April 25, 2016

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE. W12-140
Washington, DC 20590

Re: Docket Number FRA-2014-0033

To Whom it May Concern:

Thank you for the opportunity for us to comment upon the FRA Proposed Rule identified by Docket Number FRA-2014-0033. Railroad Workers United (RWU) - Composed of hundreds of railroad workers across dozens of crafts - is a rank-and-file organization which brings thousands of years of railroading experience to the FRA proposed rulemaking. While it is notable that the FRA has acknowledged the dangers of single person crew operations, and commendable that the U.S. railroad regulatory agency is taking some small steps toward protecting both worker and public safety, the rule is not strong enough. It is our combined assessment that both option 1 and option 2 of proposed FRA rule 49 CFR part 218 do little to protect the safety of railroad workers and the general public. Both options present a roadmap for railroad carriers to implement single crew member operations. At no point is running an over-the-road operation safe with fewer than two crew members. It is the RWU position that a minimum of two qualified members should be in the crew of every train operation.

We commend the FRA for taking notice of this important safety issue and for proposing an open rule making process for the public to participate. Some of the worst tragic accidents in recent times all involved a single employee in the cab: the Lac-Megantic train explosion in Quebec, Canada; Amtrak # 188 wreck in Philadelphia, PA; the Metro North wreck at Spuyten Duyvil, NY; and the Metrolink wreck at Chatsworth, CA. In combination, they have all helped trigger the need for the FRA to take action. All of these incidents involved a single person in the crew or a single crew member in the controlling locomotive. It is our contention that with another crew member on the scene or in the cab, these accidents could have been prevented. A flaw of the proposed rule is that it doesn’t remedy this problem.

Despite our support for FRA action on the question of minimum requirements for train crew size, here are a few more of the troubling, misleading or contradictory points in the FRA Proposed Rule:

Technology alone is not a fix. Carriers increasingly cite technology as a replacement for human beings when it comes to safety. But those of us who have been working on territories with decades of old forms of train control similar to PTC know all too well that these technologies are simply an added layer of protection, and one which is prone to failure. Train control alone does not prevent all accidents. The two highest profile accidents on the railroad in recent years, the Lac Megantic explosion and the Amtrak #188 crash both involved technological as well as policy failures. Both of these accidents prove that another crew member would have helped improve safety in each circumstance. We do not oppose technology such as PTC - as added layers of protection can greatly assist us in our jobs - but no technology has been developed which replaces human judgment and experience in emergency situations. As we see in heroic incidents of rescue, technology will not yet pull a human being to safety.
Human beings are part of emergency response. The FRA cites - in the Casselton North Dakota train wreck - an example of the critical expedited emergency response due to the crew size, which included two employees. Diminished crew size greatly reduces ability to respond in emergency situations. Had there been just one employee on board at the time of the Casselton wreck, the outcome could have been much worse.

Exceptions are the rule. The proposed rule cites at least five exceptions (Section 218.127 a-e) and is proposed as “Influencing How Railroads Approach Future One-Person Operations,” (Section 5, A) as if it were possible for rail carriers to guarantee the safety of trains operating with single person crews. If exceptions are made it opens the door for potentially unsafe operations. The railroad is a dangerous industry with fatalities among the workforce and the public regularly. A blueprint to single person crews promises little to correct this problem.

The rule would not correct all problems leading to recent tragic wrecks involving single employee crews. As noted above, an extra employee could have prevented the worst railroading accidents in recent history. While the rule takes steps to identify hazards it doesn’t add human redundancy to the cognitive team operating the train.

Railroad industry input is misleading. In the executive summary the rule cites “railroad industry input” pointing to two person crews creating “additional incidents caused by crew distraction”. It is again mentioned in passing in the Lac-Mégantic accident recap. Anybody who has worked on a railroad train crew would scoff at the notion of a two person crew distracting from the task of safely operating a train. If anything, the opposite is true. By reducing crew size to just one, a railroad worker is more likely to be distracted and lose focus, causing an unsafe condition. Two persons in a crew increase the situational awareness and help maintain focus. “Job briefings” - so essential to safe operations - are rendered impossible when there is no one to job brief with! For the FRA to rely on industry input in this regard is certainly a case of the fox guarding the henhouse. For this viewpoint to be incorporated into the proposed rule-making is troubling as it does not contain any factual basis, nor can it be shown to make for a safer operation.

FRA acknowledgement of need for two person minimum safe requirement. On the one hand the FRA seems to acknowledge the issues while actually doing little in terms of concrete protections for safety. Beyond a waiver in option 2 or a review in option 1, little in the way of specifics is spelled out to ensure that safe train operations are assured when crew size is reduced from two to one. As mentioned above, the FRA acknowledges the rule is more roadmap or blueprint for companies wishing to reduce crew size, rather than a ban on the practice.

Both options leave railroad safety to the carriers as governed by current regulation. Leaving railroad carries to develop and implement safety programs has allowed them to emphasize “behavior based” safety programs that focus on worker behavior rather than hazard elimination. This Proposed Rule does not contain concrete safety solutions, leaving us concerned that the rail carriers will simply emphasize worker behavior as the key to safely implementing single employee train crew operations.

While we generally support FRA action on the issue of minimum crew size, we hope these points are taken into consideration to further strengthen the rule when published in its final form.

Sincerely,

Ron Kaminkow
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cc: RWU Steering Committee