUNCILMAN JOHNSON: I want to
3 acknowledge the presence of Councilwoman
4 Cindy Bass.

5 Chairman Jones, then
6 Councilwoman Bass.

7 COUNCILMAN JONES: Thank you.

8 Amtrak's inspection -- this is
9 according to an article -- Amtrak's
10 inspections of 302 bridges in
11 Southeastern Pennsylvania shows that 143,
12 47 percent, received a poor or low marks
13 for such defects as deteriorating metal
14 plates or decaying stonewalls. Some have
15 eroded support piles and others badly
16 worn graders and et cetera and et cetera.

17 This is a report about our
18 bridges in the City of Philadelphia.
19 Kids didn't throw these spikes off of
20 that. They were -- if you're talking
21 about 50 feet and this projectile falls
22 down, it could be lethal. And even if
23 you are right, that somehow somebody
24 should be cleaning up these bridges, who
25 should do it? Who is responsible?

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2 COMMISSIONER PERRI: I mean, to
3 answer that question, it's the owner.
4 The owner of the structure needs to
5 maintain it.

6 COUNCILMAN JONES: Who is the
7 owner of the structure? On the record,
8 who is the owner of the structure?

9 COMMISSIONER PERRI: I believe
10 the 52nd Street Bridge was Amtrak.

11 COUNCILMAN JONES: Okay. So in
12 cases -- let's just say whoever owns the
13 bridge is responsible for its
14 maintenance, cleanup, and repair,
15 correct?

16 COMMISSIONER PERRI: That's
17 correct.

18 COUNCILMAN JONES: Thank you,
19 Mr. Chairman.

20 COUNCILMAN JOHNSON: You're
21 welcome, Mr. Chairman.

22 Councilwoman Bass.

23 COUNCILWOMAN BASS: Thank you.
24 I just have a couple of quick questions.

25 So is there a listing of like

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2 bridges and similar roadways broken down
3 maybe by Council district so that we can
4 know what bridge and who is responsible
5 so that we don't have to go through this
6 exercise? Do you have that sort of data
7 available?

8 COMMISSIONER PERRI: Yes. We
9 have a database of bridges located in
10 Philadelphia.

11 COUNCILWOMAN BASS: And who the
12 ownership is?

13 COMMISSIONER PERRI: Yes. We
14 have the ownership.

15 COUNCILWOMAN BASS: So you can
16 provide that to us, to the Chairman?

17 COMMISSIONER PERRI: Yes, we
18 can.

19 COUNCILWOMAN BASS: Great.

20 I just wanted to follow up also
21 on Chairman Jones's questioning, because
22 it does seem to me if you recognize that
23 there are loose spikes and loose debris
24 and all of these things that could be
25 problematic if someone gets their hands

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2 on them, if a kid gets their hands on
3 them, throws them overboard, you could
4 hurt someone, you could kill someone,
5 that the City would have much more of a
6 responsibility than to sit back and say
7 that somebody should be cleaning them up,
8 that we should actually take the
9 initiative to ensure that it's being
10 cleaned up. And I don't know if that's
11 something that the Streets Department is
12 looking into. Do you see that as
13 something that is a possibility in the
14 future? I know that you said that there
15 is no regulatory role, but at the same
16 time, there has to be some liability and
17 responsibility from the City for these
18 structures.

19 COMMISSIONER PERRI: I mean,
20 often the bridges don't just span over
21 City right-of-way. They also span over
22 rivers. They span over other people's
23 property. So it's not just within the
24 realm of the Streets Department that we
25 have bridges that are built above a

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2 public right-of-way. So I'm not sure
3 what type of agency would ultimately be
4 responsible for making sure that regular
5 maintenance is occurring. And in a lot
6 of cases, we don't even have access to
7 these bridges. I mean, we manage -- for
8 the 52nd Street Bridge, we --

9 COUNCILWOMAN BASS: We can't
10 get access? Can we get access?

11 COMMISSIONER PERRI: I mean, to
12 get access to other folks' bridges is a
13 fairly involved process.

14 COUNCILMAN JOHNSON: But, see,
15 I think that's what the point is. I
16 think probably -- and to be frank with
17 you -- and I acknowledge Tracey Gordon,
18 because she was a part of this
19 conversation that we had early on out in
20 Southwest Philadelphia. I mean, folks
21 will say, Well, the federal government is
22 regulating these bridges and these
23 railways, but I believe a leader will
24 figure out a way to bring those people
25 who monitor, who is responsible for

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2 regulating our bridges and our railways
3 to the table. So rather than be reaching
4 out to the Congressman's office or the
5 U.S. Senator's office, who are our
6 federal officials, as well as the elected
7 officials that are working on our state
8 level, and bring everybody to the table
9 who has a stake in this, because at the
10 end of the day, when there's a
11 catastrophe, then everybody takes
12 responsibility.

13 And so I just think we have to
14 do more than just say, Well, it's over
15 the right-of-way of, you know, this
16 particular agency or this particular
17 private property and we pretty much can't
18 do anything about it. I mean, because we
19 just -- again, we dodged a catastrophe.

20 If you're going to allow for a
21 private company to do business in the
22 City, then there has to be some level of
23 check and balance. There has to be some
24 level of accountability even if it's not
25 under your jurisdiction, because at the

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2 end of the day, they're still operating
3 in the City. And the residents who are
4 taxpayers, they're going to be impacted
5 if something negative takes place. And
6 so I think we just have to do more than
7 just passing the buck.

8 COUNCILWOMAN BASS: I agree,
9 Mr. Chairman. Thank you very much.

10 And the other thing I just
11 wanted to add on is that I know you
12 mentioned earlier that the owner is
13 responsible for inspecting these
14 railways. And it's sort of like
15 self-regulating, wouldn't you agree?
16 That we're asking them to -- we're nicely
17 asking that they inspect their railways.
18 Obviously some of them are not doing it,
19 and we are doing absolutely nothing about
20 it. And I think that that is just a
21 recipe for disaster. And we've seen
22 these sort of instances in the past where
23 we've sort of stepped back from our
24 responsibility and liability, and when
25 something terrible happens, then we're

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2 all sitting back here and we're having
3 another hearing and we're dragging folks
4 back in front of us to talk about what
5 went wrong and how could we stop it.

6 So I think that this is pretty
7 cut and dry and clear that we don't have
8 to wait until something happens, that
9 there is an obvious gaping hole that
10 needs to be fixed, and we can do it and
11 we can do something about it now.

12 So I certainly hope that the
13 Streets Department sees a role that it
14 could play to make the situation better
15 before there is a catastrophe, because
16 this is obviously something that's very
17 much problematic.

18 So thank you, Mr. Chairman.

19 COUNCILMAN JOHNSON: Thank you,
20 Councilwoman Bass.

21 Any other questions from the
22 Committee?

23 (No response.)

24 COUNCILMAN JONES: No. Just
25 one other comment. At 52nd Street, we

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2 were able to solicit SEPTA to help us out
3 with some just basic repairs, and we
4 thank them. I want to thank them
5 publicly for stepping up to the plate to
6 do that.

7 But let me say this to you,
8 that the Chairman -- and I want to
9 applaud him for bringing us together and
10 showing leadership to get us together,
11 but come budget time, we need to hear
12 more than pointing our finger this way or
13 that way. I need leaders to lead and
14 have some solutions and recommendations
15 on how we can safeguard the citizens.
16 They're over our, and operating in, our
17 city, and we -- you're the experts in
18 these fields. We're legislators. We are
19 appropriators of budgets. Tell us how to
20 help and how to be helpful.

21 COMMISSIONER PERRI: Thank you.

22 COUNCILMAN JONES: Thank you.

23 COUNCILMAN JOHNSON: Thank you
24 for your testimony.

25 Thank you, Larry.

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2 Can we have our next panelists,
3 please.

4 THE CLERK: Quintin Kendall,
5 Mike Austin, and William Goetz.

6 (Witnesses approached witness
7 table.)

8 MR. KENDALL: Good afternoon,
9 Mr. Chairman, Mr. Chairman, Councilman
10 Greenlee, Councilwoman Bass. Thanks very
11 much for hosting us this afternoon. We
12 do want to come in and discuss CSX's role
13 in safely and efficiently moving freight
14 in and out of Philadelphia.

15 My name is Quintin Kendall and
16 I'm the Vice President of State
17 Government and Community Affairs in
18 Jacksonville -- at CSX in Jacksonville,
19 Florida. In that role, what I do is, I
20 coordinate all activities with local
21 governments in the communities we operate
22 with with the different facets of CSX
23 Transportation. That's including the
24 operations, engineering, real estate,
25 among others.

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2 I'm joined here by a couple
3 colleagues today. This is Hazardous
4 Materials Manager Mike Austin, and Mike
5 led, as was mentioned earlier, the CSX
6 response to the January 20th derailment
7 on the Arsenal Bridge. Having regular
8 conference calls with him during this
9 time was -- I was just impressed beyond
10 belief about the type of work that he
11 does. Very difficult circumstances in a
12 bridge over a river without a deck and in
13 very, very severe weather conditions. He
14 coordinated with Philadelphia first
15 responders, state and federal and local
16 regulators to safely remove these trains
17 without discharge or injury.

18 Also joining me is Bill Goetz,
19 who is the Resident Vice President for
20 CSX State Government Affairs. Bill has
21 been with CSX for 30 years. He knows the
22 Philadelphia market inside and out, and
23 he can be very helpful in terms of
24 answering specific questions.

25 We greatly appreciate the fact

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2 that rail safety is a topic of concern
3 for citizens here in Philadelphia and,
4 frankly, across this nation. As a
5 result, we've taken some independent
6 actions, and we continue working in
7 partnership with the federal government
8 and the American Association of
9 Railroads, or the AAR, to help ensure
10 that safe rail transport becomes even
11 safer.

12 One of the core values of our
13 company and something that's printed on
14 every internal piece of material that CSX
15 employees get is "safety is a way of
16 life." And we do maintain a steadfast
17 commitment to the safety of our
18 operations and the communities in which
19 we operate.

20 Now, we recognize that
21 especially because of the derailment of a
22 hazardous material train here in
23 Philadelphia, it's prompted questions and
24 concerns within this city and across the
25 country. And while there were no

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2 injuries or leakages as a result of the
3 derailment, we understand it truly
4 heightens the awareness about the
5 potential risks associated with hazardous
6 material shipments and rail
7 infrastructure here in Philadelphia. We
8 understand it. And while the U.S.
9 freight rail industry overall, and CSX
10 specifically, have made significant
11 reductions in train accidents involving
12 hazardous material -- I would say the
13 data shows 91 percent reduction in
14 incidents since 1980 and 38 percent
15 reduction since 2000 -- we realize that
16 even one single incident is one too many
17 and we got to do better to correct that.

18 As I've said, CSX's first
19 priority is the safety of its employees
20 and the communities in which we operate.
21 And it's a big, big community that we
22 operate in, 21,000 miles of track across
23 23 states and two Canadian provinces. We
24 operate an average of 1,300 trains and
25 approximately 20,000 freight cars on our

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2 line every day, carrying just about
3 anything and everything we use in our
4 daily lives, the cars we drive, the
5 orange juice we drink, the energy that
6 turns on our lights, and the electronic
7 goods we buy at Walmart. So annually we
8 move probably more than six million
9 carloads of finished products and raw
10 materials.

11 Now, in Pennsylvania we operate
12 and maintain nearly 2,000 miles of track,
13 and that equals out to about 1.8 million
14 loads of freight moved in or out or
15 through the Commonwealth each year. And
16 tying back to this particular incident,
17 we're a crucial supplier to the
18 refineries in Eastern Pennsylvania, which
19 have seen a resurgence with the rapid
20 rise of domestic crude oil production.
21 This resurgence is having a profound
22 impact on Pennsylvania's economy,
23 reviving the state's energy sector,
24 spurring job creation, and driving
25 economic development. We're proud of our

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2 partnership with these companies, which
3 have created a hundred new jobs and saved
4 over a thousand more. And we work with
5 them constantly, and they too are
6 committed to the safe transport of their
7 products.

8 But that said, because of this
9 new business, we recognize that new
10 attention needs to be focused on our
11 infrastructure and on our operations,
12 because when we do have incidents like we
13 had on January 20th, people get
14 concerned, and we as a railroad need to
15 be responsive. So with our partners, we
16 must ensure that the safety of our
17 people, our communities, and our
18 environment is a top priority here.

19 So in Philadelphia, we
20 unambiguously believe in this city's
21 economic future, and we're continually
22 investing in that belief. Over the
23 years, you may have noticed other
24 transportation companies have downsized
25 their presence in Philadelphia and moved

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2 elsewhere. CSX, on the other hand, we've
3 doubled down here. We have the only rail
4 intermodal terminal operating in the
5 City. It's a modern facility located
6 directly across the street from the Port
7 of Philadelphia. This year we'll
8 complete a multi-year \$30 million program
9 to remove overhead clearance impediments
10 so that modern double-stack trains can
11 serve Philadelphia, making this port
12 competitive with other ports on the East
13 Coast.

14 Additionally, Philadelphia is
15 host to one of our primary hubs of our
16 TRANSFLO system, the largest
17 rail-to-truck network in North America,
18 and we have heavily invested in that
19 facility over the last few years as well.

20 So in recent years, many
21 policymakers have described an emerging
22 rail renaissance to offset highway
23 congestion and efficiently meet the
24 growing demand for consumer goods by the
25 American public. For CSX, Philadelphia

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2 is, and will continue to be, a major part
3 of our renaissance.

4 So getting into infrastructure,
5 we reinvest heavily into our track and
6 infrastructure to ensure a safe,
7 reliable, and efficient rail network.
8 Our capital investments, which include
9 tracks, bridges, equipment, and
10 technology, are projected to be an
11 estimated total of 2.3 billion this year.
12 And longer term we've committed to invest
13 16 to 17 percent of our revenues back
14 into the business. That's five times
15 more generally than the average
16 manufacturing company. Our stockholders
17 don't necessarily like that, but that's a
18 commitment we've made. And this is
19 private capital, members of Council, not
20 taxpayers' money that supports the
21 nation's freight network.

22 Furthermore, we're continuing
23 to work with state and local officials as
24 well as emergency first responders to
25 focus on several key areas - prevention,

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2 preparedness, and mitigation, which my
3 colleague, Mr. Austin, will discuss in
4 more detail.

5 Finally, CSX fosters a culture
6 of safety by equipping our employees with
7 the most up-to-date safety information.
8 We train our employees regularly,
9 reminding them of the specific measures
10 that can keep themselves, their
11 co-workers, and the communities in which
12 we operate safe.

13 Through significant investment
14 in our infrastructure, continuous
15 training of employees to foster a culture
16 of safety, and working with local, state,
17 and federal officials on incident
18 prevention, preparedness, and mitigation,
19 CSX remains committed to continuously
20 improving the safety and security of rail
21 transportation.

22 Now I'd like to turn to the
23 cause of the January 20th derailment on
24 the Arsenal Bridge. We reported to the
25 Federal Railroad Administration that this

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2 derailment on the Schuylkill Arsenal
3 Railroad Bridge occurred during a
4 scheduled maintenance program to update
5 the CSX -- upgrade the CSX main line into
6 South Philadelphia. So this wasn't a
7 repair that was going on. It was
8 maintenance that was intended to
9 strengthen the line by replacing -- by
10 putting in new crossties in order to make
11 the trains run more efficiently and
12 safely.

13 The upgrade involved replacing
14 the crossties on the bridge over a
15 couple-week period and was not related to
16 the structural integrity of the bridge,
17 which, as my partner from FRA indicated,
18 was sound.

19 During the upgrade, train
20 speeds on the bridge were reduced to 10
21 miles an hour from the posted speed of 15
22 miles an hour. That shows some of the
23 safety mitigations that we take as we're
24 doing maintenance work on the railroad.

25 As to the cause, prior to the

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2 derailment, the crew performing the
3 upgrade finished the work without
4 following CSX engineering protocols,
5 which specify the procedure for
6 sufficiently anchoring temporary
7 fasteners to the ties. So spikes to the
8 ties as you had, Chairman Jones.

9 Permanent fasteners were to be installed
10 at the completion of the upgrade work,
11 but in this case, this was temporary
12 fasteners that were not applied properly.
13 These protocols are included in a written
14 rule book that our maintenance employees
15 are tested and trained on at least twice
16 annually.

17 So this finding of cause is
18 subject to official review by the FRA.
19 What we did in the aftermath following
20 the derailment was conducted an internal
21 safety blitz amongst our employees to
22 review proper engineering procedures with
23 all teams involved in maintenance and
24 upgrade work.

25 The most recent inspection of

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2 the bridge occurred in September and
3 October of 2013, of the Arsenal Bridge,
4 and the bridge was found to be
5 structurally sound.

6 Just a note on the inspections,
7 we do use certified structural engineers
8 to do these inspections.

9 Following the removal of the
10 derailed cars, the bridge was subject to
11 a thorough reinspection before it was put
12 back into service. It will be
13 reinspected again in 2014, as required
14 under FRA regulations.

15 And to emphasize, the
16 derailment occurred because of an issue
17 with the track, specifically the
18 crossties, and not the bridge. So from
19 this perspective, this type of derailment
20 could have happened on track on ground.
21 The fact that it was on a bridge made it
22 a little bit more challenging for
23 Mr. Austin to mitigate, but in fact, it
24 was a track issue, which could have
25 happened on ground or in this case in the

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2 bridge.

