

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 772

OVERSIGHT HEARING PERTAINING TO
UNION PACIFIC RAILROAD COMPANY'S EMBARGOES

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January 19, 2023
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Public Record

**UNIONS' SUPPLEMENTAL FILING REGARDING
UNION PACIFIC SERVICE PROBLEMS**

The Brotherhood of Maintenance of Way Employees Division/IBT, Brotherhood of Railroad Signalmen, International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Division, International Brotherhood of Boilermakers, National Conference of Firemen and Oilers/32BJ SEIU and the Brotherhood of Locomotive Engineers and Trainmen ("Union") submit this supplemental filing regarding conditions on Union Pacific's ("UP") Winnemucca Subdivision of its Ogden Utah to central California line. This filing discusses a problem with that portion of UP's infrastructure that is illustrative of the Carrier's decisions and priorities that contribute to the congestion that UP cites as justification for the embargoes it has imposed and to UP's well-documented service failures.

In Finance Docket No. 36609, the Board has issued a second Emergency Service Order to UP with respect to its service to Foster Poultry Farms in California. UP uses the line that runs from Ogden, Utah through Feather River Canyon, Nevada and into central California to serve Foster Farms. Part of that line is the Winnemucca Subdivision, which is in such poor condition that UP has asked the Federal Railroad Administration ("FRA") to allow the Carrier to suspend use of the Centralized Traffic Control system which controls movement of trains into sections of track; a principal purpose of the system is to ensure that two trains cannot enter the same section

of track at the same time. UP has asked FRA for permission to turn off the signal system and instead rely on specific Dispatcher authorizations for train movements past each signal until UP can arrange for issuance of Track Warrants. Under Track Warrants, trains are required to obtain authority from a Dispatcher to operate or perform work within a designated area. In essence, this portion of the UP system would be running as “dark territory”, which is a permissible, but less safe and less effective, method of operating. UP has made this request because the Winnemucca Subdivision has become so degraded that UP cannot conduct normal CTC controlled operations over the line without increasing delays and re-crewing. Utilizing Track Warrants will allow trains to move more quickly than trains operating over a line with a dysfunctional signal system. But the choice UP has presented to the FRA—slow train movements via Track Warrants versus even slower train movements using a deteriorated signal system-- are a result of UP’s underinvestment in the line and then reducing the number of workers responsible for inspecting and maintaining the line. This is explained in the attached declarations of Randy Quinn Norman (Vice President, Headquarters of the Brotherhood of Railroad Signalmen (“BRS”)) and Roy. L. Morrison, III (Director of Safety of the Brotherhood of Maintenance of Way Employees Division/IBT (“BMWED”)).

The information submitted in this filing is pertinent to the Board’s consideration of UP’s excessive and improper use of embargoes purportedly justified because of “congestion” because the information shows that track speeds have been reduced on the Winnemucca Subdivision, thereby adding to congestion as a result of underinvestment and inadequate staffing. Additionally, while much of the focus on UP’s service problems has been on operating practices and inadequate train, engine and yard service staffing, what has occurred on the Winnemucca

Subdivision is a result of not paying sufficient attention to, and not providing sufficient resources for, the infrastructure. While the results of shorting operations in pursuit of ever higher profits may be more immediately apparent than the effects of shorting the infrastructure in pursuit of ever higher profits, ultimately, ignoring the infrastructure adversely affects service, just as poor operating practices adversely affect service. Foster Poultry Farms is an obvious victim of UP's malfeasance with respect to the Winnemucca Subdivision because UP trains servicing Foster Farms traverse that line. Foster Farms has twice had to seek relief from this Board in order to ensure that UP would deliver feed to its facilities so that Foster Farms would not have to euthanize millions of chickens. If the line had been properly maintained and properly staffed, perhaps UP would have been better able to serve Foster Farms, and comply with its common carrier obligation. Because the condition of the Winnemucca Subdivision is relevant to the Board's proceedings in Foster Poultry Farms, F.D. 36609, the Norman and Morrison declarations have also been filed in that docket.

The Declarations of Messrs Norman and Morrison show that the Winnemucca Subdivision has been allowed to deteriorate to an atrocious level. Conditions are so bad that the signal system cannot operate properly (which is the basis for UP's request to use Track Warrants), and trains must move much more slowly than they would otherwise move over the line. A segment of the line has not been properly undercut since 2008 and not undercut at all since 2012. Morrison Declaration ¶3. When tracks are not properly undercut the ballast roadbed becomes fouled with sand, mud, or other impurities, the track structure is no longer able to drain water, this leads to degradation of the track, increased possibility of derailments, and interference with the signal circuitry. This, in turns leads to slow orders on the tracks which means backed-up

trains and congestion on the line. *Id.* Additionally, sand fences and berms have not been maintained, so the track is full of sand, which also causes degradation of the track and right of way, and slower train movements. *Id.* ¶4. Attached to the Norman declaration are pictures of track that is part of the line that is covered with sand. Norman Declaration ¶7. With the current deteriorated track conditions, the CTC system is not functioning. As a result, UP must do multiple re-crews for trains running on the line. Using track warrants will lessen the need for re-crewing, which will allow for faster movements over the line. *Id.* ¶6. But, as Mr. Norman has noted, if the track infrastructure had been properly maintained, UP would not have had a need for multiple re-crews; and UP would not have had to request to suspend use of the CTC system, which will render operations over the line less safe and less efficient. *Id.* ¶6. By underinvesting and cutting Signal and Maintenance of Way staffing, UP has created a choice between two bad options, rather than running like a modern railroad.

