Proponent Testimony for HB 186

Chairman Green and members of the House Transportation & Public Safety Committee. I would like to thank you for the opportunity to give testimony in favor of this important comprehensive piece of Railroad Safety Legislation that is HB 186, before you today.

My name is Clyde A. Whitaker, Assistant State Legislative Director for the Sheet Metal, Air, Rail, and Transportation Union - SMART, formerly known as the United Transportation Union. We represent approximately 1900 plus railroaders on the CSX and Norfolk Southern properties. I'm a Local Chairman for 50 plus members here in central Ohio, defending their rights and protecting their safety on a daily basis. I have just begun my 20th year in the railroad industry and even my generation of railroader has seen significant changes. The proposed changes of one person or autonomous trains that the railroad carriers are pursuing is extremely unsafe. As railroaders of Ohio, we must draw a line in the sand when it comes to the safety of our communities, and our co-workers.

The first topic I would like to speak on is train crew staffing. The railroads wish to replace hard working railroaders with technology that could never accomplish what the human element can. In Ohio we operate trains in lengths exceeding 10,000 ft. long, the longer (and heavier) the train the more stress on the equipment, from the risk of break downs with the airbrakes, and failure of parts on the cars.

When repairs to the train must be made it is the responsibility of the Conductor to carry out those duties. He will evaluate the situation, making repairs if need be, or contacting the dispatcher for further assistance in order to progress the train. A train breaking down has always been an issue. However, in this Precision Scheduled Railroading (PSR) era the frequency of break downs occurs on a daily basis sometimes multiple times, due to the longer (and heavier) trains.

A few daily examples that the Conductor handles in which technology cannot.

- Technology cannot inspect rail cars for leaking or venting tank cars.
- Technology cannot replace the human element of smelling a brake shoe burning on a passing train that could derail further down the track.
- Technology cannot see a wheel sparking on the rail of a freight car on the train you're on or a passing one. When wheels are sparking that means a hand brake is applied or the airbrakes on that car are stuck. If that sparking wheel goes unchecked it would lead

to catastrophic damage, and the only person that can fix the issue is the Conductor. The Engineer cannot relieve themselves of protecting the airbrakes on the lead locomotive.

- Technology cannot discuss rules, operations, or have a job briefing with you when the work or situation changes.

To offer a scenario that I'm sure some people have been involved in. Yet did not even know it when stopped at a railroad crossing for an extended amount of time. You have probably seen a Conductor walking his train and did not realize what he/she was doing.

One of those reasons could be a train in "Emergency". In "Emergency" means for some unknown reason the train brakes applied, in some cases the reaction may be a violent force to the track structure, equipment, or it could be some vandal separating the cars. Emergency in motion can occur due to multiple issues from track structure damage/broken rail, an air hose issue (which carries the air for the braking), or separation due to a faulty knuckle (which is the link that holds the train together).

An emergency in motion is extremely serious situation. The Conductor must make a walking inspection of his/her train. They're looking for issue(s) from a separation in the train, derailed equipment, hazardous material releases, track structure damage, faulty airline issue, and they will resolve the issue on the spot. Making these inspections ensures the public's safety immediately against a hazardous material release or against immediate danger. The Conductor would relay the findings immediately to the Engineer on the lead locomotive and help would be summoned by the dispatcher. In the event a major derailment occurred or a release of hazardous materials, the Conductor would meet first responders, explaining his findings, giving them the train profile, which lists all chemicals, and position in train (FRA CT-168).

Conductors play a critical role when it comes to grade crossing incidents when a train strikes a pedestrian or an automobile. Bear in mind an Engineer must protect the airbrakes on the lead locomotive. Being involved in a few grade crossing accidents myself I can tell you the Conductor must go find the individual(s) after the train stops, which those people may be a mile plus back from the lead locomotive. The Conductor would relay his findings to the Engineer which has a more powerful radio on the locomotive in order to speak with the dispatcher. The Conductor would meet with first responders and direct them to where they are needed and in turn protect them from other railroad movements about them. If, first responders are blocked by the train the Conductor would immediately secure the train and make a separation of the freights cars to relieve (open up) the crossing, so that the responders could do their job. Many lives have been saved by Conductors, whether it be their standard duties or even going a step beyond the call of their duties and administering life saving techniques.

The railroads wanting to reduce crew size places all communities in an unsafe environment. Communities would have road crossings blocked for hours when an emergency occurs. Instead of the immediate repair by the Conductor, we would now be waiting upwards of two hours plus depending upon where the assistance comes from. In the event of a derailment or hazardous material spill (release) who would inspect the train? Who would meet the first responders? The answer is no one, the person to help the train is hours away, and isn't aware of what he/she would be walking into. So, in the meantime the hazardous material could be leaking making people sick or even killing them, we cannot allow that to happen. Railroads transport the deadliest chemicals known to mankind in bulk. We are not talking about a semi truck having a wreck on the interstate with a few thousand-gallon spill. With a rail car that spill could be upwards to two hundred tons of product.

