



A bold voice for transportation workers

THE NEED FOR MODERN RAIL SAFETY LEGISLATION

150 years ago this May 10th, Leland Stanford put the finishing touch on one of our nation's crowning infrastructure achievements: the completion of the First Transcontinental Railroad. The workers who built the railroad would likely have been unable to imagine the vast, interconnected transportation network we enjoy today, complete with cars, highways, subways and air travel. Yet as we approach the sesquicentennial of the Golden Spike, rail remains a vital part of our transportation network and an important economic driver.

Rail transportation, both freight and passenger, has continued to grow, evolve and improve along with technological advances, greater expertise, and effective regulation and oversight. In no area has this progress been more important than in safety. Yet even now, more can and must be done to further improve safety, minimize risk on railroads, and ensure frontline workers and the communities they operate in are fully protected. By reauthorizing the now-expired Rail Safety Improvement Act of 2008 (RSIA), closing perilous loopholes in existing regulations, and advancing common sense safety regulations that prioritize a vibrant and healthy rail workforce, Congress and the administration have an opportunity and obligation to ensure that the future of rail is safer than ever before.

The implementation of Positive Train Control (PTC) has dominated much of the rail safety debate since first required in the 2008 RSIA. There is no question that this life-saving technology has been delayed for too long and carriers must be required to bring PTC online as required by existing federal mandates. However, we know there are many other safety issues that continue to plague the rail industry, and it is clear that a comprehensive and updated response from Congress is needed to address existing and new problems facing this sector. Short of this, we will fail to tackle critical safety issues endangering the industry, frontline rail workers, and the communities in which they operate.

Addressing Fatigue with Common Sense Solutions

Chronic fatigue remains one of the most pressing and well-documented safety problems in the rail industry. In order to maintain round the clock operations, rail work inherently involves demanding and irregular work schedules. However, the unique nature of the job is not an excuse for irresponsible industry practices that consistently require rail workers to report to work tired. Unpredictable work schedules, lack of notice, and long shifts can all be addressed by Congress with sensible reforms to the Hours of Service (HOS) Act.

The current HOS law mandates that covered rail employees may not work more than 12 consecutive hours and must receive 10 hours of undisturbed rest immediately following their last shift. Congress should require railroad operating employees be given 10 hours' notice before their shift, to ensure these workers are properly rested and prepared to return to work. It is essential that

rail workers have early and reliable information about the date and time they are required to report for duty. Moreover, rail workers' rest time should not be interrupted by communications from their employers. Congress must also ensure that its previous efforts to reduce fatigue among operating employees are implemented. The Federal Railroad Administration (FRA) must complete its unmet and overdue RSIA mandates and promulgate a risk reduction program, which will include a fatigue management plan, and conduct two pilot projects concerning the impact shift scheduling has on a tired workforce.

HOS law must also be extended to include yardmasters. They, like locomotive engineers, conductors, signalmen, and dispatchers, have key safety sensitive duties and obligations and are charged with managing nearly all activity of multiple rail yards simultaneously. In addition, rail carriers often move yardmasters into and out of HOS covered positions in an effort to circumvent rest requirements, resulting in a fatigued safety-sensitive workforce. These abuses and manipulations must end so that yardmasters can receive the rest they need to do their jobs.

Finally, in the previous Congress, a number of bills were introduced to specifically address obstructive sleep apnea and its contribution to rail worker fatigue. As we state in our November 2017 [sleep apnea policy statement](#), we agree that sleep apnea is a factor in fatigue, but cracking down on sleep apnea alone is not a panacea. Any legislative efforts to address fatigue must address HOS and scheduling problems referenced above in addition to considering the necessity of sleep apnea testing. Further, any efforts to address sleep apnea must be done in a manner that does not unfairly punish employees with financial burdens or unnecessarily threaten their careers.

