

**TESTIMONY OF**

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**Before The  
Ohio House of Representatives  
Transportation and Public Safety Committee**

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My name is Greg Hynes and I am the National Legislative Director for the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART TD). In addition, I began my railroad career as a Conductor for BNSF. SMART TD – formerly the United Transportation Union – is an organization representing approximately 100,000 transportation workers and retiree’s most of whom are employed in freight and passenger rail operating crafts.

On behalf of SMART Transportation Division, I want to thank Chairperson Green, Vice Chairperson McClain, Ranking Member Sheehy, and all members of the Transportation and Public Safety Committee for today’s hearing. I apologize for not being able to testify in person on short notice. I am grateful for the opportunity to submit written testimony on this most important issue.

We have filed extensive comments on both the State and Federal level explaining why a minimum of two crew members on trains is vital to safe train operations. We urge you to closely review our testimony as you consider this rail safety bill.

The good news is virtually all trains in America are operated with a minimum of two crew members today, and by establishing minimum crew staffing laws we can ensure that our communities stay safe and our members go home safely to their families every day. Doing so will have little if any economic impact on our nation’s railroads. We have two people on trains today because we need two people to get the work done safely.

My goal here today is to address some of the industry’s arguments against a crew staffing law.

#### **AAR’s Oliver Wyman February 3, 2015 study:**

The AAR released a study conducted by management consulting firm Oliver Wyman that attempted to make the case that single-person crews are as safe as, or safer than, multi-person crews.

This study was, of course, commissioned by the AAR and had a predetermined outcome; it is not an independent, unbiased analysis. Whatever data Oliver Wyman may have come up with that showed the safety benefits of two-person crews clearly did not make the final report.

We have not paid for any cooked study conducted by people who have never operated a train or worked in the real world of railroading. We simply have firsthand, real world expertise in this area.

In the report, Oliver Wyman cites foreign railroads as examples of safe single-person operations; however, they omit some very important differences between the American rail system and those in Europe:

1. Trains in other countries are much shorter. In America, we operate trains that reach up to three miles long, and the vast majority of our rail crossings are “at grade,” meaning they are at street level, requiring cars and trucks to cross them. Unfortunately, vehicles are struck far too often when trying to cross grade crossings, killing more than 200

Americans annually.

Most American freight trains are longer than one mile. This is significant because roads are commonly built on section lines that are one mile apart; meaning grade crossings are constantly blocked by moving and stopped trains. This is not only inconvenient for cars and trucks needing to cross these grade crossings, but also extremely dangerous in the event that an emergency situation occurs at a grade crossing.

If an accident occurs at a grade crossing and the individuals in need of assistance are on the “wrong side” of the train, you need two crew members to separate the train and provide access to first responders and their vehicles. The engineer operates the locomotive while the conductor simultaneously goes to the crossing to pull the pin and separate the rail cars. If a train has a single-person crew, the crossing cannot be cleared by a single crew member to allow emergency responders access to an accident, people may die. This lack of compassion by the railroads towards the communities they operate in, places this problem clearly at the feet of communities and emergency responders to just accept it.

2. Trains in America are much heavier than those in Europe. These are very challenging trains to start, stop and run; long, heavy trains have more problems with equipment failures and break-in-tvos. A single crew member cannot properly secure a train that has broken in two, nor can they change a knuckle and put the train back together.
3. Trains in Europe are scheduled so crew members know days and, in some cases, even weeks in advance of the exact time that they are to report for work. As a result of this predictable scheduling, European crews do not face the excessive fatigue that American crews do. The vast majority of American railroad workers are on-call their entire careers, having to be prepared to report for 12-hour shifts at all hours of the day and night with as little as 1 hour and 15 minutes notice. The dangerous effects of fatigue caused by unpredictable schedules are mitigated only by the presence of the second crew member who constantly interacts with the engineer, keeping him or her alert and making sure that all operating rules are complied with.
4. The study claims that passenger and commuter trains in America are single-person operations. This is simply untrue. Virtually all passenger operations have 2-4 crew members; and all long distance Amtrak trains have a minimum of two crew members in the lead locomotive.

On short, scheduled runs it is true that the engineer is oftentimes alone in the cab, but it is up to the conductor’s discretion to ride in the lead locomotive at any time. Furthermore, operating rules require the engineer to be in constant communication with the other crew members when he or she is alone in the cab.

The terrible, preventable accidents on Amtrak in Philadelphia in 2015, Metro North the year before and the awful accident in Chatsworth, CA on Metrolink in 2008 would not

have occurred had there been two people in the cab of those locomotives.