3 Councilman Johnson, you had
4 asked me that we discuss what CSX does in
5 the case of derailment, and our partners
6 here in the City of Philadelphia talked
7 about that. So I'm pleased Mr. Austin
8 could join us today to discuss the
9 response to this particular derailment
10 and how we respond to HAZMAT incidents
11 generally. If you don't mind, I'll have
12 Mr. Austin provide some remarks.

13 MR. AUSTIN: Good afternoon,
14 Mr. Chairman and members of the joint
15 committee. My name is Mike Austin. I'm
16 the hazardous material special agent
17 responsible for responding to hazardous
18 materials incidents that involve the
19 release or potential release of hazardous
20 materials and environmental contaminants
21 in an assigned territory in the
22 Mid-Atlantic region. Additionally, I'm
23 responsible for protecting the national
24 strategic rail network vital in the
25 defense in interstate commerce as well as

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2 providing protection to ensure the safe
3 workplace for our employees, contractors,
4 customers, and the public. My role also
5 includes establishing collaborative
6 partnerships with state, local, and
7 federal government and criminal justice
8 agencies, as well as our internal CSX and
9 external customers and the community.

10 One of my primary job functions
11 is to assist local first responders to
12 understand how to prepare in the unlikely
13 event of an incident involving hazardous
14 materials on the railroad through
15 outreach and training. I currently have
16 over 20 years experience in the hazardous
17 materials response.

18 As Mr. Kendall stated to you, I
19 was the lead for the CSX Transportation
20 incident for the removal of the railcars
21 on the Arsenal Bridge which derailed on
22 Monday, January 20th of this year. As
23 you remember, the mitigation of this
24 incident occurred under some of the most
25 extreme circumstances I've ever worked

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2 under. The railcar removal occurred on
3 the bridge over the Schuylkill River
4 during a 14-inch snowfall with a polar
5 vortex that brought subzero temperatures
6 and severe windchill. I coordinated all
7 efforts directly and/or indirectly with
8 partners on all local levels of the
9 government that include the Philadelphia
10 Fire Department, Philadelphia Police
11 Department, Pennsylvania Emergency
12 Management, the Office of Emergency
13 Management, and the United States Coast
14 Guard.

15 During the initial response to
16 the derailment, I coordinated with the
17 Philadelphia Fire Department on-scene
18 command, as the Chief made the comment to
19 you that we do make those communications
20 and talk while we're en route to the
21 incident.

22 On scene, after the
23 determination was made that there was no
24 release that occurred from the six tank
25 cars of crude oil and one hopper car of

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2 sand, it was still my priority to ensure
3 that there was no release occurred. As
4 part of the contingency plan in the event
5 of a release, a decision was made
6 immediately, as the Chief said, to place
7 the contaminated booms in the Schuylkill
8 River up and downstream. Additionally,
9 the tank car and boxcar that were leaning
10 on their sides were secured to the bridge
11 structure.

12 After an in-depth damage
13 assessment of the derailed cars and
14 bridge structure, it was determined that
15 the safest way to handle the derailed
16 cars was to empty them first prior to
17 removing them from the bridge. With that
18 being said, the sand was removed from the
19 hopper car and approximately 150,000
20 gallons of crude oil was safely
21 transferred to other tank cars that were
22 located off the bridge.

23 The entire team that responded
24 to the derailment consisted of one local
25 HAZMAT response contractor, two

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2 environmental consulting groups, one air
3 monitoring firm, three re-railing
4 contractors and CSX forces to include
5 hazardous materials team, police
6 departments, transportation, mechanical
7 engineering. A total of over 100 people
8 worked around the clock tirelessly for
9 eight days through extreme weather
10 conditions without any injuries or
11 releases to safely mitigate the incident.
12 The last railcar was removed from the
13 Arsenal Bridge at 3:58 p.m. on Tuesday,
14 January 28th, 2014.

15 MR. KENDALL: Thank you, Mike.

16 So let's talk about prevention,
17 how do we keep things from happening on
18 the railroad. So North American freight
19 railroads have over a century of
20 transporting commodities with a wide
21 variety of risks, including hazardous
22 materials. As common carriers, which
23 railroads are, which represent a safer
24 alternative for transport than trucks,
25 railroads are subject to significant

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2 federal safety regulation of every
3 critical operation. Such oversight
4 provides a uniform, consistent body of
5 regulation to interstate commerce that
6 crosses many state boundaries and
7 municipal borders.

8 So while the federal safety
9 regulation of railroads is well
10 established, the movement of large
11 quantities of crude oil by rail is new.
12 The commodity itself is also somewhat
13 new, developed by extraction technologies
14 perfected only recently. Again, we
15 understand and appreciate how the
16 movement of a new product can cause
17 concerns.

18 So the freight rail industry,
19 not just CSX, in partnership with the
20 U.S. Department of Transportation is
21 undertaking a top-to-bottom review of how
22 oil is moved by rail, recognizing that
23 the increase in volumes that we've seen
24 moved by rail requires a fresh look at
25 procedures and a fresh look at

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2 infrastructure. We are absolutely
3 resolved to put into place equipment,
4 standards, regulations, practices, and
5 training to ensure that all commodities
6 handled by railroads are handled in the
7 safest manner possible.

8 I want to talk about a number
9 of recent voluntary and formal regulatory
10 actions that have been introduced to help
11 prevent train accidents from occurring
12 and to mitigate those in the case that
13 they do.

14 For many years, CSX and other
15 railroads have worked with federal
16 regulators, state and local officials,
17 first responders, energy producers,
18 railcar owners, customers, and
19 communities to make the safe
20 transportation of hazardous materials
21 even safer, and we'll continue to do work
22 collaboratively with the industry on
23 steps to further enhance the strategy of
24 transporting hazardous material by rail.

25 This February, the United

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2 States Department of Transportation and
3 major U.S. freight railroads executed an
4 agreement instituting new voluntary
5 operating practices to help ensure the
6 continued safe transportation of unit
7 trains specifically of crude rail.

8 Emphasizing the importance of this issue,
9 US DOT Secretary Anthony Fox, a member of
10 the President's Cabinet, was personally
11 engaged in the negotiation and
12 development of these new practices with
13 railroad executives.

14 So the components of this
15 agreement -- under the components of this
16 agreement, CSX and other railroads will
17 conduct internal track inspections using
18 sophisticated geometry railcars and
19 perform additional internal rail track
20 inspections beyond what is already
21 required by FRA inspection standards on
22 main line routes where crude oil trains
23 operate.

24 So currently the regimen is, we
25 will have people examining and inspecting

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2 tracks visually twice a week. Now we
3 will -- and currently we also twice a
4 year use technology to determine the
5 quality of the rail. We have what we
6 call a geometry car, which under current
7 rules run over rails twice a year to look
8 at the track structure, including better
9 measurements of alignment, gauge, and
10 ride quality. We're adding an
11 additional. So it will be three a year
12 on that.

13 And then also there's the
14 ultrasound testing of rails done by what
15 we call Sperry cars. We do those two
16 times a year, and it's an ultrasonic test
17 to see if there's any defects or fissures
18 in the rail. On crude routes, including
19 here into Philadelphia, we will now do
20 that three times a year.

21 We're also going to equip all
22 crude oil trains with an end-of-the-train
23 device which allows the train crew to
24 apply brakes on the train from either the
25 front or the rear of the train in order

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2 to stop it faster. This is an added
3 safety feature that you'll be seeing here
4 in Philadelphia.

5 Additionally, the railroad
6 industry and the US DOT will treat crude
7 oil like toxic inhalation hazards, or
8 what we call TIHs, in terms of analyzing
9 the safest and most secure routes for
10 these products to travel across the
11 country. So there are 27 federally
12 mandated factors that railroads are
13 required to look at to see what is the
14 safest way to move a particular
15 commodity. We are now expanding that
16 also to the crude oil.

17 There are new speed
18 restrictions being implemented, but
19 frankly, they won't be applicable to
20 Philadelphia's track speed. Most of the
21 City is posted at 30 miles an hour, and
22 in reality the actual speeds come in less
23 than that.

24 From Mr. Austin's role, we'll
25 be doing a lot more in terms of preparing

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2 in the case incidents happen. All the
3 railroads are inventorying their
4 emergency response resources and
5 capability for handling large releases of
6 crude oil, and they'll make this
7 information available to the US DOT and
8 to local communities on request.

9 We've also been tasked
10 specifically in this agreement to
11 coordinate local communities along key
12 crude routes to address any
13 location-specific concerns related to the
14 transportation of crude oil.

15 Another safety mechanism we're
16 going to do is install additional railcar
17 wheel bearing defect detectors on key
18 crude routes. And these detectors use
19 temperature and acoustic technology to
20 detect abnormalities in wheel bearings on
21 the train to stop potential defects
22 before they become a problem.

23 And also the rail industry is
24 working together to create a \$5 million
25 fund to develop specialized crude-by-rail

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2 training and tuition assistance for local
3 emergency responders.

4 Prior to this agreement, which
5 we think will make a considerable
6 difference in making the safe rail --
7 transportation by rail even safer, in
8 August of last year in response to the
9 horrific tragedy in Canada, the FRA
10 issued an emergency order, and it really
11 required the railroads take immediate
12 action to ensure the safety of any train
13 carrying hazardous material that's left
14 unattended. That was the issue in that
15 particular instance. The train was left
16 unattended. The crew went to the hotel.
17 They didn't put the hand brakes on.

18 So there are a wide range of
19 different things that we're going to
20 implement on that, but really what this
21 did for CSX and I think the industry as a
22 whole is prompted us to complete an
23 in-depth review of our operating
24 practices related to the transportation
25 of all flammable products, including the

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2 securing of park trains. And while we
3 have met or exceeded many of the rail
4 industry's practices related to the
5 movement of hazardous materials, all of
6 these were reviewed -- in some cases they
7 were adjusted -- to meet or exceed the
8 specific language of the emergency order.

9 Finally, even going back to May
10 when this business was still relatively
11 new, the railroad undertook voluntary
12 initiatives to enhance its longstanding
13 recommended practices for the
14 transportation of hazardous materials to
15 add additional safety and operating
16 practices for crude oil unit trains.
17 These changes now include crude oil
18 trains as part of the industry's
19 definition of a HAZMAT key train. So
20 that's something that's significant.
21 What it's doing is, it's elevating these
22 issues and giving them -- these trains
23 the same type of priority that TIH and
24 PIH chemicals have had in the past.

25 So these are efforts that we're

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2 undertaking, and we're continuing to work
3 to explore new ways, new things that we
4 can do, and we are very appreciative of
5 this body's leadership to help us think
6 about some of these issues.

7 I do want to talk a little bit
8 about preparedness, and Mr. Austin will
9 help me out on this as well, but shipping
10 hazardous materials by rail is the safest
11 of the surface transportation modes, but
12 inherent risks do exist in that. And
13 that's why the U.S. railroad industry has
14 a long history of working with emergency
15 first responders and emergency planners
16 on how to respond to rail-related
17 emergencies. We take every action we can
18 from training and maintenance to make
19 sure they don't happen, but when they do
20 happen, we want to be prepared.

21 And since 2004, CSX has trained
22 over 9,000 emergency first responders in
23 Pennsylvania in a variety of rail safety
24 and hazardous materials topics, from
25 general awareness to sophisticated

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2 hands-on training that was talked about
3 today. And we deliver it in several
4 different ways and always free of charge.
5 So we operate two HAZMAT safety trains,
6 each with a variety of tank car style.
7 So we'll bring a train into a community
8 that has multiple kind of tank cars and
9 we'll be there with local first
10 responders to show them what to do on
11 different types of tank cars.

12 Mike, I think we're coming to
13 Philadelphia in May; is that correct?

14 MR. AUSTIN: Yes.

15 MR. KENDALL: There is also
16 several offsite, if you will, training
17 opportunities. The American Association
18 of Railroads for 20 years has run a
19 HAZMAT Sentinel Training program that
20 allows for emergency first responders to
21 participate in hands-on training side by
22 side with railroad officials at our
23 industry's training center in Pueblo,
24 Colorado. We also personally, CSX, has
25 its own state-of-the-art HAZMAT training

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2 center in Atlanta.

3 Additionally, we will come to
4 communities. Every year we go to
5 hundreds of local firehouses and provide
6 face-to-face hazardous material training
7 and conduct over a hundred tabletop
8 exercises and full-scale drills during
9 the last five years.

10 Mike, if there's anything you
11 think the Council would be interested in
12 hearing about how those work and what the
13 local first responders get out of them,
14 I'd appreciate if you would share that.

15 MR. AUSTIN: From a
16 preparedness standpoint, there's been a
17 lot of questions about that today. I
18 just want to -- and I know Chief Roeshman
19 was going to speak on behalf of it.

20 I want you to understand since
21 2007, CSX, myself personally, have
22 trained over 550 first responders in the
23 City of Philadelphia. That's everything
24 from, as Mr. Kendall said, general
25 awareness training to actual hands-on

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2 training. That's bringing the safety
3 train in. That's doing the -- you guys
4 have the book with the drill from the
5 HAZMAT drill, to classroom settings,
6 tabletop exercises. Throughout the
7 entire time through all of that training,
8 it's all worked together collaboratively.

9 Our CSX HAZMAT team and our
10 Police Department for years have worked
11 jointly with the City Police Department,
12 the Fire Department, and federal
13 agencies, as the Chief said, for several
14 iconic events in the City for
15 preparedness, whether that was anything
16 from the World Series, Army-Navy football
17 games to Eagles home games. We talk
18 about -- we know what's happening, we
19 know each other's plans, and we prepare
20 and have prepared since 2007 since I've
21 been actively engaged within the
22 Philadelphia system. And I can tell you
23 that the system we put in place, the
24 preparedness, the training, have come to
25 fruition on multiple occasions in the

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2 City of Philadelphia and especially on
3 January 20th this year.

4 MR. KENDALL: Thank you,
5 Michael.

6 So I want to turn now to an
7 issue that you raised earlier, Chairman
8 Jones, about knowing what is moving
9 through your community. It's a
10 significant issue. As leaders in the
11 community, you want to know. Perhaps
12 more importantly, you want to make sure
13 that the people who are responsible for
14 responding to an event from the City
15 know.

16 It's been a question asked by
17 public officials and emergency planning
18 specialists for many years, and CSX has
19 been providing that information for more
20 than 20 years. And the SecureNOW system
21 I think is the best example of how we
22 interact with local communities to give
23 them the type of information they need to
24 know what is coming through their
25 community so they have the awareness and

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2 then are prepared to respond to an
3 emergency situation if that would occur.

4 We have SecureNOW partnerships
5 in place in 20 of the 23 states on our
6 network. With this system, which is a
7 computer system, basically you have
8 access to the CSX database and you can
9 see where the trains are moving and you
10 can see specifically car by car what's in
11 them, and you can -- I wish I had brought
12 a presentation here. Maybe we need to
13 come back and do that. But you can
14 click, you can basically -- and I may be
15 simplifying it, but take your mouse and
16 click on a specific car and it will tell
17 you what it is and it will give you all
18 sorts of information about how you --
19 what the properties of that are and how
20 you would respond if there were an
21 incident.

22 So people within governments
23 can see CSX trains approaching and
24 operating through their area and you can
25 see all the commodities and quickly

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2 identify those that are carrying
3 hazardous material.

4 We recently reached an
5 agreement with Pennsylvania Emergency
6 Management Agency's Emergency Operations
7 Center, and it allowed them to have
8 realtime information regarding the
9 location of the trains and the contents
10 of the railcars any place in
11 Pennsylvania. And they can quickly
12 obtain chemical-specific emergency
13 response information for each HAZMAT car
14 in the train, and then they can send the
15 train consist information to first
16 responders at the site using a wide
17 variety of electronic devices. So it's
18 not simply someone sitting in an
19 emergency operations center looking at a
20 computer screen. They have the ability
21 to get that out to people on the ground.

22 Now, since we have SecureNOW in
23 place in the majority of our states
24 across our network, our next phase is to
25 start installation in major urban areas.

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2 And we're running a test pilot program
3 where we selected Philadelphia and
4 Washington, DC as the only two cities
5 that we're going to try to roll this out
6 with here in the immediate future. We've
7 had positive preliminary discussions with
8 the Philadelphia Office of Emergency
9 Management about providing the City with
10 this valuable tool.

11 So this will allow these folks
12 to see and know what's happening on the
13 rails at any given time. We do, however,
14 provide general information upon request
15 on specific materials that are running
16 through communities. Communities can
17 request what we call a density report,
18 say, Send us the top 25 different
19 commodities that you're running through,
20 hazardous material commodities, and we'll
21 provide that to them and the amount that
22 we do in a given time period.

23 So that is a general idea --
24 previously that would have been a general
25 idea to know what's running through the

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2 community, and Mike and his team would
3 follow up and then make sure that local
4 first responders are trained on those
5 particular commodities. But this case,
6 this will be available in realtime.

7 Finally on the mitigation
8 front, should an incident involving
9 hazardous material occur on the railroad,
10 we'll respond with trained personnel and
11 specialized resources and equipment to
12 handle the incident and work closely with
13 the community emergency first responders
14 who we recognize are in charge of the
15 emergency.

16 Mike, is there anything that
17 you want to add before we move on to the
18 next topic?

19 MR. AUSTIN: Yes. Just to
20 follow up in reference to what Quintin
21 said when we were discussing -- basically
22 we have planned in Philadelphia for the
23 week of May 12th, and we invite you. I
24 personally invite you to -- and we can
25 work the details out afterwards, where

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2 I'm going to come in and we're going to
3 have discussions. We're going to be
4 training with the Philadelphia Fire
5 Department HAZMAT Team in reference to
6 emergency response to railroad incidents
7 and starting to -- we're developing at
8 this point in time, CSX, one of the only
9 railroads developing, a guide that we're
10 going to send out specifically for unit
11 trains of chemicals that are planned, and
12 we're also planning a CSX safety train
13 tour. The safety train tour will start
14 here in Philadelphia. It would be crude
15 oil specific. And it's going to be in
16 the early -- the planning company months,
17 probably May, June that tour is going to
18 start.

