



**Comments of the  
Brotherhood of Locomotive Engineers and Trainmen (BLET/IBT) and the  
International Association of Sheet Metal, Air, Rail and Transportation Workers -  
Transportation Division (SMART-TD)**

December 21, 2022

Dear Administrator Bose:

The Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD) represent the vast majority of operating train crew workers across the country, and we submit the following comments on behalf of our members.

At the outset, we would like to thank the Federal Railroad Administration (FRA) for addressing the issue of train crew size, and we fully support the implementation of a two-person crew rule. Our comments are recommending that, in the interest of public safety, the final rule be made even stronger than what has been proposed. FRA previously proposed a Notice of Proposed Rulemaking (NPRM) in 2016, under docket no. FRA-2014-0033, Notice No. 1 [RIN 2130-AC48]. Since many of our positions remain unchanged, we will cite these prior comments heavily, along with noting any relevant changes in the current NPRM.

There is no greater risk to the safety of railroad workers and the communities they serve than the consideration of a reduction in crew size in the cab of a locomotive. In fact, it is because of the two-person crew that this nation's railroad carriers have been able to achieve and enjoy the safest and richest era in their history. However, despite what some might want you to believe, safety is not, nor has it ever been improved simply by reducing manpower. This is especially true when it comes to the staffing on America's Class I freight rail trains.

Currently, the vast majority of all over-the-road/long-haul freight train operations in America are done with the utilization of two-person crews: a conductor and an engineer. In fact, it is this type of operation that is the norm for Class 1 railroads. There is a foundation upon which the fundamental safe operation of railroads in this country is based, and that is upon the two people in the cab who operate the locomotive. However, in recent years, it has been widely broadcast by Class 1 railroad executives that they are looking to amend that standard in the very near future, and that it is their hope and intent to begin making crew-size reductions as soon as next year (2023). Such a reduction will only lead to an increase in incidents and accidents that are now at an all-time low with the standard of two-person crews present in the cab. For the reasons below, the FRA should mandate that two-person crews are the standard as they have proven to be the safest and most efficient way to operate.

In 2008, Congress mandated implementation of a program called Positive Train Control (PTC). As FRA is aware, PTC is a technological program designed to prevent train-to-train collisions; prevent overspeed derailments; prevent incursions into established work zones; prevent movement of a train through a main-line switch in the wrong position; and be interoperable<sup>1</sup> on movements occurring at greater than restricted speed.<sup>2</sup> After three extensions, the railroads were finally able to achieve full implementation in the year 2020.

Today, America's Class 1 railroads are seeking to reduce crew size under the guise of safety and improvements to quality of life for the people who work on the railroad. To do so, the carriers are arguing that there is no data that reveals that a two-person crew operation is any safer than a one-person or no-person crew. The irony, however, is that, likewise, there is no data to support that a one-person or autonomous operation is any safer than a two-person crew. This is because there are no comparable one-person crew operations being utilized on a Class I railroad. Sure, one can look at smaller regional lines and one can look at Europe, but the fact is no other line or system in the world is comparable to America's major freight railroad network in scope, terrain, or frequency of intersection with other infrastructure, such as roads.

Among rail workers there is significant disagreement with the carriers as to the role PTC should play in a crew size discussion. The people doing the work, who put their lives on the line, want PTC as a tool. However, although PTC offers safety enhancements on the job, train crews understand PTC alone does not do the job of another crew member. It simply has not been required, designed, or implemented to do so. It does provide additional safeguards that train crews value, but it has not made a train crew's lives less difficult or the functions they perform on the job any less important. In reality, this technology has introduced new complexities and levels of attention capture not seen prior to the implementation of PTC and has emphasized the need for a conductor on board due to the added level of distraction PTC has imposed upon the engineer.

To begin, we would like to give a brief history on one of the more significant accidents that occurred by a train staffed with one-person, and just one of the many reasons we believe the NPRM is a good idea. Then we will address some of the exceptions FRA has included in the NPRM and where comment has been requested. We will focus on safety of operations, rather than market considerations or supply-chain issues, but suffice it to say, we believe reducing freight train crew size is bad for business, too.

