

Rulemaking Pertaining to the Establishment of Minimum Crew Sizes on Certain Trains  
TR-200536

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Title: Comments

Docket# TR-200536

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UTIL. AND TRANSP.  
COMMISSION

Dear Commissioners:

I have been involved in railroad operations and railroad safety matters for the better part of three decades. For the first sixteen years of my railroad industry experience, I worked on a Class I railroad in Washington state as an operating craft employee (conductor, engineer) running freight trains and switching rail cars all across the state during both daytime and nighttime operations. I have also been involved in railroad safety matters as a paid lobbyist for a rail labor union's Washington state legislative board, as a private consultant on railroad matters, as a rail safety advocate, and currently, as a member of the Seattle Freight Advisory Board. I have lived in Pierce County, WA, for twenty years and Washington state for the majority of my life.

**House Bill 1841, Establishing Minimum Crew Size on Certain Trains** is a sensible public safety law that was decades overdue. The railroads have been trying to eliminate safety-sensitive operating craft jobs, needed for safe and sane railroad operations, since the beginning of the modern railroading era following WWII. The railroad industry has attempted to undermine common-sense safety, favoring instead, technological advances as their motive to eliminate safety-sensitive jobs. DO NOT BE DECEIVED. The railroad's top priority is, and always has been, profit. The fewer workers to pay, the more profit in railroad shareholder's pockets. This "profits above all else" has become painfully apparent over the past year-and-a-half as the Class I railroad's Precision Scheduled Railroading business model has collapse on itself creating the dire supply chain crisis that has supercharged inflation impacting nearly all consumer goods and services prices.

Every WUTC commissioner, department head, and every staff person(s) involved in the TR-200536 rulemaking needs to watch the YouTube videos of the April 26 & 27 Surface Transportation Board Hearings, Docket# EP-770, held in Washington D.C. (see link below):

<https://www.youtube.com/watch?v=Q0rk5tnrFqA>

These STB hearings expose the Class I railroad carriers for what they are: Greed Driven Robber Barons whose would put every business, every farmer, every worker, and every citizen of this great nation at risk with their "profits above all else" business model. The railroad have long been recognized as "pseudo-utilities." While the Class I railroads like to twist the "common carrier obligation" statute suit their own needs, it is actually a statute without any real accountability incentives built into it. In other words,

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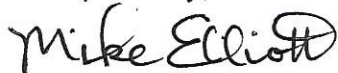
the railroads are essentially unregulated. That needs to change and Washington state, as well as eight other state legislatures, have taken sensible steps to protect its citizens and environments from Class I railroad operations designed to benefit Wall Street speculators and private holding companies.

**The TR-200536 rulemaking should NOT allow single-person Remote Control Operations (RCO) of any kind, under any circumstance.** Not in Road Service, Yard Service, Local or Road Switcher Service, or any other type of railroad operational service in Washington state. Trained, certified conductors and locomotive engineers should be required on all trains operating in this state, at all times. Considering the excessive length of Class I railroad trains, and the Precision Scheduled Railroad scheme that has crippled our nations rail networks, additional manpower should be required for these excessive length trains when hiring/training of new operating crafts finally catches back up to demands.

Frankly, RCO jobs should not be allowed on Class I railroad at all. The Class I railroads have no legitimate economic reason for using RCO as they can certainly afford standard size (3-person) crews for any and all switching and industry work. RCO have been dubious safety-wise since first introduced in Washington state over 20 years ago. I know this because I was involved in the first RCO safety hearings held at WUTC in Olympia circa 2002. At that hearing, BNSF Railway Company's lawyer, Doug Warner, stood up and told everyone in attendance, "You have no right to hold these hearings!" But the hearings were held. The citizens of this state have every right to hold railroad safety hearings, pass sensible safety laws, and have WUTC rulemakings to protect workers and the public when they are warranted. This is the sovereign state of Washington.

Finally, I have attached a white paper written by Yale law student Matthew Jinoos Buck earlier this year. I encourage all railroad-related officials and staff at WUTC to read this paper as it encapsulates succinctly how many of the problems, we are experiencing today, can be attributed to an unregulated railroad industry.

Respectfully,



Mike Elliott,  
Tacoma, WA