

Pennsylvania House Transportation Committee
Regarding train crew size requirements
February 4, 2016

Mr. Chairman and members of the committee, thank you for the opportunity to offer testimony in opposition to HB 1742.

My name is Rudy Husband and I am here today on behalf of the Keystone State Railroad Association, which represents not only railroads, but shippers, vendors and suppliers connected to Pennsylvania's freight rail industry as well. I have worked in the rail industry for nearly three decades, with Conrail and Norfolk Southern, and prior to that as a labor relations consultant for Conrail, CSX and Grand Truck Western Railroad.

At the outset it is critical to emphasize that two-person crews are used on the vast majority of Pennsylvania's freight rail network, with very few exceptions. The number of employees on each train is usually governed by collective bargaining agreements with the labor organizations that represent engineers and conductors. The only way to amend these binding agreements is through negotiations pursuant to the Railway Labor Act of 1926. No such negotiations are currently taking place. It is our view that there is no reason to pass a state law when the process for addressing this issue has already established through these collective bargaining agreements.

Turning to safety, there is a long history of technological improvements in the railroad industry leading to productivity gains while, at the same time, setting new safety records. The advent of diesel locomotives eliminated the need for firemen; end-of-train (EOT) devices eliminated the need for a caboose and personnel at the end of the train; and remote controlled locomotives (RCL) have eliminated the need for locomotive engineers on many yard jobs.

Moreover, the railroad industry is in the process of implementing federally mandated positive train control (PTC) on some 60,000 miles of railroad track (and at a total cost, including 20 years of maintenance, of up to \$13.2 billion). PTC is designed to provide additional remote

and continuous monitoring of train crews to automatically override any human error in controlling train speed and movements. By its design, PTC-based monitoring will render redundant the additional person in multiple-person train crews on affected routes.

Internationally, the use of single-person crews for trains is widespread in developed markets similar to the United States in size and complexity. In Europe and Australia for example, the use of single-person crews is the dominant practice on many freight railroads, including those in Germany, France, Sweden, Australia, the United Kingdom, and Queensland/New South Wales.

A study by Oliver Wyman, a global management consulting firm, was commissioned comparing aggregate statistics on relevant equipment incidents and casualty incidents for 2007 through 2013 for operators using single-person crews (Amtrak, commuter operators, and Indiana Railroad) versus operators using multiple-person crews (Class I and other regional freight railroads). Across equipment incidents (derailments and collisions) and casualty incidents (serious injuries and fatalities), the analysis found that single-person train crew operations were as safe as multiple-person train crew operations.

For the US versus Europe, Oliver Wyman developed a comparative data set for 2007 through 2012 for US Class I rail operators and a selection of major European freight railroads that make use of single-person train crews. Oliver Wyman analyzed safety data for collisions, derailments, serious employee injuries, fatalities, and signals passed at danger. For all of these categories, major European operators using single-person crews appeared to be as safe as Class I multiple-person crew operations.

In addition, it is worth noting that there has been a positive long-term trend of declining rail accident risk within the European Union (EU), despite significant cuts in railroad staff and the expansion of single-person crew operations. In fact, those EU countries with the best safety records (least fatalities and weighted serious injuries per million train-kilometers) are all countries where railroads operate with single-person crews.

Other studies have been conducted that reached the similar conclusion that there is no correlation between train safety and the number of crew members. In 2010, Metrolink – the commuter rail system serving the Los Angeles area – concluded that a 16-month pilot project to use two-person crews on 13% of its train starts did not result in improved safety. Metrolink cited studies by the FRA, NTSB, and California Public Utilities Commission (CPUC) that said two crewmembers in the cab “can have an unintended contrary effect on safety due to potential for distraction.” In a 2009 report, the California PUC concluded, “[a] second set of eyes provides only minimal safety improvement and should be employed only on a temporary basis, given the fact it could aggravate engineer distraction, and consequently, engineer error.”

Oliver Wyman also developed an economic model to establish the value of single-person crew operations to the US Class I freight railroad industry. Two scenarios were modeled to represent the range of potential single-person crew operating options: the removal of trainmen (i.e., conductors) from all road trains without intermediate work, and the removal of trainmen only from road trains operating on high-density lines (on low-density rail lines, the use of round-the-clock utility personnel would be far more expensive than retaining the trainman position on the few trains operating over those lines). Together, these two scenarios bracket the range of operational configurations that railroads could employ when implementing single-person crew operations.

Oliver Wyman modeled the savings that would be realized by the railroads on an aggregate basis under each scenario for 2013 and for 2020 through 2029 (since single-person crew operations are unlikely to be fully implemented prior to 2020). In both scenarios, the railroads would realize significant reductions to their cost of operations.

Another consideration is that the Federal Railroad Administration (FRA) announced “its intention to issue a proposed rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most mainline freight and passenger rail operations” in 2014. FRA’s safety experts are now in the process of studying two-person crews and issuing a rulemaking. It seems prudent to wait for the experts at the FRA weigh in with their

decision before passing any state legislation that may then be preempted by the ultimate action taken at the federal level.

Finally, there is a federal statute that is relevant to this issue. The Regional Rail Reorganization Act of 1973, or “3R Act,” 45 USCA 797 (j) specifically provides that “no State (in the Region) may adopt or continue in force any law, rule, regulation, order or standard requiring the Corporation (Conrail) to employ any specified number of persons to perform any particular task, function, or operation . . . and no State in the Region may adopt or continue in force any such law, rule, regulation or standard with respect to any railroad in the Region. “Region” is defined in the Act as the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, and Illinois; the District of Columbia; and those portions of contiguous states in which are located rail properties owned or operated by railroads doing business primarily in the enumerated jurisdictions.

In closing, rail is used to move nearly every class of product bought and sold in Pennsylvania. The rail industry has taken a proactive stance to keep rail traffic the safest and most cost effective means of shipping goods and products, and we are committed to continuing to do so. HB 1742 is unnecessary and moves us in the wrong direction. I urge you reject its passage and maintain the current rules and regulations.

Thank you very much for your time and attention.