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Via Electronic Filing

Ms. Kathy Hunter,
Executive Secretary and Acting Executive Director,
Washington State Utilities and Transportation Commission,
621 Woodland Square Loop S.E.,
Lacey, WA. 98503

Re: Rulemaking Petition – Establishing minimum railroad experiential safety standards.

Dear Executive Secretary & Acting Executive Director Hunter and Commissioners:

On behalf of SMART Transportation Division (formerly United Transportation Union), we are writing in support of the need for immediate rulemaking by the Utilities and Transportation Commission to require railroad employees to have a minimum amount of work experience in a safety sensitive position within a service division before being assigned to work in a safety sensitive supervisory or lead position within that service division.

This rulemaking is in the public interest because it promotes greater railroad and public safety by ensuring that railroad safety sensitive position supervisors have at least a minimum level of actual working experience to be able to effectively respond to emergency scenarios quickly and thoroughly, averting delays, derailments, and even loss of life. In the absence of this regulation. Railroad companies will continue to negotiate away critical safety measures requiring any minimum amount of actual hands on work experience whatsoever for new train crew members, eliminating these basic safety measures through the collective bargaining process, placing new train service employees and the public of Washington State at unacceptable and avoidable risk. As the persons responsible for the safety of train crews and the public, it is imperative that rail crewmembers performing service in supervisory safety sensitive positions have sufficient knowledge and work experience to ensure that trains are safely operated.

This rulemaking is particularly important as trains become increasingly longer and more regularly carry potentially hazardous or volatile cargo. For example, the train that derailed in East Palestine, OH earlier this year was over 9000 feet long(with 141 loaded cars) and was carrying hazardous materials that, following the derailment, were vented into the air in order to prevent a possible explosion.¹ Furthermore, geography and environmental conditions, such as snow or stormy weather, can introduce further mechanical and engineering considerations that are difficult for even seasoned train crews to work in. As seen in the Kelso, CA derailment earlier this year, where a runaway iron ore train derailed and cratered into the ground, even a slight grade can have drastic mechanical implications that need to

¹ Even following the incident, the railroad industry remains unwilling to commit to greater safety. [Railroad industry sues to block limit on crew sizes that Ohio imposed after E. Palestine derailment \(msn.com\)](https://www.msn.com/en-us/news/transportation/railroad-industry-sues-to-block-limit-on-crew-sizes-that-ohio-imposed-after-e-palestine-derailment)

be accounted for by the operating crew. Actual experience working on board trains and with locomotives will lead to fewer safety incidents, less loss of life, and greater public safety in Washington.

Recent statements from the Federal Railroad Administration also highlight the risks posed to railroad trainees. In an August letter to six major railroad companies, the FRA expressly stated:

The rail operating environment presents certain unavoidable risks. It is unacceptable, however, for any railroad employee, including conductors – whether they are seasoned, experienced conductors or conductor trainees – to be required to work in such an environment without the benefit of sufficient training, tools, and other appropriate safety measures necessary to protect them from the risk of serious or fatal injury. Nonetheless, recent incidents demonstrate that is exactly the risk that Class I freight conductors are currently facing. For example, on March 7, 2023, in Cleveland, Ohio, a conductor with 18 years of service was killed while riding equipment during a shove move. On June 26, 2023, in Baltimore, Maryland, a conductor trainee was killed while riding equipment that was coming to a stop during a shove move and most recently, on August 6, 2023, in Cumberland, Maryland, a conductor trainee suffered a fatal injury when he was crushed between the equipment he was riding, and equipment parked on an adjacent track.²

The proposed rule included with this petition has 5 sections. Section 1 and Section 2 are intended to address supervisory experience requirements for road ground assignments and yard ground crew assignments, respectively. Section 3 is intended to require experience for supervisors when remote control locomotive operational assignments are involved, in addition to the requirements proposed in Sections 1 and 2. Section 4 and 5 are intended to require minimum amounts of experience for road locomotive operational assignments and yard locomotive operational assignments, respectively. The petitioner is eager to engage in cooperative dialogue with other stakeholders to develop concise definitions of these assignment categories, which are common in current railroad operations.

We look forward to working with the Commission and other stakeholders to address this critical safety concern. As stated by the FRA, safety is “the highest priority and safety must be the priority of the freight rail industry.”

Respectfully and Very Truly Yours,



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² See Attachment A (FRA Letters to UP and BNSF 8.21.23).