19 And this is my final little cap
20 here for myself, sir. Mr. Chairman and
21 members of the joint committee, I thank
22 you for your time. As you can see, it is
23 and has always been a priority of CSX to
24 ensure that first responders along our
25 network are trained in the best of our

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2 ability in the partnership as established
3 prior to the incident occurring. One of
4 the lines I would -- it's not a line.
5 It's one of the things that we strive to
6 do, is I'd rather meet somebody today
7 training the first time than the first
8 time at 2 o'clock in the morning.

9 So, once again, I'd like to
10 thank the first responders from the City
11 of Philadelphia for their continued
12 efforts to build and maintain a true
13 working relationship with myself and the
14 City and CSX Transportation throughout
15 the years and years to come. And once
16 Quintin is done, I'll be free to answer
17 any questions you have.

18 MR. KENDALL: Thank you,
19 Michael.

20 Now I would like to turn my
21 attention to the 25th Street structure.
22 As indicated by the Federal Railroad
23 Administration representative and what
24 their focus is in terms of rail safety,
25 that's similar to what our maintenance

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2 crew's primary focus is, is ensuring that
3 our infrastructure is safe for train
4 movements, and generally they do an
5 outstanding job on that.

6 With that said, when I visited
7 the 25th Street structure with Councilman
8 Johnson today, it reinforced what we've
9 been discussing for several months at
10 CSX, that the structure clearly presents
11 CSX with public safety challenges and we
12 need to do a much better job in
13 addressing those.

14 So some background on this.
15 The construction of the 25th Street
16 Elevated was completed in 1928 as a
17 public-private partnership between the
18 City and five then existing railroad
19 companies that served the City. So
20 previously what had happened was, this
21 rail line ran down the middle of the
22 street, and everyone got together and
23 said, That's not a real good idea, let's
24 go ahead and let's build it up in the
25 air. And in doing so, what they did with

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2 the structure is, they provided access to
3 all the railroads at the time, so
4 everyone could get in down to the port
5 facilities so there would be greater
6 competition.

7 CSX assumed ownership of the
8 structure and the rail line from Conrail
9 in 1999. It had multiple owners before
10 then. The route serves as a critical
11 link between businesses and port
12 facilities in South Philadelphia and the
13 North American freight rail network, not
14 only for CSX, but Conrail and Norfolk
15 Southern served down there as well.

16 The structure has always been
17 what we would call in railroad terms a
18 primary freight line. It's not a siting.
19 It's not an insignificant track. It
20 serves a very important purpose down in
21 South Philadelphia. And it was designed
22 to carry extremely heavy commodities such
23 as coal and iron ore, among other
24 products. At one point there were piers
25 that shipped those products, much heavier

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2 than anything that we carry on there
3 today throughout its history, and frankly
4 the trains were heavier back then. We
5 were using -- they weren't using diesel
6 locomotives back then. It was steam
7 engines. So, in fact, it really does
8 speak to the strength of the foundation.
9 It was built to accommodate -- it was
10 heavier and more frequent trains.

11 But over its life, there's been
12 significant water penetration of specific
13 concrete elements of the structure and
14 deterioration of some of the structure's
15 external concrete, causing concrete to
16 spall, which means break off and fall, if
17 not removed. This spalling has not
18 affected the integrity of the structure,
19 as the gentleman from FRA said. Where
20 the track runs, it's perfectly fine.

21 And, Councilman Johnson, we
22 were out there. We saw areas that
23 underneath the track the concrete was
24 frankly doing a little bit better than
25 parts of the concrete outside the actual

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2 track structure. So it is safe and sound
3 for the trains that it carries, but we're
4 committed to ensuring that the structure
5 is equally safe for the community using
6 and crossing 25th Street.

7 So in 2005, CSX joined with the
8 City and Pennsylvania Department of
9 Transportation for an investigation and
10 field conference at the structure. As a
11 result of the discussions, we agreed to
12 an action plan that more proactively
13 addressed the public safety concerns
14 presented by the spalling. This plan was
15 approved by and adopted as order of the
16 Pennsylvania Public Utility Commission.
17 And that's the maintenance protocol, by
18 and large, we've been working under.

19 Under the plan, we committed on
20 a biannual basis to inspect and identify
21 the areas of deteriorated concrete for
22 the length of the bridge and perform all
23 work necessary to remove the loose
24 concrete and perform repairs in a manner
25 that preserves the integrity of the

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2 structure and prevents debris from
3 falling below the bridge.

4 Since that time, we have been
5 performing this biannual work, and we've
6 added additional inspection and repair of
7 the concrete as needed.

8 As the gentleman from the
9 Streets Commission said, we hear of
10 anecdotal things happening, and we will
11 go out and we will address those at that
12 time.

13 But precipitation and
14 temperature have impacted the structure,
15 and this extremely harsh weather of
16 2013-2014 has compounded the existing and
17 ongoing damage to the concrete fascia or
18 outside the skin of the structure, if I
19 would call it. Think about -- I mean,
20 it's very similar to what we're
21 encountering all over the north in terms
22 of potholes. Same concept of the water.

23 So what we did this winter as a
24 result of just the more moisture and the
25 more problems, we increased the frequency

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2 of the inspection and determined that the
3 maintenance that would ordinarily be
4 scheduled for spring as part of the twice
5 a year should be done immediately, and as
6 a result, we commenced an immediate and
7 accelerated short-term maintenance
8 program, which I'll describe later, and
9 at the same time began working to develop
10 new options and ideas for a longer term
11 solution to the issue.

12 Under current circumstances, we
13 recognize that it's important to rethink
14 the approach that we agreed to back in
15 2005, and we are committed to doing so.

16 So for the short term, this
17 February, CSX hired James J. Anderson
18 Construction, Incorporated of
19 Philadelphia to work on this structure.
20 The work began on Tuesday, February 18th,
21 and crews have been working on and around
22 the structure each weekday from 7:00 a.m.
23 to 3:00 p.m.

24 So what we asked the crews to
25 do was to thoroughly examine and scale

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2 both sides of the entire length of the
3 structure, with focus on removing loose
4 concrete from the portions of the
5 structure most affected by the
6 combination of moisture and persistent
7 freezing conditions, as well as identify
8 and remove any concrete that they feel
9 may spall in the future.

10 So as a result, the work being
11 performed by Anderson is appreciably more
12 comprehensive and preventative than the
13 previous repairs performed by CSX under
14 the PUC order. While previous work
15 generally lasted anywhere from five to
16 ten days, the current work was contracted
17 for 15 days to provide Anderson the time
18 to systematically examine and repair the
19 structure.

20 However, we're three weeks into
21 the contract, Mr. Chairman, and the
22 Anderson crews have only finished work on
23 one half of one side of the structure.
24 It's not because they're not working
25 hard. It means that there's a lot to do.

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2 So they are thoroughly going foot by
3 foot, and this underscores the damage
4 inflicted on this structure by the
5 elements over its history.

6 So, therefore, we have extended
7 the contract so Anderson can complete
8 this job safely and thoroughly, and I
9 think you'll continue to see them out
10 there as they move down the south side,
11 which is the more challenging side, and
12 then on to the north side.

13 But for the longer term, CSX
14 distinctly recognizes that despite the
15 more comprehensive repair that's
16 currently going on and being put forth by
17 Anderson, this work is really only going
18 to serve to mitigate the damage
19 exasperated by this year's harsh and
20 extremely moist winter. It's a near
21 term, not a long term safety project,
22 Mr. Chairman, Mr. Chairman.

23 In order to fully address this
24 ongoing issue, more extensive work needs
25 to be done on the 25th Street structure.

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2 There's a high level awareness of the
3 condition of this structure among the CSX
4 Engineering Department and our company's
5 management. I appreciate having the
6 opportunity to go out with you today.

7 Over the last two months, we've had CSX's
8 Vice President for Engineering, the Chief
9 Engineer for Maintenance, and the
10 Assistant Chief Engineer for Structures
11 all come to Philadelphia to look at this
12 structure so they too can get a firsthand
13 view of what this is. And this high
14 level attention has resulted in the
15 increased activity and attention you're
16 witnessing first to address the immediate
17 issues with spalling concrete while
18 concurrently considering and reviewing
19 options for longer term repairs.

20 So to further advance this
21 effort, at the end of February, three
22 members of the CSX Bridge Department from
23 Jacksonville - a Senior Design Engineer,
24 a bridge inspector, and an engineer
25 responsible for computer-aided design of

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2 structures -- this is basically doing a
3 computer model of what this looks like --
4 they spent three days here in late
5 February inspecting and cataloguing every
6 foot of the structure to gain a better
7 understanding of the challenges, how can
8 we fix it, where the problem is, what is
9 the best way to approach it.

10 Based on these findings, we are
11 currently producing a computerized
12 representative drawing of the structure
13 and will develop appropriate plans to
14 improve it.

15 Councilman Johnson, as I
16 mentioned earlier, that once this is
17 complete, probably toward the end of
18 March, we'll visit again and we'll share
19 the results of this with you.

20 Further, we've retained a
21 second contractor to inspect the drainage
22 system within the structure. As
23 previously mentioned, concrete spalling
24 is often caused by the accumulation of
25 water. And within the columns of the

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2 structure, there are drainage pipes that
3 actually take water off the track and run
4 them to the City storm system below the
5 streets. So off the track, down the
6 column in a pipe into a drainage vent
7 that should go into the City sewer
8 system.

9 We need to examine whether
10 these pipes and the drains below are
11 allowing free flow of water from the
12 structure or whether there is damage or
13 obstruction that is causing the water to
14 remain within the structure. We tend to
15 think from initial assessments, that's
16 the case, that this in many cases in
17 places where the water cannot drain
18 through cleanly is turning into a
19 bathtub. Water is accumulating there,
20 causing the concrete to pop off, which
21 goes to a drainage issue that needs to be
22 addressed.

23 Like any infrastructure
24 project, appropriate study, analysis, and
25 planning is required to produce the best

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2 results, and that's what we're
3 undertaking. But this work is necessary
4 to ensure that any future action can
5 address the core issues surrounding the
6 condition of the structure and not simply
7 immediate challenges that we're facing.

8 So Chairman Johnson, Chairman
9 Jones, members of the Committee, we
10 commend your leadership and appreciate
11 both your concern on these issues and the
12 opportunity to speak with you today on
13 this important topic. The rail
14 renaissance I discussed earlier
15 represents tremendous opportunity for our
16 nation to move closer to energy
17 independence, to grow our economy, and to
18 create jobs. But with this comes great
19 responsibility, and CSX will continue to
20 work with you all, federal regulators,
21 state officials, and communities to make
22 the safe transportation of hazardous
23 materials even safer.

24 As you've probably been able to
25 tell from both the safety improvements

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2 required by the US DOT and the voluntary
3 actions undertaken by CSX and other
4 freight railroads, much has already been
5 done or is being done to enhance rail
6 safety in Philadelphia. But I pledge to
7 you we'll continually work to make CSX
8 safer, not only for rail traffic but for
9 the communities we serve.

10 Thank you again for giving us
11 the opportunity to discuss these
12 important issues. This concludes my
13 statement. I'm happy to address any
14 questions that you may have.

15 COUNCILMAN JOHNSON: Thank you.
16 So just for the record, the derailment --
17 and some of this conversation we've had
18 early on in the process through our
19 conference call, and some of these
20 questions are going to be based upon our
21 interaction going out in the field and
22 doing a tour, but for the hearing, the
23 answers will be for the record.

24 And so the actual derailment
25 was a result of CSX's team doing the

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2 maintenance, repair, upgrade of the
3 Schuylkill River Bridge, correct?

4 MR. KENDALL: Maintenance and
5 upgrade, not repair.

6 COUNCILMAN JOHNSON:
7 Maintenance and upgrade.

8 MR. KENDALL: And I can give
9 you more detail on that if you'd like or
10 we can just -- of the track, yes, sir.

11 COUNCILMAN JOHNSON: Of the
12 track, just for the record.

13 The second component, the 25th
14 Street Bridge, you're in the process of
15 doing an assessment of how to address the
16 long term -- not structural but primarily
17 cosmetic --

18 MR. KENDALL: The concrete on
19 the bridge, yes, Mr. Chairman.

20 COUNCILMAN JOHNSON: To address
21 the concrete that's falling down as a
22 result of the intake of the water on top
23 of the bridge?

24 MR. KENDALL: Yes, sir.

25 COUNCILMAN JOHNSON: And the

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2 timeframe for that study -- the end of
3 that study would be when?

4 MR. KENDALL: What we want to
5 do is to put together a diagram
6 basically, maybe as simple as red,
7 yellow, green on parts of the bridges
8 that are most problematic, and that will
9 help us determine what sort of actions
10 that we need to take. We're going to
11 need to fold the drainage issue into that
12 as well. That contractor was supposed --
13 came out last week and the pipes were
14 frozen. So they're going to try to come
15 back next week, and then they'll go ahead
16 and do the scopes.

17 But the idea is, we're going to
18 work as diligently as we can to put
19 together the assessment of this so we
20 truly know what the issues are.

21 COUNCILMAN JOHNSON: Part of
22 your testimony talked about CSX investing
23 2.3 billion in capital.

24 MR. KENDALL: Yes, sir.

25 COUNCILMAN JOHNSON:

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2 Maintenance and repairs.

3 Will CSX make this particular
4 bridge a priority as you look at a
5 long-term plan for capital investment?

6 MR. KENDALL: So we will -- I
7 will work with the Engineering Department
8 and the Finance Department to
9 appropriately fund the repairs that are
10 needed once we determine it.

11 In terms of a capital
12 investment, how we would use that term is
13 to ensure that the track structure, the
14 bridges are safe for rail traffic. So
15 maybe I'm mincing words, but we will work
16 with Engineering and Finance to develop
17 money -- to develop the monies to create
18 a safer environment at that structure.

19 COUNCILMAN JOHNSON: So you
20 just said the key word, "safer
21 environment," because what I keep hearing
22 repeatedly is as long as the train is
23 okay to go back and forth to transport
24 product for their clients, everything
25 else is okay. But you have a bridge that

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2 although the train goes back and forth
3 every day and sometimes parks in the
4 middle of the bridge for hours that's
5 totally falling down, that's really
6 having an impact on the lives of the
7 people who actually live inside the
8 neighborhood. So you're getting a chance
9 to do business going to and from, but the
10 people in the neighborhood are still
11 living under siege as it relates to them
12 driving back and forth under the bridge.
13 And I think -- we keep hearing that
14 repeatedly from the FRA. There's a
15 statement now. Even the City just pretty
16 much -- as long as the train is going
17 back and forth, everything else regarding
18 the actual people who live in the
19 surrounding community or the
20 neighborhoods aren't being a part of that
21 actual -- are not being a part of this
22 conversation. That's really where I'm
23 getting at.

24 MR. KENDALL: And I agree with
25 you, sir. This is something that there

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2 needs to be a greater focus, and there is
3 now a greater focus on not only ensuring
4 that the rail traffic is safe, but also
5 ensuring that the communities are safe as
6 well.

7 COUNCILMAN JOHNSON: The other
8 component, we also took a tour out in
9 Southwest Philadelphia to look at the
10 rail lines. What is CSX willing to do,
11 commit to do to address the issue of
12 illegal dumping along their track line?
13 And obviously I think the City has a role
14 to play, but also as a private entity in
15 which the dumping is taking place on
16 their property has a role to play as
17 well.

18 What is CSX committing to do to
19 address that issue?

20 MR. KENDALL: I think we --
21 actually, as we were making our way
22 around today, I think we came up with
23 some pretty decent ideas how we will
24 address the illegal dumping. We went to
25 one community that shows, that

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2 demonstrates I think firsthand the
3 difficult challenge we have on this. In
4 this particular parcel, we had contracted
5 to have it cleaned up a couple years ago
6 and actually had put in a fence, which
7 somewhat surprised me because it's very,
8 very rare that we'll put in fences.

9 Well, the fence had been knocked down and
10 the property had been covered again with
11 debris.

12 But I think the specific
13 locations that you showed me, Councilman,
14 I think we got some real, real good ideas
15 to think creatively and work together in
16 partnership so we can address those. I
17 certainly think that we can address them
18 in the short term. The question is on
19 the long term, can we sustain keeping a
20 fence up if someone wants to cut through
21 a fence, keeping a parcel clean if people
22 continue to want to put debris there.
23 But I was heartened by what we saw, and I
24 think we can make some progress there.

25 COUNCILMAN JOHNSON: Would CSX

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2 consider funding a special service

3 district to monitor and address those

4 type issues along your own property?

5 It's not -- and this is your property,

6 not so much the City of Philadelphia

7 property, where either the dumping or the

8 debris is taking place.

9 MR. KENDALL: I'm not familiar
10 with what that is, Councilman.

11 COUNCILMAN JOHNSON: All right.
12 In terms of your maintenance and cleaning
13 crew, do you specifically have one that
14 actually goes out and monitors your
15 bridges, your tracks, your railroads that
16 you actually own?

