

**RESOLUTION  
REGARDING RAILROAD WORKER AND PUBLIC SAFETY  
REGULATION AND LEGISLATION**

*Resolution # 43*

*Approved Unanimously by the Washington State Labor Council Convention on July 24, 2014.*

**WHEREAS** railroads are a vital infrastructure and industry in Washington State, critical to commerce and the economy; and

**WHEREAS** the economic vitality of Washington State is predicated on safe, viable rail networks with adequate capacity to provide freight service for our ports, aerospace industry, maritime cluster, agriculture, and other businesses, as well as adequate capacity for passenger rail; and

**WHEREAS** railroads employ over 5,000 unionized workers in Washington State and provide stable, family-wage jobs with premium healthcare benefits and retirements; and

**WHEREAS** significant and serious safety concerns currently exist regarding railroad operations and infrastructure in Washington State, which affect rail union members in various job crafts and which when combined create a hazardous workplace that also affects public safety, including the following:

- insufficient and/or poorly maintained crew railroad footpaths and yard walkways for railroad crews to safely work in and inspect their trains;
- poor lighting conditions;
- unmaintained rail appliances, including switches and derails that lack proper ergonomic standards;
- unregulated railroad crew transportation contractors;
- lack of any hours of service limitations for yardmasters, who act as rail traffic controllers; and
- no minimum train crew size requirements; and

**WHEREAS** our legislature has failed to act to address these problems, resulting in a continuing occurrence of serious railroad crew contractor transportation vehicle fatalities and accidents, including the following:

- On March 3, 2011, near Kelso, WA, while riding in an unregulated contractor crew transportation vehicle two railroad employees and the contract crew driver were killed, and a third railroad employee was permanently disabled in a tragic and avoidable railroad grade crossing collision.
- On October 10, 2013, at 8:00 a.m., a crew transport van with four railroad crew members was en route from Pasco, WA, to Vancouver, WA, on I-84 when the driver drove off the road near Hood River, OR, injuring two of the four railroad employees. The driver has been charged with reckless driving, and it has been reported that one of employees was injured so severely that he will never be able to return to work.
- On November 13, 2013, a driver was assigned to pick up a rail crew at a rural siding near Pasco, WA. The driver, proceeding at 50 mph in dense fog, failed to slow down and stop at a T intersection, driving through the intersection and crashing in a field on the far side. The railroad crews in the van were injured.
- On February 21, 2014, at approximately 9:15 a.m., crew van #711, operated by QM Shuttle Services, was nearly struck by a southbound Amtrak train in Burlington, WA. The van had just dropped off a BNSF rail crew at a nearby location. The Amtrak engineer reported that the crew van backed up off of the tracks just a split second before they would have collided; and

**WHEREAS** most contract crew hauler services utilized by the railroads operate with minimal regulation and/or government oversight, the drivers for these contract service companies have no requisite training or requirements greater than any other private, noncommercial licensed drivers; and

**WHEREAS** these out-of-state contract operators pay their drivers poverty wages based on waiting times and mileage, resulting in extremely high turnover rates; fail to ensure that their drivers are physically able to perform

the duties of the job, nor are drivers screened for adequate vision; are not required to meet DOT driver physical standards; do not adequately check their drivers' backgrounds for criminal histories and drug or alcohol-related issues; do not require drivers to demonstrate a working knowledge of safe driving practices associated with transporting rail crews in all weather conditions on a round the clock basis; do not insure that their drivers are properly trained for the hazards associated with driving around and near railroad operations; do not implement specific route training and familiarization; and do not have adequate driver fatigue abatement practices; and

**WHEREAS** railroad yardmasters, who control train movements in and around the various rail terminals and facilities, are not protected by the Federal Railroad Hours of Service laws, which limit the number of consecutive hours other railroad employees can work to 12, with no less than 10 hours between shifts; and

**WHEREAS** many yardmasters are forced to perform service for 16-hour shifts, with only 8 hours off between shifts, creating dangerous sleep deprivation situations that endanger the lives and safety of both

**WHEREAS** the Washington Utilities and Transportation Commission (WUTC) inadvertently requested that its own legislative authority over railroad safety be repealed (RCW 81.44.065) in 2007, which has resulted in confusion as to which state agency has authority over various aspects of railroad safety and/or which department is empowered to enforce assorted railroad safety regulations, so that four state agencies and ten local governments have different facets of rail regulatory authority; and

**WHEREAS** adoption and aggressive enforcement of railroad safety regulations is critical to ensure public and workplace safety, such authority must be reconsolidated within one state agency; and

**WHEREAS** a clear determination of which state agency will be ultimately entrusted with all railroad safety regulatory and enforcement authority must be made; therefore

**BE IT RESOLVED**, that the Washington State Labor Council, AFL-CIO (WSLC), at its 2014 convention, hereby supports and endorses the following legislative efforts (or any newly issued bill numbers with equivalent meaning) related to railroad workplace and public safety:

- HB 1620/SB 5720, seeking adoption of state regulatory authority of railroad crew transportation services and any subcontractor company utilized by the railroads to provide such services; and
- HB 1621/SB 5721, seeking adoption of state regulatory authority, equivalent to the Federal Hours of Service Laws that now cover railroad operating craft personnel, for Class I railroad yardmasters working in the State of Washington; and
- HB 1845/SB 5722, seeking adoption of a process to consolidate all of State of Washington railroad public and workplace safety and regulatory functions possible under a single agency, the WUTC; and providing this agency with the maximum regulatory authority over railroads permissible under federal law, as well as providing adequate funding, which includes additional inspectors with federalized rail enforcement authority; and
- HB 2718/SB 6473, seeking adoption of a minimum, mandatory railroad crew size of no fewer than two qualified operating craft employees on all trains and railroads operating in Washington State; and

**BE IT FURTHER RESOLVED** that the WSLC recognizes that crude shipments by rail pose a real and potentially deadly threat to both rail workers and the public, and strongly urges the Washington State Legislature to work in close cooperation with rail labor organizations to critically examine all aspects of crude-by-rail operations: and

**BE IT FURTHER RESOLVED** that the WSLC supports and urges the Washington State Legislature, as well as all Washington State agencies having such authority, to develop a coordinated, consolidated, expanded, and effective rail regulatory and enforcement program for the purpose of ensuring increased protection of both railroad workers and the public; and

**BE IT FURTHER RESOLVED** that the WSLC hereby determines that the resolution of these critical railroad public and employee safety issues shall be a priority in the 2015 WSLC legislative agenda.