5. The study also points to the Montreal, Maine and Atlantic Railway (MM&A) and the Indiana Rail Road Company as examples of railroads that operate in the U.S. with single-person crews. I suggest AAR send a team to Lac-Mégantic, Quebec and ask the families of the 47 innocent people who were killed in the 2013 rail disaster there if they think the MM&A Railway is a model for other railroads to follow.

The Indiana Railroad likes to tout its above average safety record regarding single-person crews. This is misleading considering the great majority of their trains use multi-person crew operations. In fact, they only have two or three assignments advertised that are single-person operations, and the single-person operations are not without incident. A school bus driver turned in a single-person operation for not blowing for a crossing because the engineer was asleep. Lastly, Indiana Railroad trains are generally short and crews have predictable work schedules.

#### **Crew Size is a collective bargaining issue:**

1. The railroads claim that the issue of crew size should be left to collective bargaining. Ask the employees on the MM&A Railway who have demanded for years in their contract negotiations for a second crew member to no avail if crew size should be subject to collective bargaining.
2. This claim has been used in efforts to thwart almost every proposed FRA regulation since the Federal Railroad Safety Act was enacted in 1970. As a result, catastrophic rail accidents have had to serve as the impetus for major rail safety legislation and regulations. It is commonly said that the rail safety regulations and laws currently on the books are “written in blood”. The Federal Code of Regulations is currently over 1000 pages of small type. These regulations that have been implemented due to bad behavior by the railroads. We have 150 years of data concluding that the railroads need oversight. When the railroads say trust us we know what’s best, I get a chill down my spine. My father lost his foot working for the railroad. My great Grandfather was killed working for the railroad.
3. My fear is that without a minimum crew size standard the railroads will continue to insist on single-person crews in negotiations – like BNSF attempted in 2014 – by guaranteeing them lifetime employment, pay increases and substantial bonuses for selling out safety.
4. I am also concerned that a single arbitrator without expert knowledge may interpret an existing agreement to permit single-person operations.

#### **PTC provides for safety redundancy replacing the need for a second crew member:**

1. PTC cannot make a train separation at a road crossing, back-up a train or properly secure a train.

2. PTC causes substantial distractions in the cab making the second crew member even more important. We have petitioned FRA for an emergency order to stop the use of Trip Optimizer and LEADER, because these technologies, along with PTC, are causing tremendous distractions in the locomotive cab.
3. PTC doesn't work at all on trains traveling below 20 MPH.
4. PTC cannot prevent a rear end collision.
5. PTC can't see children playing near the tracks.
6. PTC can't prevent crossing accidents.
7. While we support PTC as a safety overlay, the notion that it's a fix all for rail safety and a justification for crew reduction is incredibly dangerous. You should all be worried.

**Railroads claim that there is no data to support the argument that two-person crews are safer:**

1. There is little data because single person operations are so rare. Whenever the railroads have no real arguments against a safety proposal they shout "where is the data?" It's their go-to line when they have nothing of substance to contribute.
2. If the FRA wants data, they can look at the existing Confidential Close Call Reporting System (C3RS) reports concerning near misses. This data will show the how vital the second crew member is. C3RS is a great program that many passenger railroads have implemented and freight railroads have almost universally rejected.

As I stated earlier, our union speaks from firsthand experience operating freight and passenger trains throughout the country, in a wide range of climates, terrains and circumstances.

Locomotive engineers and conductors constantly interact, reminding each of slow orders, meeting points, speed restrictions and men working on the track ahead.

In fact, during my career working as a Conductor, I can recall many instances where the engineer alerted me to something, or I alerted the engineer to something. These checks and balances are the same that take place in the cockpit of a commercial airliner between their two crew members.

Even railroad workers are human beings and are fallible. We all lose situational awareness at times. We all overlook things. We all make mistakes. That's why there are two people in the cockpit of a plane and that is why there are two people in the cab of a locomotive.

This debate started because of the devastating Lac-Mégantic accident of July 2013. An accident largely caused by the absence of a second crew member. The train was left unattended on a hill

because leaving it there would not block any road crossings. That's significant because the single crew member would not have been able to separate the train and open a road crossing, as described above. The locomotives on that train were left idling with the air brake system connected, because, again, a single crew member cannot complete a required brake test on a separated train when they return to work the following morning.

From the FRA's standpoint, our entire body of regulations and railroad operating rules revolve around a minimum of two crew members: making air tests, communications in the cab, cutting crossings, double checking procedures and the list goes on. If single person operations are allowed, these regulations and rules will need a complete rewrite.

In closing, we respectfully ask that this body carefully read and consider our submitted testimony and take the safe course to ensure the safety of our communities as well as the safety of our members. Please vote to move forward HB 186.