



October 19, 2022

Mr. Amit Bose  
Administrator  
Federal Railroad Administration  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

RE: *Request for §239.105 review of October 7-8 passenger safety incident involving Amtrak Wolverine service #351 and #353*

Dear Mr. Bose:

The *Rail Passengers Association*, also known as the National Association of Railroad Passengers, is the nation's oldest and largest organization speaking for the nearly 40 million Americans who rely on passenger rail of all kinds every year. Our Association is submitting this request in regard to the above-referenced matter based on the significant interest of our members in many of the issues arising from this troubling incident.

On October 7<sup>th</sup> and extending until early in the morning of October 8<sup>th</sup>, dozens of passengers endured a nightmarish 19-hour trip on Amtrak's westbound *Wolverine*, stranded for many hours in several locations without heat, ventilation, lights, food, or working toilets. There were reports of sewage running through the aisles, and there was only minimal and misleading communication from Amtrak to passengers about what was happening and why.

Thirteen hours late and seemingly trapped, some of those passengers felt they had no choice but to open the doors themselves, let themselves off the train, and take their chances on active rail right-of-way at night on the side of a busy highway, which some of them then attempted to cross.

Our Association has been in contact with some of those passengers. One of them shared with us video she took using her smartphone during her self-evacuation from the train in Gary, Indiana. In this video we see passengers wading across a small gully in waist-high grass in the dark alongside the disabled train at about 10 p.m. local time to reach a busy highway, where many of them hoped to catch ride-hailing services they had called individually.

We also hear in the video some passengers declaring that they merely needed to wait for cars to slow down "to get across" the road and to surmount another jersey barrier in the middle of the roadway.



We have already begun conversations with Amtrak management about what happened that day, and we were encouraged to learn from Amtrak leadership that the railroad recognizes the seriousness of the incident and its aftermath. Nevertheless, we feel an obligation in representing our members and the traveling public to elevate our request for a formal debriefing and review whose results – subject to appropriate redaction of personally identifiable information – can be shared with the public.

Title 49 of the Code of Federal Regulations, Subtitle B, Chapter II, Part 239 (“Passenger Train Emergency Preparedness”) includes a requirement in Section 105 for a railroad to conduct a “debriefing and critique session after each passenger train emergency situation...to determine the effectiveness of its emergency preparedness plan,” and further requires that railroad to use the review to “improve or amend its plan, or both, as appropriate, in accordance with the information developed.” This review must take place within 60 days of an incident.

Section 105 lays out the purpose of the critique as a way to determine “at a minimum” whether the on-board communications equipment functioned properly, how much time elapsed between the occurrence of the emergency and notification to relevant emergency responders, whether Amtrak’s Consolidated National Operations Center (CNOC) promptly initiated any notifications that might have been required in their pre-plan, how quickly and effectively emergency responders may have responded after notification; and how efficiently the passengers exited from the car through the emergency exits, including any passengers with a disability or injury (when the railroad has knowledge of any such passengers).

Even though the cascading series of failures on the *Wolverine* service that day did not result in a collision, a derailment, or loss of life, the Association still believes that the *risk* of serious harm to passengers as the incident unfolded was quite real. We assess that this risk grew substantially once passengers elected to self-evacuate from the train.

Moreover, we do not believe that any of the exceptions to the debrief requirement, found in Section 105(b), apply here, because those exceptions apply only to collisions at highway-rail grade crossings which do not result in injury, death, or evacuation. Although we assume that the review will take place as contemplated in the rule, we nonetheless must say up front that we would oppose any move to apply an exception in this incident. Indeed, the Association believes it is vital that the review takes place as soon as possible to ensure that no details about the incident are forgotten with time.

In addition, our Association requests permission to act as a formal observer at any §239.105(a) review that may take place, either in person or via online.

The *Rail Passengers Association* also asks that the FRA ensure that Amtrak holds true to the spirit and intent of Section 239 debriefs by committing that train crews involved be held harmless during the review so as to ensure the fullest exploration and candid dialogue about what went wrong and how future disruptions could be better managed to limit safety and health risks to passengers.

Passenger rail and public transportation create a safe, reliable, affordable mobility web connecting students to colleges, elderly to family and healthcare, workers with economic

opportunity and communities to locally driven investment. Time and again, our Association has been able to demonstrate returns on investment to rail-served communities of anywhere from four times to as much as 10 times the annual Federal operating cost. These kinds of benefits are what Congress intended to foster when it passed the historic five-year Bipartisan Infrastructure Law, allocating \$66 billion taxpayer-supplied dollars to rail investment. We believe reassuring those taxpayers about passenger rail safety is an important part of realizing this intent.

Respectfully,



Jim Mathews  
President & CEO

1967



1990



2011



2017



RAIL PASSENGERS  
ASSOCIATION