

**TR-200536 – Train Crew Size Rulemaking  
Stakeholder Comments regarding CR-101 Preproposal Statement of Inquiry**

|    | <b>Question/Topic</b>                                                                                  | <b>Commenter</b>                                                                                              | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Interpretation of “owned” as defined                                                                   | Sheet Metal Air Rail & Transportation (SMART) Union/<br>Brotherhood of Locomotive Engineers & Trainmen (BLET) | Owned means parent company, corporate entity, partnership or LLC that owns, receives revenues from and/or has controlling interest of a carrier, as well as any entity exercising or through possession of any agreement or by contractual authorization manages or operates a railroad on behalf of another party.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2. | Interpretation of “operated” as defined                                                                | SMART/BLET                                                                                                    | Operated means any corporate entity, partnership, LLC, authorized representative, contractor, subcontractor, agent or subagent controlling, managing, directing or overseeing financial, operational, or both functions of a railroad carrier.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3. | Revenues used to determine whether a railroad is a Class 1 railroad                                    | SMART/BLET                                                                                                    | Combined total revenues derived from all customary activities involving railroad ownership, including but not limited to, operation and support services facilitating the safe and efficient operation of a railroad carrier engaged in the transportation of freight and/or passengers. This includes all direct and indirect revenues derived from all subsidiary corporate entities including short line rail carriers, as well as contracted and subcontracted management and service operations by the corporation as a whole.                                                                                                                                                                                                                                                |
| 4. | Documentation or verification to show that a railroad’s operating speeds are 25 miles per hour or less | SMART/BLET                                                                                                    | <ul style="list-style-type: none"> <li>• Railroad company should be required to provide a copy of their track profiles, timetables, system and special instructions for all routes which it operates showing the maximum track speeds accompanied by a signed and sworn affidavit by the carrier’s CEO certifying the accuracy of the submission.</li> <li>• Request that the commission consider that speed at which railroads operate trains is irrelevant to operational and public safety.</li> </ul>                                                                                                                                                                                                                                                                          |
| 5. | Specific risk criteria the Commission should consider when determining increased crew size             | SMART/BLET                                                                                                    | <ul style="list-style-type: none"> <li>• Class of rail carrier involved, its history of compliance with railroad regulatory rules, and the ability of the carrier to handle the burden of financial liabilities in the event of a catastrophic event.</li> <li>• Operational hours of the carrier at specific locations where operations are being conducted.</li> <li>• Specific types and quantity of railroad activities during hours of darkness.</li> <li>• Volume of cars being handled by the carrier in road and/or switching activities.</li> <li>• Type, classification, volume, tonnage and length of trains being operated.</li> <li>• Geography/topography of operational areas.</li> <li>• Frequency, velocity, and operational speed of train movements.</li> </ul> |

