

FRA Proposed Rule on Train Crew Staffing Draws a Few Comments

On June 15th – after the original 60 day comment period had been extended another 30 days – the comment period on the Federal Railroad Administration’s (FRA) Proposed Rule on Train Crew Staffing came to a close. Among the 1411 comments submitted on-line (they were also accepted by mail and FAX), a sizable number were RWU members and supporters, including our allies in the community.

When RWU submitted its own comment and put out the call for others to do the same, there were 320 comments to date over the six week period from March 16th to May 2nd. The numbers dramatically spiked at that time and by the date of the official close of the comment period two weeks later, that number had reached 1105! The comment period was extended by the FRA and over the following month another 306 comments were submitted, totaling 1411 by midnight 6/15/16.

The input was overwhelmingly positive. As expected, a handful of industry representatives weighed in; however, the vast majority of the comments were overwhelmingly positive. Apart from the handful of industry representatives who protested any and all interference to the carriers’ plans to run trains with a lone employee, the vast majority of the comments (upwards of 97%) were supportive of a *minimum* 2-person crew on most - if not all - trains. Roughly 90% or more of the comments were from railroad workers and their families, but in addition, there was significant input from concerned citizens, including comments from a number of labor unions, workers organizations, citizens and environmental groups, all taking a supportive stand for a minimum crew size of two.

Among others, these organizations included: Jobs with Justice Northern Illinois; NAACP, Sparks-Reno, NV; Western Oregon Resource Council; Washington State Fire Chiefs; Missouri AFL-CIO; Citizens Acting for Rail Safety; Beacon Presbyterian Fellowship; 350 Bay Area; National Association of Retired & Veteran Railway Employees; Fire Fighters of Georgia; Center for Biological Diversity; and Fox Valley Citizens for Peace & Justice.

In addition, a number of municipalities and other government bodies joined the chorus of support, including: Cleveland City Council; Winnebago County, WI; Adams County, CO; Georgia Municipal Association; City of Bernalillo, NM; and the city of Albany, LA.

If you have not yet done so, you may enjoy taking a few minutes to browse over the comments, quite a collective testimony. Many are inspiring and educational, written from a wide variety of perspectives and experiences. See all 1411 comments by clicking on the link at the RWU website at www.railroadworkersunited.org. RWU's official comment (which was also mailed in to the FRA, together with supporting documents, attached in the online version) is #0341.

Railroad Workers United thanks all of our members, supporters and all railroad workers who took the time to comment. Notably, the unions of the operating crafts (BLET and SMART-TD) issued a joint statement on June 16th to be submitted to the upcoming public hearing, one that is far more forceful and condemnatory of single employee crew operations than had been either of their original statements in mid-March when the Proposed Rule was first announced.



While the FRA’s Proposed Rule on Train Crew Staffing takes some steps to regulate and limit single employee train crews, it does not outlaw them, it simply provides a roadmap that the rail carriers must follow in order to implement such operations. RWU is intent on stopping the carriers’ desires to run trains with a lone employee. As a result, we urged comment critical of the Proposed Rule, calling on the FRA to strengthen the final rule to ban single employee train operations in most all situations.

This latest exercise represents one more arena in which we are winning the fight. But make no mistake – all of those hundreds of supportive comments are not enough to sway the FRA nor the rail carriers. In that regard, they probably count for very little. But this was a worthwhile exercise, showing our strength, our determination and our numbers which can and ultimately will win. The next round in this arena will be the public hearing in Washington, DC, scheduled for July 15th. The rail carriers no doubt plan to put on a fine show at that time in the hope of dazzling the FRA with high-priced lawyers, experts and spokespersons. So this is just one arena in which the fight takes place. We are in fact winning victories at the legislative level, at the bargaining table and in the court of public opinion as well as here at the regulatory level.