17 MR. KENDALL: For --

18 COUNCILMAN JOHNSON: Not so
19 much for the movement of --

20 MR. KENDALL: For debris?

21 COUNCILMAN JOHNSON: But the
22 actual debris.

23 MR. KENDALL: We have a system
24 whereby these individuals are not
25 responsible for cleaning those up. What

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2 we need the person who is doing the
3 inspection of the track to focus on their
4 territory to make sure that's safe, who
5 is cutting back debris to create good
6 sight lines. But there is a system
7 whereby these things do get reported in
8 to us, and we can in fact in some cases
9 go in and let contracts or set up systems
10 where this debris is cleaned up.

11 COUNCILMAN JOHNSON: So y'all
12 address it from a contracting standpoint,
13 not having an actual particular operation
14 that's a part of --

15 MR. KENDALL: It depends on the
16 type of property, but there are some
17 times where we actually will use crews.

18 COUNCILMAN JOHNSON: In terms
19 of inspection, part of your testimony
20 talked about the number of times you
21 inspect your tracks as well as your
22 bridges. I think I see two ultrasonic
23 inspections three times a year?

24 MR. KENDALL: Yes. That is
25 correct. So we will do now with the new

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2 agreement --

3 COUNCILMAN JOHNSON: So this is
4 the new agreement?

5 MR. KENDALL: We will do three.
6 Currently we do two, and now it will go
7 to three, as it will with the geometry
8 cars on the track structure.

9 COUNCILMAN JOHNSON: And in
10 terms of your actual tankers that
11 actually carries the crude oil, do you
12 also carry natural gas?

13 MR. KENDALL: We do not, no.

14 COUNCILMAN JOHNSON: So in
15 terms of the tankers that actually carry
16 the crude oil, what type of material is
17 made out of the actual --

18 MR. KENDALL: What the tank
19 cars are made of?

20 COUNCILMAN JOHNSON: Tanks
21 cars, yes, that would rise to the level
22 that in the event that a spill does
23 happen.

24 MR. KENDALL: Here's my tank
25 car expert.

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2 MR. AUSTIN: Currently the
3 standard for the DOT-111 tank car, which
4 was hauling crude oil at this point, is a
5 seven-sixteenths carbon steel -- I'm
6 going to throw out a couple things
7 here -- TC-128 normalized steel. It's a
8 very brute steel, seven-sixteenths
9 thickness.

10 The newer tank car that is in
11 proposal through the American Association
12 of Railroads that Mr. Kendall alluded to
13 is to take that from seven-sixteenths
14 thick to either half inch to
15 nine-sixteenths, also put protective
16 housing around all the valves and
17 fittings on the top, head shields on the
18 ends of the cars for puncture resistant,
19 and also a robust skid protection on the
20 bottom of the car so the handle, if it
21 happens to derail, the handle actually
22 can't be knocked open and have a spill
23 from the car.

24 So at this point in time
25 currently, it's seven-sixteenths, but the

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2 proposal from the American Association of
3 Railroads is to go to half inch or
4 nine-sixteenths.

5 MR. KENDALL: Mr. Chairman, if
6 I may add on that. So we had proposed
7 strengthened tank cars as a railroad
8 industry back in 2011 to the federal
9 government. They did not act on that.
10 It's still pending. But we continue to
11 recommend -- since we began moving the
12 crude oil, we have made recommendations
13 as an industry in placing crude oil into
14 even stronger tank cars with additional
15 safety features. And CSX does not own or
16 lease any of the tank cars that are used
17 generally to transport hazardous
18 materials. Those are owned by shippers.

19 COUNCILMAN JOHNSON: Councilman
20 Jones.

21 COUNCILMAN JONES: Thank you,
22 Mr. Chairman, and thank you for that
23 insightful questioning, because I learned
24 a lot, struck a lot of my questions off
25 my list.

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2 So a couple of things. If I
3 understood you correctly, CSX bought
4 holdings within a number of companies in
5 1999?

6 MR. KENDALL: Mr. Chairman, it
7 was -- was it the Portville purchase of
8 Conrail in 1999 where that railroad was
9 purchased partially by the CSX and
10 partially by the Norfolk Southern, and
11 this particular structure was assumed by
12 CSX in that transaction.

13 Is that correct?

14 COUNCILMAN JONES: In 1999?

15 MR. KENDALL: In 1999, yes,
16 sir.

17 COUNCILMAN JONES: How many
18 structures do you own within the City of
19 Philadelphia?

20 MR. KENDALL: Chairman Jones,
21 I'll have to get that number for you. I
22 don't know off the top of my head.

23 COUNCILMAN JONES: Can you give
24 me a rough estimate?

25 MR. KENDALL: Mr. Goetz says 30

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2 to 50.

3 COUNCILMAN JONES: And are they
4 bridges, trestles, things like that, and
5 why would a company purchase them? I
6 mean, I know it's ancient history maybe,
7 but why did you purchase those
8 structures?

9 MR. KENDALL: Well, really what
10 we wanted was the rail line, Chairman
11 Jones. The structure just comes with it.
12 But what happened was, Conrail was at
13 that time a Class 1 railroad, a major
14 rail server here in Philadelphia. If
15 they were to have gone away, then the
16 rail service to Philadelphia would have
17 been greatly diminished. So what
18 happened in the transaction was two
19 eastern railroads, CSX and Norfolk
20 Southern, purchased that so there could
21 continue to be rail service into the City
22 of Philadelphia.

23 COUNCILMAN JONES: For which we
24 are appreciative, but let me ask a couple
25 of -- so do you lease access to your rail

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2 lines to other entities?

3 MR. KENDALL: The Conrail and
4 the Norfolk Southern I think bring in
5 maybe -- is it two trains a week? I
6 can't remember. So other railroads will
7 operate a couple times a day coming in to
8 serve local businesses, and we have
9 agreements whereby we allow them to use
10 our track.

11 COUNCILMAN JONES: And within
12 those agreements are you informed as to
13 their cargo and whether it is hazardous?

14 MR. KENDALL: We know -- no.
15 The agreements, Chairman Jones -- good
16 question. The agreements itself are
17 related to trackage rights, but we do --
18 but they serve distinct customers here in
19 Philadelphia.

20 Thank you, Bill.

21 We actually dispatch those
22 trains coming in. So we do know what
23 they are. Yes, sir. I'm sorry for the
24 confusion.

25 COUNCILMAN JONES: That's all

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2 right. That's why we have hearings.

3 You mention SecureNOW, and
4 that's your process to identify the
5 location of cars and the contents within
6 those cars?

7 MR. KENDALL: Yes, sir.

8 COUNCILMAN JONES: And at this
9 point, the City of Philadelphia does not
10 have access to that information?

11 MR. KENDALL: They do not, no.

12 COUNCILMAN JONES: And your
13 short-term, long-term plan is to make
14 that information available to whom within
15 the City of Philadelphia?

16 MR. AUSTIN: Okay. I just want
17 to clarify your statement that the City
18 of Philadelphia does not have that
19 information or have access to that
20 information. Part of a quest and iconic
21 events, we share that information with
22 the Fire Department, Police Department,
23 and those within that organization.

24 COUNCILMAN JONES: Is that --

25 MR. AUSTIN: From a security

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2 standpoint. We do share that
3 information. And from this perspective
4 in reference to now being within the City
5 of Philadelphia at your Office of
6 Emergency Management, then that
7 information basically will be conveyed
8 and it will consume every train that's
9 running on CSX tracks and every railcar
10 that is in CSX rail yards within the City
11 of Philadelphia, is what you'll have
12 access to.

13 COUNCILMAN JONES: So when we
14 say "will," how long in the future are we
15 talking about implementation of that
16 information system?

17 MR. AUSTIN: I'm not sure where
18 the memorandum stands. I think they
19 testified earlier it's within the legal
20 department, within the lawyers within the
21 two organizations.

22 COUNCILMAN JONES: That's
23 scary.

24 MR. KENDALL: Mr. Chairman, so
25 we on this as we started to branch out

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2 and pilot this in municipalities, we
3 didn't reinvent the wheel. We've done
4 this 20 times. We have an agreement that
5 captures everything. So we did -- we
6 have provided that.

7 COUNCILMAN JONES: So I'm
8 encouraged that it's moving in -- the
9 needle is moving in the right direction.
10 I just want to get on the record some
11 estimate of time, because it could take,
12 you know, a long time with lawyers.

13 Second part of that is, after
14 it is agreed upon, the information will
15 be where trains are in the City of
16 Philadelphia and what their contents is,
17 correct?

18 MR. AUSTIN: Yes, sir.

19 COUNCILMAN JONES: And not
20 after an incident but during the
21 realtime?

22 MR. AUSTIN: Realtime, sir.

23 COUNCILMAN JONES: And we have
24 developed a Realtime Crime Center with
25 camera systems that actually covers parts

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2 of your facilities. So that I think that
3 that's an appropriate connection post
4 9/11.

5 MR. AUSTIN: That's great. Our
6 plan is to do the same thing within the
7 District. As Mr. Kendall said, the
8 second phase of that is for Washington,
9 DC. So the plan is the same thing there.

10 COUNCILMAN JONES: Second part
11 of this is that top 25 list of hazardous
12 materials -- and somehow you probably
13 have a system somewhere that says this is
14 toasty wheat and it's no problem and then
15 all the way up to something more
16 hazardous, and is that going to be
17 communicated clearly within this
18 SecureNOW system that if this bill -- my
19 original question to the first responders
20 of Philadelphia, the Fire Department, was
21 it's better to know what you're coming
22 into as much in advance as possible so
23 that you don't bring the wrong equipment
24 or maybe rush in too quickly before you
25 secure perimeters. It is very

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2 different -- and I am not a first
3 responder. This is your wheelhouse of
4 information, but a gas airborne
5 contaminant is a very different process
6 than an oil spill that uses gravity to go
7 wherever. So to know those kinds of
8 things I think is an important piece of
9 information so that you come correct.

10 MR. AUSTIN: Absolutely, sir.

11 I just want to rectify one
12 thing. There's two different systems,
13 the SecureNOW and then the database that
14 handles the density study of the top 25
15 chemicals. They are two different
16 systems completely. They don't talk to
17 each other. I'm not IT and I don't know
18 how it works, but they don't communicate.
19 But what happens is, we through all of
20 the -- each commodity has a STCC number.
21 That's a Standard Transportation
22 Commodity Code number. And basically
23 every HAZMAT then gets populated within
24 that database and we can produce a list
25 of the top 25 chemicals that are shipped

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2 through the City of Philadelphia every
3 single year.

4 COUNCILMAN JONES: And your
5 intention is to train our first
6 responders on how deal with each of them?

7 MR. AUSTIN: Well, at least we
8 provide the list and we work at the top.
9 We're in the situation now where we've
10 gone from -- we have -- all the
11 refineries have had propane, isobutylene,
12 things like that. Now we're crude. So
13 our focus now is driven more towards
14 crude and planning that for that purpose.
15 We give the top 25 chemicals to the
16 responders so they can train when they do
17 monthly, quarterly training, things like
18 that, to make sure that they're properly
19 equipped training and brought up to
20 speed.

21 COUNCILMAN JONES: So are you
22 going to provide them that training, is
23 my question.

24 MR. AUSTIN: Yes.

25 COUNCILMAN JONES: In your

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2 Florida facility or wherever or up here?

3 MR. AUSTIN: Up here in the
4 City of Philadelphia, sir.

5 COUNCILMAN JONES: So for those
6 top 25 hazardous chemicals, you will work
7 with us for free to train us on that? I
8 think that was your quote.

9 MR. AUSTIN: The key word is
10 "free."

11 MR. KENDALL: Not walking back
12 from free, Chairman Jones.

13 MR. AUSTIN: We're going to
14 stay with that. But specifically get
15 down and dirty in the next six months,
16 the top 25 chemicals, sir, to be honest
17 with you, it's not going to happen this
18 year.

19 COUNCILMAN JONES: But give me
20 a timeframe.

21 MR. AUSTIN: They'll get the
22 list and then within the Fire Department
23 we can communicate back and forth, but
24 from our big focus with the push for
25 crude oil, that's where the focus is

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2 going to be, is on general awareness, how
3 to respond, and then talk about crude.

4 But then the department through the
5 HAZMAT Administrative Unit can work to
6 make sure that everybody understands the
7 commodities, the properties, the physical
8 capabilities of what the chemicals are.

9 COUNCILMAN JONES: So within a
10 reasonable timeframe those top 25 bad
11 chemicals or good chemicals, depending on
12 how you look at it, what would be a
13 reasonable time to at least train the
14 trainers so that they can help the guys,
15 the new recruits, up at the Fire Academy?
16 What's a reasonable timeframe?

17 MR. AUSTIN: In order for us
18 to -- the way the training program works
19 is, we provide the list. Our safety
20 train consists of tank cars that haul
21 basic generic, if you will, hazardous
22 materials. That's stuff that's in
23 general service tank cars, stuff that's
24 in pressure tank cars, such as propane,
25 anhydrous ammonia, chlorine. So

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2 throughout the train that we do when we
3 bring the safety train in, we'll have a
4 discussion and we'll say that the
5 following chemicals are shipped in this
6 type of tank car. This type of tank car
7 here, the following chemicals are shipped
8 in. To go specifically down and dirty --

9 COUNCILMAN JONES: So in those
10 general categories, is there the same
11 treatment -- so you said a specific type
12 of train car handles maybe, for purposes
13 of discussion, five types of chemicals.
14 Are they all treated the same?

15 MR. AUSTIN: No chemical is
16 treated the same, sir.

17 COUNCILMAN JONES: So are we
18 going to drill down to the specifics of
19 how to deal with the individual
20 chemicals?

21 MR. AUSTIN: When it comes to
22 dealing with the individual chemicals, we
23 put that onus back on the local HAZMAT
24 teams, the Fire Department, to understand
25 the chemical physical properties. We

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2 talk about what we know about. We talk
3 about the tank cars. We talk about the
4 chemicals in the tank cars and then how
5 to deal with them once it comes out of
6 the package.

7 COUNCILMAN JONES: So to be
8 specific, you're not going to train us on
9 each individual chemical. You're going
10 to train us on how to open or close or
11 contain your cars?

12 MR. AUSTIN: That's a yes and
13 no answer, sir.

14 COUNCILMAN JONES: I'm a
15 politician. You're not. It's one or the
16 other.

17 MR. AUSTIN: The top 25 list,
18 we do not provide training for each
19 specific chemical for those top 25
20 chemicals. We provide you with the list
21 so the City then can plan accordingly
22 through the Office of Emergency
23 Management and the HAZMAT Administrative
24 Unit to look at that list and make sure
25 that they have proper suits, equipment,

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2 meters are capable, compatible, things
3 like that.

4 COUNCILMAN JONES: So in part
5 you'll help us?

6 MR. AUSTIN: Absolutely.

7 MR. KENDALL: Absolutely.

8 COUNCILMAN JONES: Well, see --

9 MR. AUSTIN: That makes it easy
10 for me.

11 COUNCILMAN JONES:
12 Mr. Chairman, we want more help than not,
13 and as much as we can negotiate, I'd like
14 to see, as Chair of Public Safety, to
15 hold their feet to that fire.

16 Thank you so much.

17 A couple of other quick
18 questions and I'll stop. Communications,
19 describe for me when something goes
20 wrong, as things happen, what is your
21 tree of communications? How does that
22 work to inform municipalities, the
23 public, first responders on an incident?
24 What is the process?

25 COUNCILMAN JOHNSON: And I just

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2 want to interject because I did mention
3 this on the conference call early on
4 after the incident just happened.

5 No one besides the news
6 addressed this issue like at all. We
7 just looked up, saw the news, a
8 derailment, no statement from CSX, no
9 statement from, to be quite frank with
10 you, the City of Philadelphia. And it
11 was like, Okay, what's going on? So
12 that's like a valid question.

13 MR. KENDALL: Chairman Johnson,
14 as we discussed, that was a terrific and
15 very helpful piece of information to us,
16 and you were absolutely right. There was
17 a tremendous amount of focus on making
18 sure that the accident was mitigated, and
19 there was insufficient focus on
20 communicating with communities and
21 leaders as to what was going on. So we
22 do appreciate you raising that to Dean
23 and I.

24 COUNCILMAN JOHNSON: But your
25 testimony also says under this new

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2 agreement that you will work with
3 community groups. So what does that plan
4 look like to inform people in the
5 surrounding area when such an incident
6 takes place that they're safe, they're
7 not safe, you need to evacuate, like the
8 whole protocols and procedures regarding
9 any type of those incidents.

10 MR. AUSTIN: From the time,
11 whether it's a railcar in a rail yard,
12 whether it's a train on a line, it goes
13 in either unexpected emergency, a release
14 is detected -- and I'll take us right
15 back to the Arsenal Bridge incident.

16 The train goes into unexpected
17 energy, and basically what happens is,
18 you got the front of the locomotive in
19 the front of the train. You have an
20 ended train device in the rear of the
21 train. Basically it maintains air
22 pressure from the front to the rear. At
23 any point in time that the air pressure
24 drops, the train -- all of the brakes in
25 the train come to a screeching halt and

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2 bring the train to a stop.

3 Once that happens, at that
4 point in time, the engineer gets on the
5 radio, notifies the dispatcher that the
6 train is in unexpected emergency. At
7 that time, protocol is that the conductor
8 gets off of the locomotive with his train
9 consist that the Fire Department spoke of
10 earlier, which lists every single car,
11 every single commodity that's in that
12 railcar. He then must walk that entire
13 train and determine what the problem is.
14 It could be something just as simple as
15 an air hose has become disconnected, make
16 reconnection, build air pressure, the
17 train goes back underway.