On July 6, 2013, 47 people lost their lives in a horrific train accident in Lac-Mégantic, Quebec, Canada. Forty-seven of the train's cars derailed, causing multiple explosions and 2,000 people of the town of more than 5,500 people to evacuate. As result of this disastrous accident, Transport Canada immediately banned single-person operations on trains carrying hazardous materials.

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<sup>1</sup> meaning that the locomotives of host and tenant railroads operating on the same main line must communicate with and respond to the PTC system, including during uninterrupted movements over property boundaries. See <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/positive-train-control-ptc#:~:text=RSIA%20and%20FRA's%20implementing%20regulations,uninterrupted%20movements%20over%20property%20boundaries>.

<sup>2</sup> 49 CFR 236.812 Speed, restricted. - A speed that will permit stopping within one-half the range of vision, but not exceeding 20 mph.

Those 47 people should be alive today, but they are not, and the conditions that existed on the day of the accident left people in the United States asking: “Can that happen here?”, “Is it true there is no law regulating crew size in the U.S.?” and “How can this be?”. The bad news is nothing in the law prescribes a current minimum crew size in the U.S. The good news is that most trains do have a two-person crew due to practical considerations (primarily of the safety variety). But crew size is also driven by considerations for routine operations to get the job done efficiently and for regulatory compliance and existing collective bargaining agreements.

An employee at the controls of a locomotive (engineer) is not a mobile asset. They are responsible for the physical manipulation of the controls of the locomotive and its appurtenances (computers, Positive Train Control (“PTC”), Fuel Saving Programs, etc.). To leave the locomotive cab unattended, the engineer must disable the controls, set the train airbrakes, and secure the locomotives and train hand brakes before leaving the cab. This is a time-consuming process, and many of the rules that require confirmation of a proper securement (release of the air brakes to test the hand brakes) require a person on the ground to see if a train moves. This is not readily apparent at the head end of a train. One person cannot be in two places at once.

FRA responded to the Lac-Megantic disaster by holding an emergency Rail Safety Advisory Committee (RSAC) meeting that would examine crew size among other issues, such as hazardous materials, car placement, and train securement. At that time, FRA concluded that there were many regulations that required multiple train crew members to comply, such as train securement, air brake tests, and mandatory directives, to name just a few. After a year’s deliberation in RSAC meetings, railroad stakeholders could not reach consensus in part because of the introduction of PTC being made part of the RSAC Task for Crew Size.

### **Administrators Szabo, Feinberg, Batory, and Bose**

Years of vacillation as to the necessity of the rule on the necessity of setting a baseline for crew size followed. Former Administrator Szabo started it, former Administrator Feinberg wrote the proposed rule on March 16, 2016, and attempted to publish a crew size final rule (and it was sent back to FRA), former Administrator Batory squashed the rule and tied it to a negative-preemption theory, while current Administrator Bose has now helped usher in the discussion anew with the NPRM we are addressing today. The commercial considerations of railroads to raise profits by slashing their workforce is the oldest habit taught to management. However, business decisions that may have little consequence in other industries can have outsized significance and negative safety impacts in the railroad industry.

On September 12, 2008, a single-person cab Metrolink train in Chatsworth, California, collided with a Union Pacific train, killing 25 people and injuring 136. The NTSB ruled that the one-man crew, a Metrolink engineer, was distracted. Distraction of a single person operating in the cab was also present in the Amtrak 188 train accident in 2013 when an Amtrak train went into a curve over speed and derailed, killing 8 and injuring over 200 people outside of Philadelphia, Pennsylvania. A single-person operation with an overspeed incident also occurred on Metro North on December 1, 2013, killing 9 and injuring 61.

