



REMOTE CONTROL LOCOMOTIVES: A DANGEROUS PRACTICE THAT MUST BE STOPPED

Despite mounting accidents and even deaths caused by the use of remote control locomotives (RCLs) by the nation's rail carriers, the Federal Railroad Administration (FRA), the government agency charged with ensuring rail safety, refuses to issue rules that will properly limit and regulate this dangerous practice. In fact, the formal request submitted by the Brotherhood of Locomotive Engineers and Trainmen (BLET), endorsed by transportation labor in a separate filing, for the FRA to address this problem has been ignored, with the agency insisting that not enough data has been generated to warrant regulatory action. The FRA's refusal to act ignores the reality that RCLs pose an immediate and serious safety hazard risk both to rail workers and communities and the time has come to address this growing risk to safety.

Since the major railroads began implementing this technology, the BLET has documented over 250 accidents involving remote control operations. Earlier this month, eight cars derailed at a CSX yard in Cheektowaga, New York. A local television station reported that at the time of the accident the train was being operated by remote control and quoted one anonymous worker who stated that the remote control technology has "been shoved down our throat." In the latest fatality involving this technology, a 37-year old Union Pacific switchman was struck and killed in December by a locomotive engine that he was operating alone by remote control. Unfortunately, these stories are all too common and numerous to recount.

It is not clear why the FRA has refused to act. What is clear is that the continued use of this technology without the implementation of appropriate safety measures places all rail workers at risk of injury and death. The workload associated with operating a locomotive while performing other critical safety tasks demands too much of a single individual. To date, the FRA's response has been to issue "recommended minimum guidelines." The problem is that these guidelines, as the name suggests, do not actually require carriers to adopt all the necessary safety procedures and in general do not go far enough to ensure that this technology is implemented and utilized safely. For example, a train engineer usually undergoes at least six months of training while the guidelines suggest that an individual can operate a locomotive remotely after only a week or two of training. This assumption of safety was based on a belief that skilled and experienced ground employees could operate RCLs. But the fact is that new employees entering the industry have very limited training and experience.

In issuing these guidelines in 2001, the FRA noted that its "first priority ... is to ensure that these operations [RCLs] pose no threat to railroad workers and or to the general public." The FRA further stated that "because information currently available ... does not lead to the conclusion that RCL operations should be

prohibited on safety grounds, the FRA has elected to proceed cautiously.” The time for caution and for collecting statistics is over – it should now be clear, if there was any doubt, that RCLs are dangerous and must be regulated or eliminated.

We are not the only ones who have reached this conclusion. As of January 2004, 34 different cities and 14 counties have passed remote control safety resolutions. These resolutions call upon the FRA to adopt enforceable regulations for the use of RCLs and to ensure the workers who utilize this technology have the skills and qualifications necessary to operate RCLs safely. In addition to these 48 communities, 13 different AFL-CIO State Federations have adopted similar positions on RCLs.

The problems associated with RCL use have also prompted some in Congress to ask the FRA some tough questions. In particular, Senate Commerce Committee Chairman John McCain and Ranking Democrat Ernest Hollings have asked the FRA to conduct a thorough safety audit of RCLs and to specifically compare the rate of accidents, injuries, and fatalities involving RCLs with similar operations involving manned locomotives. In addition, the Senators asked the FRA to assess the effects of remote control operations on the safety of highway grade crossings, hazardous materials transportation and the use of RCLs in urban areas. Finally, the FRA has been requested to include recommendations for legislative or regulatory changes that may be necessary.

Unfortunately, there is good reason to believe the FRA's safety assessment, derived from the collected data, will yield questionable results. It is well known that self reporting of accident/incident data by railroads has been problematic. Specifically, (1) the \$6,700 damage threshold for reporting of a rail equipment accident is determined solely by the railroad; (2) triggering events for reportable injuries are determined solely by the railroad; (3) the FRA's "Accident Reporting Guide" was revised in May of 2003, for among other reasons, to accommodate remote control accident/incident reporting and has created ambiguous reporting especially with respect to employee injuries; (4) specific accident and incident reports can be modified by the railroads even after the audit is conducted by FRA and the initial report is given to Congress; (5) the railroads use of codes such as "undetermined" or "under investigation" allows further ambiguity and will not permit conclusive findings; (6) the initial report will cover selected months and circumstances that may lower the risk for remote control operations; and (7) the exposure levels for determining the rate of accidents/incidents in remote control operations versus conventional operations are very problematic because of railroad record keeping and modification of assignments throughout the course of operations.

Given these barriers to a sound report and the FRA's history of foot dragging and delay in addressing this problems, we are concerned that once again the agency will find some excuse for why it cannot act. Nonetheless, the direct interest and involvement of the Senate Commerce Committee has already forced the FRA to take another look at RCLs and we hope that this time the agency will address the problems that transportation labor – led by the BLET and the Teamsters – has long identified.

It should be clear that safety (not profits or the illusion of productivity gains) must be the number one priority in rail operations. Yet unregulated RCLs, a proven safety risk and condemned by rail workers, local communities, elected leaders and labor organizations throughout the country, remain in use. It is time for regulators and legislators to put an end to this practice and make sure that new technologies are used to enhance, not erode, rail safety standards.

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