

February 24, 2003

Docket No. TR-021465  
RE: Remote Control Locomotives

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Question No. 1: WAC 480-62-320 states railroad companies must report their intention to use remote control devices to operate trains in Washington state before operations begin. Is it sufficient only that the railroads notify the state this is being done? Why would this state not want to know the how, what, when, where, and why this type of operation is being implemented?

The practice of pharmacy is arguably one of the most over-regulated areas that exist. This is primarily motivated by providing quality patient care and the utmost care in avoiding errors. It translates into safety for the public. There are federal regulations and there are state regulations to consider. When there is a conflict between state and federal regulations; there is a solution to reach the right conclusion. The regulation that has the stricter standards is the one that governs. This scenario could also be applied to state regulations governing remote control locomotives as well.

The FRA has already issued guidelines it suggests is minimally acceptable to govern the initial use of remote controlled locomotives. This offers Washington state a springboard in which to codify these minimal guidelines into governing regulations. The first paragraph of Safety Advisory 2001-01 strongly encourages railroads to regard the suggested criterion as a minimum from which to tailor their RCL operations. This gives railroads an opportunity to custom tailor a program. The state in which said railroad operates should be given an equal opportunity to examine that program, determine if it meets standard safety practices, analyze how it impacts public safety, and to regulate that program as necessary. I believe further discussion needs to occur to perhaps further define specific regional needs that will be identified. If a stricter regulation is determined to be necessary by the state, then the FRA will be challenged to re-examine its policy of guidelines only versus regulations. Every other aspect of railroading is governed by a set of rules relating to a specific type of operation. Why would remote control operations be exempt? Washington state has been petitioned by its citizens to demonstrate leadership in this matter by codifying regulations that ultimately will improve public safety and give remote control operators written instructions that will govern their movements:

Question No. 3: I do not want to convey that an engineer is in any way a fail safe. Each individual is subject to human error.

A derailment occurred at Balmer Yard on February 3, 2003. A remote crew did not properly protect a movement that allowed a remote locomotive with cars to run through a crossover switch, a red block signal, and ultimately onto the mainline. The remote crew was not aware they were out on the mainline. They then changed direction

to shove into a yard track, resulting in a derailment of several cars. A passenger train was closely approaching the area when the Fort Worth, Texas, dispatcher noticed an indication that something was wrong with the track ahead. The passenger train was able to stop without going into emergency and avoid the obstruction ahead. It was only a matter of a single minute that the outcome may have been very different. It is possible an engineer could run through the crossover switch, but being on the leading end of the movement, we have the chance to see that we have done it. It is also possible that we could run through the red block, but we have the opportunity to radio ahead that we have done this and stop any conflicting movements. I do not believe most engineers would ever consider reversing direction and risk derailing the cars.

Local management for the BNSF stated this was an acceptable practice to send the remote engine ahead without anyone proceeding the movement if the crew can see the route to be used lined for them. Clearly, this practice has a flaw. Management also conceded that this incident probably wouldn't have happened if an engineer had been in the cab. There have been other derailments at Balmer Yard where the remote crews did not know they were on the ground. The remote engine kept shoving the cars into the ground causing more damage than was necessary. Engineers many times have the advantage of "feeling" the changes of slack and speed through the chairs they are sitting on. I can "feel" something is wrong and apply all means to get stopped as quickly

as possible. A person standing on the ground has no way to get that small, but significant, advance warning that something has occurred.

There have been numerous incidents with remote locomotives in Everett, Balmer, and South Yards. Tacoma Yard was recently begun remote operations. All these Seattle yards connect to the mainline at one or both ends of the yards. Passenger and commuter trains are at risk of accidents to one or more again at any of these locations.

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On February 22nd, another remote accident occurred at the Metro sewage treatment plant serviced by a remote crew from South Seattle. Metro sewage plant receives tank cars loaded with chlorine to treat the sewage. The remote operator was on the ground removing a hand brake. The directional control must have been bumped, changing direction on the remote engine, but not known to the operator. The signal was given to start the movement again, causing the engine to go in the opposite direction intended by the operator. This caused the remote engine coupled to an empty tank car to hit the end of the loading dock, tear up a stairwell, and ruin some hose connections used for unloading the tank car. A hazardous materials team was called to inspect the damage for possible leaks.

There are many pages of documented incidents of lost radio contact by the Canadian railroads utilizing remote control. Remote crews in Detroit report cases of lost communication with the remote engine while trying to service the Chrysler plant. The remote engine at South Seattle does not respond when it approaches Boeing Field. The remote engine in Everett has also failed to respond while spotting Rabanco. The Everett engine usually blocks the mainline where the Amtrak

Manned crews have reported near side swipe incidents by remote crews across the United States and Canada. BNSF crews bound for Canada have been subjected to this by the Canadian remote crews who are not protecting their movements.