The attributing factor to more than one single-employee crew disaster has been the use of cell phones. As a result, cell phone usage on locomotives has been highly regulated in the aftermath of these tragedies. Interestingly, in the recent December 14<sup>th</sup>, FRA hearing on crew size, reintroducing cell phones to the cab of America's locomotives was cited as pivotal component of the carriers' plans to make single-employee crews viable. With no explanation of the change in position, the cell phone went from being the enemy of safety to being a lynch pin of the carriers' vision. This inexplicable hypocrisy flies in the face of standing FRA policy, accepted Risk Reduction Plans (RRPs), as well as common sense.

### **Unplanned events**

BLET and SMART –TD cautions that some in the rail industry, and indeed some regulators, see PTC and Fuel Savings software on a continuum and as parts of an overall automation fantasy. A place where railroad technology is only helpful and only sunny skies await ever increasing profits for eternity. When they think of railroad technology, they do not think cutting edge, they think of cutting crew size and cutting corners to do it.

People who work on trains do not see it that way. Locomotive engineers and conductors are realistic and down to earth; their lives and countless others' lives depend on it. Technology in rail operations can be great and improve safety when it works.

When it fails, rail technology is like any other form of technology, useless. The rail technology graveyard is crowded with former gizmos that failed to live up to their promise. Rail technology should also be seen as distinct from other general forms of technology in people's lives for the public to understand what is taking place. In freight operations, currently most of the technology train crews encounter is after-market (meaning placed on the locomotive after its manufacture and not necessarily made to work with a particular piece of equipment as it exists when it is put into service). This means that a lot of rail technology is "bolted on" rather than integrated. This has led to a locomotive cab that is very crowded with technology that has complicated the jobs of the operating crew.

A point worth considering is that freight trains operating with fewer than two crew members aboard are not necessarily an indicator that the technology has advanced far enough to supplant the humans in the cab, but rather that the carrier's executives feel comfortable that the affordability of running with fewer than two is "good enough" to operate safely on the trackage, conditions and with the amount of freight they carry. They'll argue that setting a floor below which the safe operations of railroads cannot go is "onerous," "prescriptive," and "burdensome" because these operators see failing to provide enough people to properly operate trains as acceptable if it cuts into their profit margins.

Simply cutting the size of a crew for more profit has nothing to do with technology and everything to do with avarice. There is nothing new about greed. Downsizing train crews while upsizing the length of trains is not some kind of scientific breakthrough, it is simply another distasteful feature of Precision Scheduled Railroading (PSR).

Unplanned events must be contemplated when looking at any exceptions to two-person crews. Most of the time, an unplanned event will necessitate a person who is not the locomotive engineer to assess the problem and help remedy the situation in a team effort with the engineer at the controls of the locomotive to move it. Unplanned events can include Hours of Service expiration requiring a recrew, crossing gate failures that require protection, locomotive failures that may require switching locomotives within a locomotive consist, undesired emergency application of the train brakes (UDEs), hot wheel or hot box detector activations, dragging equipment detector activations, high-wide load detector activations, and train separations or break-in twos where a knuckle breaks or a draw bar is pulled out of a car. Detectors failing can also cause the need for inspection. This gets even more problematic when a railroad has sought and received inspection waivers because if a detector malfunctions and the inspections have been waived, there is no way to determine the health of the air brake system on a train.

### **Trains in other countries (comparison with U.S.-quality of comparison)**

We may see some in the industry hold up foreign operations as examples to why single-person operations, and sometime zero-person operations, are preferable.

Anytime a comparison is made between U.S. railroads and train operations in other countries, there are myriad factors to consider. Considerations of terrain, proximity to population centers, train length and weight, type of signal system in use (if any), movement authority, type of equipment overall rail infrastructure and how it is accessed or overlaps with non-railroad infrastructure such as public roads, bridges, real estate near tracks are among them. Simply put, comparisons between countries' freight rail operations often suffer from the fact that the operations and the countries being compared are not comparable. This could be due to a variety of factors as listed above.

