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Mike Pulaski,
Corresponding Secretary
The Committee for a Safer Pierre and
Fort Pierre
1323 West Capitol Avenue
Pierre, SD 57501

Part of
Public Record

221630

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S W
Washington, D C 20423-0001



Re Comments in Finance Docket No. 35081, Canadian Pacific Railway Company, et al - Control - Dakota, Minnesota & Eastern Railroad Corporation, et al

Dear Secretary Williams

The Committee for a Safer Pierre and Fort Pierre is a grassroots organization whose membership is comprised entirely of residents of our two sister cities in central South Dakota. We formed our group in March 2007 after yet another DM&E freight train derailed in the middle of Pierre. That accident—the sixth in our communities and the 16th in our two counties since 2003—happened about a block from the State Capitol (*Pierre Capital Journal*, March 16, 2007, *Dakota News Network*, March 16, 2007). DM&E has had three additional train accidents in our counties of Hughes and Stanley since then (www.fra.dot.gov).

Our concerns about rail safety arise in part because of the proximity of DM&E's tracks to many public and private structures in our two communities. In Pierre, DM&E's main line runs within about one block of the school administration building, the senior center, the post office, the federal courthouse, the middle school, an elementary school and playground, the football field, the athletic track, the American Legion baseball diamond, the Boys and Girls Club, the Head Start center, a little children's playground, three state government office buildings, the State Capitol, St. Mary's Hospital, Medical Associates Clinic, the Pierre Indian Learning Center, the Hughes County Fairgrounds, the entrance to Farm Island State Recreation Area, and many motels, restaurants, auto dealerships, gasoline stations, and other businesses and offices.

Across the Missouri River in Fort Pierre, DM&E's main line runs within about two blocks of Stanley County High School, Middle School, and Elementary School, Parkview Auditorium, the football field, the swimming pool, a municipal park, the Stanley County Courthouse, many businesses, and the largest livestock auction barn in South Dakota—which on sale days is visited by hundreds of trucks.

We support Canadian Pacific's acquisition of DM&E. We further applaud Canadian Pacific's efforts in preparing a meaningful safety integration plan to ensure that safe

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operations are maintained throughout the acquisition implementation process. We frankly have grave concerns, though, about the long-term ramifications of the acquisition's effect (actually, non-effect) upon the safety culture of DM&E.

As you know, DM&E has one of the worst safety records in the industry. Canadian Pacific has one of the best. If the acquisition results in DM&E acquiring greater resources AND greater responsibility, it will certainly be beneficial to all parties and to the public good. If, however, the transaction results in DM&E getting access to Canadian Pacific's material resources without also acquiring Canadian Pacific's ability to use those resources wisely, then that is certainly not a prescription for greater safety.

Events of the past several years have demonstrated that DM&E's safety culture will not change unless Canadian Pacific takes aggressive and extraordinary steps to change it. Public statements by DM&E's management, contrasted with statistics provided by the Federal Railroad Administration (FRA) and other sources, cast a troubling shadow over any well-qualified and well-intentioned attempts by Canadian Pacific to improve DM&E's safety record.

Assertion #1 "Notwithstanding claims by opponents, our safety record is just a little above average." (DM&E CEO Kevin Schieffer, quoted in *Belle Fourche Bee*, March 9, 2007)

Reality "A comparison of DM&E's train accidents with that of other Class II railroads, excluding commuter railroads which are very different from freight railroads, shows that DM&E's record is poor." (FRA Record of Decision on DM&E's application for a \$2.33 billion federal loan, page 3-5, January 31, 2007)

Assertion #2 "Schieffer says the company's accident rate is lower than that of comparable companies." (*Dakota Radio Group*, March 15, 2007)

Reality DM&E frequently blames "old track" for its high accident rate. Yet, FRA records show that for 2005-2007, about half of all the train accidents for DM&E/IC&E are not caused by defects in track—old or new. FRA data also shows that repairing old track has done little to bring safety to DM&E. In 2003, before DM&E launched its capital improvement campaign, its train accident rate on its main line was 10 times higher than the industry average. In 2006, after three years of improvements, DM&E's train accident rate on its main line remained nine times higher than the industry average. (www.fra.dot.gov)