18 In this instance, there were
19 seven cars at the rear of that train.
20 There was 101 cars. Each car is
21 approximately 60 foot long. So that's
22 6,000 plus feet that he has to walk.
23 That's over a mile.

24 So basically he identifies that
25 there is a problem. He communicates it

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2 back to the dispatcher that, yes, we do
3 have a derailment. At that point in
4 time, the engineer notifies the
5 dispatcher -- they're in radio
6 communication -- who then notifies our
7 Public Safety Coordination Center in
8 Jacksonville, Florida, at which time our
9 Public Safety Coordination Center makes
10 the immediate notification, as they did
11 in this instance, with the Philadelphia
12 Fire Department, Police Department, and
13 local officials. At the same time that
14 it's happening, within CSX organization
15 all the major responsible groups; in this
16 particular instance, the hazardous
17 material group, myself, our mechanical,
18 transportation, engineering folks,
19 everybody is being woke up and being
20 notified. While that's happening, the
21 Fire Department is now -- we're talking
22 to the Fire Department and providing them
23 with information, as in we have an
24 incident, here's the paperwork, here's
25 what we know. In this particular

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2 incident, we were able to tell them that
3 it was the rear of the train, the train
4 is carrying crude oil, and they were
5 having those discussions. I get the same
6 phone call and I am also discussing that
7 with the on-scene commander what is being
8 reported in the train and what's being
9 reported that -- from this point in time,
10 what we find is factual information.

11 Responding to a train
12 derailment, sir, is not different than
13 the Fire Department responds to a report
14 of a house fire in the middle of the City
15 and they get there and somebody is
16 burned, a pot of food on the stove. Got
17 a little bit of smoke, you respond. You
18 think the whole house is on fire. You
19 get there, you got a pot of food.

20 We get a call for a train
21 derailment. It may be just a wheel off
22 the track. So we need time for that
23 initial investigation to get that
24 information.

25 We talk about the paperwork and

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2 we talk about having the information
3 beforehand. It's key that when the Fire
4 Department arrives, they are given the
5 information. We at CSX assist the Fire
6 Department with making decisions as it
7 relates to air monitoring. We're helping
8 them with air monitoring, what resources
9 we're bringing to the table, what actions
10 we should move towards. But when it
11 comes to the ultimate authority in
12 reference to who says we have to
13 evacuate, that onus is on the Fire
14 Department, that is on the Incident
15 Commander for the Fire Department to make
16 those decisions, and we fall and we work
17 with assisting the unified command to
18 help make that decision, and we will
19 bring resources to the table to assist in
20 help making that decision.

21 COUNCILMAN JONES: Thank you,
22 Mr. Chairman.

23 COUNCILMAN JOHNSON: I'm really
24 still not satisfied with that response,
25 but I understand in terms of the

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2 evacuation component and you just don't
3 want to -- you want to be as thorough as
4 possible before you say the whole
5 community has to evacuate, but, again --
6 and I think Mr. Kendall you already
7 conceded to how y'all really didn't
8 notify the rider community. I'm talking
9 about the actual people that live there,
10 the residents. Because, again -- and I
11 don't want to glance over this lightly.
12 It was on the news report from NBC10 that
13 a derailment took place. No response
14 from CSX. Nobody from the Office of
15 Emergency Management on behalf of the
16 City of Philadelphia stepped up to the
17 plate and said to the people who live in
18 that neighborhood, This is why when you
19 ride back and forth over the Schuylkill
20 Expressway or you're running on the
21 Schuylkill River Trail, that there's a
22 tanker hanging off the side of the
23 expressway. Like that never took place.
24 That never happened.

25 And so I don't want to glance

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2 over it lightly, because I know you
3 mention in your testimony in terms of the
4 agreement moving forward --

5 MR. KENDALL: Correct.

6 COUNCILMAN JOHNSON: -- is
7 really the community engagement
8 standpoint, because at the end of the
9 day, those are the individuals that have
10 questions saying what's going on and no
11 response on the specifics of what
12 actually happened or, Listen, we're in
13 the process of cleaning it up. I think
14 after we kind of brought light to the
15 issue and kind of started going out and
16 making comments, then it was like an
17 official statement made. But like a
18 physical person never came to the
19 residents in the City of Philadelphia and
20 said, Hey, listen, this just took place
21 in terms of the derailment, here's what
22 our protocol is, you are safe, don't
23 worry about it. Because some people were
24 calling me, saying, Wait a minute, is it
25 going to fall over. And we were only

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2 getting information based upon whatever
3 the news responded, not an actual
4 official company.

5 So just from a corporate social
6 responsibility standpoint, that's
7 something that can't be glanced over
8 lightly, because at the end of the day,
9 it shows that, one, there's a level of
10 care for how you're operating and doing
11 business. And we really just skipped a
12 catastrophe. I mean, at the end of the
13 day -- I mean, rather it was crude oil or
14 sand and we're in the middle of a
15 snowstorm, you only need one or two
16 elements to come together to actually let
17 the two cars tip over.

18 And so I don't want to glance
19 over that part lightly, but it's
20 definitely something that as you move
21 forward in doing business in the City of
22 Philadelphia, that's something that at
23 least should be unveiled as part of our
24 plan. In the event that a catastrophe
25 does happen, people know how to respond

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2 and people know how to act.

3 Yes, Bill. You can comment,
4 sir.

5 MR. KENDALL: Chairman Johnson,
6 you're right. This was -- we in this
7 instance needed to do a better job in
8 terms of communicating what it means to
9 real people's lives. They see this on
10 the news. They drive under it. And what
11 does that mean. In this case, we didn't
12 do a very effective job on that.

13 When you and I first talked
14 after this incident, you had mentioned a
15 recent derailment that we had had around
16 Thanksgiving in Willard, Ohio. That was
17 something that happened in the -- the
18 rail yard where it occurred was
19 surrounded. And we recently took that to
20 all our counterpart railroads to
21 demonstrate the standard of care
22 protocols that we apply to rail incidents
23 that have direct impacts on people. In
24 this case, there was an evacuation, and
25 what we did was, we ensured that people

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2 had hotel rooms. Knowing they would be
3 out of their house, we gave them the
4 necessary gift cards to get what they
5 needed. We kept in regular contact with
6 them on this. And then they were out of
7 their homes on Thanksgiving and we set up
8 a Thanksgiving dinner at the local high
9 school.

10 So I can't justify to you why
11 we didn't do that in Philadelphia. I
12 mean, I would suspect that because of
13 where this event happened. So it didn't
14 happen in the middle of a neighborhood.
15 It happened in a bridge over a river, but
16 that being said, that's still not --

17 COUNCILMAN JOHNSON: Which is
18 in the middle of a neighborhood.

19 MR. KENDALL: Correct.

20 COUNCILMAN JOHNSON: So you'll
21 know, thousands of cars use 76.

22 MR. KENDALL: The interstate,
23 yes, sir.

24 COUNCILMAN JOHNSON: 76 west.
25 And thousands of people use the

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2 Schuylkill River Trail on a daily basis
3 running up and down. And so it is in the
4 middle of a neighborhood. That may not
5 be on the ground surrounded by actual
6 houses, but it is in the middle of an
7 actual neighborhood. And the fact that
8 we had to shut down the expressway, our
9 76 east and west, really highlighted --

10 MR. KENDALL: Absolutely.

11 COUNCILMAN JOHNSON: --
12 something very well could happen.

13 MR. KENDALL: No. Again, we
14 are saying the same thing, Councilman,
15 and I agree and I appreciate the input.

16 COUNCILMAN JOHNSON: How do you
17 handle complaints here in the City of
18 Philadelphia as it relates when people
19 have illegal -- when they have the
20 complaints regarding illegal dumping,
21 chunks of concrete falling off the
22 bridges? How does CSX in this city
23 handle that?

24 MR. KENDALL: We have set up a
25 system which I believe is unique among

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2 all railroads. We call it the Tell CSX
3 Service Center. I've left a lot of cards
4 in your office, 877-TELL-CSX. Currently
5 the -- and this is not for an emergency
6 issue. If you're -- if one of your
7 constituents sees something that there's
8 an emergency issue, there is a public
9 safety awareness line that they should
10 call, because we want to get on that as
11 soon as possible. But on the Tell CSX
12 line, what that is is -- deals with
13 issues that are, I would say, nuisance
14 issues, railroad nuisance issues. And
15 that line is open from currently 8:00
16 a.m. to 6:00 p.m. We're looking at
17 expanding it. It's also available via
18 e-mail. We have specialists up there who
19 will work to either resolve the problem
20 or in some cases what they'll do is
21 they'll need to farm it out to the field
22 to get more information to help resolve
23 it. We think it's a good system.
24 I will caveat this, is that not
25 every issue can necessarily be solved.

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2 People will call sometimes and they say,
3 I don't like the train horns. Well, it's
4 a federal regulation that we have to
5 sound the horn. But what you will get is
6 someone to talk to and you'll get a
7 follow-up response with an answer.

8 COUNCILMAN JOHNSON: Mr. Chair,
9 Chairman Jones.

10 COUNCILMAN JONES: Listen, you
11 went right in. A lot of my stuff was
12 answered.

13 What I would ask, however, is
14 lessons learned from the lack of
15 communications, not from an operational
16 point of view dealing with first
17 responders. But the Councilman is
18 absolutely right. You don't know what
19 kind of panic you can set off in a city
20 like Philadelphia thinking that it's
21 those nasty top 25 chemicals that you
22 have there and that this is going to be
23 airborne and maybe I need to drive west
24 or this is going to hit and blow up. So
25 those kinds of informational sessions for

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2 people other than just people worried
3 about dealing with the immediate problem.
4 It's the rumors abound. And so I think
5 that that's important.

6 My only other, Mr. Chairman,
7 issue is, you mention the possibility of
8 double stack --

9 MR. KENDALL: Correct.

10 COUNCILMAN JONES: -- of cars,
11 which just -- I understand that
12 technology since the turn of the century
13 has lighter trains, but double stack with
14 what? And so my concern is that we
15 should -- this is a really appropriate
16 time. And understand I'm going to end
17 where I started, that commerce is your
18 business and we could not survive as a
19 country without that continual movement
20 of chemicals, products and things. So we
21 get that. But as they move through urban
22 areas, we want to assure people that
23 you're doing what needs to be done, and
24 on these double-stack cars, we want to be
25 particularly careful that we are aware of

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2 what's going through, that if one of our
3 inspectors sees something, they can say
4 something in a knowledgeable way about
5 speeds, about when they take curves or
6 whatever that is, because as I follow
7 some of the catastrophes that happen,
8 sometimes it's human error. It's not
9 bridge failure.

10 MR. KENDALL: Correct.

11 COUNCILMAN JONES: It's not
12 anything to do with the infrastructure.
13 It's human failure. So if someone sees
14 that -- and I don't think people with
15 cell phones are sitting around looking
16 and clocking your trains, but --

17 MR. KENDALL: Oh, you'd be
18 surprised.

19 COUNCILMAN JONES: Listen, I'm
20 glad. So that if they know that these
21 kinds of containers are supposed to go a
22 certain speed and around turns, those
23 kinds of bits of information are
24 important.

25 And, finally, as much training

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2 as you can give to our first responders,
3 the happier we will be. We have an
4 excellent training facility in the
5 Northeast Philadelphia, which actually
6 has container cars on it, but if CSX were
7 to donate the new types of -- they have
8 actual rails that they jack up and are
9 trained on how to use railroad ties to
10 actually lift those trains. So the more
11 equipment they have that is closely
12 designed by you guys, the better I feel
13 about them being able to deal with and
14 help you deal with instances that may
15 happen.

16 So that's all I have to say
17 about it, Mr. Chairman.

18 MR. KENDALL: Thank you.

19 Chairman Jones, one follow up on the
20 double stack, just a clarification on
21 that, because I didn't go into specifics.
22 When we talk about double stacks, what we
23 mean are two containers of generally
24 consumer goods. So these are
25 televisions, just about anything you can

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2 buy in a Target. It's one of the biggest
3 growth aspects of our business and
4 they're generally imported from someplace
5 else. They come into the port. And what
6 it allows us to do is put -- we run the
7 same amount of cargo on half the number
8 of trains by being on top of each other.
9 But they'll look like what's on a
10 container on the back of a truck. And so
11 the materials in them are generally
12 consumer oriented.

13 COUNCILMAN JONES: This
14 Chairman, myself, we're going to see you
15 more in the future, not less. As we
16 start to look at Marcellus Shale and
17 export of other materials that may or may
18 not happen, as we look at exports by way
19 of Pennsylvania having the largest number
20 of surplus of hard woods and the only way
21 to get it out of here is through rail,
22 we're not going to see you less. We're
23 going to see you more. And so what we
24 want to be able to have is a good
25 neighbor relationship with you that

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2 you're doing everything possible to keep
3 us safe and we're doing -- and informed.

4 And so these things are
5 learning lessons that -- as the
6 Councilman said, we averted a
7 catastrophe. What are the lessons
8 learned by way of communications, by way
9 of maintenance of the tracks, things that
10 we can take away from as a municipality
11 to hold some of our departments
12 accountable. So we're going to see you
13 more, not less.

14 MR. AUSTIN: Absolutely, sir.
15 And you do have CSX's and my -- I'm
16 looking over there at Chief Roeshman.
17 It's not going to be much longer until
18 you're tired. But the commitment for the
19 safety and the training, because that's
20 what I do and that's what I do every day,
21 and that's what I strive for. So trust
22 me, you will see me, and I hope it's not
23 in this fashion and not in a fashion like
24 we had on the 20th.

25 COUNCILMAN JONES: Thank you,

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2 Mr. Chairman.

3 COUNCILMAN JOHNSON: Quintin
4 Kendall, after we wrap up this panel, we
5 just have to take -- the stenographer
6 needs to take a five-minute break, but we
7 do not want you to leave, primarily
8 because we have some residents who also
9 want to express their views, their
10 concerns, and I think it's important,
11 because really the hearing was community
12 driven, concerns, the issues. And so it
13 really gives them an opportunity to have
14 a voice with you.

15 I just want to reiterate just
16 one small part, and I do thank you for
17 driving up here, Bill, and participating
18 in the tour, meeting the community
19 members in Southwest and South Philly.
20 And obviously what really got me involved
21 in this is two parts to my actual
22 district. In the Southwest part of my
23 district, you saw the illegal dumping.
24 The lack of fencing, even though y'all
25 did put fencing up. So we will look at

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2 maybe other options of different types of
3 fences and how they're actually placed.

4 But also with this particular bridge in
5 South Philadelphia now -- and we're going
6 to be here for the long haul. So I know
7 you made a commitment. Y'all going to do
8 a study, take a look at what y'all are
9 willing to do and do an assessment. I
10 like SEPTA, one of the most outstanding
11 transportation systems in the country.
12 They tore down the Market Street El, and
13 I mentioned that earlier, and they made a
14 commitment to build up a whole different
15 El system.

16 With the bridge in South
17 Philadelphia, again, if the FRA is
18 saying, hey, it's stable just because the
19 train goes back and forth, we're looking
20 at those key components that we think
21 need to be aggressively addressed. And I
22 picked up on that you said this process
23 started in 2005 to have individuals go
24 out there.

25 MR. KENDALL: Twice a year.

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2 COUNCILMAN JOHNSON: Twice a
3 year. So twice a year over the last nine
4 years, there has pretty much been
5 patchwork jobs taking place. Because if
6 you look at the bridge now and you say,
7 Well, people have been going out there
8 for the last nine years twice a year and
9 what you saw today was metal rods hanging
10 out, still concrete falling off the side
11 of the bridge, underneath the bridge,
12 then obviously, my personal opinion,
13 there needs to be a major overall. And I
14 definitely want to highlight the fact
15 that if y'all made 12 billion last year
16 and your own testimony says y'all going
17 to put 2.3 billion in some type of
18 maintenance repair investment, to me it
19 all comes down to what you see as a
20 priority. And this bridge is a priority.
21 Those rail lines along Southwest
22 Philadelphia, how they are kept and
23 maintained are a priority and should
24 strongly be considered as y'all sit back
25 and look at, Okay, what's our capital

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2 investment priority beyond just making
3 sure that the track is okay to make
4 money.

5 MR. KENDALL: Councilman, I
6 understand that and appreciate it.
7 You've been very clear that that's what
8 your expectation is.

9 COUNCILMAN JOHNSON: I just
10 want to be clear on that for the record.

11 So we're going to take a
12 five-minute break and we ask that you
13 just stay and listen to the voice of the
14 community.

15 MR. KENDALL: I've already
16 postponed my flight.

17 COUNCILMAN JOHNSON: Thank you.
18 (Short recess.)

19 COUNCILMAN JOHNSON: We're
20 going to call this hearing back to order,
21 please. We're going to call up members
22 of the community for testimony. We're
23 going to ask that you keep your testimony
24 within three minutes.

25 THE CLERK: Ronald Alexander,

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2 Tracey Gordon, Jess Gould, and Kevin
3 Poole.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN JOHNSON: I just
7 want to start with Jess. State your name
8 and organization for the record, please.

9 MS. GOULD: Good afternoon,
10 Councilman Johnson. My name is Jessica
11 Gould. For the past year, I have proudly
12 served as the President of West Passyunk
13 Neighbors Association. The community of
14 West Passyunk extends from 18th to 25th
15 Street, Passyunk to Mifflin.

16 In my year of serving as
17 President, I have had the opportunity of
18 talking with many residents, both new and
19 old. I have never heard one of them say
20 anything positive regarding the elevated
21 railway that runs along 25th Street.
22 Everything they say is out of concern for
23 safety.