There are also serious safety concerns about UP's operations over this line in current conditions. Operating with the signal system turned-off will mean that UP cannot detect broken rail or the presence of trains, train cars, or equipment; this could increase the possibility of an incident, accident or derailment. Norman Declaration ¶6. And there are multiple locations across the territory where federally mandated tests are overdue because the reduced signal work force is stretched too thin. *Id.* ¶5. Additionally, there are multiple locations where hazard detectors (hot journal detectors), Control Points, power supplies and crossings in desperate need of repair. *Id.* All of this contributes to poor track conditions that require slower train movements, congestion, and bad service for customers reached by use of this line, as well as greater risk derailments and other incidents that can affect service. *Id.* ¶8.

UP's underinvestment in the line from Ogden to central California was already problematic by 2016. But the problems were amplified as UP began to cut the Signal and Maintenance of Way workforces. When there were more employees assigned to this line, inspection and maintenance could catch and remedy some problems. Messrs Norman and Morrison have explained that the Signal and Maintenance of Way workforces have been substantially reduced generally on UP, and specifically on the Ogden-Central California line since 2017 (coincident with UP's adoption of the ruthless cost-cutting business model). They further explained that given the reduced staffing, the employees currently assigned to the line cannot realistically keep up with federally mandated and other regular inspections and maintenance and still perform extraordinary maintenance and repairs in order to cover for UP's failure to provide the resources necessary for the line to permit regular operations. Norman Declaration ¶¶2-4, Morrison Declaration ¶¶2-3. Mr. Norman provided a detailed description of the tasks assigned to the remaining Signalmen on the line that includes the Winnemucca Subdivision, and demonstrated that they have their hands full just performing federally mandated testing; and even with concentrating primarily on that work, they are not able to accomplish all the testing on time. Norman Declaration ¶4.

The Unions submit that the circumstances on the Ogden, Utah to central California line demonstrate the consequences for service of exalting cost-cutting over the needs of transportation and of failing to commit sufficient resources to inspecting, maintaining and repairing rail infrastructure. Certainly, Foster Farms is feeling the pain as a result of UP's cost-cutting/profit-maximization decisions. The Board has correctly focused on the effects of UP's excessive cuts to the train, engine and yard service work forces because those employees directly

provide service to shippers. But underinvesting in the infrastructure, and understaffing in the engineering department, will ultimately adversely affect service too. The Winnemucca Subdivision is just the leading edge of the impact of starving the track, right of way and signal system.

The Unions submit that upon consideration of the evidence adduced in this docket, the specific circumstances of the Winnemucca Subdivision, and the experience of Foster Farms, it is reasonable for the Board to ask whether UP gives any consideration to its obligations as a common carrier, and whether it really sees itself as being in the transportation business, because its performance in recent years gives every indication that it feels no obligation to provide service as a common carrier, and it views provision of transportation as an ancillary activity to its function of extracting value from the railroad assets for the benefit of stock speculators.

Respectfully submitted,

/s/Richard S. Edelman

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Brotherhood of Locomotive Engineers and Trainmen

January 19, 2023

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 772

OVERSIGHT HEARING PERTAINING TO
UNION PACIFIC RAILROAD COMPANY'S EMBARGOES

DECLARATION OF RANDY QUINN NORMAN

I, Randy Quinn Norman, declare under penalty of perjury that the following is true and correct.

1. I am Vice President, Head Quarters of the Brotherhood of Railroad Signalmen ("BRS"). My responsibilities include regulatory issues, and supporting BRS General Chairmen, including the General Chairman of the BRS Union Pacific General Committee in providing representation to Union Pacific Signalmen represented by BRS. In that capacity I regularly speak to BRS officers and members regarding issues they are having as well as about their performance of signal inspection maintenance and repairs.

2. Since Union Pacific's ("UP") implementation of its ruthless cost-cutting business model UP has made drastic cuts to its Signal forces. In 2017, UP employed 2556 Signalmen, today there are 1758 Signalmen.

3. These reductions in staffing have dramatically impacted the effectiveness of the signal system on lines running from Ogden, Utah through northern Nevada though Winnemucca Nevada and into central California, and lines from Salt Lake City through Winnemucca and into central California. One route goes from Winnemucca to Reno and into central California, the other route goes through the Feather River Canyon into central California.