Assertion #3 "He [Schieffer] admits the railroad is 'not the safest, but it is far, far, far from being the unsafest.' FRA figures, he said, show the DM&E to be in the middle of the pack." (*New Ulm Journal*, November 22, 2006)

Reality FRA data shows that during 2006, for the fourth year in a row and the eighth time in 10 years, DM&E (not including IC&E) recorded the highest train accident rate of the nation's largest freight railroads. During 2006, the year in which CEO Schieffer made the above statement, the train accident rate for DM&E (not including IC&E) was over six times the national average. The 2006 train accident rate for DM&E and IC&E together was still over 2.8 times the national average. For January through October 2007, Canadian Pacific, whose operations within the United States alone are a Class I railroad, actually had fewer reported train accidents in the United

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States than did regional railroad DM&E/IC&E—and track defects caused about 45% of the train accidents for both companies (www.fra.dot.gov) Thus, CEO Schieffer's statement is far, far, far from the truth On February 7, 2007, the United Transportation Union, which represents all of DM&E's train and engine service employees, announced its opposition to DM&E's application for a \$2.33 billion government subsidy UTU said "DM&E consistently has had among the worst safety records of any railroad in the country In virtually every major category of railroad safety statistics, the railroad has usually ranked last Compared with national averages, DM&E is off the charts on the south end" ("DOT Should Reject DM&E Loan", UTU news release, February 7, 2007, www.utu.org)

Assertion #4 "To charge DM&E with having the worst safety record in the industry is ridiculous I would say first of all that is a flat misstatement of the record as it relates to our safety record" (*Huron Daily Plainsman*, July 28, 2006)

Reality The most recent FRA annual report on safety that was available at the time CEO Schieffer made the above statement was the 2004 report that had been issued on November 30, 2005 That report showed that among the 43 largest railroads, DM&E (not including IC&E) had the worst overall safety rate, the worst train accident rate, the second-worst highway-rail crossings incidents rate, and the fourth-worst employee death, injuries, and illnesses rate (www.fra.dot.gov)

Assertion #5 "For his part, DM&E's president Kevin Schieffer says this is all a stalling tactic he says his safety record is not significantly different than any other railroad company" (*Minnesota Public Radio*, July 20, 2006)

Reality FRA records show that for 2006, the year in which the above statement was made, the safety rates for DM&E (not including IC&E) were significantly different from other railroads They were multiples of the national average in all major categories

Total Accident/Incident Rate	4.1 x national average
Train Accident Rate	6.2 x national average
Main Line Accident Rate	9.0 x national average
Highway-Rail Crossing Incident Rate	4.6 x national average
Employee-On-Duty Casualty Rate	2.4 x national average

(www.fra.dot.gov)

Assertion #6 "The DM&E continues to make operational safety priority number one" (DM&E news release, July 20, 2006)

Reality To FRA safety inspectors, a "defect" is a failure to meet federal safety standards FRA compiles defects for DM&E/IC&E together, and, based upon site inspections, FRA records show that DM&E is clearly not making operational safety "priority number one"

2004 1,400 defects
 2005 3,546 defects
 2006 4,870 defects
 (www.fra.dot.gov)

Assertion #7 "The hazardous spill scare tactics are irresponsible." (Kevin Schieffer column in the *Rochester Post-Bulletin*, March 11, 2002)

Reality: On July 27, 2004, a DM&E locomotive and 14 cars derailed in Balaton, MN, spilling 60,000 gallons of flammable ethanol and causing the evacuation of about 100 people. According to DM&E's 2004 Capital Projects Update, the accident happened on new track that had been laid the previous month. On November 22, 2006, seven DM&E tanker cars derailed near Courtland, MN, spewing 30,000 gallons of ethanol and forcing the evacuation of neighboring homes. According to FRA, those derailments at Balaton and Courtland, plus DM&E/IC&E derailments at New Albin, Lawler, and Heinz, Iowa, resulted in the spilling of more than 135,200 gallons of ethanol. In the five years from 1998 through 2002, DM&E/IC&E reported to FRA that its train accidents involved trains with 183 rail cars carrying hazardous materials. In the less than five years from 2003 through September 2007, the total jumped to 364 rail cars carrying hazardous materials. (www.fra.dot.gov)