The well-publicized shortage of labor has been self-inflicted, with the railroads' adoption of PSR practices, and the resulting 30% reduction in manpower head count. Leaving fewer fatigued, overworked, and demoralized employees to do increased work is the true cause of their labor shortage. "Redeploying" truck-based conductors is not about improving quality of life. It is about further reductions in head count and finding new ways to maintain unsustainable profit levels by eliminating people's jobs at the potential expense of safety.

### **Areas where FRA is Seeking Comment**

#### **Positive Train Control**

Requiring a two-person crew at locations or on routes where PTC is not installed is a good idea but does not go far enough. Clarification is needed to ensure that if "railroad x" has PTC, they should also be required to have a two-person crew. The public should be reminded as many times as they can hear this fact — PTC was not designed to perform the tasks of a crew member. PTC is not a cure-all. PTC installation or not, a second crew member is vital to safety.

As pointed out earlier, FRA's PTC regulation was promulgated to prevent train overspeed, prevent trains from colliding with other trains and to prevent incursions into work zones. These are important safeguards and train crews want them. They help place a backstop on human error. Many

rail systems and other systems where there is a low incidence but high consequence of accidents are designed with fail safes (e.g., nuclear power, aviation). However, PTC has not made a train crew's job easier. As mentioned previously, it has introduced new complexities and levels of attention capture for the engineer operating the locomotive not seen prior to the implementation of PTC. "Bolted-on" technology has been introduced into the locomotive cab, leaving train crews looking at more computer screens with more prompts and more electronic communications between the crew doing the work and the computers requiring attention and feedback from that crew rather than at the surroundings. How people interact with hardware and software at work is classically referred to in human factors studies as human machine interface issues. As those issues become more prevalent, the need for a two-person crew becomes even greater.

The FRA NPRM also does not take into consideration the increased proliferation of Distributed Power (DP) operations, where an engineer is often controlling two or more sets of power independently. One is controlled from the throttle, the others from the computer screens. This takes much of the engineer's attention away from the view forward, as they are constantly scanning multiple screens to ensure they are in compliance with the railroad's DP train handling procedures.

Railroads testified at the NPRM public hearing, how work zone areas are now protected by PTC but failed to disclose that automated energy saving programs such as Trip Optimizer and LEADER revert to manual control when approaching a work zone. This often results in the engineer having to safely assume control of the train, comply with the upcoming work zone, and enter the authorization AND verification of such authority (two separate steps) into PTC simultaneously. Most often, the conductor will use the radio to contact the Roadway Worker in Charge for authority to proceed through the limits while approaching the work area. Removing the conductor from the cab will place yet an additional duty on the engineer during this heightened safety-sensitive operation.

We should also note, that while PTC and fuel-saving programs are often integrated with each other, they do not always share the same programming and are often in disagreement on the appropriate speed curve for the train. This will often result in the engineer having to recognize the problem, and intervene manually, or have the system unexpectedly revert to manual control at a point where compliance without enforcement action is nearly impossible.

The programming on automated fuel-saving programs is also based on "best possible" conditions. It does not consider snow, rain, ice, wet leaves, or equipment not operating at optimal performance. This often results in frequent and unnecessary wheel slip events that will potentially trigger a false PTC overspeed enforcement. Operating in less-than-optimal conditions requires increased vigilance on the engineer's part to ensure the train does not encounter said false overspeed event. Removing the conductor from the train will then likely lead to a task overload on the remaining crew member.

While testifying to the FRA at the public hearing, the railroads also frequently mentioned examples of automation in manufacturing or other modes of transportation, such as trucking, maritime, and aviation. Automation in other fields is irrelevant to the FRA, and its duty as being the oversight agency for the railroad industry as are the carriers' pleas of FRA to withdraw the notice so they may "remaining competitive with other industries."

## **Railroad Safety Risk Reduction Systems**

This rule would require a railroad submitting a petition to operate with fewer than two crewmembers to consider and address the safety risks of such operations by conducting and submitting to the FRA a risk assessment of the proposed operation to ensure it meets acceptable rail safety standards. The proposed risk assessment requirement would follow accepted hazard analysis processes and provide for the mitigation of identified hazards to acceptable levels.