4. When Union Pacific began implementing its ruthless cost-cutting business model, UP

eliminated or failed to fill safety sensitive positions such as a Signal Maintainer and two Relief Maintainers, on the lines between Utah and central California, thereby reducing the number of Signalmen across the territory. With the reduction in Signal Forces, UP extended Maintainer territories and the amount of work assigned to each Signal Maintainer and Signal Inspector/Technician. Many of the Maintainer's are responsible for approximately 100 miles of track with some of the territories including double main track. The Maintainer who is assigned the largest territory is currently medically disqualified. As a result, the work is left to the adjoining Maintainers—in addition to their regularly assigned territories. Despite our demands that UP augment the workforce, the Carrier adamantly refuses to hire additional personnel. The Signal work force is currently exhausted. Many of the employees have been working anywhere from 60 to 90 hours a week; the additional hours are from working beyond their regular shifts, or from being called out on days when they are not assigned to work. Two Maintainers reported that their territories include the following (and they are required to be on call):

Maintainer 1	Maintainer 2
96.15 Mainline Miles	96.67 Mainline Miles
1.84 Siding Miles	5.12 Siding Miles
35.7 Yard Miles	7.29 Yard Miles
15 Derails	5 Derails
24 Hand Throw Switches	10 Hand Throw Switches
4 Hydraulic Switches	11 Power Switches
8 Power Switches	4 Repeaters
2 Repeaters	20 Detection Devices
21 Detection Devices	7 Crossings
1 Battery Box	5 Downstream Adjacent Crossings
8 Crossings	69 Signals
54 Signals	14 Control Points
15 Control Points	

This amount of work is extremely difficult for these Maintainers to do properly. The Maintainers are constantly performing Monthly, Quarterly, and Annual mandatory FRA tests, but they are unable to perform routine preventative maintenance to ensure the proper functionality of the equipment. Often times the only preventative maintenance performed is when the equipment fails to operate properly, and a Maintainer is dispatched to inspect and repair the issue. If Maintainers are required to perform FRA testing on another territory it can take away time for them to work on their territory, and when they are on call they can be called to other territories. Whenever track work is performed Maintainers are required to support the track forces by ensuring the crossings and signal system are not compromised, and to test any affected circuit and ensure the safe operation of the system. With the excessive work load there have been problems with the Signal system which, in turn, have affected train operations. There have been delayed trains due to impassable broken rails, weather events that disrupt the track structure and power grid, malfunctioning switches, failed hazard detectors, crossing trouble, signal system issues, PTC issues or radio communication issues. There just are not enough Signalmen and Maintenance of Way workers to keep up with these issues while also doing Federally mandated work. If repairs cannot be made on a section of track, but it is still passable, that section is “slow ordered” which means track speeds are decreased. Slow orders occur when the track integrity has changed due to rail or tie replacement, lining and surfacing, weather restrictions fire, wind, water, land slide, snow and/ or heat restrictions, and temporary repairs made on the rail. Slow orders affect operations and service to customers because slower moving trains mean late pickups and deliveries of cars, and slower movements increase congestion and trains have to wait longer for other trains to clear the track.

5. The entire territory from UT to Reno NV is in desperate need of Track and Signal personnel to ensure the FRA mandated work (which ensures that equipment is properly functioning) is completed.; There are multiple locations across the territory that habitually have tests in the red or overdue (when the work force is strained due to calls, scheduled track maintenance, weather events, power outages, hazard indications, or crossing issues) In addition, there are multiple locations including hazard detectors (hot journal detectors), Control Points, power supplies and crossings in desperate need of repair

6. UP recently sent the FRA Administrator of Safety and Emergency Block Signal Application (BSAP) a request to temporarily suspend the block signals between CP Reynard (F417) and CP Phil (F430)—these are locations on the Winnemucca Subdivision on the line between Ogden, Utah and Feather River Canyon in to Central CA. Copy attached as Norman Ex. A. UP is requesting a six-month suspension of the requirement to use its CTC system. CTC is Centralized Traffic Control which controls movement of trains into sections of track, a train cannot enter a section of track once a route is lined through the CTC system; a principal purpose of the system is to ensure that two trains cannot enter the same section of track at the same time. Once this form of operation is in use, a Railroad cannot simply turn it off. There are instances when the signal system must be suspended temporarily, such as putting new equipment in service and discontinuing the use of the old equipment. When this occurs trains can get authority from the dispatcher to travel through the limits of this area at restricted speed, they train crew is then instructed not to comply with any portion of the signal system within the limits of the signal suspension. In its request to the FRA, UP states, “Currently, Union Pacific’s dispatching software cannot grant track warrants through this area, thus the interim signal suspension