Assertion #8: "Safety is the top priority of DM&E Railroad" (DM&E news release, September 1, 2006)

Reality: Records at the South Dakota Department of Environment and Natural Resources document 22 DM&E spills of hazardous materials totaling 6,415 gallons of oil, lube oil, waste oil, hydraulic oil, fuel oil, grease, diesel fuel, jet fuel, water oxidizing agent, and locomotive sludge. Specific amounts could not be assigned to nine of the leaks because they had been occurring over a long period of time. State inspectors say the JP4 jet fuel spilled when five tanker cars derailed, the lack of a related report on FRA's safety web site suggest that DM&E failed to report the accident to FRA. The 22 incidents happened at Belle Fourche, Brookings, Huron, Midland, Pierre, Rapid City, Volga, Wall, and Wasta (South Dakota Department of Environment and Natural Resources)

Assertion #9 "Safety objectives are outlined in some detail in the Application and will not be compromised" (DM&E Application to STB in Finance Docket 33407, February 20, 1998)

Reality: Despite DM&E's pronouncement to STB, FRA investigators have found plenty of compromising on safety objectives at the railroad. During 2005, FRA fined DM&E \$15,000 for committing six violations of federal safety reporting regulations. FRA cites the railroad three times for failing to report employee casualties, including one death. In all three cases, DM&E claimed the injury or death was not work-related but had no supporting documentation. (FRA compliance audit concluded July 1, 2005) On October 18, 2005, FRA announced that it had signed a Safety Compliance Agreement with DM&E. The agency's news release stated: "Citing serious safety problems with track maintenance, employee training, bridge inspections, and highway-rail grade crossing warning systems, the Federal Railroad Administration (FRA) has signed an agreement with the Dakota, Minnesota and Eastern Railroad (DM&E) to bring the railroad into compliance with federal rail safety regulations" (Safety Compliance Agreement signed October 5, 2005, by Federal Railroad Administrator Joseph H. Boardman and signed October 17, 2005, by DM&E CEO Kevin V. Schieffer; www.fra.dot.gov)

Assertion #10 "Kevin Schieffer, DM&E president, said such Safety Compliance Agreements are not uncommon in the industry" (Associated Press, October 23, 2005)

Reality At the time CEO Schieffer made that comment, DM&E was one of only two railroads (out of about 700) in the entire country forced to operate under an FRA Safety Compliance Agreement. That hardly qualifies for "not uncommon." Further, that Agreement shows that DM&E's chronic safety problems are not just attributable to old track but to poor management

Federal Track Safety FRA found several systemic deficiencies, including poor track inspection practices, and poor recordkeeping practices. The agency concluded that "DM&E track inspectors are not properly trained and, therefore, are not performing quality track inspections"

Employee Training FRA noted that "crew compliance with railroad operating rules is not satisfactory," and the agency directed ultimate responsibility toward the company's management, finding "notable deficiencies" in the administration of DM&E's program of operational tests and inspections. It further said that "implementation and the management oversight" of the training program are "unsatisfactory"

Bridge Inspections FRA wrote that "DM&E still has deficiencies in its inspection process and recordkeeping practices" for bridge inspections. It observed that bridge inspection records "are not detailed enough to record the actual conditions of many of its bridges" and that "DM&E inspectors tend to focus on timber bridges and ignore steel bridges." The agency ruled that "DM&E's bridge inspectors are inspecting too many bridges per day to conduct quality inspections."

Highway-Rail Grade Crossings FRA determined that "DM&E's records of credible reports of malfunctions are not accurate and lack required information and that DM&E's procedures for protecting malfunctioning crossings are not being timely implemented." FRA also expressed concern that "the workload and size of maintenance territory(s) assigned to any given signal maintainer are too large and make it difficult for any maintainer to appropriately and timely complete his work."