This is not a collective bargaining issue from where I stand, this is public safety on the line here. We have an industry that exercises no common sense and they're merely driven by corporate greed.

I wrote a fact-based letter I called "Facts from the Cab - From the perspective of an operating crew". I shared this with members of Congress on a recent trip to Washington D.C. to set the record straight on this "data collecting issue" and to set the facts straight on some issues. Here is some of what I wrote:

- The FRA and the railroads state there are no data to confirm two people are safer. Our stance on that is we cannot go straight to management and talk to them without retaliation to ourselves or other employees. That's just the way it is, and probably will always be. I cannot walk up to an official and tell them how I prevented a derailment yesterday, how I corrected the Engineer/Operator that he was starting to exceed the speed limit. I could not tell them I prevented another crew from tearing a switch out or if they had a hazmat out of place and they stop to correct it. I could not tell them about me making a miscalculation in my weight, length, loads, or empties, that would affect the handling of the train, and my Conductor caught the error. If, any of that happened the railroads would be harassing people left and right. Those examples are why we don't have data.
- Some data FRA and the railroads ignore. The data of 42 confirmed dead, 5 missing presumed dead, over a half mile blast radius, 30 buildings downtown leveled the remainder of the buildings had to be demolished due to contamination from the petroleum. The town was called Lac-Magentic, this disaster happened in 2013 and that incident in itself should be enough data.
- December 2013 - Spuyten Duyvil Station, NY., 4 dead, 61 injured out of 115 passengers. We have two people or more in the cockpit of an airplane, why do we not have two people in the operating cab of passenger trains? Plain and simple greed that's why. That second person in the cab could have prevented Engineer Rockefeller from being in a "daze". The STB stated, "it was likely that the accident would have been prevented had PTC been installed." Even with PTC installed, it can still happen, it all depends on the Engineer/Operator to make it work correctly.
- May 2015 - Philadelphia, PA., 8 dead, 200 injured, 11 critically injured out of 238 passengers. The Engineer/Operator was alone in the cab of the locomotive. Again, same argument as the previous bullet point. Should have been two people in the cab of the locomotive.

- 54 dead, 5 missing presumed dead, 261 injured, 11 critical out of 353 people. Do we really need more data on one-man trains? If you rely upon one person and technology this will continue.
- Shared responsibility is needed on today's railroads inside the operating cab. We need the second person similar to an airline has two people to confirm the data entered into the system, at present time that person cannot acknowledge, with the "speed control" TO and LEADER systems that needs to be monitored by the second person as well. That second person is vital to the community safety, he is the one that progresses the movement, separates the train for first responders, he is the first on the scene in the event of a derailment, grade crossing accident, chemical spill, fire, etc. the Locomotive Engineer/Operator cannot leave his locomotives unattended.
- The argument of "overseas they have one person on a train why can't we?" Those rail systems are extremely small compared to our nation's railroads and they are very secluded. They have no road crossings, no way possible for interference unless malicious intent is there. This nations railroad system was not constructed that way. There was no uniform way of building a railroad in this country, some things are standard, but we operate through extreme mountain grades, through rural communities, large cities, in all weather conditions, etc. We need a second set of eyes in the cab of the locomotive passenger and freight.
- As of July 29, 2014, there are 209, 308 railroad crossings 129, 326 intersect with public roads in the United States of America. (source: Angels on Tracks; FRA) There are five leading states with the most road crossings Texas, Illinois, California, Kansas, and Ohio. This is one reason why we should not operate one person crews in this country as thousands of accidents happen per year at grade crossings, and hundreds die. If, we went to one-person crew he/she would have to sit in the cab of the locomotive not being able to help save a life if, possible because he/she cannot leave the cab. As it is right now that second person can go back evaluate the situation as to where the person(s) is located, direction, can direct first responders, and ensure that nothing has interfered with the operation of the train or track structure in the event of hard braking or emergency stop.
- As it is right now a Locomotive Engineer/Operator is overwhelmed with the amount of technology he/she is in charge of. At most the Engineer is in charge of 4 systems. The first the primary duty of standard locomotive operations and train handling. The second system could be the speed control system TO/Trip Optimizer or LEADER. The third being PTC and the fourth being DPU operations. All the while operating these systems we are running two separate sets of locomotives (Note about DPU Operations: *Currently there are no regulations on this by FRA and training consists of a pamphlet, and a book.)* trying to tone the dispatcher, trying to speak to yardmasters, controllers, protect the public, protect on track workers, assure switches are aligned and acknowledge the various systems, tone radio controlled switches, and much more. Which most of these duties should be shared by the second person however, the railroads have placed all the devices on certain railroads out of the reach of the second person, because mistakes are happening. All because of corporate greed.
- The railroads argue they need to have competiveness against trucks. Think about this two people one train, 470 tons on 1 gallon of fuel, that's right one gallon. (source: CSX Transportation) A semi truck gets 5.9 mpg on average with one trailer. On average a 7000ft. intermodal train may operate over 200 containers. That would be 200 semi truck drivers vs. 2 railroaders on less fuel and less congestion on the roadways. Do not buy into the lie railroads are impacted by the second person on a train like they say.

