



June 18, 2013

Jim Cameron
Chairman
CT Rail Commuter Council
55 DuBois Street
Darien, CT 06820

Dear Mr. Cameron:

This letter is in response to questions raised recently by the Connecticut Rail Commuter Council subsequent to two incidents that occurred on the New Haven Line – the derailment/collision on May 17 and the tragic accident that resulted in an employee fatality on May 28. The safety of our customers and our employees is always the highest priority for Metro-North Railroad and we will take whatever actions are necessary to ensure that we identify and mitigate any potential problems.

It is important to note that these incidents are still actively being investigated by the National Transportation Safety Board. The NTSB's protocol precludes us from discussing specifics of these investigations. We can describe for the members of the Council, however, the actions that Metro-North has taken since these incidents occurred and clarify some inaccurate information.

Since the only information we can provide is what has already been released or approved by the NTSB, MNR and ConnDOT attendance at the meeting would not provide any additional information and may compromise our agreement with the NTSB.

May 17 Derailment/Collision:

You have raised questions about track inspection. First, we can state categorically that Metro-North's track inspection programs are designed to comply with all relevant Federal guidelines and standards.

As the NTSB reported, Metro North inspectors found a track defect two days before the May 17 derailment, however, NTSB further noted that the Federal standards and guidelines currently in place did not require immediate action for any of those track defects noted.

All track is visually inspected twice each week. Track inspectors are trained to identify deviations and defects and they have the authority and responsibility to take immediate action, if necessary, such as reducing train speeds or taking the section of track out of service entirely. In addition to defects that require immediate action, FRA guidelines and standards require track inspectors to make note of ANY deviations to the basic track structure. These other types of deviations are noted so that there can be follow-up – either by programmed maintenance or in the next visual inspection.

The observations that were made by the track inspectors in Bridgeport on May 15 were of this nature. There was nothing to indicate that the track needed to be removed from service nor that trains needed to operate over it at slower speeds. Track inspectors would have conducted another inspection in that area within three days.

Federal track safety standards also identify requirements for the qualifications of inspectors. All of our track inspectors are qualified foremen, possessing a higher level of experience and knowledge so that they can accurately detect deviations from track standards. The inspectors who reviewed this section of track are two of MNR's more experienced foremen, with a combined total of 53 years of experience as foremen.

While the NTSB investigation is ongoing, Metro-North has already taken action to review our existing programs and processes in advance of formal NTSB recommendations. These actions include:

- Retaining Transportation Technology Center Inc., which is the internationally-renowned research affiliate of the American Association of Railroads to assess our track maintenance and inspection programs, and to identify ways we can improve our efforts to maintain our right-of-way.
- Inspecting and conducting an inventory of all joints similar to the one that was in the area of the derailment — it is important to note that no defects were found in any of the 230 similar joints that are in place on the entire Metro-North system.
- Increasing inspections of our right-of-way using specialized equipment on loan from other railroads and from TTCI.

May 28 Incident Resulting in an Employee Fatality:

As part of the ongoing project to build a new station in West Haven, CT, Metro-North Track Foreman Robert Luden was on the right-of-way supervising the work of a crane operator. The crane operator was lifting and moving 600-foot-long pieces of running rail that had been temporarily stored in the guage of one track to an adjacent track. Foreman Luden was standing on a section of track that had been taken out of service to accomplish this work.

At approximately 11:57 AM, train #1559 (the 11:53 AM train out of New Haven, scheduled to arrive at Grand Central Terminal at 1:41 PM) was routed onto the track believed to be out of service. The train struck and killed Foreman Luden. The crane operator was not physically harmed, nor was anyone on the train. Foreman Luden was a 27-year veteran of Metro-North.

The Rail Traffic Controller overseeing this part of the railroad at the time of the incident was still in training and was being trained and supervised by a more experienced RTC.

While we await the results of the NTSB investigation, Metro-North has built in additional safeguards to the procedures in the railroad's operations control center regarding returning tracks to revenue service. The railroad is also looking into newer technology that might provide better protection for railroad employees working on the right-of-way

Right-of-Way Improvements in the Bronx:

Metro-North is beginning a comprehensive right-of-way improvement program in the Bronx on July 1. The program accelerates drainage improvements between Melrose and Woodlawn to correct the underlying cause of mud spots and replace the ties that have deteriorated as a result. MNR forces will also take advantage of this track outage to conduct other planned drainage work, fencing repairs and general cleanup of the wayside. This comprehensive program will continue for nine weeks, ending after Labor Day.

Mud spots have been occurring in areas of poor drainage for years – not just on MNR property but at other railroads as well. Simply stated, mud spots are a sign that poor drainage is causing concrete ties and other elements of the track structure to deteriorate.

MNR ensures that the track structure is safe. As was indicated earlier in this letter, the entire MNR track network is inspected twice a week and if any problems are found, action is taken immediately; this includes the concrete ties and mud spots in the Bronx. Originally, we planned to address the underlying drainage issues in the Bronx and replace damaged concrete ties after we completed a major project to add a new interlocking (series of switches) near Fordham in 2014. As the number of mud spots has grown, however, we have had to reduce operating speeds in the Bronx to comply with federal guidelines and mitigate impacts to ride quality for our customers. It has become increasingly apparent that we should accelerate repairs this summer concurrent with other planned work and a planned schedule change. About 1-2 % of the concrete ties in this six-mile section of track are being replaced with traditional wooden ties and new stone ballast will be installed. The work will be undertaken one track at a time and will require that the track being fixed will be out of service continuously in order to accomplish the replacement as quickly as possible.

While each track is out of service, Metro-North will repair fencing that runs along the top of the “cut” and clean up the right-of-way. Because the tracks are below street level in a trough, they are an easy target for litter including old tires, grocery carts and discarded household items. This geography also creates additional flooding issues; when it rains, water from some surrounding streets pours onto the tracks and has nowhere to go. To address this problem, MNR will begin a two-year, approximately \$11 million drainage project. Underground drains will be installed that will connect to New York City sewer lines crossing below the tracks at 12 different locations. This project is a continuation of drainage improvements successfully completed in 2011 at the Mott Haven Yard to alleviate flooding.

Because this busy section of track carries both Harlem and New Haven Line trains, some minor changes to the AM peak schedule are required to facilitate the work. During this time, one AM peak Harlem Line and one AM peak New Haven Line train will be cancelled and two AM peak New Haven Line trains will be combined.

Retirements:

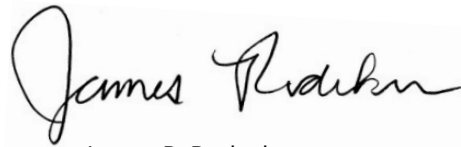
As you are aware, retirement eligibility in the workforce has increased with Metro-North (and many of its original employees) reaching the 30-year mark in 2013. While Metro-North had been planning for accelerated retirements in this pivotal year, there have been even more than were anticipated as there have been no cost of living or merit increases for employees in the last five years. Metro-North is filling vacant position as expeditiously as possible with the best candidates we can find.

We trust this information answers your questions.

Sincerely,



Howard Permut
President
MTA Metro-North Railroad



James P. Redecker
Commissioner
Connecticut Department of Transportation