Assertion #11 "Schieffer insists the FRA's Safety Compliance Agreement has helped his company become a safety-conscious culture" (Minnesota Public Radio, July 20, 2006)

Reality On September 4, 2007, Canadian Pacific and DM&E, as part of the acquisition announcement, made available a colorful one-page "DM&E Stakeholder Fact Sheet" (Attachment #1). On that document, a line graph shows the personal injuries rate for DM&E/IC&E declining substantially from 2004 through September 2007. FRA statistics show that the rate has declined from 6.96 to 3.65 during those years. FRA data also shows, however, that for 2007 (through September), the personal injuries rate for DM&E/IC&E is still 1.75 times the national average. FRA records also reveal that although the employee on-duty casualty rate for DM&E alone improved from 7.6 in 2004 to 5.0 in 2006, that 2006 rate for DM&E alone is still 2.4 times the national average and higher than it was in 2001 through 2003 (www.fra.dot.gov)

Another line graph on the DM&E Stakeholder Fact Sheet shows the train accidents rate of DM&E/IC&E declining from 2004 through September 2007. FRA records show that although the rate did decline from 22.75 to 9.74 during those years, the train accidents rate for DM&E/IC&E for 2007 (through September) is still over three times the national average (www.fra.dot.gov)

(On the date of this writing, the DM&E Stakeholder Fact Sheet is no longer available on the web sites of either CPR or DM&E. The web sites now offer a similar document—the DM&E Investor Fact Sheet—on which the two safety graphs have been replaced by graphs showing operating ratio and capital expenditures. All other aspects of the two fact sheets are identical.)

The FRA data upon which DM&E based the two safety graphs on its DM&E Stakeholder Fact Sheet combine safety information for both DM&E and IC&E, which DM&E acquired in 2002. Until recently, FRA compiled and presented data separately for the two railroads. From that historical data, it is evident that IC&E's safety performance is significantly better than DM&E's and that combining DM&E and IC&E masks the severity of DM&E's persistent safety problems. Whatever "best practices" DM&E learned from merging with IC&E did not transform DM&E into a safe railroad. FRA records dated March 20, 2007, (Attachment #2) show safety statistics only for DM&E; the numbers do not include IC&E. This document reveals that in 2006, many leading indicators of DM&E's safety record were no better than they were in 2002, the year before it received the largest FRA Railroad Rehabilitation and Improvement Financing (RRIF) loan in history.

	<u>2002</u>	<u>2006</u>
Train accident rate	21.3	21.5
Deraillments	16	16
Accidents w/reportable damage greater than \$100,000	4	7
Highway-Rail incidents	10	13
Employee-On-Duty Casualty Rate	3.1	5.0
Total accident-incident rate	50.5	64.6
DM&E's train accident rate compared to rail industry average	5.7x	6.2x

The evidence shows that, contrary to CEO Schieffer's assertion, the 2005 Safety Compliance Agreement has clearly not helped DM&E become "a safety-conscious culture." Rather, the reality is reflected in a recent statement by a DM&E employee to us: "My company's idea of safety training is to hand out orange caps."

In summary, the first step in solving a problem is admitting that you have a problem. Unfortunately, as demonstrated by its public statements, DM&E's management refuses to recognize that the railroad has a profound, chronic safety problem that has, through management's enabling, become an ingrained part of its corporate culture. Responding to a serious problem with denial and public relations "spin" only

exacerbates that problem. The hypocrisy inherent in that behavior sends a message to rank and file employees that management is really not serious about solving the problem

Canadian Pacific has promised to invest \$300 million in improving DM&E's infrastructure. That enormous investment will help ameliorate the portion of DM&E's safety problem that has been caused by worn-out facilities. The overall problem is far bigger than old track, though, and the solution is far broader than more money. In 2003, DM&E received a \$233.6 million RRIF loan. DM&E has since been awarded a \$48.3 million RRIF loan to upgrade its tracks. Yet, despite being bankrolled with those low-interest federal subsidies, DM&E has managed only to move many of its safety indices from the category of "absolutely horrible" to the category of "merely terrible." This demonstrates that there is a crucial difference between being a "safer" railroad and being a truly "safe" railroad, and money alone cannot bridge that chasm.

In conclusion, we support Canadian Pacific's acquisition of DM&E. Canadian Pacific's safety record is impressive, and it did not happen overnight. It happened because the management made an unambiguous, honest commitment, and the employees bought into the goal. Unfortunately, like an antibiotic-resistant bacterium, DM&E's safety culture has proven itself virtually impervious to improvements generated by money and merger. It would be in the public interest if, in this proceeding, STB would require—or, better yet, Canadian Pacific would, of its own volition, create—a long-term safety improvement plan for DM&E, with specific goals, metrics, and timetables. Such a directive by the United States government or a formal commitment from Canadian Pacific would send a necessarily strong signal to DM&E that its safety culture must finally change.

