



211 North Union Street  
Suite 100  
Alexandria, VA 22314  
Tel. (703) 574-7376

June 15, 2016

Docket Management Facility  
United States Department of Transportation  
West Building Ground Floor, Room W-12-140  
1200 New Jersey Ave, SE  
Washington, DC 20590

***Submitted electronically in response to FRA-2014-0033***

Re: Comments Submitted to Docket Number FRA-2014-0033 Train  
Crew Staffing

Dear Sir or Madam:

On behalf of the Alliance for Innovation and Infrastructure (“Aii”), please accept the following comments submitted in response to the Notice of Proposed Rulemaking (“NPRM”) by the Federal Railroad Administration (“FRA”), proposing to revise rules on train crew staffing requirements.

Aii commends the FRA for its actions aimed at addressing ongoing accidents involving transportation by rail and we fully support the FRA’s efforts, including its desire to establish these “minimum requirements.”

Like many stakeholders, we believe requiring more than a single crewmember to be present in the cab will have a significant positive effect in reducing the number of accidents caused by human error. We know of no other transportation mode, which allows just a single individual to exercise such control over passengers, freight, and hazardous materials. We further believe the NPRM will help reduce mistakes which could lead to significant loss of life, injury, and property or environmental damage.

In fact, our own organization recently released a paper on rail safety standards in the U.S. in which we called for requiring two-person crews. We believe the addition of a second, fully trained locomotive engineer should be required to be present during all times of operation. The report found operational errors, classified by the FRA as “human factors,” contributed to 30 percent of all derailments in 2011 and 33 percent in 2014. Overall, operational factors contributed to 31 percent of all derailments

between 2011 and 2014.<sup>1</sup> Although trains are becoming increasingly automated, human activity still plays a crucial role in ensuring safety for the traveling public and the communities through which trains pass. Humans are prone to errors, oversights, and certain physical and mental limitations, which instantly increase the risk of a derailment. Requiring two crewmembers to be present in the cab helps increase awareness, accountability, and overall attentiveness as is the current standard in other transportation modes such as the aviation community.

One needs to look no further than the 2015 Amtrak derailment in Philadelphia, to recognize the important role the proposed staffing requirement could have on rail safety. The National Transportation Safety Board (“NTSB”) has opined the engineer became distracted and over-accelerated at a curve causing the train to move at 106 mph in an 50 mph zone, derailing it and killing eight individuals and injuring 200 other passengers.<sup>2</sup> This needless injury and loss of life, combined with the economic losses caused by the incident, could have been prevented had a second operator been present in the cab and proper crew coordination methodology established.

In light of the growing number of passengers using railway as a mode of travel and the unprecedented growth in hazardous material transportation by rail, it is imperative all possible steps are taken to ensure the highest standards of safety are maintained. In this regard, Congress mandated the rail industry implement Positive Train Control, (“PTC”) judged an effective method to increase rail safety, by December 31, 2015. The deadline, however, was not met and the industry successfully pressured Congress to extend the deadline to 2018, opening a three-year window for more accidents to occur. This presumes full implementation by 2018, a date far from guaranteed. Thus any opposition to the requirement of a mere additional engineer is quite an untenable position given the above data.

We also believe the FRA should strongly consider requiring the second crewmember to be a fully trained and qualified locomotive engineer. While ramping up such a workforce will undoubtedly increase the costs associated with this rule, we believe cost/benefit analyses would support such a position.

As demonstrated, two-person crews add significant safety benefits under current operating circumstances. Yet, as rail operators come into compliance with statutory PTC obligations, many of the benefits of two-person crews may be mitigated. FRA

---

<sup>1</sup> The Alliance for Innovation and Infrastructure, Back on Track: Bringing rail Safety to the 21<sup>st</sup> Century,” (August 2015).

<sup>2</sup> National Transportation Safety Board, “Safety Recommendation R-10-1 & -2,” (July 8, 2015).

should not only continue with this rulemaking, it should remove any ability to seek a waiver from the two-crewmember service. If the FRA believes regulatory flexibility is required, then it should limit the time for which continued one-person operations may be allowed. While we do not take a position on the length of time one-person waivers should be granted, they should not be used as a crutch to avoid compliance any longer than would be absolutely necessary.

We also believe proposed section 218.125 should be strengthened to require the second crewmember to remain within the cab except for limited, and brief, periods of time when the train is moving.

When PTC is successfully implemented and completely operational, Aii would, at that time, likely support a review of the two-person crew requirement for general freight trains. At this time however, we are not yet convinced full implementation of PTC would completely alleviate all safety concerns with passenger and hazardous materials unit trains.

Success in this case is measured by consistent, reliable accident prevention over an extended period of time under real world conditions in the regular course of business, rather than a lab setting or pilot project. So long as the industry continues to drag its heels in fully complying with the legal and regulatory requirements relating to PTC, any excuse to avoid employing a second crew member is simply without merit from a safety standpoint.

Respectfully submitted,

  
Brigham A. McCown  
Founder & Chairman