request.” Track Warrants are used within dark territory (territory not controlled by the signal system), trains and employees are required to obtain a track warrant from the dispatcher to operate or perform work within a designated area covered by the track warrant, such as milepost 5 to mile post 16. UP’s Signal suspension request will mean that the railroad will operate as dark territory with trains obtaining authority to travel through the limits and not act on any signal within the signal suspension area. With the current deteriorated track conditions, the CTC system is not functioning and cannot detect broken rail or the presence of trains, train cars, or equipment, these conditions will remain once CTC is turned off, what will increase is the train speed across the track that has not been properly maintained, this could increase the probability of an incident, accident or derailment. Such a derailment or other incident will further delay movements over the line. In its filing with the FRA, UP has noted that 5 recrews a day are required for movements over this line. This location is several hours away from any terminal; it can take up to two or three hours for a crew to come on duty and be transported to the location, the crew they replace will then be returned to the terminal as their allowable time under the Hours-of-Service law will have expired. Union Pacific now must have double the number of crews available to provide service to Foster Farms and any other trains that run through this territory. If the track infrastructure had been properly maintained, there would not be this need for multiple recrews—which would speed up train movements on this line and make crews available to provide service to other shippers; or for suspension of the CTC system which makes the line less safe than is the norm for modern Class I railroading. By underinvesting and cutting Signal and Maintenance of Way staffing, UP has created a choice between two bad options, rather than running like a 21st century railroad.

7. In its filing with the FRA, Union Pacific stated that “Numerous preventative measures have been performed up to the point of requested relief, such as undercutting, recent surface and lining in August 2022 that resulted in a 6” raise in the track and removing contaminants via jet blower.” This statement is not accurate; it would lead someone to believe a large amount of effort has been made to take care of this track. But UP has not used an undercutter in this area for several years, that has contributed to the current problems. UP did bring in new ballast and tamped and resurfaced but did not raise the track the 6 inches they claim. Last, the blower truck is as temporary of a band aid as one could get, all that is occurring is the sand is being blown off the surface and deeper into the voids of the ballast to the point the only option is undercutting and sand fences and berms. Attached as Norman Ex B are some pictures of the territory in question where the relief has been requested. There is no way UP can adequately serve shippers that have to be reached over this line. The proper fix for this area is to properly undercut the stretch of track where the issues are and replace the ballast with clean and new ballast and to replace the dilapidated sand fence with a proper sand fence and berms. Union Pacific states, “All of the noted remedial efforts will continue until additional regen repeaters are installed to assist with track circuit integrity.” Union Pacific proposed installing regen repeaters, they have attempted this route and currently have regens at mile post 420.06 and mile post 423.54, they are proposing to install additional regens at 420.98, 422.72, and 424.3 in an effort to avoid maintaining the track (rail and ties) infrastructure. This action will not fix the compromised track structure; it may assist with keeping track circuits working even if the track structure integrity declines further.

8. All of this has caused a degradation of service to shippers. This line is used to serve

Foster Poultry Farms, which has requested and received two emergency service orders. Ironically, UP indicates to the FRA that it needs the requested relief to comply with the STB's orders. UP acts as if the service problems are something that happened to it. In actuality, these problems are a direct result of deliberate decisions by UP to cut staffing and inspection, maintenance and repair of its infrastructure in order to reduce its Operating Ratio.

January 18, 2023

/s/ Randy Quinn Norman
Randy Quinn Norman

NORMAN EXHIBIT A

January 19, 2023
DOT APP. NO. 979

Mr. Karl Alexy - Associate Administrator for Safety
Federal Railroad Administration
1200 New Jersey Avenue, SE
Mail Stop 25
Washington, DC 20590

Dear Mr. Alexy,

In compliance with the FRA "Rules and Regulations Governing Railroad Signal and Train Control Systems" manual part 235, the Union Pacific Railroad Company submits herewith the original and two copies of D.O.T. Application UPRR No. 979.

This application is for the temporary suspension of block signals between CP Reynard (F417) and CP Phil (F430) on the Winnemucca Subdivision. This request for signal suspension is interim until a later date, (Tuesday January 10th) when the request will then be to temporarily remove CTC limits and replace with TWC limits through this same area. Currently, Union Pacific's dispatching software cannot grant track warrants through this area, thus the interim signal suspension request. Once Union Pacific's dispatching software can grant track warrants through this area, Union Pacific will notify the FRA, prior to implementation of TWC limits. This temporary relief is requested for up to six months from the date of FRA acceptance, at which time, CTC limits will be restored.

The following information is submitted in compliance with the requirements of the Signal Inspection Act part 235.10:

- (1) Corporate Name of Applicant:
Union Pacific Railroad Company.
- (2) Manner of Applicant's Involvement:
Union Pacific Railroad Company is owner and maintaining railroad.
- (3) Location of Project:
UPRR Winnemucca subdivision between mileposts 416.9 and 430.3, located near Gerlach, Nevada.
- (4) Description of proposed project:
This application is for the temporary suspension of Block Signal System CTC from CP Reynard (F417) and CP Phil (F432) on the Winnemucca Subdivision. All movements within these limits will be made under TWC rules.
- (5) Reason for proposed removal: At the present time, Union Pacific has an incurable situation with contaminated track conditions from windblown high alkaline soil and sand that will not allow the signal system to function properly. This condition is resulting in roughly 5 recrews a day for this area, leaving the new STB

ruling to serve Foster Farms expeditiously, in jeopardy. Numerous preventative measures have been performed up to the point of requested relief, such as undercutting, recent surface and lining in August 2022 that resulted in a 6" raise in the track and removing contaminants via jet blower. Despite the repeated efforts and remedial measures performed, all these tasks have shown to be temporary due to the reoccurrence of the sand and debris that have re-contaminated the track surface. Unfortunately, Union Pacific is currently unable to perform these same mitigation efforts as the wet seasonal patterns have been followed by a series of cold weather and snow events that has left the track structure frozen. Ongoing remedial efforts will continue to be performed, that also include two full time employees manning jet blowers to melt and remove frozen contaminants and the application of a new ballast regulator equipped with steel brushes to aid in contaminant removal. All of the noted remedial efforts will continue until additional regen repeaters are installed to assist with track circuit integrity.