24 The concern is twofold. The
25 bridge itself is literally falling apart

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2 and has been for a very long time.

3 Thanks to the much-needed attention that

4 Councilman Johnson has brought to the

5 state of disrepair and neglect of the

6 railway, it has been widely publicized

7 that large chunks of concrete recently

8 fell off the bridge at Washington Avenue.

9 There is a lot of exposed rebar along the

10 railway, which was present long before

11 the recent effort to remove crumbling and

12 loose concrete. Large cracks can be seen

13 in the elevated railway that extend all

14 the way through the railway, from the

15 east side to the west side. There is at

16 least one concrete support beam or

17 pillar, whatever it's called, that is

18 being held together by a sheet of metal

19 and nylon strapping, essentially what

20 looks like a seat belt. And I actually

21 saw this in your slideshow. You have

22 several pictures of it.

23 Even if that is considered

24 structurally sound, this is not how it

25 appears to residents. I hear the term

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2 "Band-Aid" used over and over again to
3 describe how residents are perceiving the
4 structural issues to be remedied. There
5 is also the issue of large and extremely
6 dangerous icicles that form along the
7 railway in the colder months. The bridge
8 is a danger to all modes of
9 transportation - vehicular, bicycle, and
10 pedestrian.

11 The community of Wilson Park,
12 which is located on the west side of the
13 elevated railway, has little choice but
14 to cross below the railway to carry out
15 their day-to-day lives, shopping, public
16 transportation, recreation, and school.
17 Last week I met with Principal Thomas
18 Koger of Girard Elementary School at 18th
19 and Passyunk Avenue. He organically
20 shared with me that he is terrified for
21 his students who live in Wilson Park and
22 have to cross below the railway to get to
23 their school located at 18th Street.

24 Beyond the bridge itself is the
25 growing awareness of the crude oil that

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2 CSX trains are carrying through our
3 neighborhoods at an increasing rate. We
4 cannot ignore the harm and loss of life
5 that other crude oil derailments have
6 caused across the U.S. and Canada.

7 It has recently come to my
8 attention that derailments, other than
9 the recent derailment over the Schuylkill
10 River, occurred in the past. Several
11 longtime residents share with me that
12 they remember several cars falling off
13 the railway at Ritner Street in the late
14 '60s. It is by sheer fate that no one
15 has been seriously injured. It is only a
16 matter of time. We are scared, and much
17 must be done to assure our safety and
18 alleviate our fears.

19 Thank you.

20 COUNCILMAN JOHNSON: Next.

21 MS. GORDON: Good afternoon,
22 Chair. Good afternoon. Tracey Gordon.
23 I'm from Southwest Concerned Citizens and
24 I'd like to testify on behalf of the
25 community that surrounds CSX railways.

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2 On January 20th, I actually
3 thought I hit the lottery when the
4 derailment -- and not to be happy about a
5 derailment, but I figured I've been
6 complaining about the surroundings and
7 the conditions of CSX and their
8 surrounding railways for over 15 years,
9 and because a derailment happened is the
10 reason why we get hearings. Fortunately,
11 nobody was hurt, but unfortunately, that
12 was a good day for me.

13 As far as the Director of
14 Office of Emergency Management, I've been
15 a homeowner in that area for over 21
16 years, and never once has anybody ever
17 put in my doorway any information in
18 regards to CSX about their business,
19 appreciation, donations to the recreation
20 center or, most importantly, what we are
21 to do in case of an emergency.

22 As you can see when you --
23 these pictures I've been taking over the
24 years, I mean, that is just not even the
25 best picture. There are couches,

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2 refrigerators, numerous tires, oil
3 containers, everything imaginable that
4 has been thrown on that railway within
5 the property of CSX. Yes, people do
6 dump, but in the City of Philadelphia,
7 according to our laws and regulations, if
8 you have litter in front of your house,
9 you are to clean it up or you are to get
10 fined. Has anybody given them a fine?

11 I understand numbers. You all
12 say they're making billions of dollars,
13 and you mean to tell me that they don't
14 have a maintenance crew that -- and by
15 the way, when they put that railing up,
16 whoever the contractor was, that was one
17 of the cheapest -- I remember when they
18 put that railing up. It was up very
19 cheaply. Maybe you don't need Cyclone.
20 Maybe you need wrought iron perhaps.

21 As far as the quality of life,
22 I'm really afraid that in case of a
23 derailment, our houses are -- I live a
24 block away, but the houses that are
25 directly next to the tracks is right

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2 there. You can see the house there.

3 That bridge there has a plaque that says
4 the City of Philadelphia, which I presume
5 that that bridge is the responsibility of
6 the City of Philadelphia. Well, during
7 the time of the derailment, I went over
8 there and it happened to be a snowstorm,
9 and I was very, very upset and sad to see
10 the elementary school kids, because they
11 cross over that bridge to either go to
12 the playground or to school every day, it
13 was so packed with snow. Now, whose
14 responsibility is it for that snow and
15 ice removal?

16 Actually, I leaned on the fence
17 and got shocked because it's electric
18 currents coming through that fence.
19 Actually my neck got shocked. So I don't
20 know what that is all about.

21 The point that I'm trying to
22 make is, I did get a friendly
23 conversation with CSX. This is the first
24 time ever in the history of me
25 complaining, which been over 20 years --

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2 I have it documented. I have physical
3 Polaroids before digital cameras came
4 out. That trash has been there for well
5 over 15 years.

6 So I don't know who the
7 maintenance guy or whoever comes and do
8 inspections, but he's probably not even
9 doing his job, because that trash is not
10 a year old, two years old. That trash is
11 literally over 16, 17 years old. I've
12 been there 20 years and it's been like
13 that for 20 years.

14 Finally, I'd just like to say
15 that it is the responsibility of CSX to
16 protect us. If it happens to be a
17 derailment that happens there and it
18 catches on fire, look at all that
19 settlements that's around there, the
20 tires. All that stuff is going to
21 accelerate and it's going to be harder
22 for the Police Department or the Fire
23 Department or the super HAZMAT team to
24 even get there to even protect the
25 community in the neighborhood.

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2 Finally I'd like to say this in
3 closing. A year ago in some town -- I
4 don't know if it was Pennsylvania or New
5 Jersey. I haven't had time to do my
6 research because I'm busy on a lot of
7 other things. A train derailed, and
8 within a two- to three-block radius, the
9 people in the community had to literally
10 move out their houses literally. Now, I
11 don't know if that falls under my
12 insurance policy. I have a pretty good
13 insurance policy, but I wanted to know if
14 in fact that ever happens and we have to
15 leave our properties, is CSX going to be
16 responsible to put us up into other
17 places until they can get those rails
18 together? Does it fall under a
19 homeowners HOA policy or do we have to
20 wait for CSX to put us up to housing and
21 stuff like that?

22 This is inexcusable. It's just
23 a shame that our children have to walk by
24 there. That's their reality every day.
25 That's sad, and it's no excuse for it.

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2 Thank you.

3 MR. POOLE: My name is Kevin
4 Poole. Chairman Johnson and Curtis
5 Jones, Councilman Jones, and Councilwoman
6 Blackwell, it's an honor to be here to
7 testify to you today on behalf of the
8 Northeast Grays Ferry Resident
9 Association, Sherri D. Stanford,
10 President, and JKT Contractors and
11 Development Company, Mr. Charles Hannah.

12 We've seen the pictures
13 ourselves. The people of Pennsylvania
14 have a constitutional right to clean air
15 and clean water. God forbid a derailment
16 happens, it would be the sum of all fears
17 for these communities.

18 Councilman Johnson, you
19 mentioned the evacuations. Would there
20 be evacuations or would there be
21 sheltering-in-place? Would there be
22 poisoning of the water?

23 The one point that she brought
24 up about a HAZMAT problem was in West
25 Virginia. The people could not take a

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2 bath. They couldn't take a shower.

3 People in this particular area on this
4 25th viaduct bridge, a lady was driving
5 underneath the bridge, bits and pieces
6 had fallen on her car and almost hurt her
7 and her child. So it is definitely a
8 hazard to all involved.

9 CSX's corporate responsibility
10 is of paramount responsibility. "We're
11 just bringing products through your
12 neighborhood. Other than that, we really
13 aren't interested in serving the
14 community as we should." And I think
15 these are some of the things that kind of
16 disturb me once I heard what was going
17 on.

18 The bridge is 86 years old. So
19 if you do spot repairs on this bridge,
20 other than tearing it down and rebuilding
21 it, what's going to happen for the next
22 100 years? Are you still going to have
23 that same bridge and our future
24 generations going to be affected by these
25 problems?

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2 So it's very important that we
3 address this issue, like you brought up
4 about the other SEPTA bridge that was
5 completely built up from the bottom brand
6 new. The steel I-beams are new. And
7 this is also an economic engine. If
8 these repairs are done, for the unions,
9 for the people who are laborers, this
10 could be an economic opportunity to start
11 from scratch and do something positive.
12 They're saving a lot of money. They can
13 get 450 miles off one gallon of gas.
14 That's their commercial that we see on
15 television.

16 So if we can't seem to get this
17 done at this level, we need to bring it
18 to the attention of Senator Rockefeller,
19 who is in charge of commerce, and the
20 Subcommittee Chair, Senator Blumenthal of
21 Connecticut, who runs the subcommittee on
22 transportation, and see what we can do as
23 far as getting the necessary work done to
24 improve this conduit in the City to make
25 sure our citizens are safe, as Tracey

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2 said, to make sure that we get the best
3 bang for our dollar and as far as the
4 quality of life, environmental, economic,
5 all aspects of improving the quality of
6 life in the City of Philadelphia.

7 Thank you very much.

8 COUNCILMAN JOHNSON: Thank you.
9 Councilwoman Blackwell.

10 COUNCILWOMAN BLACKWELL: Thank
11 you, Mr. Chairman. And let me thank you
12 and our Majority Leader, who have done
13 such a fine job today. I was just saying
14 to Councilman Jones this is as bad as and
15 it's potentially dangerous to people as
16 was 22nd and Market. It is horrendous to
17 hear these stories and to realize that
18 nothing has happened. And someone went
19 out there today and told me they got
20 shocked. So you still have all those
21 dangerous conditions out there. And when
22 you talk about children, we have a
23 community there who's one of the highest
24 unemployed areas. They could even hire
25 the community to help do cleanups and

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2 those sorts of things.

3 I don't know whose
4 responsibility it is, but, again, I
5 commend you, Mr. Chairman, for beginning
6 these hearings, and we have to do
7 something to ensure that those conditions
8 change, that the area is cleaned up, that
9 the danger is abated, and that we have a
10 safe place for children and residents to
11 walk or walk past. And I agree with
12 Tracey when she says what about their
13 insurance policy. I don't know, but it's
14 another issue we need to look into.

15 So this is very, very
16 important, and certainly I support
17 whatever our goals are to certainly make
18 sure that we bring this into some kind of
19 compliance. Thank God we've learned now,
20 my goodness. If we hadn't had that
21 derailment, thank God nobody was hurt,
22 only God knows what would have happened
23 in the future.

24 Thank you, the three of you,
25 very much and all who have testified

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2 today.

3 MS. GORDON: And if other
4 businesses operate in this manner, our
5 city has the ability to shut them down.
6 Like in other businesses, stores, when
7 you have safety hazards, if this is a
8 safety hazard and a catastrophic hazard
9 for our communities, then, you know, if
10 they're not going to comply with what the
11 City says, then, you know, we might have
12 to shut the business down.

13 COUNCILWOMAN BLACKWELL: I
14 totally agree. I'm in total agreement.

15 MS. GORDON: Shut it down.

16 COUNCILWOMAN BLACKWELL: I'm in
17 total agreement.

18 COUNCILMAN JOHNSON: Thank you
19 for your testimony as well. Thank you
20 very much.

21 THE CLERK: Tracy Carluccio,
22 Michael Roles, and Alexandra Pajil.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN JOHNSON: Please

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2 state your name and organization for the
3 record, please.

4 MS. CARLUCCIO: Tracy
5 Carluccio. I'm Deputy Director of
6 Delaware Riverkeeper Network.

7 My organization, Delaware
8 Riverkeeper Network, is concerned about
9 the transport of oil and other hazardous
10 materials on Philadelphia's roadways and
11 railways, and we thank you very much for
12 holding this hearing here today.

13 We're also concerned about the
14 regional transportation system that
15 Philadelphia is connected to. And I'd
16 like to take a couple of minutes now to
17 recount a train incident that here in
18 Philadelphia we might be able to learn
19 from. It involves a vinyl chloride
20 pollution release in Paulsboro, New
21 Jersey just across the river from
22 Philadelphia, the place where this train
23 derailment that derailed was going to.

24 Let's look at the approach and
25 the method of management that was

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2 employed in response to the release of
3 this deadly vinyl chloride after a
4 catastrophic train derailment into the
5 Mantua Creek in Paulsboro. This was
6 right adjacent to the Delaware River and
7 happened in October of 2012.

8 This was a Conrail train, and
9 CSX owns 42 percent of Conrail. Four
10 tank cars crashed off a bridge and
11 thousands of gallons of toxic gas was
12 released into the air. The emergency
13 response, including the evaluation and
14 the planning for public protection, the
15 environmental monitoring, and the
16 cleanup, were frankly bungled and, as a
17 result, first responders, emergency
18 workers, and residents of Paulsboro were
19 exposed to dangerous levels of this toxic
20 chemical, leading to harmful human health
21 impacts that have led to dozens of
22 lawsuits.

23 This is something we wouldn't
24 want to see repeated here in
25 Philadelphia, but we fear due to the

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2 increased train traffic and the hazardous
3 materials and the aging infrastructure,
4 that this type of accident is not only
5 likely but almost inevitable.

6 Reports of the proliferation of
7 oil car accidents are in the news, and
8 I'm sure others will talk about that.
9 For instance, a CSX train carrying crude
10 oil derailed 13 tanks cars in Albany just
11 ten days ago, and that was the fourth in
12 our neighboring New York State since
13 December. And others in Pennsylvania,
14 including a 12-car derailment in western
15 PA, occurred just last month.

16 Therefore, public knowledge
17 about just what's going on and emergency
18 preparedness planning that will protect
19 the public is crucial to avert that kind
20 of a disaster here in Philadelphia.

21 Looking again quickly at the
22 most recent documented toxic release in
23 the region, we can take a lesson from how
24 Conrail and the incident commander, the
25 Coast Guard, DEP, and other agencies

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2 mishandled the vinyl chloride derailment
3 in Paulsboro. During the incident, very
4 little information was available about
5 the health effects of vinyl chloride. No
6 government agency links were provided on
7 the county website where people were told
8 to go, and the results of the air and
9 water sampling were hidden from the
10 public in the critical periods, the
11 critical hours following that derailment.
12 Delaware Riverkeeper Network's website
13 was the only place that you could go and
14 find the CDC fact sheet, which had the
15 health information about what exactly was
16 in this vinyl chloride and how it affects
17 human health.

18 And perhaps worst of all, an
19 evacuation area was delineated and part
20 of the town was evacuated, but how the
21 delineation was done was not made public.
22 In fact, at hearings held by the federal
23 National Transportation Safety Board on
24 the incident subsequently, serious
25 questions remain about the adequacy of

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2 the evacuation and the lack of proper air
3 modeling. Why? And this is why I bring
4 it up. One important factor. A private
5 agency stepped in during the disaster.
6 The Center for Toxicology and
7 Environmental Health seemed to drive the
8 management of the incident that was
9 supposedly led by the Coast Guard. Yet
10 it appears that this private company
11 represented Conrail. They are a
12 consultant firm often engaged by industry
13 and have been charged in the past in
14 regards to a possible conflict of
15 interest in their work monitoring
16 offshore workers in the Gulf of Mexico,
17 BP Oil spill in 2010. Similar concerns
18 have been raised by the public and in the
19 news about this firm's oversight of
20 chemical spills and the monitoring of
21 those and incidents in Louisiana,
22 Florida, and Tennessee.

23 We don't want the fox guarding
24 the henhouse here in Philadelphia. As
25 these shipments of oil expand and become

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2 more dangerous with the hazardous crude
3 oil that's being carried, we don't need
4 this kind of oversight. We need an
5 independent agency and the City to step
6 up and play an independent role. That's
7 why CSX's offer here of working alongside
8 first responders in their testimony here
9 today is not something that we should
10 take comfort in. We don't necessarily
11 find this comforting, and we don't think
12 that this should be an answer for the
13 City.

14 One of the worst aspects of the
15 transport of Bakken crude and other
16 hazardous materials is the lack of public
17 disclosure because of some exemptions
18 from federal laws and the lack of local
19 control by the City. The public and the
20 City need to know and need to be assured
21 the safety of the activity of what's
22 going on over their heads and in their
23 backyards and next to their schools.

24 Much of the regulatory
25 authority is preempted by federal

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2 agencies, and some gaps are covered by
3 state, but what can the City do?

4 We would like to recommend that
5 the City investigate where it can provide
6 important independent oversight to
7 protect Philadelphians. Emergency
8 Management is one of those areas.

9 Regular air and water monitoring by an
10 independent agency, not just when there's
11 accidents, to find out what is coming out
12 of these railcars is another one. And
13 also we think it's very important that
14 safety issues could be addressed by the
15 jobs that they're talking about bringing
16 to Philadelphia. Employ some people in
17 these communities and train them to look
18 at regular safety issues, and that should
19 be done at the expense of the private
20 corporation that's benefiting from this
21 rail traffic.

22 Also --

23 (Applause.)

