



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

APR 15 2009

Patrick K. Gamble  
President and Chief Executive Officer  
Alaska Railroad Corporation  
P.O. Box 107500  
Anchorage, Alaska 99510-7500

FKG	EXECUTIVE OFFICE	PGI
JBB	RECEIVED	SBS
MGG	APR 20 2009	WGO
DFS		JWK
DJF	<i>Mark M</i>	EMR
EWP	TEB	WGL

Re: Vegetation Management on the Alaska Railroad

Dear Mr. Gamble:

This letter expresses the concerns of the Federal Railroad Administration ("FRA") regarding vegetation management of the Alaska Railroad Corporation ("ARRC"). Since 1997, FRA has written 947 defects and 74 violations for vegetation safety issues and concerns against ARRC. However, recent FRA observations have confirmed that the growth rate and location of vegetation along the 500 miles of ARRC track continue to get worse, despite these enforcement actions. The problem peaks during the summer months, when vegetation growth is explosive due to the daily 20 hours of sunlight.

Persistent vegetation on and around the track structure presents a recognized safety risk. Overgrown vegetation can brush the sides of rolling stock, obstruct the visibility of railroad signs and signals, and interfere with railroad employees performing normal trackside duties. Plant roots growing under the tracks can also undermine the rail bed by preventing proper drainage.

Particularly troublesome is the fact that overgrown vegetation can hinder railroad employees from visually inspecting crossties, fasteners, tie plates, rail bolts, and other parts of the track structure. This can lead to track defects that go undetected and result in accidents. Considering that ARRC transports over a half million passengers and 30,000 freight cars containing hazardous materials each year, an accident on the railroad could be catastrophic. Proper track inspections are essential, particularly during the summer months when ARRC's passenger travel is at its peak, and the vegetation problem is at its worst.

FRA recognizes that ARRC's vegetation management difficulties have been complicated by its inability to spray herbicides. As we understand it, under Alaska law a government entity may not apply herbicides to a state right-of-way without first obtaining a permit from the Alaska Department of Environmental Conservation ("DEC").

We also understand that ARRC applied for a DEC permit to spray herbicides in June of 2006. The ARRC application sought permission to spray herbicides on approximately 500 miles of track and 100 miles of rail yard. DEC denied the permit application in February of 2007. As

a result, ARRC has continued to attempt to control vegetation with non-chemical methods such as mechanical brush cutting, manual labor, and steam and burning. However, these techniques have failed to bring ARRC into compliance with FRA vegetation requirements under 49 CFR 213.37.

FRA is aware that ARRC is continuing to explore the use of herbicides as part of an integrated vegetation management program. In August of 2008, ARRC partnered with the University of Alaska Fairbanks ("UAF") to conduct an herbicide research project. The study is gathering scientific data on the effect of herbicides on approximately 4.28 acres of ARRC property, including water bodies. Because this research project involves less than 20 acres of land and is conducted by UAF on state land, a permit to spray herbicides is not required under DEC regulations. The project is scheduled to end in 2010, at which point the information collected will be provided to DEC.

It is FRA's understanding that ARRC plans to submit an application to DEC for an emergency permit to spray herbicides during the summer of 2009. However, there is no guarantee that this permit will be granted. Meanwhile, although FRA is sympathetic to the issues confronting AARC, FRA cannot ignore the safety concerns presented by the extensive overgrowth of vegetation.

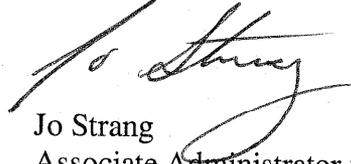
During recent conversations with ARRC, FRA has expressed its intent to intensify enforcement efforts in order to bring ARRC into compliance with its vegetation control requirements. As discussed, ARRC should be aware that continued violation of FRA requirements will result in significantly increased civil penalties in 2009. More violations and defects will likely be taken, and civil penalties may be assessed at the maximum level of \$16,000 per violation. Given the length of ARRC track and the extent of its vegetation management problem, ARRC could be faced with substantial civil penalties at the end of 2009.

If ARRC's vegetation management problem persists or worsens, FRA may use additional enforcement tools in furtherance of its statutory mandate to ensure the highest level of safety on the Nation's railroads. These tools could include the following:

1. A special notice for repair that would lower the class of affected ARRC track and require ARRC to comply with the speed restrictions of the lower class;
2. A compliance order directing ARRC to comply with FRA safety regulations regarding vegetation control;
3. Assessment of civil penalties against, or disqualification from safety-sensitive service of, individuals determined to be willfully causing the violation of rail safety regulations; or
4. An emergency order removing the affected track from service.

FRA remains ready to work with ARRC and DEC on this vegetation issue. Please be aware, however, that in carrying out our railroad safety mandate, we will consider the above enforcement options if ARRC track is not brought into compliance with FRA vegetation management requirements. The overgrowth of vegetation along ARRC track presents a safety hazard that FRA simply cannot ignore. We appreciate your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Strang", written over a horizontal line.

Jo Strang  
Associate Administrator for Railroad  
Safety/Chief Safety Officer