



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

RECEIVED

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OFFICE OF  
THE PRESIDENT

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Mr. Malcolm B. Futhey, Jr.  
International President  
United Transportation Union  
14600 Detroit Avenue  
Cleveland, OH 44107

Dear Mr. Futhey:

This letter is in response to the United Transportation Union's (UTU) joint petition with the Brotherhood of Locomotive Engineers and Trainmen (BLET) to the Federal Railroad Administration (FRA) requesting that an emergency order be issued that prohibits one-person operating crews, including remote control locomotive (RCL) operations. FRA notes that your petition focuses on crew size and not the safety of RCL technology. While the petition requests a prohibition of all one-person crews—implying both conventional as well as RCL crews—the petition focuses on RCL yard operations. Since no issues involving other types of one-person operations were raised, FRA will limit its response to crew size in RCL yard operations.

FRA believes the petition was prompted by an accident at Selkirk, New York, which tragically resulted in the death of a CSX Transportation remote control operator (RCO) who was working a one-person RCL assignment. The RCO was in the process of recoupling to cars after he had replaced a knuckle, and for reasons yet to be determined, he entered between the cars as they were coming together. The RCL equipment was found to be functioning properly following the incident. As of the date this letter was written, FRA's investigation has yet to develop any factual evidence to indicate that this incident occurred because the employee was working alone. The employee was coupling cars in the same manner that other employees in both RCL and conventional operations routinely do every day, and have done for many years.

FRA has no factual evidence to support the prohibition against one-person crew operations at this time. Switchmen, trainmen, and RCOs routinely perform tasks alone, even when on a two-person or three-person crew. Crewmembers are seldom in close proximity during most switching movements, particularly in yards. For example, in a pitch-and-catch RCL operation, the control of the locomotive is passed from the primary RCO, who may be

located on a switching lead, to the secondary RCO, who may be many car lengths away at a clearance point, the location of an intended coupling, or an industry spot.

A review of FRA's injury data shows eight fatalities since December 2003 that involved RCOs. Including the accident described earlier, only two involved one-person RCL operations. The other involved an RCO who was struck by his own locomotive. In that instance, the RCO failed to determine the position of crossover switches and believed the locomotive movement was headed to a track other than the one he was crossing. It also appeared that he was not observing the locomotive as it moved toward him. These two tragic events could also have occurred with a two-person or three-person crew.

FRA does recognize that, since these particular one-person operations are new, we have no prior data with which to compare conventional operations and have little prior experience with these operations. Accordingly, we intend to monitor these operations very closely. While there may be operations where a one-person crew can function safely, there may be other operations that are unsuitable for such operations. FRA notes that, in many instances, one-person crews are supplemented with a utility employee when circumstances require additional crewmembers.

Although FRA has had limited experience with these one-person operations, we have identified instances where instructions governing one-person operations were issued that were complex and confusing. We believe this suggests that the implementation procedures may have been lacking in their preparation and in subsequent presentation to affected employees. FRA believes it is imperative that rail labor and rail management work closely together during the implementation of these one-person operations to develop clear and concise procedures and to resolve unforeseen issues that may develop. In our experience, the "oversight committees" that were established during the implementation of RCL operations worked very well. At locations where these committees were established, the implementation process went smoothly. At some locations where there were no committees established, safety issues went unresolved, and FRA eventually had to intervene. The safety of one-person operations relies on this collaboration.

As technology advances, FRA is also aware that the transfer of certain additional tasks and responsibilities to a single individual may result in "information overload" and/or diminished "situational awareness." We believe these conditions should be considered when changing work assignments or adding new technology. In this vein, FRA recommends that safety impact studies be conducted prior to implementing such changes.

FRA understands that fatigue may play a role in human factor-caused accidents. As the duty tour unfolds, employees tire and may become less coherent. This factor plagues many industries, not just railroads. As a consequence, FRA has encouraged the development of fatigue mitigation programs. Also, the rail industry experienced a major leap forward when Congress changed the hours of service laws. FRA is hopeful that these changes will help reduce fatigue-related accidents and incidents.

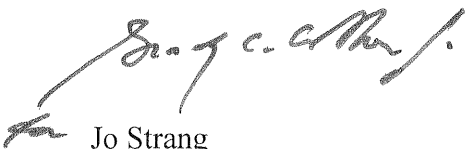
FRA still believes the methodology of its 2006 final report on RCL operations and the interpretation of data contained therein was sound. The report focused on the general safety of RCL operations. The data analysis in the report was only one aspect of evaluating these operations. FRA has also had inspectors observing these operations in the field. In addition, FRA has worked closely—often on a daily basis—with UTU and individual RCOs who were conducting these operations in the field. We maintain that FRA's report was accurate and reflected a true perspective of RCL operations throughout the country.

Finally, FRA believes that the conductor certification regulation, when implemented, will provide additional support for the training and qualification of RCOs in the areas not covered by Title 49 Code of Federal Regulations Part 240, Qualification and Certification of Locomotive Engineers. During the development of this regulation, FRA will ensure that there are requirements for training in new technologies and/or significant operational changes before they are implemented.

These are certainly challenging times for not only FRA, but for all stakeholders in the railroad industry. Because of the advances in technology, we are seeing significant changes in operations—many that have never existed before. FRA will continue to look very closely at these changes when they occur. As we move forward, FRA relies heavily on the input from your organization and from your members. We benefit greatly from this collaborative effort and we have every expectation that it will continue well into the future.

I appreciate your interest in this matter and look forward to working with you on this and other transportation issues of importance to you and your members.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Strang". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Jo Strang

Associate Administrator for Railroad Safety/Chief Safety Officer