



A bold voice for transportation workers

A REFORM AGENDA TO MAKE RAIL TRANSPORTATION SAFER

Since the last rewrite of federal railroad safety laws in 2008, an increased number of hazards identified by both employees and government agencies, coupled with significant growth in the industry, has put a spotlight on the need for legislative action to impose needed safety reforms. Congress must move forward on the expired Rail Safety Improvement Act (RSIA) and advance a comprehensive bill that improves freight and passenger rail safety in this country.

In the 16 months since the expiration of RSIA, there has been a string of derailments and other accidents that have claimed lives, caused serious environmental damage, and threatened communities. There has also been an increase in the number of workplace incidents that place front-line employees at risk. The most recent statistics from the National Transportation Safety Board (NTSB) show that although there has been a decrease in transportation fatalities on the whole, the number of railroad related deaths has actually increased. Although rail continues to be an overall safe method of passenger and freight transportation and an important engine for middle-class job creation, still more must be done to ensure the highest level of safety. An important next step is to pass a rail safety law that addresses risk, closes dangerous loopholes, and spurs reasonable federal regulations for the industry.

Chronic employee fatigue is a problem that plagues the entire transportation industry. In the rail sector irresponsible employer practices force employees in operations and maintenance to report to work tired; this in turn has a direct and negative effect on safety. These risks could be mitigated if lawmakers would finally [answer TTD's longtime call for a sensible change to the hours of service regulations](#) that govern railroad operating and maintenance workers. Currently freight railroads call their operating employees on duty when a train gets close to a crews' reporting on duty location. Commonly this means that operating employees receive as little as an hour and 15 minutes' notice to work a 12 hour shift at all hours of the day and night. Congress should require that rail employees either receive a minimum 10 hour call or a predictable work schedule so that employees can plan for and be properly rested before reporting to work.

Freight railroads must also be prevented from making arbitrary determinations that certain work does not count toward the hours of service limits for signal employees. As it stands, current regulation exempts any work that does not directly require signal workers to interact with safety-critical equipment from their hours of service covered work. To remedy this unsafe manipulation of safety laws, the definition of covered service for a signal employee should be rewritten in the rail safety bill to mirror the definition for other safety-sensitive workers covered by the hours of service laws. This commonsense change will stop the gaming by employers of these critical federal safety rules.

The rail safety bill must also ban the use of one-person train crews on our nation's freight railroads. Though two-person crews are the norm in the U.S., crew size is typically addressed through collective bargaining. We know that the major rail carriers have sought the right to use single-person crews and have strongly opposed setting a minimum federal standard. However, the [risks of operating with a single-person crew](#) are so great that it's not just the employees rallying to prevent the practice. There is also strong public support for passing legislation that bars one-person freight train crews. Across a wide swath of our nation – in both red and blue states – [Americans are saying](#) that Congress should pass a legislative fix. It is time for adoption of clear federal policy that establishes a minimum crew size of one conductor and one engineer for all rail operations.

We also call for the smart and swift implementation of important technologies that will create a safer rail network. The last rail safety bill contained a long overdue mandate to implement Positive Train Control (PTC) for certain passenger and freight rail operations, a communications and signaling system designed to prevent accidents and incidents. Unfortunately, many railroads have stated that they will not be able to meet the deadline for PTC installation – Dec 31st, 2015. As Congress considers this issue, we urge that any extensions granted are handled on a case by case basis only, in order to prevent any further delay in deploying this life-saving technology. Though we do not discount the challenges of implementing such a complicated system, we believe that a single, blanket extension for all operators would only slow down the process and unfairly reward those who have not been making a strong enough effort to meet this requirement.

Rail safety legislation should also close a loophole that has allowed some trains to operate without alerters, a device capable of monitoring the crew's activity and applying the brakes if the proper activity is not detected. This device can even apply the brakes, for instance, if a crew member were to become incapacitated. Although current law requires locomotives to be equipped with alerters, many older cars, particularly on commuter rails, are grandfathered out of the rule. Congress must repeal this loophole to prevent more deadly accidents like the one we saw on the Metro-North system in December of 2013 which involved an older locomotive not outfitted with an alerter.

It is also critical that the rail safety bill requires the use of back-up technology, like shunting, which protects signal employees on the tracks from being struck by passing trains. Shunting is currently not a common practice in the railroad industry. Without this technology in place, the train dispatcher provides the only protection in this dangerous situation. As the dispatching system is not immune to error, requiring the use of shunting is an important safety redundancy to protect employees working on and along the rights-of-way.

We are concerned with proposals to mandate the installment of inward-facing cameras that would visually monitor and record employees operating locomotive cabs. These devices are a costly and intrusive diversion that will do nothing to combat fatigue, alert an employee of a problem, nor intervene in the event of human error. And without protective provisions in place, they open the door to misuse by employers. For these reasons and others, the airline industry has not deployed video devices in cockpits. In fact, research publications like the American Journal of Applied Psychology have published findings that show that electronic monitoring can have a

distractive effect and inhibits employee performance. As such, these devices can be an impediment to safety, not a tool to improve it. The rail safety bill must not include a mandate for this ineffectual technology but instead should focus on implementing better practices and technologies that will actually make rail transportation safer.

Lastly, the rail safety authorization bill must address some of the major changes the railroad industry has seen since the last authorization in 2008. Crude oil production has increased enormously in the United States over the past several years, and with that increase has come a rise in the quantity of oil transported by rail. In 2013 alone, crude-by-rail shipments increased by 83 percent. With that incredible shift comes the responsibility to make sure these trains are able to safely transport this hazardous cargo.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has taken a strong first step in improving the oversight of crude-by-rail with regulations proposed in 2014. Congress should build on this effort. Specifically, the rail safety bill should implement PHMSA's proposal to strengthen tank car standards and phase out non-conforming tank cars in a reasonable and timely manner. We also support including in the rail safety legislation PHMSA's proposal that trains carrying hazardous materials be equipped with electronic controlled pneumatic (ECP) brakes. And we recommend that the bill improve on PHMSA's proposal by restoring the 1,000-1,500 mile interval for brake/mechanical inspections on ECP-equipped trains which are currently permitted to travel 3,500 miles before inspection. The bill must also require that these inspections are performed by a Qualified Mechanical Inspector. These fortified standards will ensure these trains continue to meet a high standard of safety.

The Rail Safety Improvement Act cannot go another year without reauthorization. At a time when freight rail traffic is at a near all-time high and rail passenger ridership continues to soar, there is no better time for Congress to take up this vital piece of legislation and pass much needed safety reforms that will make rail transportation safer for the public, the industry's employees, and the communities through which railroads travel.

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