



A bold voice for transportation workers

December 26, 2018

Ms. Rachel Grice
Engineering Psychologist
Office of Research, Development, and Technology, Human Factors Division
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Information Collection Request: The Impact of Commute Times on the
Fatigue and Safety of Locomotive Engineers
Docket No: FRA-2017-0002-N-5**

Dear Ms. Grice,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the FRA's new information collection request (ICR) entitled "The Impact of Commute Times on the Fatigue and Safety of Locomotive Engineers". TTD consists of 32 affiliate unions representing workers in all modes of transportation, including train crews covered by FRA hours of service and fatigue regulations.¹ For reasons explained below, we support the intent of this ICR but urge changes to its scope to ensure fatigue issue affecting all train crews are being considered.

Through this ICR, FRA will gather information on how commute length and total awake time impacts locomotive engineers, particularly as it relates to nighttime shifts. FRA plans to send a 20-item questionnaire to 35,000 locomotive engineers to gather data. FRA states that evidence from other industries has suggested detrimental impacts from longer commute times on job performance, but there is no similar information at this point for locomotive engineers.

TTD and our affiliated unions have long supported and led efforts to combat fatigue in the rail industry and in the broader transportation sector. We recognize, as have FRA, NTSB and Congress, the danger posed by fatigue, and its role in a disturbing proportion of accidents and injuries in all areas of transportation operations.

¹ Attached is a complete list of TTD's 32 affiliate unions.



For these reasons, FRA's decision to examine commute time as a causal factor of fatigue in the rail sector is one we can support with some modifications. We are specifically concerned that the design of FRA's study places unnecessary limitations on its value. While FRA intends to survey locomotive engineers, it has entirely excluded conductors, who are equally likely to suffer additional fatigue due to commute time. We find this decision puzzling. Like engineers, conductors are required to perform a number of safety-sensitive functions on the job, which can be hampered by fatigue. As recently as August of this year, the NTSB cited "a fatigued train conductor's failure to properly line a switch" as the probable cause in a fatal collision of two freight trains.²

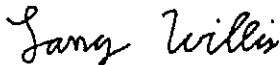
That report is one of many in which the NTSB has made clear the danger presented by fatigued crewmembers – both engineers and conductors. Further, the hours of service statute and regulations do not differentiate between the two occupations, providing identical fatigue protections for all "train employees".³ TTD agrees that this lack of differentiation is sound safety policy, given the realities of locomotive operations.

Arbitrarily excluding conductors from the study denies FRA important data on the fatigue conditions of a safety critical class of workers. In order to get the most valuable and complete results from its ICR, we strongly urge FRA to amend its research proposal to include conductors. We similarly urge FRA to consider all train crewmembers in future research proposals, particularly as they relate to fatigue.

Finally, as FRA makes positive steps to fight fatigue in the rail sector, we would be remiss not to again urge the agency to pursue and support other policy options that can address a tired workforce. We hope to see FRA take action on the congressionally mandated risk reduction program, which includes requirements for fatigue management plans. TTD also urges action to address fatigue among freight rail employee who are denied predictable work schedules and receive too little notice when required to report to work, and yard-masters, who continue to be exempt from any hours of service requirements despite the important safety-sensitive functions they perform. While we recognize that some of these solutions may require Congressional action, the FRA has available opportunities to combat fatigue with the regulatory tools at its disposal.

We appreciate the opportunity to comment on this request, and we look forward to reviewing the final study.

Sincerely,



Larry I. Willis
President

² Collision of Two Southwestern Railroad Freight Trains Roswell, New Mexico April 28, 2015 NTSB/RAR-18-04

³ 49 U.S. Code § 21103



Transportation Trades Department, AFL-CIO
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TTD MEMBER UNIONS

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Longshoremen's Association (ILA)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal, Air, Rail and Transportation Workers (SMART)
SMART-Transportation Division
Transportation Communications Union/ IAM (TCU)
Transport Workers Union of America (TWU)
UNITE HERE!
United Mine Workers of America (UMWA)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (USW)

These 32 labor organizations are members of and represented by the TTD