Current condition: Abnormal amounts of high alkaline soil and sand has blown into the track that was just raised six inches in August. That sand and soil then received a seasonally high amount of rain and moisture that then quickly froze before it dried or evaporated. To compound the problem, it then snowed encasing the ties and rail creating a shut.

(6) Beginning and Completion Dates:

will begin after approval of application, up to six months.

(7) Changes in Operating Practices

Train movement on affected portion of track will be under temporary suspension until governed by TWC rules

(8) Safety of Operation:

Safety will be downgraded temporarily with a signal suspension that will be handled with current rules and regulations under control of the dispatcher. The dispatcher will only allow one train at a time to occupy these limits under this suspension. Once Union Pacific can grant track warrants over these limits, CTC will then become TWC in these limits and traffic will be restricted to a single train at a time in these limits. This corridor is a directional route, with no plans for conflicting movements or meets in this area. There have been zero broken rails in the past two years within these limits.

(9) Will Proposed Changes Conform To Federal Railroad Administration's Rules, Standards and Instructions:

All changes will conform to Federal Railroad Administration's Rules, Standards and Instructions.

(10) Plans attached in conformance with Rule 235.12

Union Pacific Exhibit "A" print showing signals to be removed and proposed track changes. A copy of the pertinent Timetable pages and current General Order are also included.

(11) Average traffic volume is approximately six directional trains per day, zero hazardous (Non-PTC territory) with no conflicting moves or meets anticipated.