In this rule, the FRA also proposes to allow railroads to use an alternative risk assessment when submitting a petition if they demonstrate to the FRA that the methodology and procedures provide at least an equivalent assessment of risk as the specific methodology and processes proposed in this rule. BLET and SMART-TD believe that allowing for an “alternative risk assessment” needs to be appropriately defined on exactly what the word “alternative” means. FRA must define what it finds acceptable and compliant with the regulation. We agree that railroads need to justify operating with fewer than two crewmembers, but the next step that allows for alternative risk assessment must provide an equivalent assessment and provide an equivalent level of safety.

The railroads were quick to point out that an inability to remain innovative and competitive would result in more carloads of freight migrating to highways via truck, and how this posed an increased risk due to higher accident and fatality rates. However, they failed to mention that the same higher highway accident and fatality rate would expose their truck-based “expediter” conductors to increased risk of injury or death while on duty. Since railroads are a 24/7 operation, the potential exposure of truck-based conductors to inclement weather, drunk drivers, or fatigued drivers cannot be ignored.

During the public hearing, the railroads cried foul on the proposed NPRM, stating that the Risk Reduction and Assessment process would not allow them to initiate pilot programs using “redeployed” truck-based conductors. There is nothing in the NPRM that prohibits such a program outright. Rather, the risk assessment and reduction requirements simply force the railroads to document their pilot project extensively, provide a rationale for its need, examine and document their mitigation plans, and submit the request for agency and public review prior to implementation. The process does not prohibit such a program, it simply requires transparency and oversight.

## **Fatigue Risk Management Plans**

In 2022, FRA released its final rule on Fatigue Risk Management Plans (FRMP). The Rail Safety Improvement Act of 2008 (RSIA) mandated that certain rail carriers adopt FRMPs as part of their overall RRP. The RSIA was passed in response to the Metrolink accident in Chatsworth that resulted in 25 deaths. It cannot be said with certainty that another crew member in the cab during the Chatsworth accident would have prevented it. Still, it is not hard to conclude that another human inside the cab would have helped avert the accident.

BLET and SMART –TD believe that the success of FRMPs will depend on the success of what FRA refers to as the “consultation provision.” Due to the RSIA of 2008, it is required that railroads use “good faith and best efforts” to reach agreements with their employees and their organizations. This means that employees need to be considered and consulted when developing a FRMP plan on every railroad that is required to have a plan. Through this interaction, we are hopeful railroads

will develop plans that acknowledge the safety that is enhanced by employees working in the cab. Engineer and conductor teamwork in the locomotive cab is key to safety. A strong FMRP will acknowledge a two-person crew as a core safety principle.

### **Risk Assessments**

Many times, the public and the employees will hear arguments from various railroad industry spokespersons that there is no data to demonstrate that operating with two person crews is safer than one. This self-serving argument is similar to that of the tobacco industry that maintained there were no dangers associated with smoking or the NFL denying any data related to head injuries. The fact is that authorities in Canada have concluded that single-person train operations have the “potential to degrade safety.” Canada’s Transportation Safety Board (“TSB”) makes this clear in their recommendation regarding Risk Assessments and crew size.

FRA points this out in the NPRM, stating:

However, TSB of Canada found that the risk of implementing single-person train operations is a risk that must be addressed because it is related to unsafe acts, unsafe conditions, or safety issues with the potential to degrade rail safety. TSB of Canada concluded that addressing the risk of one-person operations is essential to preventing future similar accidents, even if the risk itself cannot be determined to directly have led to this accident. TSB of Canada’s report also highlighted how “risk assessments are particularly crucial when a company makes a change to its operations, since this is when new risks may emerge” and that the railroad’s risk assessment in this instance “did not thoroughly identify and manage the risks to ensure safe operations.”