Sincerely,

The Committee for a Safer Pierre and Fort Pierre



Mike Pulaski, Corresponding Secretary

Attachment #1

Attachment #2

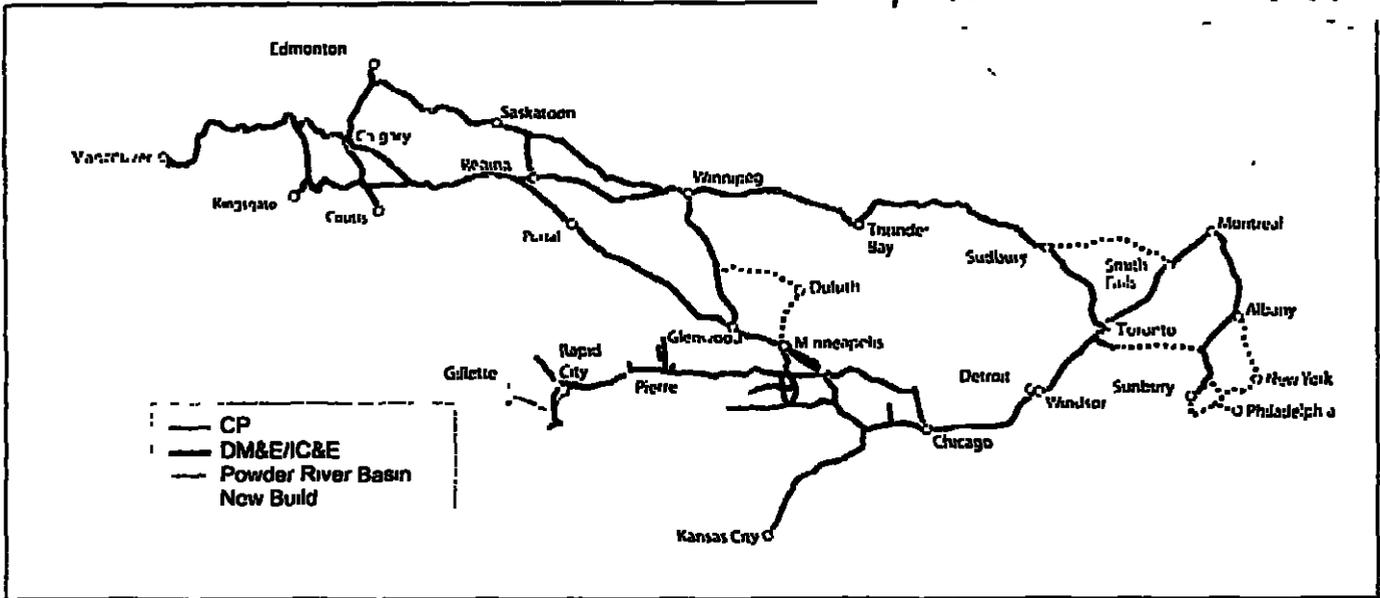
Enclosures:

10 paper copies of this letter

Electronic copy of this letter (CD-RW)

FACT SHEET
 September 2007

Attachment #1



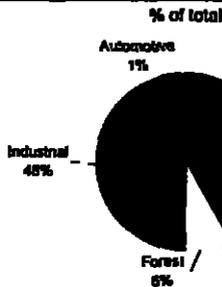
Key Financial Data

	2007T	2006	Change
Total Revenues (USD millions)	290	265	9%
Freight Revenues (USD millions)	280	258	9%
Carloads (thousands)	275	260	6%
Operating Ratio (%)	67.6	70.2	260 bps
Locomotives	150	150	
Rail Cars	7,400	7,200	

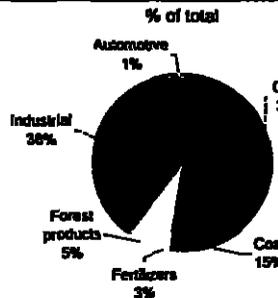
Highlights

- Largest Class II railroad in the US
- Only Class II railroad with interchanges to all seven Class I railroads
- 2,500 miles of track serving 8 states, Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin and Wyoming
- Access to Twin Cities, Kansas City, Chicago and key water ports
- Approximately 1,000 employees with 375 unionized
- Improved train accident and personal injury performance

