

March 2, 2008

Comments Regarding: OSC File No. DI-07-2225

I am glad to hear that the United States Geological Survey (USGS), San Francisco Bay Estuary Field Station (SFBEFS), Vallejo, CA is taking employee safety more seriously. I am also happy to learn that employees are now given the option to avoid potentially hazardous activities.

However, I believe the investigation into the railroad matter is incomplete. For a complete investigation, Union Pacific Railroad officials should have been interviewed about the safety and legality of non-railroad personnel using railroad property for non-railroad business. Nicole Athearn stated in her interview that Clyde Morris, Don Edwards San Francisco Bay National Wildlife Refuge manager, mentioned using the railroad to access salt ponds. If Morris received written permission to use the railroad as an access point, a copy of this document should have been included in the investigative report.

Additionally, this investigation should have included a review of Federal and State railroad safety and trespass laws. According to the Federal Railroad Administration, the U.S. Department of Transportation, and the Federal Highway Administration, trespassing on railroad property is a serious concern. In the year 2000, the U.S. railroad industry experienced nearly 900 trespassing casualties and approximately 500 fatalities. The investigative report should have clearly demonstrated that USGS use of the railroad crossing is legal, in addition to being safe.

I also thought the interview portion of the investigation was incomplete. The only people interviewed were employees currently working for USGS at the time of the investigation, who may have reason not to speak out against their current supervisor. A few current SFBEFS employees were not interviewed at the time of the investigation, and no reasons were given for not including them. It also doesn't appear that any effort was made to contact former employees or interns for their input. Considering all the interviewees were questioned about incidents involving former employees and interns, it would have made sense to contact and interview the people under discussion, in addition to contacting other former employees and interns.

Again, it's wonderful that employees are made more aware of potential safety hazards and are given the option of not participating in potentially dangerous activities. However, I do think the investigation surrounding train-crossing use could be more robust than it currently is.