

Comments regarding Petition to initiate rulemaking to establish a minimum amount of work experience for railroad safety sensitive supervisory or lead position.

Filing TR - 230876

Submitted by Jeff Van Schaick, Washington Eastern Railroad

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On behalf of the Washington Eastern Railroad (WER), I am writing to express deep concern for the proposed petition to establish a minimum amount of work experience for certain positions on railroads operating in Washington State.

The Washington Eastern Railroad (WER) is a class III, short line freight railroad operated by Jaguar Transport Holdings. The WER is one of three branch lines that are owned by the Washington Department of Transportation and operated by a private operator on a term lease.

As we understand it, this proposed rule would require a railroad employee to have at least 60 full shifts under the direct supervision of another railroad employee who has at least five years of experience, territorial knowledge of the property, and has been qualified on that territory within the last two years, before being qualified to be assigned a safety sensitive position.

Jaguar Transport requires extensive training and supervision before a team member is qualified to operate on our track. All of Jaguar's on the job training requirements are approved by the Federal Railroad Administration and in compliance with 49 CFR Parts 240, 242, and 243. These federal training guidelines exist to ensure that there is a uniform training and certification standard across the industry.

Safety is a top priority for the WER and its record speaks for itself. The WER was awarded a *Jake Award with Distinction* by the American Short Line and Regional Railroad Association (ASLRRA) last year which is given to ASLRRA members who have zero reportable injuries in a calendar year. According to the ASLRRA, the number of member railroads posting zero reportable injuries has increased by 130% since the award was created in 1999. This shows that the short line railroad industry continues to prioritize and improve safety in all areas.

This proposed rule does not consider the different hiring, retention, and promotion practices of the short line railroad industry and the WER. On the operating side of the WER, there are currently eight full time team members: A President, an Assistant General Manager, and six conductors and engineers. Of those eight individuals, the President is the longest serving at 2 years and 3 months. The AGM has been on property for two years, and the remaining conductors and engineers have been on property for less than two years. Under this proposed rule, the WER currently would not have anyone eligible to supervise the internal promotion of WER team members before they are able to accept a lead position.

The WER is part of Jaguar Transport Holdings who owns/operates nine short lines across the country. One of the promotion practices of Jaguar is to transfer high performing team members from one property to another to continue their career growth. Under this proposed rule, Jaguar team members transferred to the WER would not be eligible to fill immediate leadership vacancies creating an unnecessary leadership void. In addition, there may not be any team members on property qualified under this proposal to qualify transferred team members.

WER safety professionals firmly believe that our territory training exceeds the standards necessary for this type of operation. Operating requirements on the WER and many other short lines are simple compared to class I railroads and passenger operations. The WER operates on a single main line that does not exceed 25 mph in speed.

This proposed rule is highly unnecessary to impose on the railroad industry, and clearly does not take into consideration short line railroads that have lower employee counts with basic, slow operations. Federal Regulations covering the training and qualification of persons involved in our operations are expansive and fully adequate. If the State feels that railroad safety can be improved, then the proposal of regulations should be collaborative among impacted stakeholders and not dictated by special interest groups like this proposed rule is doing. We would encourage you to deny this petition for rulemaking.