



**U.S. House of Representatives
Committee on Transportation and Infrastructure**

Washington, DC 20515

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Chairman**

**James L. Oberstar
Ranking Democratic Member**

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Mr. Paul C. Thompson
International President
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Dear Sirs:

It is my understanding that five major railroads have served Section 6 notices on their employees' unions of intended changes in agreements affecting rates of pay, work rules and working conditions. One of these notices proposes to reduce the size of operating crews on a train from two persons to one person, after certain train management systems are in place. I have serious concerns about this proposal, and its potential to adversely impact the safety of our nation's freight railways.

Safety is already at risk on the rails. According to the Federal Railroad Administration (FRA), there were 3,310 train accidents in 2004, up from 3,000 accidents in 2003 and 2,738 accidents in 2002. The Department of Transportation's Inspector General concluded in a recent audit report that grade crossing collisions are also on the rise: collisions rose from 2,977 in 2003 to 3,067 in 2004 and the number of fatalities jumped from 334 to 368. "These increases and the upward trend in train and highway traffic indicate that more needs to be done to improve grade crossings safety," concluded the Inspector General.

While positive train control and other electronic management systems may help reduce the number of train accidents, fatalities, and injuries over time, reducing crew size on a freight train from two persons to one person may actually negate any safety improvements these new technologies achieve.

At present, there are no FRA regulations that govern the size of the crew on a freight train. I have asked the FRA whether the absence of regulations indicates that FRA has concluded that a one-person crew is safe. They advised me that they have never considered the question because freight railroads have always used two-person crews. Neither the FRA nor the National Transportation Safety Board has conducted a

comprehensive analysis of the impact a reduction in crew size would have on the safety of freight rail operations.


I am, however, aware of the work of the Transportation Safety Board of Canada on this issue. In response to an accident in 1996 involving a lone-engineer freight rail operation, a working group issued a report outlining more than 65 needed improvements to such operations, including increased supervision; more intensive engineer training, including 120 to 130 hours of simulator training; implementation and maintenance of an engineer performance record data system; specialized training of supervisors and dispatchers working with lone engineers; additional fatigue mitigation and training practices; improved cab conditions; specified radio procedures and practices; and additional emergency procedures. I see no similar countermeasures in your Section 6 notice.

Some have argued that this proposal is no different than Amtrak's lone-engineer operations. I believe that comparison is misleading. In Amtrak's case, the engineer is not the only person on the train – there are conductors, food and beverage workers, and others, all of whom are trained in emergency response and other safety and security procedures. Under the freight railroads' proposal, only one person would operate an entire freight train, which could extend 110 cars in length, with each car weighing up to 286,000 pounds.

Even with Amtrak's additional, trained crew and an advanced train management system in place, Amtrak is prohibited, through its collective bargaining agreement with the Brotherhood of Locomotive Engineers from operating with a lone-engineer between the hours of midnight and 6 a.m., when the risk of fatigue appears to be greatest. Amtrak must also increase their locomotive cab crew size when the duration of a run is scheduled to be more than six hours. These changes were included at the request of the FRA and the union because of concerns with the safety impacts of such operations. Again, I see no similar safety measures in your Section 6 notice.

Therefore, I would oppose any efforts to move this proposal forward unless I am fully convinced that no safety issues exist. I understand that the railroads have asked the National Mediation Board to release the carriers and the Brotherhood of Locomotive Engineers and Trainmen, the Brotherhood of Maintenance of Way Employees, and the five other rail unions represented by the International Brotherhood of Teamsters from mediation, which could trigger the appointment of a Presidential Emergency Board (PEB). I want to be very clear. There should be no expectation by either party that the Congress will become involved in this dispute, even in the event that a PEB is established and recommendations are issued. It is never certain what Congress will do in these situations. Countermeasures and other safeguards, possibly even unrelated railroad measures, could be attached to such legislation. It is therefore in the best interest of both parties to reach a voluntary agreement.

Sincerely,



James L. Oberstar
Ranking Democrat