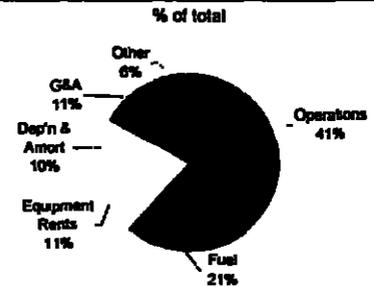
2006 Freight Revenues



2006 Carloads



2006 Operating Expenses



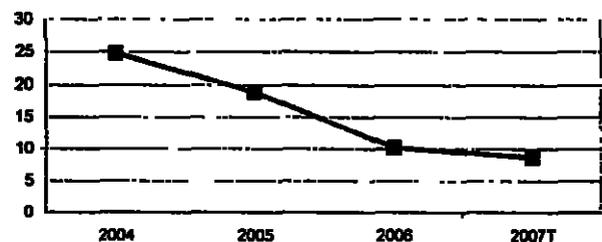
Personal Injuries

per 200,000 person hours



Train Accidents

per million train miles



NOTES. All data is provided by DM&E/IC&E

T denotes target, positive change is favourable, negative change is unfavourable

Operating Ratio is the ratio of total operating expenses to total revenues and has been calculated excluding non-recurring and other items

Locomotives and rail cars are owned and leased

This Fact Sheet contains certain forward-looking statements relating but not limited to the anticipated financial performance of DM&E

and its subsidiaries. Undue reliance should not be placed on forward-looking information as results may differ materially

Your request resulted in 285,311 accident/incident records read, with 711 set
Of these, 184,508 were used in reporting specific events, with 591 selected, c