24 MS. CARLUCCIO: -- closely
25 following flow of crude oil and other

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2 hazardous materials on railways is
3 another important function that the City
4 could perform to protect Philadelphians
5 and the air and water of the Delaware
6 River, and make that information public
7 as much as you are allowed to. We don't
8 agree that this information should be
9 kept secret and from the public.

10 Finally, we urge the City to
11 ensure independent oversight and incident
12 command and proper training for that now
13 so that when an incident does happen,
14 then those that are working for the
15 public and with the public interest as
16 the priority, not CSX or whatever the
17 other responsible party may be and their
18 private consultants, are in charge.
19 Unfortunately, they're a company. They
20 have to serve their bottom line. The
21 City Council and government agencies that
22 should be looking after our public health
23 have to serve the public, and that's who
24 really should be in control here.

25 Thank you very much.

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2 (Applause.)

3 COUNCILMAN JOHNSON: Thank you.

4 MR. ROLES: My name is Michael
5 Roles. I'm Program Organizer for Clean
6 Water Action. First, I'd like to thank
7 the committees for holding this. This is
8 very critical, and this is an important
9 first step from the issue. This is a
10 great concern of many, as you've seen.

11 Clean Water Action is a one
12 million member national organization of
13 diverse people and groups joined together
14 to protect our environment, public
15 health, economic well-being, and
16 community quality of life.

17 COURT STENOGRAPHER: Can you
18 slow down.

19 MR. ROLES: Sorry about that.
20 I will restate that sentence.

21 We have a one million member
22 national organization of diverse people
23 and groups joined together to protect our
24 environment, public health, economic
25 well-being, and community quality of

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2 life. Our goals include safe, clean, and
3 affordable water, prevention of
4 health-threatening pollution, creation of
5 environmentally safe jobs and businesses,
6 and empowerment of people to make
7 democracy work. Here in Southeastern
8 Pennsylvania, we represent roughly 40,000
9 members.

10 Over the last four months, our
11 office has been conducting research on
12 crude-by-rail transportation as the
13 rapidly developed Bakken shale formation
14 in North Dakota has led to an increase in
15 heavy crude being shipped by railcar into
16 and refined within the City, contributing
17 to some concerns we have about the safety
18 and health for Philadelphia residents.

19 I want to make this clear.
20 Just like any member of the community who
21 lives, works, and plays in a
22 neighborhood, we see CSX just like all
23 railroad operators as an equal member of
24 the community throughout its 21,000 miles
25 of railroads in the United States, and

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2 therefore, it has an obligation to be a
3 responsible neighbor. This would include
4 transparency in the company's intentions
5 and regular direct liaising with
6 residents who live by their tracks.

7 Obviously there's a lack of transparency
8 with the community on the ground and they
9 have failed. CSX should also have an
10 open dialogue with the City on this issue
11 and all others that may have been
12 impacted on the health and welfare of
13 Philadelphia's residents.

14 Through what we've heard from
15 neighbors who live in South Philadelphia,
16 particularly those by the Arsenal and
17 25th Street Bridges, there's heavy
18 frustration with how CSX has failed to
19 deliver on several serious concerns of
20 residents and small business owners. For
21 years, local residents and business
22 owners have been dealing with large
23 falling bridge debris, as you've seen,
24 greatly impacting their quality of life
25 and have struggled to connect with

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2 appropriate avenues in order to have the
3 situation remedied. Responses from CSX
4 have appeared inadequate, and Clean Water
5 Action sees it as very unfortunate that
6 it took a train derailment to have a
7 public dialogue on these issues.

8 CSX stated in a January 2014
9 Reuters article that they plan to
10 increase crude-by-rail shipments by 50
11 percent this year. Last year, they,
12 quote, moved about 46,000 loads of crude.
13 This highlights a serious concern, not
14 only about the integrity of our aging
15 rail infrastructure, but also the
16 procedures in place for the training of
17 engineers, the handling of hazardous
18 materials, accountability, oversight, and
19 safety mechanisms, and emergency
20 preparedness and response plans.

21 The scope of research conducted
22 by Clean Water Action has involved a
23 large number of concerns, including
24 railroad infrastructure, maintenance,
25 investments, train cars, operating

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2 procedures, emergency preparedness and
3 response, and oversight and regulation.

4 We've also been examining legal
5 structures and flexibility within the
6 local level as well as the national
7 level. Through this process, we found a
8 lack of transparency on a number of
9 issues that deserve to be made public,
10 including inspection schedules, timelines
11 and procedures, the types of finished
12 products and raw materials traveling on
13 these rail systems daily, and the safety
14 classification of these products. We
15 also share the community's concerns in
16 knowing how the company and public
17 agencies work together when preparing for
18 and responding to emergencies.

19 We've also observed a series of
20 local actions that can be taken by
21 Philadelphia in order to safeguard our
22 safety, health, and environment. These
23 steps include a local ordinance which
24 defines who is responsible for track
25 debris that may cause a hazard for trains

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2 or neighbors. CSX is responsible for
3 cleaning up the debris. From what we've
4 observed, cities and towns have taken
5 action locally to mandate that they are
6 responsible for cleaning up the tracks.

7 Additionally, other cities are
8 already moving forward with plans to
9 study the hazards presented by
10 crude-by-rail transportation and
11 coordinating agencies for appropriate
12 responses. That also includes requiring
13 disclosure of hazardous materials on
14 board these train cars.

15 Regarding preparedness and
16 emergency response, we strongly recommend
17 a more robust City plan to educate
18 residents on procedures in place in case
19 an emergency such as the crude or
20 petrochemical derailment occurs. It is
21 critical that Philadelphia residents are
22 aware of the hazards of railroad
23 transportation in our city and recognize
24 how they need to be prepared. Residents
25 do not know how to respond despite OEM

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2 claiming that this is public information.

3 How do they disseminate that information?

4 More outreach from OEM has to happen.

5 Finally, Clean Water Action

6 supports further dialogue on this issue

7 in the neighborhoods of those greatly

8 affected and call on CSX to join this

9 dialogue. If we are to safeguard the

10 health and welfare of Philadelphians, we

11 need to bring this discussion home for

12 them. I know Philadelphians in South

13 Philly who are boycotting this hearing

14 because this is not taken into this

15 neighborhood.

16 Once again, we are deeply

17 appreciative that the City Council has

18 taken these important first steps, and we

19 welcome the opportunity to become a

20 resource on these matters and look

21 forward to working with the City to

22 ensure a safer and healthier

23 Philadelphia.

24 Thank you.

25 COUNCILMAN JOHNSON: Next.

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2 MS. PAJIL: My name is
3 Alexandra Pajil and I'm speaking as a
4 very aware concerned citizen. I've done
5 a lot of research into all aspects of the
6 transportation of crude oil.

7 I regularly travel to my family
8 member's car shop, VAC Motor Sports BMW,
9 underneath the 25th Street Bridge, and
10 I've never felt comfortable or safe when
11 I see and hear the train pass over our
12 heads. Pieces of concrete ricochet off
13 frequently through the gaps and the holes
14 under that concrete bridge, showing the
15 lack of maintenance and care for the
16 crude oil infrastructure.

17 As state and local
18 representatives, it is your job to take
19 on the public safety and environment of
20 your surroundings. The public hearing
21 today is an enormous leap in the right
22 direction for our community and our
23 future. Thank you, Councilmembers, for
24 your strong words and urgency behind this
25 very serious matter.

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2 The integrity of our public and
3 private industrial infrastructure
4 investments should be trusted and
5 transparent with all authenticity.

6 Philadelphia is the former capital of our
7 country and presently the largest city in
8 the Commonwealth. It is also the fifth
9 largest city in the country, and we need
10 to start taking pride in producing and
11 providing citizens with efficiently safe
12 energy.

13 The growth of the crude oil
14 industry should not increase for a
15 second, regardless of economic benefits,
16 before making sure the infrastructure of
17 which the oil will be moving on is beyond
18 the recommended standards and the
19 citizens and residents surrounding these
20 railcars know the protocol and the
21 propensity of the volatile commute that
22 takes place in their backyard.

23 While representing Clean Water
24 Action, I have learned new policies and
25 government factors that only ask me to

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2 urge politicians and officials to take a
3 stand and demand proper inspection of
4 tracks, maintenance, tank cars, and
5 hazardous materials. Each of these
6 factors play a major role in moving
7 forward in the growth and advancement or
8 in extreme catastrophe. The majority of
9 derailments and detonations are
10 responsible from human error.
11 Maintenance should be triple-checked
12 thoroughly and fixed immediately and
13 completely, all tracks and rails, not
14 just crude main line routes, high urban
15 areas or known defective areas. These
16 should be checked more frequently and all
17 should be maintained and inspected with
18 higher proportion to their use.
19 SecureNOW and automated
20 transmitting signals should be up to date
21 and on every train that carries crude oil
22 to record and submit live data of track
23 quality. In addition to the
24 implementation of automated transmitting
25 signals, the records of such should be

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2 easily accessible so City officials are
3 able to respond accordingly in the event
4 of an emergency. Frequent analysis
5 should be made by the correct officials
6 to monitor and follow up that the
7 responsible parties, CSX, are completing
8 the required tasks. Private industries
9 need to invest in community emergency
10 response, not just in first responders
11 and HAZMAT trainees.

12 We have an obligation and an
13 opportunity to no longer allow private
14 industry and government agencies to
15 banter back and forth about
16 accountability and who is responsible.
17 We have not had a major catastrophe and
18 explosion in Philadelphia yet.
19 Therefore, we have the time to strengthen
20 the City's prevention methods and
21 preparedness for the people.

22 Evacuation signs should be
23 improved and easily followed and
24 understandable. So first responders and
25 residents should know and have access to

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2 clear alternative evacuation routes if
3 those aren't already available.

4 So I will end it with this.

5 Does anyone know the proper evacuation
6 and the proper protocols if an event were
7 to happen right now? Do you know who
8 your authority figure is and where you
9 would need to go? Do you have all of the
10 medical documentation somewhere else
11 that's not at your home, in your office,
12 at your school?

13 Thank you.

14 COUNCILMAN JOHNSON: Thank you
15 very much.

16 (Applause.)

17 COUNCILMAN JOHNSON: First and
18 foremost, I have more of a statement than
19 a question. Very, very informative
20 testimony from all of the panelists. I
21 had no idea that Conrail was owned or a
22 portion of it, shares were owned by CSX.
23 That's new information to me. I thought
24 that was two totally different companies,
25 two totally different railroad companies.

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2 So I thank all of you for your
3 informative testimony. And we'll call up
4 the next panelists, but we will continue
5 to stay on this issue for the long haul.
6 So this won't be -- this is just the
7 beginning and moving forward. So thank
8 you very much.

9 (Thank you.)

10 THE CLERK: Baseem Hassan,
11 Poune Saberri, Coryn Wolk, and Greg
12 Bucceroni.

13 (Witnesses approached witness
14 table.)

15 MS. WOLK: Poune had to leave
16 temporarily, but she's on her way back.
17 So assuming there's time, she will
18 testify.

19 COUNCILMAN JOHNSON: Sure.

20 You can start.

21 MR. BUCCERONI: Good afternoon,
22 Chairman. Greg Bucceroni. We know each
23 other, a longtime activist in the City of
24 Brotherly Love.

25 And just saying a lot of these

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2 things -- everyone made good points. I'm
3 not going to drag out a speech, but we're
4 going to hold you guys accountable. As
5 being the -- going to be the future Ward
6 Leader of the 7th Ward, I'm going to
7 represent cats in the Kensington area,
8 and we have aqueducts that are run by CSX
9 and Conrail. So what we're going to just
10 ask you guys is that everything you guys
11 said today, do it.

12 On a quick note, we're going to
13 be watching our elected officials too.
14 As a ward leader, the first thing we're
15 going to do is, any ward leader that
16 doesn't have the best interest or any
17 candidate that doesn't have the best
18 interest of we, the people in the City of
19 Brotherly Love, they got voted in. They
20 could get voted out for the next cat. So
21 that's all I'm saying.

22 I'm here to support you guys.
23 I'm here to support CSX if you guys are
24 going to do what you say you're going to
25 do.

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2 Thank you guys.

3 COUNCILMAN JOHNSON: Baseem.

4 MR. HASSAN: Good afternoon,
5 Mr. Chairman. My name is Baseem Hassan,
6 as you well know. I'm a resident of the
7 Grays Ferry section of the City. I lived
8 in Grays Ferry for the last 23 years and
9 have taken notice to the structure
10 deficiency over the years. I've always
11 noticed how days after inclement weather
12 the bridge has leaks, and that tells me
13 the drainage appears clogged in some way,
14 as was stated earlier when someone went
15 out to inspect the bridge. So the water
16 that's collected on the bridge has to
17 dispense in some other way than
18 evaporation. It seeps through the cracks
19 and the structure of the bridge that
20 promotes deterioration, as can be seen in
21 the slideshows on the exhibit.

22 I do not feel safe crossing
23 under nor traveling parallel to the CSX
24 Bridge on 25th Street. The community
25 needs to feel safe when coming into the

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2 vicinity of the bridge in question.

3 My question to CSX are, what
4 impact does a spike or number of spikes
5 have on the safety of a traveling train
6 when they are missing from their position
7 of place? When was the last repairs made
8 to the bridge structure as well as when
9 will the bridge be scheduled for total
10 rebuilding to eliminate the worry that's
11 hovering over the community after an
12 imminent lapse?

13 In a lot of instances, death
14 brings about change. Does a death have
15 to happen in order for a replacement to
16 occur?

17 Thank you for your permission
18 to testify at this important hearing
19 related to the safety of our community in
20 Grays Ferry.

21 COUNCILMAN JOHNSON: Thank you.

22 MS. WOLK: Hi. My name is
23 Coryn Wolk. I'm the Associate Director
24 of Protecting Our Waters, which is a
25 local grassroots environmental

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2 organization that primarily works on
3 issues of natural gas, but also we now
4 have a campaign going about the Bakken
5 oil trains.

6 I was born and raised in
7 Narberth, Pennsylvania and a few months
8 ago I moved from Narberth to Southwest
9 Philadelphia, I'd say about half a mile
10 from Grays Ferry Avenue. And as a new
11 resident, especially moving from a quiet
12 suburb into the City, one of the first
13 things I noticed were the new sounds
14 while trying to sleep, which are mostly
15 cars and dogs, but also frequent train
16 whistles. I live a block away from the
17 49th Street Station. So right by the
18 train tracks. And I was actually
19 somewhat shocked earlier to hear that
20 people responsible for emergency
21 management don't know how far people live
22 from the tracks. I know from driving
23 around my neighborhood that there are
24 people whose back windows literally
25 overlook the tracks. There's no

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2 backyard. There's just tracks.

3 And for the years I've been
4 working with Protecting Our Waters to
5 spread the word about natural gas
6 drilling, pipelines, and the oil trains
7 coming through Philadelphia to
8 Philadelphia Energy Solutions, like the
9 trains that derailed were, and we knew
10 that derailments, explosions, and spills
11 were occurring more and more frequently,
12 and the stats on this, I don't have them
13 on hand, but they back me up. They're
14 pretty well known. It's been an
15 exponential increase in derailments and
16 explosions as more and more oil has been
17 going across the country. And there are
18 numerous factors that cause these
19 derailments. One of them is insufficient
20 staff and safety measures, which
21 contributed to the disaster at
22 Lac-Megantic, which killed 47 people, and
23 that was a derailed oil train as well.
24 And this is something that CSX says
25 they're going to address, but I'm

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2 reminded of the Exxon Valdez spill, which
3 was blamed on the ship's captain, but the
4 commission that investigated found that
5 in reality the company, which is now part
6 of BP, had slowly removed one staff
7 person at a time from that type of ship
8 to save money, and each time they were
9 rewarded for their cost cutting. And
10 eventually the ship ran aground and
11 spilled everywhere. And luckily because
12 the captain was so overworked, they were
13 able to blame it on him and on one person
14 instead of the system.

15 The other issues are the aging
16 and crumbling infrastructure, like we're
17 addressing today, the tank cars and
18 safety measures that are insufficient for
19 their cargo and potential accidents and
20 also the volatility of the cargo. As we
21 now know, the Bakken shale crude has far
22 more volatile organic compounds and a
23 lower flash point than it is labeled and
24 transported as.

25 And so I was, therefore, one of

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2 the few people who was not surprised in
3 Philadelphia when these trains derailed.
4 In fact, they had somewhat predicted it
5 given our infrastructure and the amount
6 of trains that I knew were coming
7 through.

8 However, I was surprised that
9 CSX claimed that it would take less than
10 48 hours for them to clean up the train.
11 This was a public statement in many of
12 the news reports I read. In reality, it
13 took over a week, and they made the
14 statement despite knowing that a huge
15 snowstorm was coming in that evening.

16 So when we said that we're
17 improving safety measures, that things
18 were already running great, the first
19 responders there I know were experts and
20 worked in incredibly hard conditions, but
21 with that type of prediction and also the
22 prediction of how long it would take this
23 bridge to be repaired, I can't really
24 have a whole lot of faith in the
25 expertise we have, especially on CSX's

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2 end.

3 I was also surprised that
4 everyone was asking me as leader of a
5 small grassroots group what was in the
6 cars, how dangerous they were, and what
7 route they take, some of which I know and
8 some of which I don't know, because I'm
9 not actually the one who has that
10 information. So I went on the
11 Philadelphia website for Emergency
12 Management to try to find out what would
13 happen if one of the cars did derail near
14 me, and in fact even my old home in the
15 suburbs is within the evacuation radius
16 should an accident have occurred in
17 Philadelphia. And there was essentially
18 no plan publicly available. And this is
19 for someone who has the ability to go
20 online and knows how to find stuff
21 online.