Yours truly,

David P. Ohara
General Director Operating Practices
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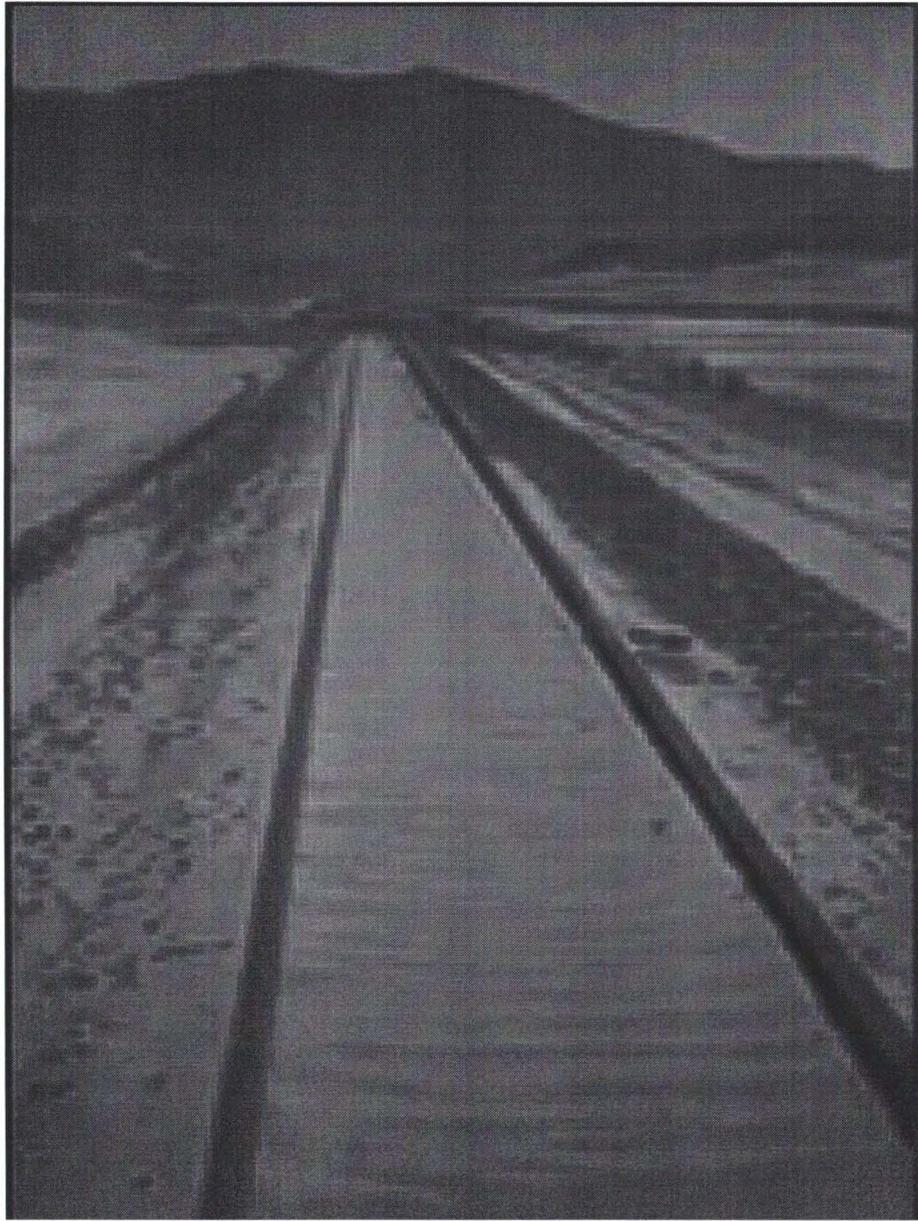
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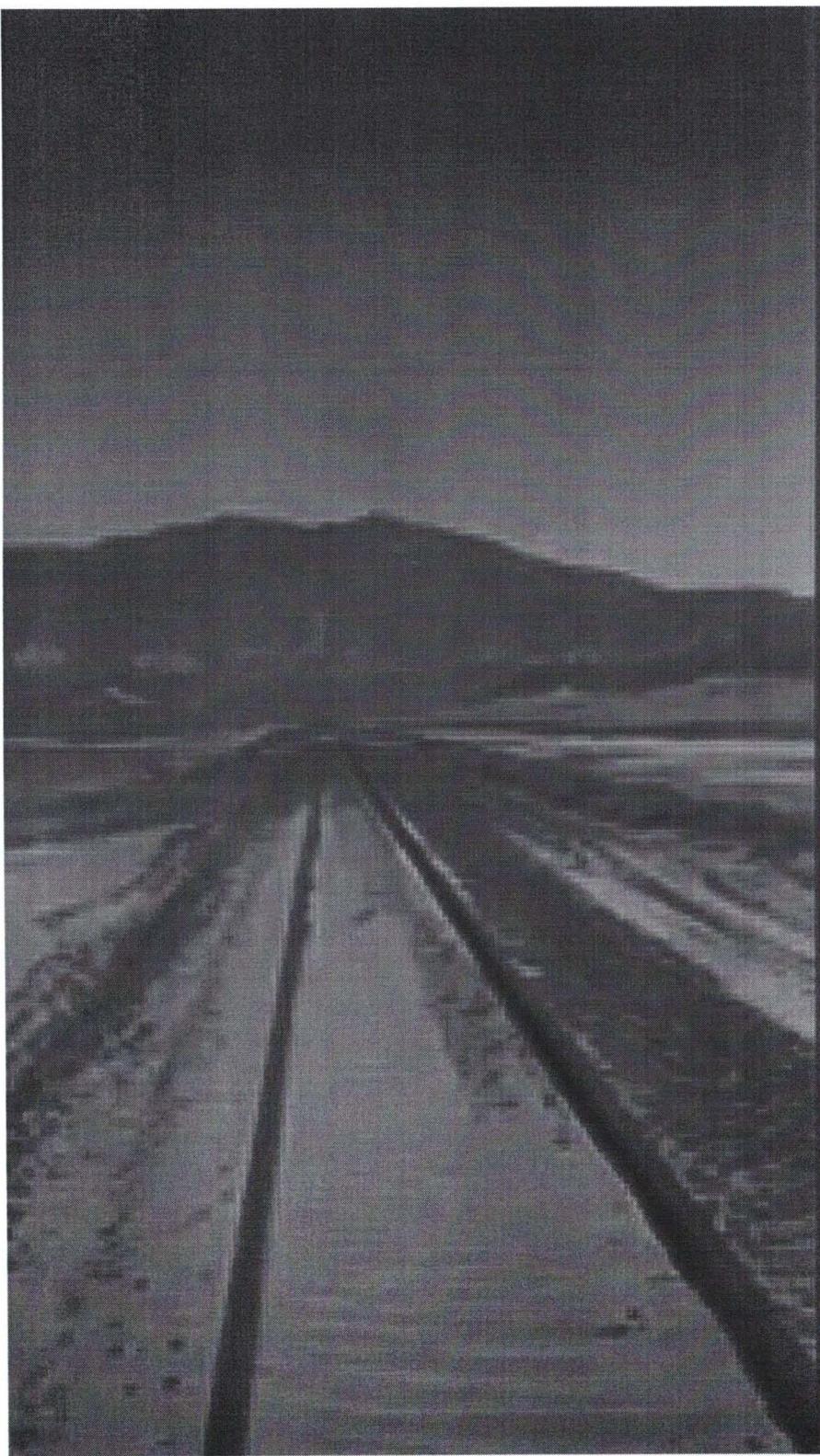
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NORMAN EXHIBIT B





**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 772

OVERSIGHT HEARING PERTAINING TO
UNION PACIFIC RAILROAD COMPANY'S EMBARGOES

DECLARATION OF ROY L. MORRISON, III

I, Roy L. Morrison, III, declare under penalty of perjury pursuant to 28 U.S.C. §1746, that the following is true and correct and is based on personal knowledge.

