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AVP, Government Affairs
Genesee & Wyoming Railroad Services, Inc.

November 20, 2023

VIA WEBSITE (efiling.utc.wa.gov)

Kathy Hunter
Acting Executive Director and Secretary
State of Washington
Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

Received
Records Management
Nov 20, 2023

Re: Docket No. TR- 230876

Dear Ms. Hunter,

I'm writing on behalf of Cascade and Columbia River Railroad (CSCD), Olympia & Belmore Railroad (OYLO), and Puget Sound and Pacific Railroad (PSAP). Each of these companies are Class III short line freight railroad companies, affiliated with Genesee & Wyoming Inc. (G&W). These comments are in response to the Petition for Rulemaking requested by SMART Transportation Division to initiate rulemaking related to the experience requirements for employees of regulated railroad companies.

CSCD, OYLO, and PSAP urge the commission to reject the Petition for Rulemaking as it is duplicative of existing federal law and ignores the already robust and extensive training and experience requirements employed by CSCD, OYLO, and PSAP. What SMART Transportation Division is proposing would have an adverse impact on short line railroads like CSCD, OYLO, and PSAP and place undue burden on small railroads with no practical way to comply with the proposed regulation. CSCD, OYLO, and PSAP reject the opinion that its training program is deficient and in need of state rulemaking to correct it.

Concerningly, SMART Transportation Division omits in its Petition that minimum experience, training, and certification requirements are already regulated by the Federal Railroad Administration (FRA). The proposed rulemaking serves as a significant contradiction to the authority of the FRA in determining minimum crew experience requirements for certification.

The request of SMART Transportation Division and the draft language put forward are completely untenable for CSCD, OYLO, and PSAP. If the proposal were to become law, the draft language would fundamentally leave CSCD, OYLO, and PSAP with no practical way to train or hire new employees. For example, just six of the 25 transportation employees at PSAP have over five years of experience. At PSAP, the employees with the highest level of seniority have the right to decide if they want to be the engineer or conductor on each shift that they work. The highest seniority employees could choose to work as engineers, leaving no conceivable way to train any new conductor hires.

Like any organization in Washington, CSCD, OYLO, and PSAP are not immune to turnover, retirement, or internal advancement within employee ranks. The proposed language would likely require CSCD, OYLO, and PSAP to seriously curtail operations if all its certified conductor and engineer employees with over five years of experience were to leave their current roles.



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SMART Transportation Division asserts in their petition that railroads are working to eliminate work experience requirements for new employees. They further state that railroads are, “eliminating any actual work experience requirements whatsoever for new railroad employees, then placing these inexperienced novices all alone in supervisory and leading positions responsible for the safe operation of trains, places rail employees and the public in great danger.” On the contrary, CSCD, OYLO, and PSAP utilize a robust regime of training, experience, and knowledge requirements for new conductors and engineers. All railroads affiliated with G&W undergo a common, centralized training program that meets or often exceeds federal standards.

At G&W, once a new conductor employee joins the railroad, they immediately go to a centralized conductor training school for two weeks. Upon returning from training, new conductor employees must work a minimum of 50 starts under the supervision of a certified conductor trainer. They are eligible to become a federally certified train conductor only after they have demonstrated their proficiency in their new craft and completed their minimum starts. After at least one year of working at the railroad, an employee can be considered for a locomotive engineer role.

Locomotive engineer candidates once again attend a centralized two-week training course where they familiarize themselves with all applicable safety rules and regulations as it relates to the safe operation of a locomotive. They also spend time working on a locomotive simulator. Once they return from training, they are assigned a student engineer trainer where they then must complete 250 hours or more of supervised run time experience.

Once 250 hours of run time experience has been obtained, a Designated Supervisor of Locomotive Engineers rides with the student to ensure they meet the skill requirements to be certified as an engineer. Only then can they be considered eligible for a federal license. This hours of experience requirement is well above federal requirements. Once an employee is a certified engineer, they also must maintain their conductor certification as an employee could be assigned to work either as a conductor or engineer depending on seniority.

CSCD, OYLO, and PSAP each endeavor to operate a railroad free of accidents and injuries. Each railroad follows a robust training program, complies with all applicable federal laws as it relates to the certification and qualification of railroad conductors and engineers, and invests capital in its employees, infrastructure, and technology to make continuous improvement. This proposed rulemaking is unnecessary, impracticable, and in some cases will mean railroads have no conceivable method of training new employees, a plausible outcome of which would be the curtailment of railroad operations. This scenario would have devastating impacts on local communities throughout the state that rely on safe, efficient, and sustainable freight rail transportation. On behalf of CSCD, OYLO, and PSAP, I encourage the Commission to reject this Petition for Rulemaking

Respectfully,

A handwritten signature in black ink, appearing to read 'Ross R Lane'.

Ross R Lane