Single Crew Member Trains are Unsafe

Modern freight trains routinely weigh 15,000 to 20,000 tons and stretch over a mile long. These trains travel through thousands of communities throughout the country and carry everything from food to hazardous materials. Yet carriers have opposed every effort to require two-person crews and have indicated a desire to move towards single crewmember operations in the near future. This unsafe practice heightens the risk of a safety accident and places an undue burden on the shoulders of the single operator. This risk is needless and shortsighted, and we renew our call to Congress and federal regulators to mandate that freight trains are fully crewed with a federally certified conductor and engineer.

Proponents of single-crewmember operations claim that emerging technologies, such as PTC, eliminate the need for a second crewmember. Not only is this false, it potentially nullifies the safety benefits of emerging technology, which is maximized when implemented in conjunction with well-trained frontline workers. The reality is a single crewmember cannot perform all of their tasks, maintain the highest levels of safety, and respond appropriately in the event of an emergency, regardless of technology. An overwhelming majority of Americans [agree](#). Over eighty percent of respondents, regardless of party affiliation, believe that one-person train crews are unsafe and would support a law requiring two person crews.

In emergencies, the onboard conductor and engineer double as the first responders, provide critical information to local law enforcement and emergency personnel, and work together to uncouple train cars that may block roads or paths of emergency vehicles. The responsibilities of a railroad

to operate safely over public crossings, inspect the moving train, open public crossings quickly when stopped, and to interact with emergency responders as situations warrant cannot be addressed by a single person, let alone a technology like PTC.

Crew size is a core safety issue and should not be left to the collective bargaining process. Maintaining safe operations and ensuring workplace safety benefit all Americans, and should not be used as chips in broader labor-management negotiations.

Protecting Rail Workers from Assault

As with transit workers and airline workers, passenger rail crew members are increasingly at risk of physical assault in the workplace. In November of 2017, the TTD Executive Committee called on Congress to pass legislation to provide national standards for how to prevent and respond to incidents of violence against onboard passenger crew members, yet so far no action has been taken. The FAA Reauthorization Act of 2018 included a provision that requires all passenger airlines to submit to DOT for approval an assault prevention and response plan that details clear and concise protocols on how to handle violent acts committed against their customer service agents. The provision also requires airlines to update their employee and manager training to reflect this plan. Congress needs to adopt similar requirements for passenger rail carriers, including Amtrak and commuter rail carriers. The legislation should require carriers to develop, in conjunction with their employee unions, comprehensive assault prevention and response plans that include de-escalation and self defense training, protocols for reporting incidents and notifying law enforcement, and policies for any affected employees to pursue legal recourse without any negative effects on their employment status. Workplace violence is a growing problem that will not go away without direction from Congress and the administration, and rail workers simply cannot wait for action any longer.

Ensure Cross Border Safety and Security

We will continue to fight against the Federal Railroad Administration's (FRA) decision to allow the Kansas City Southern Railway (KCSR) to replace American crews with Mexican crews on operations that cross the border into the U.S. This unprecedented decision abjectly failed to ensure that crews emanating from Mexico will comply, or are even capable of complying, with U.S. rail safety laws and regulations. Current regulation also exempts these employees from random drug and alcohol testing within 10 miles of the border, further compounding the safety risks our government has invited onto our railways.

Similarly, we continue to call for a swift denial of KCSR's petition for a waiver that would allow it to move brake inspections into Mexican railyards. The RSIA dictates that in order for brake inspections to be conducted in Mexico, employees must receive equivalent training to their U.S. counterparts and FRA must be allowed to inspect these rail yards. KCSR has failed to demonstrate compliance with these and other safety mandates. On its face, this application violates the law, threatens safety of U.S. bond trains and must be rejected.

Working Together for a Safe and Risk Free Rail Industry

Congress and the Administration owe it to the public and rail workers to ensure our nation's railways are operating safely. By updating and reauthorizing RSIA to reflect the ever-changing rail safety threats, and vigorously enforcing existing laws, the government can ensure that freight and passenger rail will continue to thrive safely for years to come. Rail workers cannot be expected to do more with a reduced workforce, fewer resources, and less sleep while simultaneously improving safety and minimizing risks. Rail labor will work vigorously with Congress to ensure adequate safety measures are implemented through the reauthorization process and will challenge any attempts that are made at the expense of safety, workers' rights and their jobs.

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