

A FEDERAL RESOLUTION FOR SAFETY ON THE RAIL ROAD LINES IN THE USA!
PLEASE OPEN UP AND READ. YOUR INVOLVEMENT IS CRITICAL!



Issue: Issue # 69
Date: March 21, 2016



The information below is from Craig Peachy, the Director of SMART, the Transportation Division of the Wisconsin Legislative Board. He needs your help in assuring that railroad safety is available to all of us by having at least 2 engineers on board every train that goes through our communities and crosses our roads at all times. Currently that is not the case. Read more from Craig.....

To: All Concerned-All hands on Deck!
Below is a rough draft of a resolution or proclamation that can be used by state or local entities to support the proposed federal rule on crew size (link below). Also, attached are two links with additional information that explain WHY public safety depends on having two persons on every train that operates in Wisconsin.

We are counting on you to take leadership on the effort to pass resolutions and/or generate comments from public entities and civic groups in support of the proposed rule. If a railroad reduces a train's crew size, this will put additional burdens on local communities when derailments or accidents occur.

After the resolution has been passed, it should/ will be filed with the United States Department of Transportation in the form of comments in support of the proposed federal rule. We only have 60 days to make comments and to support the proposed federal rule on crew size. These resolutions will help support and strengthen the final rule.

You may submit comments identified by the docket number FRA-2014-0033 by any of the

following methods: SEE PAGE 2 & 3 of Proposed rule: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-05553.pdf>

As you may be aware, Wisconsin already has a two person crew law (highlighted below) and we need to make sure that all trains from our bordering states have at least two crew members aboard before entering Wisconsin. Please forward to any public entity or organization in your area.

If you have any questions, please contact this office.

Craig Peachy, Director
SMART – Transportation Division
Wisconsin Legislative Board, LO 056
7 N Pinckney Street, Suite LL-25
Madison, Wisconsin 53703-4208
Office: 608-251-4120
Cell: 608-695-6116
utulo56@gmail.com

Recent article about the rule: <http://www.ibtimes.com/feds-propose-two-crew->

member-minimum-trains-irking-rail-industry-drawing-praise-2337945

192.25 Railroad train crews.

192.25(1) (1) In this section:

192.25(1)(a) (a) "Certified railroad locomotive engineer" means a person certified under 49 CFR 240 as a train service engineer, locomotive servicing engineer or student engineer.

192.25(1)(b) (b) "Qualified railroad trainman" means a person who has successfully completed a railroad carrier's training program and passed an examination on railroad operation rules.

192.25(2) (2) No person operating or controlling any railroad, as defined in s. 85.01 (5), may allow the operation of any railroad train or locomotive in this state unless the railroad train or locomotive has a crew of at least 2 individuals. One of the individuals shall be a certified railroad locomotive engineer. The other individual shall be either a certified railroad locomotive engineer or a qualified railroad trainman. A certified railroad locomotive engineer shall operate the control locomotive at all times that the railroad train or locomotive is in motion. The other crew member may dismount the railroad train or locomotive

when necessary to perform switching activities and other duties in the course of his or her job.

192.25(3) (3)

192.25(3)(a)(a) The office, by rule, may grant an exception to sub. **(2)** if the office determines that the exception will not endanger the life or property of any person.

192.25(3)(b) (b) Subsection **(2)** does not apply to the extent that it is contrary to or inconsistent with a regulation or order of the federal railroad administration.

192.25(4) (4) Any person who violates sub. **(2)** may be required to forfeit not less than \$25 nor more than \$100 for a first offense, not less than \$100 nor more than \$500 for a 2nd offense committed within 3 years, and not less than \$500 nor more than \$1,000 for a 3rd offense committed within 3 years.

192.25 History History: **1997 a. 42.**

Down

Up

192.25 Annotation This section is preempted by federal law except to the extent that sub. (2) prohibits over-the-road train operation unless there is a train crew of at least 2. However over-the-road operations may also be exempted by specific agreement between the Federal Railway

**Administration and an individual railroad.
Burlington Northern and Santa Fe Railway Co. v.
Doyle, 186 F.3d 790 (1999).**

**Draft of a resolution or proclamation. Can be
reworked to fit a public entity or other
organization like those below:**

- 1. State Legislature**
- 2. Governor's office**
- 3. Public Utility Commission**
- 4. Fire Department**
- 5. School Board**
- 6. County Commission**
- 7. Chamber of Commerce**
- 8. Central Labor Council**
- 9. Farm organization**
- 10. Environmental groups**
- 11. City Council**
- 12. County Board**
- 13. Town Board**

**Resolution in support of FRA crew size rule
WHEREAS, the safe operation of freight and
passenger trains are vital to commerce; and XXX
supports efforts to keep train operations safe in
our (state, county)**

WHEREAS, the Federal Railroad Administration (FRA) has published a notice of proposed rulemaking (NPRM) regarding adequate staffing on trains, a factor we believe is vital to ensuring safe train operations; and

WHEREAS, polling across America from North Dakota to Alabama shows overwhelming bi-partisan support of two-person crews, with 83 to 87 percent of those polled in favor of mandating that trains be operated by a crew of at least two qualified individuals; and

WHEREAS, national studies show that a minimum of two on-board crew members are vital to operate a train safely and minimize the likelihood of train-related accidents; and

WHEREAS, virtually all trains in North America are already operated by crews of at least two individuals, making the economic impact of this proposed rule minimal; and

WHEREAS, the FRA agrees that, while advancements in automated technology such as Positive Train Control (PTC) systems improve railroad safety, they are not a substitute for a train's on-board crew members; so

THEN THEREFORE be it resolved, that XXXX do/ does hereby”

RESOLVE/S to support the FRA's proposed ruling, requiring that trains operated in America be operated by no less than a two-person crew; and BE IT FURTHER RESOLVED that this resolution be filed with the United States Department of Transportation in the form of comments in support of the proposed federal rule.

**ON THIS DAY, _____
SIGNATURE _____**

--

**Craig Peachy, Director
SMART – Transportation Division
Wisconsin Legislative Board, LO 056
7 N Pinckney Street, Suite LL-25
Madison, Wisconsin 53703-4208
Office: **608-251-4120**
Cell: **608-695-6116**
utulo56@gmail.com
http://wisconsin.utu.org**

Below is a link which will provide you with more information about the duties of a freight conductor. It will be helpful to you when learning more and when writing letters to support this cause.

Cognitive and Collaborative Demands of Freight Conductor Activities: Results and Implications of a Cognitive Task Analysis

<https://www.fra.dot.gov/eLib/details/L04331>

Here are TALKING POINTS you will find of help when writing letters or encouraging groups to pass resolutions.

PDF] [Problems with single employee train crew operation](#)

www.utu.org/.../

Problems_with_Single_Employee_Train_Crew_Operati...

1 [Cached](#)

And here is more:

March 21, 2016

To: All Concerned

From: John Risch and Greg Hynes

Re: Submitting Resolutions to the Federal Railroad Administration.

Once your resolution has passed and you need to submit it to the Federal Railroad Administration, you can do it through the following methods.

1) *Hand Delivery:* Room W12-140 on the Ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

2) *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.

3) *Fax:* **202-493-2251.**

4) *Online:* Go to <https://www.regulations.gov>; type in FRA-2014-0033; click on Comment Now; and then follow the directions.

If you have any further questions, please let us know.

John Risch

National Legislative Director

SMART Transportation Division

304 Pennsylvania Ave SE

Washington, DC 20003

202-543-7714 office

202-544-3024 fax

jrisch@smart-union.org

*****T

Thank you for all you are doing to create a safer and healthier life for ourselves and for future generations to come.

Pat Popple 715-723-6398 sunnyday5@charter.net

Welcome to the Frac Sand Sentinel, a newsletter highlighting resource links, news media accounts, blog posts, correspondence, observations and opinions gathered regarding local actions on, and impacts of, the developing frac sand mining and processing industries.

The content of this newsletter is for informational purposes only. The editor of the Frac Sand Sentinel does not accept any responsibility or liability for the use or misuse of the content of this newsletter or reliance by any persons on the newsletters contents.

CHECK OUT THE WEBSITE: WWW.CCC-WIS.COM for additional information