



A bold voice for transportation workers

September 19, 2023

Allison Ishihara Fultz
Chief Counsel
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Information Collection Request (ICR) Docket No. FRA-2023-0002-N-17

Chief Counsel Fultz,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) request for comment on an Information Collection Request (ICR) related to monthly reporting requirements on freight train length and tonnage by Class I railroads. Specifically, the proposed information collection would require Class I freight railroads to provide the FRA, on a monthly basis, with data regarding the total number of trains operated and the total number of cars in those trains, as well as the total trailing tonnage in specified train length categories. TTD consists of 37 affiliated unions representing the totality of rail labor, including both passenger and freight rail workers.¹ We therefore have a vested interest in this ICR. Additionally, we endorse the comments of our affiliate, the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD).

The length and weight of freight trains have dramatically increased in recent years due to the rail industry's adoption of Precision Scheduled Railroading (PSR). A recent fact sheet from the Association of American Railroads (AAR) illustrates that maximum train length increased by roughly 40% between 2010 and 2022.² Similarly, rail unions have reported trains operating in the western United States that are up to four and five miles long. Rail workers have long-standing safety concerns related to train length, including radio and End of Train (EOT) device communication issues; increased blocked crossings; additional in-train forces that make it difficult

¹ Attached is a list of TTD's affiliated unions

² <https://www.aar.org/wp-content/uploads/2023/03/AAR-Train-Length-Fact-Sheet.pdf>

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to keep trains intact; insufficient training for Very Long Trains (VLT) crews; and decreased maintenance standards.³ We therefore strongly support the FRA’s proposal to gather train length and tonnage data from Class I freight railroads.

The FRA notes that in addition to collecting train length and tonnage data from Class I railroads, it intends to collect information that may inform potential complexities and safety concerns associated with operating longer trains, including the number of emergency events, the number of communication event losses, the number of broken knuckles, the number of air hose separations, the number of PTC enforcements, and the number of locomotive engineer revocations under 49 CFR part 240. We encourage the FRA to also consider collecting data related to train weight distribution, buffer cars, and Distributed Power Units, which would be helpful in addressing and preventing future train derailments, injuries, and deaths. As the FRA may know, Transport Canada collects data on the length of Canadian freight trains and is considering collecting data beyond what the FRA is proposing in this ICR.⁴ Two railroads, Canadian National and Canadian Pacific Kansas City, already comply with Transport Canada’s more stringent data collection, including on freight train length.⁵ We are confident that the FRA can collect these additional pieces of important information without adding to the burden of the proposed reporting requirements for the railroads, consistent with the goals of this ICR.

Train Weight Distribution

Proper train makeup and weight distribution are important factors in the safe operation of a train. In its Safety Advisory 2023-02, the FRA makes note of several train derailments where the weight distribution of the train involved was concentrated in one or two areas. One example included in the advisory is a derailment that occurred in Springfield, Ohio, in February of this year, where “the weight was mostly concentrated at the head and rear ends of the train.”⁶ Our affiliates concur with the FRA’s observation of “a rising trend in recent incidents where train build and makeup have been identified as a potential cause or contributing factor.” Likewise, we have significant concerns about the safety impacts of railroads’ increased rush to build trains under the PSR operating model at the expense of ensuring the train is properly balanced. We therefore request that the FRA add a reporting requirement for information related to weight distribution, including between the front, middle, and rear, in order to ensure trains are properly assembled. The collection of this additional information may help to reduce the number of derailments caused by imbalanced trains.

Number of Buffer Cars Between Hazardous Materials and Crew Member Locations

We have significant concerns about railroads’ frequent reductions in the number of buffer cars situated between rail cars carrying hazardous materials and the resulting increase in proximity of crew members to potential hazards. Prior to the widespread adoption of PSR, placing several buffer cars between cars carrying hazardous materials and crew members in occupied locomotives was standard practice. This is no longer the case. Buffer cars are critical to ensuring the safety of crew

³https://railroads.dot.gov/sites/fra.dot.gov/files/202212/Stakeholder%20Perceptions%20of%20Longer%20Trains_Final_-A.pdf (See Page 9)

⁴<https://www.canada.ca/en/transport-canada/news/2023/01/minister-of-transport-announces-requirement-to-provide-more-freight-rail-data-to-help-strengthen-canadas-supply-chain.html>

⁵ <https://www.gao.gov/assets/gao-19-443.pdf>

⁶ <https://www.regulations.gov/document/FRA-2009-0031-0255>

members in the event of a derailment involving hazardous materials, including materials that can be fatal to a crew member if touched or inhaled.

The National Transportation Safety Board (NTSB) has noted the importance of buffer cars to the safety and health of crew members. Following NTSB investigations into two incidents involving High Hazard Flammable Trains (HHFT) where the railroads only had one or two buffer cars, the NTSB recommended a minimum of five non-placarded buffer cars on HHFTs.⁷ We therefore request that the FRA collect data on the number of buffer cars in a specific train between a location of a crew member in an occupied locomotive anywhere and a car carrying hazardous materials. Coupled with the data collection the FRA has proposed in this ICR, information on buffer cars would provide additional insight into railroads' current operating practices and level of compliance with the NTSB's safety recommendations

Presence of Distributed Power Units

In an attempt to compensate for the difficulties that arise from operating longer and heavier trains under PSR, railroads often place Distributed Power Units (DPUs) at various points along a train in order to prevent it from derailing. However, as the FRA notes in Safety Advisory 2023-02, "while these technologies can improve train handling and fuel efficiency, they cannot replace the need for correct car placement and assembly. Railroads must prioritize proper train makeup to maintain safety, prevent accidents, and optimize train performance."⁸ Rail unions share the FRA's concerns regarding reliance on DPUs. We therefore request that the FRA require the Class I railroads to report the number and placement of DPUs utilized per train.

Conclusion

This information collection request comes at a time of widespread safety issues in the freight rail industry. These safety issues contribute to more than 1,000 freight rail derailments a year – nearly three a day. Contrary to railroads' rhetoric, the industry's safety record is getting worse, not better. In fact, according to data from the FRA, the accident and incident rate has declined over the last decade at the biggest Class I railroads: BNSF Railway, Union Pacific, CSX, and Norfolk Southern.⁹

Furthermore, just days ago a CSX carman and member of the TCU/BRC was fatally injured on the job. Earlier this year, two CSX conductor trainees and SMART-TD union members were fatally injured weeks apart. These are but a few examples of many preventable worker deaths. Given the worsening safety trends in the railroad industry, we urge the FRA to collect information regarding the weight distribution of trains, the number and placement of buffer cars, and the number and placement of DPUs in addition to proposed reporting requirements on train length and tonnage.

⁷ <https://www.nts.gov/news/press-releases/Pages/NR20201215.aspx>

⁸ <https://www.regulations.gov/document/FRA-2009-0031-0255>

⁹ <https://safetydata.fra.dot.gov/officeofsafety/publicsite/query/TenYearAccidentIncidentOverview.aspx>

We commend the FRA for moving forward with this ICR and request that the agency consider our recommended additions to the proposed reporting requirements. We appreciate the opportunity to comment on this docket and look forward to working with the FRA in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan". The signature is stylized with a large, sweeping initial "G" and a circular flourish at the end.

Greg Regan
President