



Citizens Acting for Rail Safety

March 24th, 2022

Dear Members of the House Transportation Committee,

Citizens Acting for Rail Safety – Twin Cities (CARS-TC) is a grass-roots group of volunteers dedicated to the prevention, control, and mitigation of, and recovery from, emergency incidents connected with the transport of hazardous materials by freight rail. CARS-TC has a deep appreciation for actions that you have taken to improve rail safety throughout our state. **We have reviewed H.F. 4323 (Rep. Frederick) and fully support legislation requiring 2-person crew size for rail carriers.**

Our understanding is that the proposed legislation is intended to require a minimum of two-person train crews on all freight trains in Minnesota. This is a positive step toward reducing the risk of train incidents attributed to human error, improving response strategies in the case of a train incident, and reducing extended wait time of emergency vehicles and others impeded by blocked at-grade rail crossings.

CARS-TC is concerned with the possibility of one-person or no-person train crews becoming standard operating practice in the rail carrier industry. Just as solo-pilots are not allowed to operate transport category aircraft, one-person train crews should not be allowed to operate freight rail. Minimum train crew staffing is a public safety matter that ought to be addressed by governmental safety regulation rather than collective bargaining efforts between rail carriers and unions. Further, public safety solutions should not be vulnerable to the lobbying efforts of rail carriers.

The Association of American Railroads set a policy for Class I rail carriers to remain committed to two-person crews on any mainline track not equipped with Positive Train Control (PTC). However, PTC is not a substitute for adequate train crew staffing. CARS-TC recommends two-person train crew for ***all*** rail carriers (Class I, II and III) on mainline track even when PTC is installed. Case studies of train incidents such as the December 30, 2013 Casselton, North Dakota derailment and explosion clearly show **multi-person train crew provide better capacity for response, containment and mitigation of risks associated with catastrophic train incidents. See Exhibit I for case study analysis.**

The courts have rejected the argument that the absence of proper U.S. Federal regulation on crew size establishes federal pre-emption or voids state crew size legislation. Several other states, including Wisconsin, have passed laws regarding minimum train crew size. Minnesota, a center of crude-by-rail traffic as well as other high-hazard freight such as ethanol, should join these states and enact H.F. 4323 requiring minimum crew size for rail carriers.

Thank you for the careful consideration of this public safety matter. H.F 4323 will improve the Minnesota rail safety program and may save lives and communities.

Exhibit I

Train Incident Reports Support Multi-person Train Crew Size

Analysis of the FRA document⁽¹⁾ on the December 30th, 2013 Casselton, North Dakota train derailment and explosion (Casselton Incident) reveals that the separation of upright oil tank-cars from the derailed tank-cars greatly mitigated the danger and damage caused by this high hazard freight train incident. The separation maneuvers described in the report would not have been possible without a multi-person train crew.

The railroad might claim the operation of uncoupling the train tank-cars could be performed by any employee and need not be a trainman (i.e., conductor). That is true only if these additional employees are present at the site of the train incident. It could easily take an hour or more for an employee in a motor vehicle to be dispatched to the scene of the accident.

In the case of the Casselton Incident, five crew (two-person train crew from the high hazard freight train containing oil and three-person train crew from the grain train) were on site at the time of the derailment. Without a multi-person train crew on the site at the time of this incident disaster mitigation strategies could not have been quickly accomplished.

Multi-person train crew can best perform the many safety tasks needed in hauling cargo, in particular when emergencies like derailments occur, including:

- Communicate with dispatch and/or other train crew.
- Analyze and recognize safety issues along the whole length of the train and surrounding environment.
- Have visual contact with cars along the entire length of the train including curves.
- Share responsibility of general duties and allow for redundancy which is the basis of most well designed safety and security plans.
- Coordinate with emergency first responders.
- Clear at-grade crossings and mitigate further incident risk by decoupling and moving upright rail cars away from the derailment site.

***(1) Federal Railroad Administration Office of Railroad Safety Accident and Analysis Branch
Accident Investigation Report HQ-2013-31***

BNSF Railway Company (BNSF) Casselton, ND December 30, 2013

https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/16953/HQ-2013-31%20Final_Casselton%2C%20ND.pdf