We would like to point out that whereas the carriers are quick to point to European rail standards which align with their arguments, they fail to recognize the Canadian standards. The rail system in Canada is far more comparable to that of our own; however, the contrast in safety standards does not compliment their agenda and therefore they apparently are not seen as relevant.

### **NPRM’s Exceptions**

FRA has included in their NPRM exemptions that BLET and SMART-TD believe deserve attention.

#### ***Helper Service***

On the topic of helper service, the public and FRA should note when a locomotive is utilized to perform helper service, the helper service involves several steps and processes best done with a two-person crew.

The locomotive crew on the helper locomotive may have to run many miles to begin helper service (*e.g.*, as far as necessary to reach a train that needs help over a hill). It may involve a locomotive consist that contains 10 locomotives or more when authorized.



Without a requirement for at least two crewmembers, a single person would be held responsible for securing their train and separating the locomotives from their train before helping the stranded train. This is not practical or safe.

By necessity, these operations occur in heavy grade territory. So, it is hard to make such an operation feasible with a single person working using current railroad equipment and infrastructure. A single person could not comply with securement rules put in place to ensure safety.

It should be noted that FRA's assertion that a railroad has little incentive to dispatch a locomotive consist a great distance away misses the mark because helper service is usually done because a train could not make it up a hill.

Helper service is typically an unplanned event. The overall characterization of helper service oversimplifies the process and necessary rule compliance and air brake testing required when a locomotive consist needs to separate from a train, attach to another train and then return to the original train from which the helper locomotive consist cut away.

There is also an issue with trains consisting of a locomotive or a consist of locomotives — excluding diesel or electric multiple units (DMUs or EMUs) — not attached to any piece of equipment or attached only to a caboose. These are commonly referred to as “light locomotives” and they can be run by a single person, but typically are used in conjunction with another crew member when working on the main track because all of the railroad operating rules associated with main track operations have to be adhered to and that is most safely done with more than a single person. Locomotives not attached to a train can involve the most diligence by the locomotive engineer because they very easily get over speed because they are not pulling any weight and have less overall braking effort than a full train. Because of this, BLET/SMART-TD caution the public and FRA from being convinced that light locomotive operations are easier simply because they are not attached to a train. Light locomotives are more nimble and shorter and fit in most tracks but require the same vigilance when operated on the main track.

### ***Unit freight train loading and unloading operations***

Unit freight trains are defined as those composed of cars carrying a single type of commodity, being loaded or unloaded in an assembly line manner while the train moves at 10 mph or less on a track which is temporarily made inaccessible from the general railroad system of transportation. During the loading or unloading process, there must not be any duties requiring a second crewmember (e.g., no operation of a hand-operated switch, filling out paperwork, or calling of signal indications).

The trouble with this exemption is that unit freight trains nearly always require a second crew member. The exemption in §218.129(a) with unit trains states, there must not be any duties requiring a second crewmember with the condition “if the operation is overseen by another person, typically in a tower or on the ground, that person must have the capability of communicating with the locomotive engineer operating the train.”

See 45617.

The BLET/SMART-TD are not sure what is trying to be accomplished with this statement. Unit trains, e.g., coal trains, may be dumped over a pit and require the separation of cars, or cuts of cars

to facilitate moving cars through a facility (such as a power plant). Without a second crew member, how would this be accomplished? An employee of a facility may not have this training, and if they have had the necessary training, they are not a member of the crew because they do not work for the railroad.

The statement says there must not be any duties required and the next statement goes on to say there may be duties required such as overseeing or communicating with the locomotive engineer.

Thus, the BLET/SMART-TD submit that the requirements set forth in §218.129(b) are not robust enough to cover the scenarios involving operating unit trains in a plant temporarily separated from a railroad system (i.e., use of derail, electronic switch).

