



Ohio State Legislative Board – Transportation Division

Proponent Testimony for HB 186
Two-Person Train Crew Safety Legislation portion within HB 186

Chairman Green, Vice Chairman McClain and members of the House Transportation & Public Safety Committee. Thank you for allowing me to appear before you today to give testimony in favor of this important comprehensive piece of Railroad Safety Legislation that is HB 186.

I am here requesting for the Transportation & Public Safety Committee's support for HB 186 and the Two Person Train Crew Safety Legislation portion within this bill.

My name is Stuart W. Gardner, Chairman and State Legislative Director for the Sheet Metal Air Rail Transportation Union - Transportation Division, formerly the United Transportation Union. I represent approximately 1900 active Conductors, Brakemen, Locomotive Engineers & Yardmasters in the state of Ohio that work for CSX and Norfolk Southern.

I have forty-five years in the railroad industry, starting as a Brakeman for Norfolk & Western in April 1974, promoted to Conductor in 1979, transferred and promoted to Locomotive Engineer in 1992, and elected to my current position in April 2012.

I cannot discuss our effort to secure HB 186 - two-person crews, proper lighting within rail yards, proper walkways within rail yards and blocked crossings legislation

in Ohio without addressing safety. The safety of my members and the people who live in communities that rail yards are located and through which railroads operate will always be my top priority. This alone demands the highest standards of safety possible.

While the industry has made meaningful progress in regard to safety over the past 50 years, much more needs to be done. More importantly, the progress that has been made should never be used as an excuse to ignore ongoing safety problems, or worse, roll back regulations or undermine protocols that have delivered these safety improvements. Unfortunately, that is precisely what the railroads and the Federal Railroad Administration are currently attempting to do.

Two-Person Freight Crews

Today, freight trains are operated safely because they have a minimum of two crews members. This has been a standard practice for decades, and for good reason. Both conductors and engineers have a long list of responsibilities and must work together as a team to ensure safety, efficiency and compliance with federal regulations while operating freight trains that are over two and three miles long and often carrying hazardous materials.

The good news is that virtually all freight trains operating in the state of Ohio are operated with a minimum of two crew members today and establishing legislation to provide for that practice to continue will have little, if any, economic impact on our nation's railroads. We have two people on trains today, because quite frankly we need two people to get the work done and to get those trains to its destination in the safest and most efficient manner possible.

Both labor unions - SMART-TD and BLE&T Organizations have joined together in clearly stating their position regarding two-person train operations, and why this issue matters to the future of railroading, and for our members and the general public's safety and well-being. With traversing over 5338 miles of track, including 5700 public road crossings, and with over 7317 of freight train employees in the state of Ohio, safety has always been our top priority.

From the start both organizations understand the necessity of this bill. We have been working together as teams in the operating cabs of locomotives for decades. The necessity of having two sets of eyes and ears to be on a vigilant lookout from both sides of the cab while travelling at upwards of sixty miles an hour, is the safety culture we live with, twenty-four hours a day, seven days a week, in all types of weather, this point cannot be understated.

In 2008, the railroad industry was mandated (un-funded) by Congress to implement Positive Train Control (PTC), by the year 2015. Today, eleven years later the carriers are nearing full implementation, after several extensions have been granted. PTC is a step in the right direction by providing another layer of safety for crews. Simply put - PTC is a crash avoidance system. PTC cannot replace the second crew member that is responsible for many tasks, such as cutting (separating) a road crossing, providing point protection while backing up a train, or properly securing a train, just to name a few duties.

Freight trains, which cannot operate themselves, should be no different. The check, double check, extra set of eyes and ears watching both sides of the train, and

the division of tasks are safety measures that cannot be duplicated by written rule or technology. Every safety professional knows this and to remove the second person is to compromise safety.

The commercial airline industry has for many years been mandated by the federal government, safety regulations to protect the flying public by requiring a Pilot & Co-pilot on commercial flights in this country. No one would permit an airliner to fly with just one pilot, even though they can fly themselves.

You may have been told by the carriers, that state crew size regulations are preempted by federal law. This is simply not true. Individual states have the explicit authority to regulate railroad safety issues such as crew size. Seven other states in the United States currently have two-person crew legislation on the books - in the following states: Wisconsin, Arizona, West Virginia, California and this past spring Colorado, Illinois and Nevada. With twenty-one other states working at passing two-person crew legislation. These states all understand that two person crews are a common-sense approach to railroad safety.

The Federal Railroad Administration (FRA) announced at the Crew Size Working Group meeting that virtually every railroad in North America today operates with a crew of at least two qualified employees. That fact also had an impact in the FRA decision to certify conductors and require Federal License for Conductors. There is no adverse economic impact on the railroads by requiring two-person crews when every train already operates with at least two employees.

U.S. Department of Transportation (DOT) will not allow an Engineer only operation because of the impact it will have on communities. Removing the conductor from a train removes the first responder and trouble shooter when accidents occur and places all the burden on local communities.

On July 11, 2012, a derailment occurred near the Fairgrounds in Columbus, Ohio. A Norfolk Southern freight train with a crew - consisting of a Locomotive Engineer, Conductor and a Locomotive Engineer Trainee went into emergency in a 25 MPH curve. The Conductor grabbed his radio, lantern, consist of the train and proceeded to inspect the train for the cause of the derailment. He didn't have to go far - the third car from the engines was on the ground, and as the conductor was looking toward the curve there were other cars derailed and on fire. The conductor was able to pass along to city of Columbus firemen the complete consist of the train including the MSDS report of the location and contents of all Hazmat material. This is important so that the fire department would know exactly what type of material they were dealing with and how to treat the fire. The conductor also secured (hand brakes) on the train and separated the locomotives from the train and pulled a safe distance away as the cars on fire started to explode.

This is just one real life example of the value of the conductor on a two-person freight train that PTC or any other technology cannot replace.

This is a matter of public safety, plain and simple. Freight railroad operations are complex and often entail the transport of highly hazardous materials, including but not limited to crude oil, petroleum products and chlorine.

If a minor event disabled a train being operated by a single person in inclement weather, then the community itself would have to provide the first response to unblock grade crossings or deal with derailments. This completely reverses the concept of Safety First and puts profits first. Our responsibility to the communities that we serve is the reason that we worked to get safety requirements passed into law and by regulation in the first place.

The Ohio Legislature cannot defer their responsibility to protect public safety.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Stuart W. Gardner

Chairman & State Legislative Director

SMART Union -Transportation Division

Ohio State Legislative Board