1. I am the Director of Safety of the Brotherhood of Maintenance of Way Employes Division/IBT ("BMWED"), which represents maintenance of way employees of the Class I and other rail carriers in the United States, including maintenance of way employees of the Union Pacific Railroad ("UP"). BMWED members are responsible for constructing, repairing, rehabilitating, upgrading, renewing, inspecting and maintaining rail carrier track and rights of way, as well as bridges, buildings, and other structures.

2. Since Union Pacific's ("UP") implementation of its ruthless cost-cutting business model UP has made drastic cuts to its Maintenance of Way forces. In January of 2017, UP employed 7159 Maintenance of Way workers, in November of 2022 UP employed 6004 Maintenance of Way workers. On the Winnemucca Subdivision between Utah and Central California there has been about a 30% reduction in maintenance of way forces since the mid-2010s.

3. These reductions in staffing have resulted in significant degradation of the track and right of way on lines running from Ogden, Utah through northern Nevada through Reno Nevada and into central California. A portion of this track is in poor condition because it has not been properly undercut since about 2008. At that time, undercutting was performed with a Lifter

Undercutter, which is the best way to perform undercutting. A subsequent undercutting was performed some time between 2010 and 2012; this was done using a track hoe with an undercutting bar, this is not the most effective way to undercut. It is important to do regular undercutting in known troubled areas to ensure the integrity of the roadbed. It is especially important in an area like the Winnemucca Subdivision because, as the ballast in the roadbed becomes fouled with sand, mud, or other impurities the track structure is no longer able to adequately drain water away from the track structure. The presence of this water leads to drastically increased track degradation in the form of rotting ties and the related inadequate securing of the rails to the tie plates, track surface issues, such as uneven track profile such as pumping of the tracks (low profile) or even heaving of the track when the moisture in the inadequately drained ballast freezes (high profile), as well as track geometry issues such as wide gauge, rail canting, track alignment and longitudinal level. The impurities also can keep the electric signal system from functioning properly. Attached to this declaration is an explanation of how undercutting is performed. Nevertheless, when the track degrades to a certain thresholds, certain types of remedial action must be taken, often leading to a speed restriction and thus, reduction of the speed of which the trains will travel across the line of track. The speed at which trains travel across the carrier's system (i.e., velocity – an important benchmark used in measuring performance under the Precision Scheduled Railroading model) is important in the providing adequate services for rail customers.

4. Additionally, tracks on this line are overcome with sand. There were sand fences to minimize the sand on the tracks, but they have not been properly maintained and replaced as necessary. This too affects train speeds and thus reliability of pickups and deliveries.

5. While it was possible, but not desirable, to run trains over this line when there were sufficient maintenance of way forces to fix or otherwise address day-to-day problems, with the reduction in staffing in recent years, the remaining work force struggles to keep up with the maintenance when assigned by the carrier to perform work on this subdivision, and this has led to further degradation of the line and deterioration of service.

6. UP's lack of investment in this line of track, and then its own deliberate and substantial reductions in its workforce are the direct cause of this deterioration. Problems resulting from lack of investment in a rail line may not manifest themselves immediately, particularly when there are sufficient inspection and maintenance forces to make repairs. However, when those forces are also reduced we see the sorts of problems we see on the Winnemucca Subdivision that require trains to move at well below normal speeds and have otherwise adversely impacted UP's ability to adequately serve customers on this line (like Foster Poultry Farms) The condition of the line could be substantially improved if UP hired additional maintenance of way workers and invested in the equipment for these workers to restore the track to an adequate standard. The poor condition of this track and right of way means that trains must move much more slowly over these lines than if they were properly maintained.

I declare under penalty of perjury that the foregoing is true and correct.



January 18, 2023

Roy L. Morrison, III

Railroad undercutters have been around in one shape or another since the steam era, and today has mostly stayed the same, becoming more extensive and more efficient at their primary task. Today's machines can remove between 6" inches and more than 2' feet deep material at once, typically rolling along at just a few feet per minute.

