



A bold voice for transportation workers

**REMARKS OF
EDWARD WYTKIND, PRESIDENT
TRANSPORTATION TRADES DEPARTMENT, AFL-CIO**

**BEFORE THE FEDERAL RAILROAD ADMINISTRATION
PUBLIC HEARING ON
TRAIN CREW STAFFING NOTICE OF PROPOSED RULEMAKING**

Docket No. FRA-2014-0033

July 15, 2016

Mr. Riley and other representatives from the Federal Railroad Administration, thank you for the opportunity to make remarks at today's public hearing on the agency's proposed two-person crew rule.

I'm Ed Wytkind, President of the Transportation Trades Department, AFL-CIO (TTD). By way of background, TTD consists of 32 affiliated unions that represent workers in every mode of transportation, including those employed in the railroad industry. I am honored to speak on behalf of those working people who make rail transportation possible by operating, maintaining and building our comprehensive railroad system.

This hearing comes just days after the third anniversary of the tragic Lac-Mégantic accident that took 47 lives and destroyed an entire town. That accident serves as a glaring reminder that it's not just rail workers who are endangered by unsafe rail industry practices, but also neighborhoods and cities where trains travel that are left vulnerable to reduced safety. We can and must do more to protect them.

At the outset, I'd like to thank the FRA for its efforts to issue this proposed rulemaking, which requires most rail operations be crewed with two workers and sets minimum responsibilities for the second crewmember. While the proposal needs to be strengthened to ensure that carriers can't use loopholes to evade the reaches of this mandate, there should be little doubt or discussion about the positive impacts this rulemaking will have on rail transportation safety.

Transportation Trades Department, AFL-CIO

815 16th Street NW / 4th Floor / Washington DC 20006

Tel:202.628.9262 / Fax:202.628.0391 / www.ttd.org

Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



Make no mistake - this is a critical rulemaking and one for which we have advocated for many years. It's important to the safety of this industry; it's important to the safety of our communities through which trains travel; and it's important to the members of the SMART-Transportation Division and the Brotherhood of Locomotive Engineers and Trainmen who know firsthand that it takes a certified conductor and a certified engineer working together to safely operate freight trains. And it's easy to see why.

Safely operating a freight train is no easy task. It's a complex and demanding job that requires workers to complete a variety of tasks, often simultaneously, to keep trains running safely and efficiently. In fact, operating a freight train has long been the job of a team of workers – locomotive engineers and conductors – working together to complete procedures necessary for safely moving trains.

This team also works together during emergencies, such as dangerous rail accidents, when timely action and quick thinking can save lives and prevent destruction. When fire fighters and emergency medical personnel are called to the scene of a rail accident, two-person crews enhance first responders' access to crucial information about the train and its content that inform their response efforts. Second crewmembers are also necessary to quickly unblock rail crossings so that first responders can move their emergency vehicles across the tracks to where they're needed most.

We're not alone in our opposition to single-person crews. Public opinion polls reveal that across genders, age groups, party identification, and location of residence, the public consistently demonstrates strong support for legislation requiring two-person crews. And legislators agree. Several states around the country have enacted two-person crew mandates, and 63 bipartisan Members of the U.S. House of Representatives have cosponsored legislation requiring that freight trains operate with one certified engineer and one certified conductor. Additionally, today the FRA will hear from a small sampling of Mayors who share our concern about one-person trains moving through communities, as well as Mike Rankin, a member of SMART-TD and a certified conductor whose experience as part of a two-person crew helped save a life following a railroad accident.

Thankfully, your agency also recognizes crew size as a paramount safety issue and has issued a proposal requiring certain rail operations be crewed with two workers. This proposed rule is a critical step in the right direction.

We agree with the agency that safety is improved when the second crewmember is a qualified professional who's versed in the operational requirements and responsibilities of the operating crew. To garner the greatest safety benefits from this proposal, the FRA should require that second crewmembers have the knowledge and skills to fill that role. Certified conductors answer that call.

In order to work as a conductor, individuals must gain FRA certification by proving their medical fitness, demonstrating sufficient knowledge of operating rules, and completing training on federal safety regulations and railroad procedures. The certification process is not easy, nor should it be, as conductors play serious roles in train operations and must have the knowledge and skills necessary to meet the demands of their job.

Working side-by-side locomotive engineers, conductors undertake their own tasks and sometimes take-on some of the engineer's responsibilities to allow them to better handle trains. The claims made in the comments filed by the AAR that conductors are not well positioned to assist engineers with their tasks and that insinuate much of conductors' time is spent twiddling their thumbs are grossly inaccurate, transparently deceptive, and, frankly, offensive. Not only do these objectionable statements ring hollow, but we find it interesting that the Association supports these claims by relying on testimony and studies that the railroads themselves provided in the 1960s when they were fighting to reduce crew size.

The railroads offer what they believe is the most rational solution to the issue: change the FRA's regulations so that single-person crews can comply with those safety standards. To the industry's lobby, this is an easy solution since they believe that two-person crews offer no real safety benefit and merely contribute to bloated labor costs. To support their prime argument that a minimum crew size standard is unnecessary, the industry often cites a lack of one-person crew accidents while failing to acknowledge that the vast majority of U.S. operations are not operated by a lone crewmember; they're operated by two-person crews. The railroads would also lead you to believe that with the flip of a switch, PTC will suddenly dissolve operating crew responsibilities and all at once eliminate the need for half of today's current crewmembers.

We also hear the railroads making the same argument they've repeated each time the FRA has proposed an important safety regulation: the issue should be left to the collective bargaining process. And it's really no surprise that the AAR finds support of this argument among those who represent the industry at the national bargaining table. For decades, management has been slashing crew size, resulting in today's common two-person crew size. But one thing is clear: the safety of the workers operating trains, the communities through which trains run, and those traveling by trains should not rely on the outcome of the most recent round of bargaining.

Beneath the surface of railroads' arguments is one simple truth: the industry will continue to be motivated by profits, and reducing the number operating employees clearly boosts those profits. But there is too much at stake to allow profit motives to drive rail safety policy.

Instead, the FRA should finalize a strong and universal standard that establishes a broad two-person crew requirement to provide maximum protection against accidents that would otherwise result from one-person crews. And because we have full confidence that the railroads will want to escape the reaches of this rule, we urge the agency to strengthen its current proposal by insisting that any and all requests for exceptions to the rule be thoroughly reviewed and approved by the FRA before any one-person operations may begin.

Railroads should be required to pursue those requests through the waiver process that the FRA established long ago. Through that process, railroads will be required to describe their need for operating single-person crews and provide relevant safety data to the agency. This approach applies a consistent standard across the industry and is a stronger approach than the proposed rule's special approval and continuing operations processes. Each of those proposed processes contain loopholes that will allow carriers to begin operating single-person crews without FRA's affirmative approval and limits the safety analysis the agency receives prior to the commencement of such operations.

The bottom line is crew size is fundamentally a safety issue and it is past time that a federal mandate ensures future train operations maintain two-person crews. Passengers traveling by rail and communities through which trains transport commodities and goods must have the confidence that the railroads running those routes are held to the highest level of safety.

This proposed rule helps meet that goal by ensuring that lives, property, and the environment are not needlessly put in danger by overloading a single operator with tasks intended for two or more professionals. While the FRA's proposal needs to be strengthened and the loopholes closed, this is an important proceeding and we encourage the FRA to swiftly finalize a strong two-person crew standard.

Again, thank you for allowing me to make remarks at today's hearing, and I hope the agency will take these comments into consideration.