Assorted types of incidents have occurred in yards where remote crews are operating. An Everett remote crew derailed cars while spotting up the rip tracks. A Seattle remote crew ran over a derail in a service facility with a tank car, derailing it. Several engineers have also ran over derails. They received disciplinary action resulting in suspensions from work for 3 to 10 days. This remote person received nothing. These incidents should have been reported to the FRA as per 49 CRF part 225 using the remote control reporting codes. Were these incidents, along with the others, reported to the FRA? The person responsible for the latest incident received a suspension of their remote operator license for 30 days. Moreover, this person was able to work in another capacity, so no work time or pay was lost. When an engineer runs through a red block, their license is automatically suspended for 30 days. They cannot work in another capacity for which they are qualified. Where is the incentive to do a good job as a remote operator if the consequences are not equal to those of your co-workers. My question is: why are they different?

Another issue I'd like to address is the training received by the remote operators. I've read a copy of the letter written by United Transportation Union President, Byron Boyd. The letter was stamped as being received in the UTC office at 10:53am, February 13, 2003. I feel saddened that a man of Mr. Boyd's professional stature forgot the initials of the BLE, and referred to them as, "the other organization." I'm certain he must have added it to his dictionary at some point. I do question why he feels compelled to justify the 80 hours of classroom and field training. I've listened to the stories many of the switchmen relate as they complete the training course. Part of the time is spent filling out forms for drivers license checks and trips to the doctor for eye exams. Part of one day was spent teaching them to hook up engines in multiple. Fridays class room time ended at 10:45am, as each person had finished taking their exam. No time was spent teaching them about grade, weight, train handling, or how to make a stop using air brakes. These crews will be making transfers over drawbridges, a railroad crossing with the Union Pacific, and many street crossings not protected by gates and lights. The terrain is not flat in all areas. West Seattle has a significant grade they will be traveling on to spot industries on what's known as the Avenue. The initial purpose for remote control locomotives was for yard switching applications. This may be sufficient training if they were just going to switch cars in the yard. The BNSF has plans for them that reaches far beyond this. The BNSF and the UTU have gone to court many times to have duties expanded to include industry work, transfer work, dogcatching trains, and to travel on the mainline.

The current field training is taught by a crew already certified as remote control operators. Each operator has one student. There is no company training officer out in the field with them, overseeing the quality of instruction. Local management stated this practice may have contributed to the accident that occurred at Balmer Yard on February 3rd. Company officers stated that having two students on the crew was probably too much of a distraction, along with performing regular switching operations, and running

the remote engine. They stated they would look into changing this practice. Another class has just completed training on February 21st; with 2 students on the working crews.

Question No. 4: I believe some consideration needs to be given to places where remote technology is utilized. The FRA states on page 10341 of the Federal Register, dated February 14, 2001, that its first priority is to ensure that remote operations pose no threat to railroad workers or the general public. This remote implementation is labeled a test pilot program. I question the wisdom of testing moving railroad equipment without the public knowing they are being included in this test. Closer examination would reveal that remote technology was being implemented somewhere across the system as soon as equipment became available. The BNSF states this is a cost saving measure. I do not believe this to be a completely accurate statement. Crew reduction was obtained; shadowed by promoting the advance of technology. Safety is being compromised in many situations under the veil of technology. Equipment failure rate alone removes any cost savings they may have actualized. Labor costs are higher as extra crews are called frequently to cover for the remote crews. Remote equipment has now been installed on locomotives that are approximately 30+ years of age. Switchmen and citizens across the nation have suffered injuries directly relating to the implementation of remote technology.

Currently, the BNSF is training crews to implement remote operations in West Seattle and Stacy Street Yards. These yards are heavily industrialized areas with copious truck traffic integrated with the general public. The vast majority of the street crossings are not protected by gates or lights. Stacy Yard has the added burden of being flanked by the Seahawk and Mariner Stadiums. Tourists, homeless people, ferry traffic, foot traffic, free parking seekers, and a major on ramp to I-5 access the Royal Brougham crossing, which is not protected by gates or lights. Traffic exists at all hours of the day. In order to protect the street crossings in these areas, one crew member will have to ride the engine, leaving the other lone crew member to line up the switches and control all other required movements. This will be time consuming; considering the distance this person will have to walk. Traffic will be tied up while waiting for crews to get into position. On game days, this encourages people to climb through the cars, as they become impatient waiting. Local management knows this is a problem. Common sense seems to vanish in this quest for remote control to be implemented in every situation. I believe remote control can be successfully implemented in certain situations. It appears to be fairly successful in the hump yard at Fairmount. The air brake technology still has flaws which limit its effectiveness as compared to traditional switch crews. BNSF has many properties where operations do not come so closely into contact with the general public, I have an example of a scenario that can relate to this situation.