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|  |                |           | <ul style="list-style-type: none"> <li>• Types, quantities, classifications and volatility of any hazardous material cargo.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  |                |           | <ul style="list-style-type: none"> <li>• Proximity to residential or urban areas.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|  |                |           | <ul style="list-style-type: none"> <li>• Track integrity for the train’s safe movement, including track maintenance, condition and ranking of the trackage, and whether movement will traverse any FRA-excepted trackage.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  |                |           | <ul style="list-style-type: none"> <li>• Types of territory traversed including grades, environmentally sensitive and/or pristine lands, and nearby locations of historical or social significance (e.g., proximity to bodies of water including Puget Sound, Columbia River, watersheds, bays, inlets, channels, wetlands/tidelands, farmlands, etc.)</li> </ul>                                                                                                                                                                                                                                                                                                                           |
|  |                |           | <ul style="list-style-type: none"> <li>• Ability of emergency responders to access the operational area in the event of an incident.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|  |                |           | <ul style="list-style-type: none"> <li>• Issues pertaining to the impact of blocked grade crossings in communities being traversed and the impact on emergency services to respond to requesting residents.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  |                |           | <ul style="list-style-type: none"> <li>• Issues hindering the ability of train crew members to access, assess and determine train operational safety issues along the length of a train in the event of an incident (e.g., an undesired emergency brake application at any given location, trackside detector alert notifications, reports communicated from third parties of a problem aboard the train).</li> </ul>                                                                                                                                                                                                                                                                       |
|  |                |           | <ul style="list-style-type: none"> <li>• Issues impeding the ability of train crew members to quickly cut grade crossings in the event of mechanical breakdowns, as well as their ability to assess and separate involved rail cars from uninvolved cars in the event of a derailment or hazardous material spill (e.g., train length, adjacent walkways and footpaths along the track, presence or absence of walkways on bridges, tunnels, etc.)</li> </ul>                                                                                                                                                                                                                               |
|  |                |           | <ul style="list-style-type: none"> <li>• Factors regarding the effective evacuation of nearby residents, towns and cities, if an incident necessitates such action.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  |                |           | <ul style="list-style-type: none"> <li>• Identification of Localized Safety Hazards requiring mitigation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  |                |           | <ul style="list-style-type: none"> <li>• Adequacy of training and experience level of the carrier’s train crew members.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  |                |           | <ul style="list-style-type: none"> <li>• Carrier’s route familiarization requirements for train crew members.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|  |                |           | <ul style="list-style-type: none"> <li>• Carrier’s activities to address and mitigate crew fatigue.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  |                |           | <ul style="list-style-type: none"> <li>• Locomotive dead operator shutdown systems - Whether locomotives being utilized are fully equipped with a properly functioning “Vigilance Alerter and Control System” (e.g., Dead Operator shutdown device). Many short line carriers operate trains in intrastate service (outside of switching yards) utilizing older locomotives not equipped with such devices. Trains without such protective systems operating outside of yard switching should never be permitted to operate with single-person crews, especially involving trains traveling between communities.</li> </ul>                                                                 |
|  |                |           | <ul style="list-style-type: none"> <li>• Remote-control operations (RCO) - Locomotives operated by any form of remote-control technology should be operated by no less than two qualified crewmembers. In RCO, either crewmember can stop the movement of a train at any time. It is an inherently dangerous activity when any crew member is working in between the tracks and rail car (e.g., connecting air hoses, positioning angle cocks, etc.), loses their grip on a ladder, or slips when riding a rail car. If only one person is on an RCO crew, there is no one else able to stop the train, respond to an emergency, or call for help if unexpected movement occurs.</li> </ul> |
|  |                |           | <ul style="list-style-type: none"> <li>• Protection during shoving movements – Even when a shoving movement involves just one locomotive moving long hood forward with no rail cars attached, the locomotive engineer does not have a clear, unobstructed view of the track in front of the</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                      |

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|----|----------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                |                                                                                                        | <p>movement. It is impossible for a single-crew engineer to be able to safely engage in any shoving movement involving additional locomotives or railcars because it is impossible for a single-crew engineer to protect the leading movement of their train without an additional crewmember riding the leading shove platform or railcar or positioned ahead of the shoving movement on the ground. Ensuring the proper protection of all movements is among the most fundamental and critical railroad operating practices.</p> <ul style="list-style-type: none"> <li>• Undesired emergency (UDE) brake application – Consideration must be given to potential systemic delays that may occur involving response and determination of UDEs. The adverse consequences of both a typical and worst-case scenario involving the amount of time required for additional qualified train crew workers to reach a train staffed with just a one-person crew that is stopped due to a UDE brake application. Once the additional crewmembers get to the train, they must assess the condition of the train and cargo, ascertain if there was a derailment, loss of hazardous lading, or other damage. The length of the train and other physical obstructions to completing the walking inspection should also be considered.</li> </ul> |
| 6. | Preemption     | Association of American Railroads (AAR)/American Short Line and Regional Railroad Association (ASLRRA) | <ul style="list-style-type: none"> <li>• HB 1841 and any regulations that flow from it are preempted by federal law and impose a disincentive to short line railroads to invest in their infrastructure.</li> <li>• Short line railroads are a vital part of the U.S. freight network in Washington and are subject to unnecessary and burdensome regulation by HB 1841.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |