

A Rebuttal to Frank Wilner and Railway Age on the Crew Size Issue

Frank Wilner gets it wrong in his piece entitled *“Rail Union Ordered to Bargain on Crew Consist.”* His use of smoke and mirrors is misleading. He opines the carriers’ drive for single employee freight crews is propelled by: 1 - the implementation of Positive Train Control (PTC); 2 - the decline in coal; and 3 - competition from the trucking industry. He fails to reveal that the carriers have been on a decades long drive to cut labor costs and have pushed for single crews since 2004.

PTC In November 2004, the railroads served notice to the operating craft unions stating intentions to run trains with a single employee. While hostility between the two unions was at its zenith, the conductor’s union agreed to a Remote-Control Operations (RCO) agreement. It was in this fratricidal environment that the rail carriers believed they could continue to divide and conquer and emerge with single person train crews out on the road.

It wasn’t until four years later that the Railroad Safety Improvement Act (RSIA) of 2008 finally mandated, as a direct result of the fallout from the horrendous Chatsworth, CA crash, the implementation of Positive Train Control (PTC). PTC was mandated as a fail-safe, last-ditch safety device and was never intended to replace human eyes and ears.

The Section 6 Notice of 2004 makes it crystal clear that the railroads were planning on single employee operations long before the technological panacea of PTC was even on the agenda.

Coal. In 2004, when the Section 6 Notice was served, US coal use was on the rise. Coal’s peak came in 2006, two years after the carriers first proposed the elimination of the freight conductor. Since then, coal use has declined. How can the push for single person crew trains now be about the decline of coal revenues? Wilner says nothing about managements’ failure to use this newfound track capacity in other ways. It could now be used to market and run new expedited services of higher value freight.

Non-Union Trucking. The trucking industry was deregulated about the same time as the rail industry. The unionized trucking sector has declined dramatically. But this is nothing new. Union membership in most US industries has been in a steady decline for decades. It declined while there was a dramatic rise in rail freight revenues. Much of this new traffic came when trucking companies began intermodal shipping by rail. While union trucking was on the decline, rail freight loads were on the increase, peaking in 2006. The bogeyman of the non-union trucking competition simply does not hold water.

“Fake News”. Wilner states: *Notwithstanding that new technology has never been blocked by adversely affected workers, and that this tentative agreement (BNSF – SMART-TD 2014) was termed by all involved as “the most lucrative ever in exchange for work rules reform,” it was rejected by the rank-and-file at the urging of the union’s national leadership, which prefers not to negotiate crew size in hopes of preserving the status quo.*

First, both unions of the operating crafts had long publicly advocated for PTC, while the carriers had lobbied against it for decades. Suggesting that the workers or their unions attempted to “block” the technology is absurd.

Second, Wilner suggests that the rank & file simply followed the will of their national leadership. Not true. In fact, the national leadership maintained that the union General Committee had autonomy, and that the national union had no right to intervene.

He conveniently ignores the fact that it was rank & file members who instead took the bull by the horns and launched a massive campaign to win a NO vote. They conducted informational pickets and rallies, created havoc at the ratification meetings and produced and distributed “Vote No” stickers, buttons and other materials. The overwhelming NO vote of 5-to-1 clearly shows the rank & file was responsible for the rejection of this deal.

Finally, he claims that the TA was *“termed by all involved as “the most lucrative ever...”* This simply omits the fact that the BNSF workers, who were the ones most “involved” of all, recognized it for the farce that it was: unsafe, and hardly “lucrative.”

“Alternative Facts”. Wilner pontificates, *“This was promised, even though data shows no demonstrated safety benefit to two-person crews vs. single-person crews; that the National Transportation Safety Board (NTSB) does not object to elimination of the on-board conductor when PTC is installed; that passenger railroads and many smaller freight railroads long have operated safely with single-person crews; and that the Federal Railroad Administration has ruled that ‘no regulation of train crew staffing is necessary or appropriate for railroad operations to be conducted safely at this time.’”*

First, where is this “data that shows no safety benefit” when 99% of all rail freight in North America is moved by two-person train crews. His “data” of course, simply does not exist. Just as the data does not exist to demonstrate that single pilot jet airliners are safe. This data does not exist for a reason – we simply cannot afford the risk to our lives, communities, and families.

It is interesting to see Wilner cite the NTSB as an authority on what is safe. The agency has issued many recommendations, including one for PTC itself, on rail safety. Most of these have been lobbied against by the carriers and their mouthpieces.

We challenge Wilner to show us a passenger railroad operating with a single person crew. Some may employ a single person in the locomotive, but the crew still has a conductor and in some cases one or more assistant conductors. Freight crews work on-call 24-7 up to 12 hours at a time. But passenger engineers generally work regularly scheduled shifts and often for a short duration of time. Some Amtrak trains do operate through the night, but these jobs are staffed by two engineers in the cab.

As for his claim that *“many smaller freight railroads long have operated safely with single-person crews,”* only a tiny percentage of the more than 500 short lines operating in the U.S. today operate with single person crews. And of that fraction, most operate remote control engines confined to very limited area.

Wilner cites the Federal Railroad Administration (FRA) as an authority in this matter, but just a few short years ago, he ridiculed it for its *original* stance. Prior to the current appointment of a lifelong rail carrier CEO to head the agency, the FRA previously had this to say about train crew size: *“We believe that safety is enhanced with the use of a multiple person crew - safety dictates that you never allow a single point of failure ... Ensuring that trains are adequately staffed for the type of service operated is a critically important to ensure safety redundancy.”*

Conclusion. The question of train crew size, efficiencies, and safety is an extremely complex and contentious one. *Railway Age* and Frank Wilner should be working to shed real light on these important questions, rather than clouding the issues and peddling deceit on behalf of the Class One carriers.