PTC - Positive Train Control

- PTC is only as good as the information inputted by the Locomotive Engineer/Operator. The information he/she receives is not always accurate as it must pass several hands before it gets to the cab of the locomotive. It is a daily occurrence multiple times a day a human error in programming is found and must be corrected. These errors are normally made at yards or by the systems clerks. Sometimes insignificant sometimes not, yet still it can affect the way the system operates. Example: I have inputted less tonnage in the system, when actually I have more. The systems timer to a stop signal, speed restriction, and or other critical area may not enforce me in time due to the error. Which then we could have a possible stop signal violation, derailment, or loss of life if a work zone is present.
- PTC for the most part until most of your train, in some cases all of your train has entered signaled territory. Example a train entering signaled territory can pass a signal displaying stop, when the system is in a disengaged state. A disengaged state means the system does not know the status of the signal, track, or other trains, or a communication issue. In a worst-case scenario, a train departing a yard could easily pass a signal displaying stop, resulting in an accident with other equipment.
- PTC can be shut off. When not active a crash can still happen.
- PTC can be placed in a restricting mode that limits the speed between 15 - 20 mph depending on the Carriers operating rules. In this setting a crash can still happen.
- The system is usually shut down three times per month for maintenance for a period of 30 minutes up to 8 hours. During this time enforcement is **not active** meaning you can still have a crash.
- The system does not work when there is a communication error or no GPS signal.
- Rear end collisions are still possible even in an active state.
- Security and Rail Safety is of great importance to us on the railroads in a post 9/11 world. With the multitude of bulk hazardous materials, we carry on a day to day basis, do we really think it is safe for just one person to be on a train? What a perfect weapon a train would be right? Let's think about how easy it would be to subdue one individual who has no weapons and is not allowed to carry anything in order to defend themselves. That would be very easily done, granted there are locks on the inside of the doors that sometimes lock. (Locks are not two way like an automobile, they are pad locked outside and bolt type inside.) However, most railroaders leave them unlocked unless stopped. The reason for this if we were in an accident the doors would have to be torched off, which takes several minutes for first responders. On top of the potential terrorist threat which railroads obviously recognize through training employees to recognize, record, and report suspicious activity. The specialized training of specialized rail SWAT teams it is apparent a creditable threat does exist.
- To add upon Security and Rail Safety, who would be there to stop an Operator from going rouge if we had one-person crew? With the potential of workplace violence, in combination of the hostile work environment that exist on today's railroads. Employees are stressed to no end they are worried about their future, retirement, fatigue, failing relationships, etc. We will eventually have that perfect storm when someone breaks and it would be easy for one person to take a train, turn off PTC, and create chaos.

Trip Optimizer and "Speed Control" programs

- Same as PTC it is only as good as the information given to the system.
- Does not stop the train and does not start the train.
- Does not function below the speed of 11 mph or less.
- Does not understand on how to handle certain terrains, city ordinances, certain work authorities, etc.
- Does not operate hand and hand so to speak with PTC or DPU (Distributed Power Unit.)

- Is not a safety device.

Lighting and Walkway Stone

In my tenure as a union representative I have seen many injuries due to walking conditions. We are not asking for a golf course atmosphere, but what we are asking is a safe pathway on yard leads in order to prevent injuries to employees. One example occurred in a territory within my locals jurisdiction a Conductor was walking a yard track checking cars. The rail yard has large stone to walk on and is not packed down properly. The Conductor severely rolled his ankle. The very next day the railroad ordered a train of walking stone to cover the area and make a compacted level walking area. All of this took place before anyone could document the poor conditions. So, the excuse the railroads cannot afford the stone is a very poor argument.

The lighting portion of the bill goes hand in hand with one another. I represented a member that would have not sustained injuries in late 2018 had adequate lighting been present. Instead the railroad ignored the request to install new lighting or repair the existing yard lights. As a result, the employee could not see a low-profile rail car being shoved toward him. The rail car struck his parked vehicle, in turn striking him, and knocked him to the ground throwing him underneath the rail car while it was moving. Had the lighting been fixed or replaced this incident would have been prevented. Since he has had multiple surgeries and we are fortunate that he is alive to see his family.

Conclusion

Railroads have always been an out of sight out of mind type industry. You never know we are there until we make the 6 o'clock news so to speak. This is a commonsense piece of legislation it would ensure safety for the communities, in the cab of the locomotive. Two sets of eyes are better than one and we keep one another alert the same as an airline crew. We are no different except, we haul massive tons of freight that is extremely dangerous in nature. That freight train depending on what it is hauling can wipe out an entire town like Lac' Magentic we do not need an incident like this here in Ohio or the United States.

It is the responsibility of this legislature to protect the safety of the public and it is my hope you will consider all of these factors when making a decision. At this time if there are any questions, I would be glad to answer. I appreciate your time.

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