### ***Small Railroads***

Turning to the exception in the NPRM for small railroad operations with fewer than 400,000 total employee work hours annually, which allows for operations with one crewmember at a maximum authorized speed not exceeding 25 mph under certain conditions, we have some concerns regarding the relationship between safety and human resource considerations about payroll. We do not think there is a relationship between these items other than to say there are costs associated with every item when doing business. There is a cost of doing business that cannot go unaddressed when it comes to safety.

BLET/SMART-TD do not believe the number of hours a railroad lists on its employee payroll records should dictate how they operate in terms of safe operating practices. A small railroad can have a big accident as we saw with Lac-Megantic and the Montreal Maine and Atlantic Railroad, and their CEO at the time had a history of cutting crew size to increase profits.

### ***Work Trains***

Another exception in the NPRM is for work train operations where a non-revenue service train of 4,000 trailing tons or less is used for the administration and upkeep service of the railroad. This includes when such a work train is traveling to or from a work site. This could include over the entire system and hundreds of miles. This could be feasible if done on a corridor where other trains are not operating and where there are no grade crossings.

With a single person operating the train, a terrible scenario could develop when an accident with the public occurs. A work train might strike a pedestrian or automobile at a grade crossing. When this happens, getting help fast is critical. It would be difficult if not impossible for a single person operating a train to leave the train unattended and aid victims and contact emergency services. Work trains have the same risk as any type of train when it comes to accidents at grade crossings or with trespassers.

### ***RCL Operations***

Another exception in the NPRM is for remote-control operations that meet existing requirements of operating at 15 mph or less. While FRA currently does not believe that such remote operations need a distance restriction, FRA would appreciate any comments on this issue. BLET/SMART-

TD believe that remote control operations need further regulation before any contemplation is given to running them with a single operator for any distance. FRA abandoned the RSAC Working Group for remote control operations without consulting labor in the prior administration. We believe the current administration will take a sober look at RCL operations that consider the SOFA-related accidents before making any safety exceptions to RCL operations. There are currently not many exceptions to make due to the lack of regulatory activity that should govern RCL operations.

### **Closing**

We also recommend that FRA consider the importance of not only trains that carry hazardous materials but trains that run adjacent on multiple main tracks and sidings due to their proximity to hazardous materials trains. There is a need to consider the risks associated when there are train collisions between hazardous materials trains and other equipment that are not carrying hazardous materials but are involved in the accident when it occurs.

This is borne out by the accident at Casselton, North Dakota, on December 30, 2013, and the quick actions of the train crew who cut the train away from burning tank cars averting further damage and disaster. A single-person operation would not have accomplished this in time to prevent the harm that was mitigated by a crew member who was present on the scene at the time of the event. The crewmember was recognized in the U.S. Senate for his quick actions and bravery.

You do not have to take labor's word for it — Congress just voted to send all railroad crafts back to work. Having two crew members in the locomotive cab is so important to the national economy that Congress voted on a bipartisan basis to end any possibility of the railroad shutting down for lack of train crews. The United States needs us and FRA's NPRM is timed perfectly to acknowledge this fact. We appreciate FRA's willingness, the DOT's willingness and the current administration's commitment to trains being staffed with a minimum of two people on their crews.

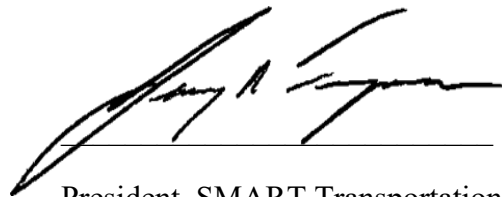
FRA has published numerous studies on fatigue in the railroad industry, cognitive task analysis of conductors and engineers in the cab, and the benefits teamwork has on safety. This demonstrates the need for a two-person minimum crew size rule.

Determining train crew size and train size by the whims of the financial markets cannot be allowed. A railroad that attempts to game their operations according to a business model designed for other industries does so at their employees' and the public's peril. Railroad employees who work in the cab of the locomotive know best when it comes to safe train operations. Through their actions, train crews help safeguard their lives and the lives of the public.

In solidarity,



National President, BLET



President, SMART Transportation Division