A remote switchmen related a story that gave him a good scare. He thought he was doing a great job bringing his remote engine to a smooth stop in track 19 at Balmer Yard. He had the throttle off, just coasting, preparing to stop behind two other engines tied down on the track. He adjusted his stance slightly, bumping the throttle in that motion. The remote engine jumped ahead, slamming him into the parked engines. He was able to hang on and avoid being thrown off. He looked up into the yardmasters

tower, only to see a few people laughing at him. Can you imagine that same scenario happening in a crowd of people rushing the street crossing to get into a Mariners game?

The FRA suggests that warning signs should be posted indicating that there is no operator in the control compartment of the locomotives. I do not believe this is adequate in the densely populated areas in and around the Seattle area. This is a band-aid approach to a problem. Cover it up and make it someone else's problem. There are crossbucks in place now that people rarely notice. The streets have warnings painted on the pavement at intersections that people just drive over. People talk to passengers, talk on cell phones, listen to loud music, look at traffic signals, or watch the cars in front of them. Pedestrians, joggers, and bicyclists do not stand much of a chance just trying to cross the street. Posting another sign motorists only see one or two words of as they drive by does not constitute safety. There are simply too many distractions in this environment for a simple sign to be considered adequate protection and notification for the public. Who will be responsible for maintaining the signs should they be stolen, defaced, or fall over?

Page 10344 of the safety advisory, part C, operating practices, no. 4, the FRA recommends that the railroad keep a record that differentiates between switching operations performed by remote versus manual crews to accurately measure accidents and incidents between the two types of operations. Establishing a valid safety matrix is essential. Currently, *I believe* many remote **incidents** have gone unreported. Company officials hold safety marathon meetings when they determine regular crews have done something that should be addressed. Nothing has been said about any remote crew doing anything until just this month. There have been many questions raised about the quality of data being supplied to the FRA. It appears that extra switch jobs called in the Seattle terminal are being shown on the call sheet as being a remote job. They have an engineer, but appears, on paper as a remote job. Extra board engineers have stated their job number is different than the one used for other crew members. I really do not know what the truth is. In any case, it would not give accurate data to the FRA as to the safety and productivity of the remote engines. If proven to be true, this plan would serve to visually enhance the performance of the remote technology, and that it was being utilized frequently, versus a traditional crew. Company officers were asked this question at a recent safety meeting. They replied that on the daily conference call it is stated which remote jobs will have engineers on that day. Another question was posed: If the FRA were to look at a call sheet, would they be able to determine whether the job had an engineer or was actually a remote crew? The company officers stated they did not know the answer to that question. Remote equipment failure rates also need to be captured for analysis. Everyone involved would be best served by having valid data being supplied to the FRA. A clear separation must exist with no ambiguous record keeping. Nobody wins by having misleading or skewed information being analogized to determine safety or risk factors for rail workers and the public.

There are some issues specific to rail workers. Many operators have expressed concern over EMF emissions from the remote transmitters. Some have complained of headaches, or more frequently stomachaches. They go away after taking off the equipment. Notedly, a remote operator must remove the transmitter before entering the hump tower at Balmer Yard and leave it outside the door. Entering the building with the

transmitter causes the hump controls to malfunction. Many complaints are voiced over back and neck pain caused from wearing the equipment each day. One female operator noticed a change in her menstrual cycle, Requests for specific written information have gone unanswered. There have been complaints of fatigue and stress. These last two issues were not handled by company officers in a manner as suggested by the FRA. More thought has to be given to establishing a procedure to identify problems and work together to find a satisfactory solution for both parties. This will go a long way in decreasing the risk of accidents due to fatigue and limit injuries to employees.

Question No. 5: Each railroad has a Consolidated Code of Operating Rules that governs train and engine movements. What would be the purpose of not having additional rules that govern the movement of remote controlled locomotives? The only one I see is the freedom to use them, at will, for any application, at any time. If the BNSF and the UTU believe that this is truly as safe an operation as traditional switching, why would they object to the safety advisory being codified? They should welcome it. In the states of Michigan and Louisiana, individual cities have banned the use of remote technology inside their city limits., each calling upon the FRA to adopt safety regulations. I hope our state will examine all sides of the issues that will be presented today and formulate some conclusions weighted heavily on the side of public safety, not purely politics. The railroad claims immunity from many things by citing interstate commerce or federal preemption. Safety just cannot be defined so lightly, or simply brushed aside with a hand shake and a wink.

Thank you for taking the time to read my letter and hope you found some insight you could use to help with the decisions you must make.

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