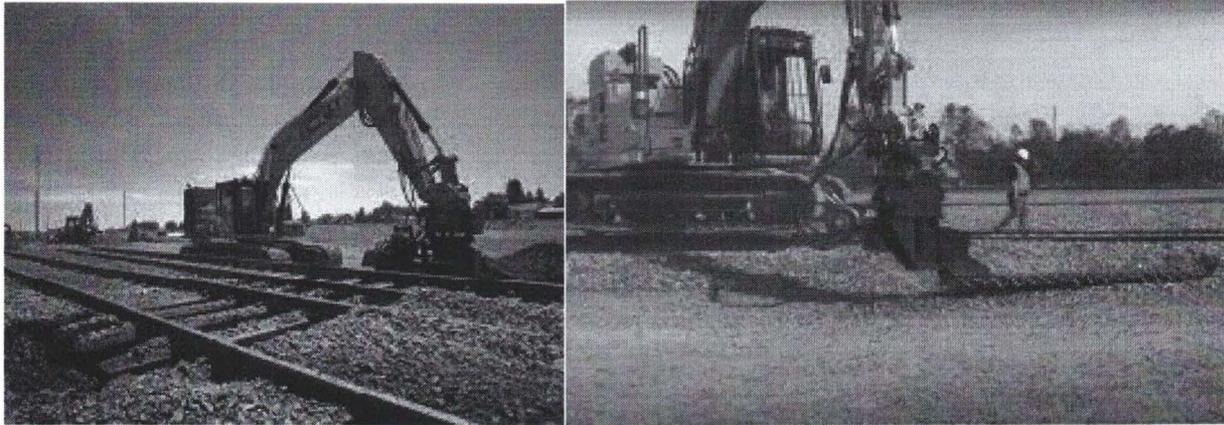
Maintenance of the ballast layer directly below the ties is essential to a healthy track structure. Ballast degrades over time and becomes increasingly fouled, reducing its ability to drain, provide adequate load-bearing support, and withstand vertical, lateral, and longitudinal forces. Undercutting is needed to restore the desired ballast properties after becoming fouled. Undercutting is the continuous excavation of the material beneath the ties. The material excavated can either be wasted or screened and returned to the track with only the fines being discarded or can leave the track skeletonized to allow for the dumping of a fresh ballast layer.

Two primary undercutting platform solutions are used to reestablish a more permeable ballast and a more substantial structure. The first is an undercutter cleaning system typically equipped with a track lifting and slewing mechanism that allows the track to be lifted to reduce the cutting depths and to be shifted laterally as required to clear trackside obstacles. A high-powered cutting chain is then positioned under the railroad ties. The cutting chain or sled removes all of the fouled ballast material using conveyer belts to move the degraded material to an inline ballast cleaning system allowing the larger cleaned ballast to be reclaimed. A slew able discharge conveyor takes the waste material to be discharged to either side of the right-of-way.



The second is an easier-to-move, less evasive system designed explicitly for use off-track. This system is designed to undercut track maximizing the use of valuable track time.

An undercutter blade is attached to an excavator or other track maintenance machine and undercuts from an off-track location, allowing trains to keep moving and removing the need for a set-out track or having to travel miles to get to a siding for off-duty storage, thereby improving productivity. This off-track undercutter scoops out contaminated gravel, mud, and fouled ballast from beneath railroad tracks and can be used. This undercutting system does not allow the recycling of washed and strained ballast.



Optimizing a ballast maintenance program is one of the essential components of a good track maintenance program, and it is outlined and understood in UPRR's own Engineering Track Maintenance Field Handbook. (Revision: July 1, 2019)

1.6.2 Ballast Section

The ideal ballast section is shown in Standard Drawing No. 0001 for wood tie track, No. 0002 for concrete tie track and No. 0003 for industrial track.

Follow these guidelines to establish and maintain the ballast section:

1. Maintain tie cribs with ballast to a level 1 inch below the rail base. Maintain the ballast line on an even plane for the full length of the tie.
2. Maintain the side slope of the ballast line from the outermost edge of the shoulder to the top of the subgrade or subballast with a uniform 3 to 1 slope as shown in Figure 1.6.2-A.

Figure 1.6.2-A

3. Construct the intersection of the ballast side slope lines between multiple tracks in a "V" shape as shown in Figure 1.6.2-B.

NOTE: This area may be leveled off between the body tracks of yards in terminals or other switching locations where employees frequently perform work between tracks.

Figure 1.6.2-B

- 4. Keep flangeways clear of ballast through switches, derails, crossing frogs, and grade crossings.
- 5. Remove ballast from tie cribs to provide a minimum 3-inch clearance between the ballast and the operating linkage of turnouts and other devices. Maintain this clearance for the entire area through which the linkage travels during its operation.
- 6. Maintain the ballast shoulder to the specified width in Table 1 as measured outward from the ends of ties.

Tie Type	Rail Type	Minimum Width
Wood/Composite	Jointed	9 in.
Wood/Composite	CWR	12 in.
Steel	CWR	12 in.
Concrete	CWR	12 in.

- 7. Maintain ballast to the specified depth as measured below the horizontal surface of the tie bottom. See Table 1B.

Tie Type	Traffic Density	Minimum Depth
Wood/Composite	Less than 10 MGT	8 in.
Wood/Composite	10 MGT or more	12 in.
Steel	All locations	12 in. *
Concrete	All locations	12 in.

** NOTE: Measure downward from the center section of the tie and not from tie ends.*

1.6.5 Fouled Ballast Maintenance

Fouled ballast can lead to additional concerns such as track geometry conditions, component failure, etc. Fouled ballast occurs when the ballast loses its ability to drain water to the sub-grade and away from the track structure.

Cribbing, Shoulder Cleaning, Raising/Sledding and Undercutting the are all methods that can be utilized to repair fouled ballast. Refer to the WPD on Fouled Ballast Maintenance for additional information.