

House Bill 1110

Presented by: Konrad Crockford, Director, Compliance Division
Public Service Commission

Before: House Judiciary Committee
The Honorable Representative Klemin, Chair

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TESTIMONY

Chair Klemin and committee members, I am Konrad Crockford, the Compliance Division Director for the Public Service Commission, here to testify on HB 1110.

The Public Service Commission's (PSC) Railroad Safety Program inspects critical infrastructure which is vital to the economy of North Dakota and the nation. This critical infrastructure includes railroad track and switches, railroad cars and locomotives, and hazardous materials shipments, shippers, and receivers. When areas of non-compliance are identified by state rail safety inspectors, this information is documented on inspection forms and communicated to the railroad or affected party for correction.

Additionally, state rail safety inspectors are the eyes and ears on the ground representing the state's rail safety interests during the investigative process of railroad incidents and accidents occurring within North Dakota. The rail safety inspectors are not first responders; however, once an incident or derailment is deemed safe, the inspectors, along with federal counterparts, begin to investigate

to determine the contributing factors and the root cause which led to the incident or derailment.

While state rail safety inspectors work and cooperate with their federal counterparts within the U.S. Department of Transportation, Federal Railroad Administration, there are times when a state rail safety inspector may be the first inspector to the incident or derailment site and is gathering and relaying firsthand investigative evidence. Furthermore, depending upon the scope of the incident or derailment, the National Transportation Safety Board (NTSB) may send an investigative team to lead the investigation. To ensure all entities can participate and keep updated as the investigation progresses, the NTSB has implemented their Party System. The Party System allows multiple entities to have access and participate in the investigation; however, to be involved in the Party System, entities must protect the investigation details and records until released by the NTSB.

The PSC rail safety inspectors were not able to fully participate in a past derailment investigation with the NTSB due to concerns of not being able to adequately protect the investigation records, either in part or whole. HB 1110 will allow the PSC rail safety inspectors to participate fully in future NTSB investigations. Additionally, inspection records which detail the specific location and type of defects found in North Dakota's rail system will also be protected consistent with the federal procedure.

Chair Klemin, this concludes my testimony. Thank you for your time and I will be happy to answer any questions.