22 There were plans, very vague
23 plans, for an explosion, a fire or a
24 chemical release or a terrorist attack,
25 but not for something that essentially

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2 encompasses all of those together.

3 There's just a map saying that people
4 like me would be evacuated by SEPTA, and
5 it didn't even show the routes or where I
6 should go or what type of bus or if a
7 huge amount of people were evacuating by
8 SEPTA and not just, say, my block.

9 So, clearly, there's a lot that
10 needs to change, and as you say, I hope
11 that this is just the beginning, because
12 as you can tell, I think this is systemic
13 and it's also very dangerous, both to the
14 people I represent in my organization and
15 to me personally.

16 So thank you for having this
17 hearing.

18 COUNCILMAN JOHNSON: Thank you
19 very much.

20 (Applause.)

21 COUNCILMAN JOHNSON: Any
22 questions from the panel?

23 (No response.)

24 COUNCILMAN JONES: No. I just
25 want to make a statement. And I say this

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2 where I go. Some communities see a
3 problem and they shake their head. Great
4 communities see a problem and they take
5 action. And it's good to know that we
6 have great communities that see a problem
7 and they're here today, and your patience
8 shows that you care about the
9 neighborhood you live in. So I'm just
10 thankful and thankful to your Councilman
11 for having these hearings. So I wanted
12 to say it publicly.

13 COUNCILWOMAN BLACKWELL: And
14 may I say, I certainly agree with all
15 that has been said, and be assured that
16 we're committed to doing something.
17 Obviously we'll talk with the Councilman
18 and the Chair, the Majority Leader.
19 We're all at the same place at the same
20 time. Now it is the action plan that we
21 will develop.

22 Thank you.

23 (Thank you.)

24 COUNCILMAN JOHNSON: Thank you
25 for your time and your testimony.

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2 This is our last panel. Steve.

3 THE CLERK: Frank Schaller,

4 Elias Schewel, Kathleen McGettigan.

5 (Witnesses approached witness

6 table.)

7 MR. SCHALLER: My name is Frank

8 Schaller. I'm the Director of the

9 Soil-Food-Health Forum. We focus on

10 sustainable energy and sustainable food.

11 The CSX oil train accident is

12 an opportunity to look at the big

13 picture, the big picture of fossil fuel

14 and clean energy.

15 Pollution is non-partisan.

16 Liberal or conservative, young or old,

17 pollution kills. Asthma, cancer, and

18 other environmental diseases are killing

19 us, our children, and today's pollution

20 will continue to kill future generations,

21 as the acid mine drainage of Roman mines

22 2,000 years ago is causing dead zones

23 today.

24 This is the 21st century. City

25 Councilmembers, please work to make this

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2 century the century of clean energy. The
3 50-year-old, 100-year-old fossil fuel
4 infrastructures must be phased out. Not
5 railroads, not bridges. The fossil fuel
6 infrastructure.

7 Clean energy technology
8 advancement is waiting for elected
9 officials such as yourselves and
10 government bureaucrats to tell the fossil
11 fuel industries to let go of their 18th
12 and 19th century dangerous practices of
13 oil, gas, and coal that are polluting and
14 causing health and safety problems for
15 individuals and society.

16 For the health and safety of
17 your constituents, you must work to
18 conscientiously progressively phase out
19 eventually all fossil fuel pollution and
20 conscientiously actively make decisions
21 to bring Philadelphia into the 21st
22 century of clean energy.

23 As I stated earlier, pollution
24 is non-partisan. Pollution kills
25 indiscriminately. Oil train accidents,

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2 pipeline explosions are red flags our
3 elected officials need to stop ignoring
4 by reacting to symptoms and catastrophes
5 and not empower clean energy policies.

6 Bottom line, please empower
7 clean energy policies.

8 Thank you.

9 COUNCILMAN JOHNSON: Thank you.

10 Next testimony, please.

11 MS. McGETTIGAN: I'm Kathleen
12 McGettigan. I was born and raised in
13 South Philadelphia. I was glad to see
14 the people here from the 25th Street
15 Bridge area and from Kensington, but I am
16 frankly a little disappointed that
17 there's nobody here representing the
18 University of Pennsylvania, Children's
19 Hospital or the Hospital of the
20 University of Pennsylvania, because they
21 would have been included in the
22 evacuation area.

23 I want to talk about how things
24 work in the real world. It was very
25 interesting to hear about energy

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2 management and evacuation, but evacuating
3 a hospital -- and I think most of us have
4 seen hospitals. When you're talking
5 about people who may have just come out
6 of surgery, when you're talking about
7 senior citizens who may only have one
8 leg, when you're talking about people --
9 Children's Hospital, children who are in
10 chemo who have terminal cancer. I mean,
11 seriously? Evacuation? I mean, I'm not
12 sure that that is a legitimate option.

13 I was also concerned about
14 Mr. Kendall's speech, because I'm not
15 sure about the reason for the derailment.
16 It sounded like we were doing routine
17 maintenance. We put down temporary
18 fasteners, and it's like, wait a minute.
19 Freight trains have been around since the
20 19th century. What is the problem?
21 You're talking about like geometry
22 trains. You're talking about all this
23 high tech, and you can't do routine
24 maintenance without a derailment? And
25 it's only by accident we know that it

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2 happened January 20th. What if this
3 derailment, near derailment, had happened
4 during an ice storm, which we did have
5 this past winter? That was an accident.

6 Finally, I'd like to say is
7 that --

8 COUNCILMAN JOHNSON: Excuse me.
9 It did happen in the middle of a storm.
10 Well, it happened and then the storm
11 came. So it did.

12 MS. McGETTIGAN: Yes. Thank
13 you for -- it could have been worse. It
14 could have happened during a storm. The
15 trains could have fallen into the river.
16 They didn't.

17 And I'm also concerned that
18 it's taken nine years and nobody has
19 said -- well, actually some of the
20 residents had mentioned that maybe that
21 bridge needs to be replaced. And, yes,
22 thank you. And I also wondered how many
23 parents there are in this room, because
24 if I took the same sort of sloppy blase
25 attitude towards the safety of children

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2 that I seem to hear from CSX, that we're
3 going to do this, we're going to do this,
4 it's been nine years, you know, we have a
5 plan, but they haven't even addressed why
6 the derailment happened and what we're
7 going to do to prevent such derailments
8 in the future. If any parent is here, if
9 I had the same attitude towards your
10 child's safety, would you give me
11 permission to take your child even across
12 the street to the corner grocery? I
13 think you would put your foot down.

14 Thank you.

15 COUNCILMAN JOHNSON: Thank you.

16 Yes, sir.

17 MR. SCHEWEL: My name is Elias
18 Schewel and I'm here, I'm a native of
19 Philadelphia and a resident of
20 Philadelphia, and I'm here as a
21 geographic information systems consultant
22 and a master of urban planning. I hope
23 to answer some of the questions that your
24 Emergency Management specialists wouldn't
25 answer for you.

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2 So first I just want to thank
3 our excellent elected officials for
4 making an investigation into this danger
5 a top priority. I've been doing mapping
6 work since 2007. I have a Master's in
7 urban planning from the University of
8 Michigan, and there I specialized further
9 in geographic information systems.

10 We know that derailment of
11 these oil trains has already happened
12 obviously. It's been a topic of
13 discussion today. And it is a comfort to
14 know that our elected officials are
15 investigating the grave possibilities
16 with urgency and attention, even if CSX
17 will not step forward and make the
18 necessary measures to improve the
19 situation.

20 The demi-derailments of similar
21 freight shipments across the country
22 point to the potential for considerable
23 loss of life if an oil train were to
24 combust our urban landscape. Today I'm
25 here to present map images to the City

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2 Councilmembers that show what a
3 hypothetical crude oil explosion might
4 look like along our city's CSX railways.
5 So to create these images that I have to
6 share with you all, I have digital copies
7 and paper copies, and hopefully you've
8 already seen paper copies that I left on
9 the table over there.

10 So to create these images, I
11 used what official data is publicly
12 available about rail right-of-ways on CSX
13 property in the area. I have used
14 official accounts of the hundred meter
15 blast radius in the July 6th, 2013
16 derailment of a crude oil train in
17 Lac-Megantic, Quebec and commonly
18 available geographic information
19 software. So the images I'm sharing with
20 y'all are not the complete picture. They
21 don't show all CSX property. They show
22 what I was able to find from public
23 records easily is just known to be
24 theirs.

25 So accurate information about

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2 exactly which rail right-of-ways are
3 carrying crude oil in the City is not
4 available through public sources, easily
5 at least, and CSX does not publish this
6 information either. However, official
7 geographic data is available which
8 identifies which section of rail the
9 crude oil carrier, CSX, owns in the
10 Philadelphia area, and throughout the
11 series of figures presented with my
12 testimony today, the sections of rail
13 that are conclusively owned by CSX I
14 could find and used to transport crude
15 oil are generally displayed in red in
16 images.

17 In Figure 2, which is a zoom-in
18 of CSX rails with a hundred meter blast
19 radius, the CSX tracks are displayed in
20 black. And I'll show these images to you
21 all in a second larger.

22 However, crude oil transported
23 by CSX also travels along sections of
24 rail where CSX only has trackage rights
25 and along short rails and regional

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2 connectors. So in the third and fourth
3 images presented along with this
4 testimony, these connective rail sections
5 that may or may not be transporting crude
6 oil but are not owned by CSX are
7 displayed in black. And we know through
8 anecdote and public account that certain
9 sections of rail displayed in black on
10 these maps; that is, I couldn't trace it
11 to be owned directly by CSX, we still
12 know that they are indeed carrying crude
13 oil on a regular basis.

14 And so as you'll see on the
15 graphics, I didn't display the hundred
16 meter blast radius on every bit of rail
17 that I could find out through anecdote or
18 through public account was carrying crude
19 oil. I didn't put the blast radius on
20 all that, because I wanted to create
21 simple graphics that could communicate to
22 the public and I also wanted to avoid the
23 false perception that all rail in the
24 City is carrying crude oil and the threat
25 of explosion.

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2 So real quick, I just want to
3 talk about derailment today and about the
4 failure of the bridge. So I'm not a
5 structural engineer. I can't tell you
6 about the likelihood of failure on this
7 bridge. And the maps also do not predict
8 the likelihood of a derailment along any
9 section of rail, nor do they predict the
10 blast radius if an oil train were to
11 derail. Instead, they take available
12 information about our recent crude oil
13 train derailment that ended in an
14 catastrophic explosion and visualize what
15 a serious threat a catastrophic
16 derailment poses to human life and
17 physical capital in our urban landscape.

18 So I've left on the testimony
19 my contact information. I'm available to
20 further correspond with you or any other
21 members of the Council about these
22 graphics and also work with interested
23 officials, ward members or Councilmembers
24 to produce further analysis and kind of
25 zoom in some more specific areas. So

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2 I'll bring up these graphics now. And
3 for audience members here, I blew them up
4 as large as possible.

5 I'll show you a quick
6 talk-through what's on these. Let's see.
7 I have one right there. That is Figure
8 No. 4, I believe. Can you turn it to me
9 just so I can make sure we're talking
10 about the same thing? Yes. So Figure
11 No. 4 here, this shows in red, the red
12 line there, that's stuff that I could
13 find through official sources that's
14 officially owned by CSX. The black is
15 other rails or the connecting rails and
16 some SEPTA rails, but the stuff with the
17 CR next to it is connecting rail. So
18 that's stuff that's not owned by CSX, but
19 CSX is using it to transport crude oil.

20 Now, on the red rail, which you
21 can see around it, I put up what's called
22 a buffer around it. That's that
23 transparent yellow area. So that shows
24 you a hundred meter blast radius and it's
25 interposed over aerial photography so you

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2 can see under it how many houses,
3 businesses, individuals are going to be
4 basically blown up if that derailment
5 happens.

6 So I just want to call your
7 attention -- I mean, there's particular
8 interest in the 25th Street Bridge,
9 rightfully so, and you'll see there on
10 the map that that doesn't have the yellow
11 buffer on it, even though that's where
12 the derailment was. I didn't put the
13 buffer on it. And, again, I'm just
14 trying to make sure I have a real clean
15 visualization, not being an official with
16 these maps. But you can see that extends
17 down Washington. It goes right into the
18 neighborhood. So just imagine
19 interposing -- and I can make another map
20 for you if you'd like -- interposing that
21 buffer right over that. You can see it's
22 going to go right through the
23 neighborhood.

24 The derailment and explosion
25 that happened in Montreal -- excuse me;

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2 in Quebec in Lac-Megantic was in a rural
3 area. It still ended up killing 40
4 people. So that's a hundred meter blast
5 radius in a rural area. So we're talking
6 about a hundred meter blast radius in the
7 middle of South Philly. It's going to be
8 probably considerably more.

9 So, again, thank you so much
10 for having hearings on this, and if you
11 have any other questions or want other
12 graphics or analysis, please get in
13 touch.

14 COUNCILMAN JOHNSON: Thank you
15 for your thorough testimony.

16 DR. SABERI: Thank you. I
17 really appreciate being given a chance to
18 say what I have to say. I know everybody
19 is really -- one of the last one who
20 really wants to go, but I have something
21 to say.

22 I ride my bike on Washington
23 Avenue. My house is on 1504 Montrose
24 Street in Philadelphia, and I ride to my
25 place of work in West Philadelphia.

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2 COUNCILMAN JOHNSON: I'm sorry.

3 Can you just state your name for the
4 record.

5 DR. SABERI: I will in one
6 second.

7 I do this many days of the
8 year.

9 My name is Poune Saberi,
10 P-O-U-N-E, S-A-B-E-R-I, and I am a
11 physician. My title includes the
12 Occupational and Environmental Medicine
13 Section Chief for Philadelphia Veterans
14 Administration. I am also a clinical
15 faculty at the Hospital of the University
16 of Pennsylvania.

17 During my commute when I ride
18 down Washington Avenue, I see the
19 crumbling deteriorating bridge on 25th
20 Street. And then when I stand in a
21 lecture hall in the Smilow Translational
22 Research Center, when I look out, I see
23 the Schuylkill Arsenal Railroad Bridge
24 and the precarious DOT-111 CSX trains
25 that traverse it. Words can't describe

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2 what I feel when I think about the
3 combination of disasters that can strike
4 my place of living, my place of work and
5 everything in between on a daily basis,
6 and this is all because City of
7 Philadelphia has allowed CSX trains to
8 carry Bakken crude oil so close to
9 residents.

10 On January 2nd, 2014, Pipeline
11 and Hazardous Materials Safety
12 Administration, PHMSA, issued a safety
13 alert indicating that Bakken crude oil is
14 so highly flammable that it might be
15 classified as a gas, and as such, it
16 poses a much higher explosion hazard.

17 When this very same oil, as
18 Elias said, carried in the DOT-111
19 railcars exploded in Lac-Megantic in
20 Quebec, 47 people died in an area where
21 the radius of 15 acres was affected. It
22 doesn't take a public health advocate to
23 point out that when the most flammable
24 oil is carried in derelict railcars over
25 a bridge in shambles in an area

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2 significantly more populated than
3 Lac-Megantic, the ensuing catastrophe
4 that an explosion will bring about will
5 be inexcusable and irresponsible in the
6 least, but a calamity at worst.

7 So I'm urging the City of
8 Philadelphia to halt all transportation
9 of this dangerous cargo and enforce
10 repair of the bridge infrastructure.

11 I'm just going to point out
12 that the Department of Emergency
13 Management during today said that they
14 would want to know if hydrochloric acid
15 was being carried through the City.
16 Well, hydrochloric acid is used during
17 the hydraulic fracturing process of
18 Bakken oil and not all of it is taken out
19 during the refining process. So in fact,
20 this could be considered hydrochloric
21 acid being carried through the City.

22 No amount of financial gain for
23 any one person or corporation should
24 justify the risk that the people of
25 Philadelphia and West Philadelphia are

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2 facing.

3 I ask the City Councilmembers
4 to widely communicate the emergency plan
5 in case of a disaster following
6 derailment of trains, collapse of
7 bridges, explosion of highly hazardous
8 Bakken crude oil with proper emergency
9 routes, first responder, HAZMAT and
10 decontamination protocols at all area
11 hospitals. And we've heard a lot of that
12 today. But then I ask the City Council
13 and Department of Emergency Management to
14 devise a Plan B when those area hospitals
15 that they depend on are no longer
16 standing in the wake of an explosion.

17 Lastly, I cannot thank
18 Councilman Kenyatta Johnson and all the
19 members of the Committee enough for
20 bringing awareness to this public health
21 and safety emergency and for being so
22 responsive to our concerns.

23 COUNCILMAN JOHNSON: First and
24 foremost, I want to thank all of you for
25 your testimony, very, very informative.

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2 I talked to Councilman Curtis Jones,
3 Chairman of Public Safety Committee, and
4 so we're going to -- because we're going
5 to follow up on this issue, we're just
6 going to recess this committee hearing to
7 the call of the Chair, which means we
8 will be revisiting this issue.

9 And so thank everyone for
10 coming out today, and we will be doing a
11 followup. CSX has committed to do some
12 things regarding the 25th Street Bridge
13 as well as parts of Southwest, but
14 there's more questions regarding how are
15 we operating as a city in terms of
16 addressing this issue.

17 And so we want to thank
18 everyone for coming out today and thank
19 you for participating in the hearing.

20 (Joint Committee on
21 Transportation and Public Utilities and
22 Public Safety concluded at 5:55 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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