



National Transportation Safety Board

Washington, DC 20594

Safety Recommendation

Date: January 28, 2013

In reply refer to: R-12-39 through -43

The Honorable Joseph C. Szabo
Administrator
Federal Railroad Administration
Washington, DC 20590

On December 11, 2012, the National Transportation Safety Board (NTSB) adopted its report on the Miriam, Nevada, highway–railroad grade crossing collision on June 24, 2011, in which a Peterbilt truck-tractor pulling two empty side-dump trailers and traveling north on US Highway 95 struck an Amtrak passenger train. The collision destroyed the truck-tractor and two passenger railcars. Four train passengers, the train conductor, and the truck driver were killed.¹ Additional information about this accident and the resulting recommendations may be found in the investigation report, which can be accessed at our website, <http://www.nts.gov>, under report number NTSB/HAR-12/03.

As a result of this investigation, the NTSB issued a total of 19 new recommendations to the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Highway Administration, the Nevada Highway Patrol, the Commercial Vehicle Safety Alliance, the American Trucking Associations, the Owner-Operator Independent Drivers Association, the Towing and Recovery Association of America Inc., the American Bus Association, the United Motorcoach Association, and John Davis Trucking Company, Inc., including the following five recommendations to the Federal Railroad Administration:

R-12-39

Develop side impact crashworthiness standards (including performance validation) for passenger railcars that provide a measurable improvement compared to the current regulation for minimizing encroachment to and loss of railcar occupant survival space.

¹ See *Highway–Railroad Grade Crossing Collision, US Highway 95, Miriam, Nevada, June 24, 2011*, Highway Accident Report NTSB/HAR-12/03 (Washington, DC: National Transportation Safety Board, 2012).

R-12-40

Once the side impact crashworthiness standards are developed in Safety Recommendation R-12-39, revise 49 *Code of Federal Regulations* 238.217, “Side Structure,” to require that new passenger railcars be built to these standards.

R-12-41

Require that passenger railcar doors be designed to prevent fire and smoke from traveling between railcars.

R-12-42

Work with the Federal Highway Administration to develop a model grade crossing action plan that can be used as a resource document by all states. At a minimum, such a document should incorporate information from US Department of Transportation publications, industry studies, and the American Association of State Highway and Transportation Officials, as well as the best practices and lessons learned at the conclusion of the 5-year grade crossing action plans developed in response to 49 *Code of Federal Regulations* 234.11, “State Highway–Rail Grade Crossing Action Plans.”

R-12-43

Work with the Federal Highway Administration to update its website on annual reporting requirements for railway–highway crossings, to include comprehensive information on the individual grade crossing action plans developed by the states pursuant to 49 *Code of Federal Regulations* 234.11, “State Highway–Rail Grade Crossing Action Plans.”

These safety recommendations are derived from the NTSB’s investigation and are consistent with the evidence we found and the analysis we performed. Chairman HERSMAN, Vice Chairman HART, and Members SUMWALT, ROSEKIND, and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 90 days detailing the actions you have taken or intend to take to implement them. When replying, please refer to the safety recommendations by number. We encourage you to submit your response electronically to correspondence@ntsb.gov.

[Original Signed]
By: Deborah A.P. Hersman
Chairman