Attachment #2

Category	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	% Change From Last Year	% Change From 1997
***TOTAL	71.0	53.0	53.0	51.0	43.0	38.0	44.0	92.0	57.0	51.0	-10.5	-28.2
ACCIDENTS/INCIDENTS***												
Total a/r rate (events per million train miles)	100.9	78.8	65.6	63.5	55.6	50.5	63.1	125.1	69.1	64.6	-6.6	-36.0
— Total fatalities	1.0		1.0	1.0			2.0	1.0	1.0	1.0	0.0	0.0
— Total nonfatal conditions	23.0	25.0	32.0	22.0	17.0	14.0	16.0	41.0	26.0	24.0	-7.7	4.3
Employee on duty deaths			1.0	1.0								
Nonfatal EOD injuries	21.0	22.0	28.0	18.0	16.0	11.0	16.0	32.0	19.0	20.0	5.3	-4.8
Nonfatal EOD illnesses		1.0							1.0			
Total employee on duty cases	21.0	23.0	29.0	19.0	16.0	11.0	16.0	32.0	20.0	20.0	0.0	-4.8
Employee on duty rate per 200K hours	5.8	6.9	8.5	5.2	4.1	3.1	4.4	7.6	4.9	5.0	2.1	-15.0
Cases with days absent from work	4.0	11.0	15.0	9.0	8.0	7.0	8.0	22.0	11.0	13.0	18.2	225.0
Trespasser deaths, not at HRC	1.0						1.0	1.0	1.0			
Trespasser injuries, not at HRC	2.0	2.0	1.0	1.0			1.0	9.0	6.0	4.0	-33.3	100.0
TRAIN ACCIDENTS	27.0	16.0	12.0	23.0	15.0	16.0	19.0	42.0	25.0	17.0	-32.0	-37.0
Train accidents per million train miles	38.4	23.8	14.9	28.6	19.4	21.3	27.3	57.1	30.3	21.5	-29.0	-43.9
— Train accident deaths				1.0								
— Train accident injuries				1.0						1.0		
> Human factor caused	2.0	4.0	2.0	6.0	1.0	1.0	3.0	3.0	3.0	3.0	0.0	50.0
> Track caused	19.0	12.0	10.0	11.0	13.0	14.0	13.0	30.0	18.0	11.0	-38.9	-42.1
> Motive power/equipment caused	2.0			1.0			1.0	6.0	2.0	2.0	0.0	0.0
> Signal caused, all track types												
> Signal caused, main line track												
> Miscellaneous caused	4.0			5.0	1.0		3.0	3.0	2.0	1.0	-50.0	-75.0
> Collisions												
> *** Collisions on main line track												
> Derailments	27.0	15.0	12.0	18.0	15.0	16.0	19.0	40.0	23.0	16.0	-30.4	-40.7
> Other types, e.g., obstructions		1.0		5.0				2.0	2.0	1.0	-50.0	
Accidents with reportable damage > \$100K	8.0	4.0	3.0	6.0	6.0	4.0	6.0	9.0	12.0	7.0	-41.7	-12.5
*** Percent of total	29.6	25.0	25.0	26.1	40.0	25.0	31.6	21.4	48.0	41.2	-14.2	39.0
> \$500K		1.0	1.0	1.0		1.0		1.0	1.0			
*** Percent of total		6.3	8.3	4.3		6.3		2.4	4.0			
> \$1,000,000									1.0			
*** Percent of total									4.0			
Train accidents on main line	22.0	11.0	6.0	12.0	11.0	13.0	13.0	24.0	19.0	11.0	-42.1	-50.0
Rate per million train miles 1/	31.3	16.4	8.3	16.8	16.0	19.4	20.1	35.2	27.9	17.0	-39.0	-45.6
Accidents on yard track	3.0	3.0	3.0	8.0	4.0	1.0	4.0	9.0	3.0	3.0	0.0	0.0
Rate per million yard switching train miles			34.7	89.6	46.0	11.9	77.5	165.2	21.0	21.0	0.0	
HAZMAT RELEASES								1.0		1.0		
— Cars carrying hazmat		1.0					3.0	12.0	4.0	69.0	1625.0	
— Hazmat cars damaged/derailed		1.0				5.0	1.0	9.0		7.0		
— Cars releasing								2.0		7.0		
HIGHWAY-RAIL INCIDENTS	21.0	14.0	11.0	11.0	12.0	10.0	8.0	16.0	11.0	13.0	18.2	-38.1
Rate per million train miles	29.9	20.8	13.6	13.7	15.5	13.3	11.5	21.8	13.3	16.5	23.4	-44.9
— Highway-rail incidents deaths							1.0			1.0		
— Highway-rail incidents injuries	1.0	2.0	3.0	4.0	1.0	2.0		8.0	6.0	2.0	-66.7	100.0
Incidents at public crossings	19.0	14.0	11.0	10.0	9.0	9.0	7.0	14.0	10.0	11.0	10.0	-42.1
*** Percent of total	90.5	100.0	100.0	90.9	75.0	90.0	87.5	87.5	90.9	84.6	-6.9	-6.5
***OTHER	23.0	23.0	30.0	17.0	16.0	12.0	17.0	34.0	21.0	21.0	0.0	-8.7
ACCIDENTS/INCIDENTS 2/												
— Other incidents deaths	1.0		1.0				1.0	1.0	1.0			
— Other incidents injuries	22.0	23.0	29.0	17.0	16.0	12.0	16.0	33.0	20.0	21.0	5.0	-4.5
Employee hours worked	720,372,066	703,067,523	0728,197,078	1,164,070	8,916,073	3,421,084	2,563,082	4,194,080	7,064,080		-2.1	12.0
Total train miles	703,320,067	2,567,080	808,032,080	803,340,077	3,214,075	2,805,069	7,103,073	4,473,082	4,673,079	8,979,080	-4.2	12.3
Yard switching miles			86,465.0	89,244.0	86,864.0	83,730.0	51,637.0	54,480.0	142,800.0	142,800.0	0.0	
Passengers transported												
Passengers killed in train accidents or crossing incidents												
Passengers injured in train accidents or crossing incidents												

1/ Rate of accidents on mainline divided by total train miles - yard switching miles
 2/ Other accidents/incidents are events other than train accidents or crossing incidents that cause physical harm to persons
TOTAL ACCIDENTS IS THE SUM OF TRAIN ACCIDENTS, CROSSING INCIDENTS, AND OTHER ACCIDENTS/INCIDENTS
 Other accidents/incidents are events other than train accidents or crossing incidents that cause physical harm to persons