



**Testimony of John P. Tolman
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and Trainmen**

**Before the House Subcommittee on Railroads,
Pipelines, and Hazardous Materials.
Hearing entitled:**

**“Oversight of Positive Train Control
Implementation in the United States.”**

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Good morning, Chairman Denham and Ranking Member Capuano, and Members of the Committee. My name is John Tolman and I am the Vice President and National Legislative Representative of the Brotherhood of Locomotive Engineers and Trainmen, which is a Division of the Teamsters Rail Conference. On behalf of nearly 37,000 active BLET members, I want to express my thanks for the opportunity to provide the Committee with our position regarding the oversight of Positive Train Control (“PTC”) in the United States.

I’d like to begin by expressing my relief that the Amtrak Crew and the Chairman and Congressional Colleagues and Staff were not seriously injured in the train accident on January 31, 2018. A number of Congressmen and Women were shaken up by the event, but luckily no one on the train was seriously injured or perished. Our condolences go out to the family of the sanitation worker who was killed on the truck and the injured co-worker, and to the locomotive engineer of that train, who will carry the memory of this accident with him for the rest of his life.

Accidents like this — where trains hit motor vehicles — happen on an average of three times per day and I know the lawmakers on the Amtrak train that day learned firsthand about the horrific nature of any train accident. Train crews must endure these kinds of collisions on a far too regular basis, and the accident in which some of you were involved underscores the need for implementing the best and safest technology available as quickly and as efficiently as possible.

Positive Train Control has been a regular feature in the national headlines over the past many years since it was mandated in the 2008 Rail Safety Improvement Act. The BLET has long advocated for the implementation of PTC in the United States on Freight and Passenger railroads as a way to prevent the worst types of accidents that endanger our members and the public.

In 2015 the NTSB noted that PTC could have prevented 145 rail accidents that have killed 288 people and injured 6,574 since 1969, when the agency first recommended the technology. Official damages have totaled hundreds of millions of dollars, not counting the economic burdens borne by victims’ families. These numbers do not include the recent accident outside of Tacoma, Washington that claimed 3 lives and injured 70 people, or the Cayce, South Carolina collision that killed 2 — including a BLET member — and injured 116 people. While NTSB is still investigating these tragedies, they have stated publicly that PTC may have prevented both of these accidents, as

well. In fact, NTSB says that 40 to 60 accidents each year could be prevented by PTC. (May 22, 2002).

We have testified before this Committee numerous times, and we have also delivered testimony to the Federal Railroad Administration and the NTSB. We do not need to convince anyone about the need for PTC. The need for it has been recognized and enshrined in the law by Congress.

The Rail Safety Improvement Act of 2008 mandated that PTC be implemented by December 31, 2015. Some railroads have dragged their feet since the mandate and persuaded Congress to go along with the dithering and — with the deadline looming in the face of threats to cripple the economy and strand passengers — Congress granted an eleventh hour extension. The Railroad Safety and Positive Train Control Extension Act was passed in 2015 granting an extension to 2018, and beyond to 2020 in some circumstances.

We warned Congress in 2015 that their actions would result in people dying from collisions that PTC could prevent. Congress was convinced by the railroad industry that more time was needed. Here we are years later and PTC is not fully implemented. Safety has waited too long and lives have been lost during the last extension. I could read all the names of the people who have died in PTC-preventable accidents from December 2015 until now to illustrate a point that we are talking about ... real people who had their lives taken from them due to the failure of one of the most profitable industries in America to implement PTC technology. Now that we are in the second deadline year, it is becoming clear that some Carriers consider their extension to be until 2020, and there is limited accountability to prevent that.

Congress played a part in the extension in a non-recorded voice vote attached to the highway extension bill. One Senator even expressed that if he had to have taken a recorded vote, he would have voted differently.

Regulatory efforts to enforce the railroads have been equally anemic. The railroads have carved out so many exceptions to the regulation for PTC as to greatly neuter the law's effectiveness. Congress cannot allow the good regulatory work done in the Rail Safety Advisory Committee to be lost among the industry's insatiable thirst for "regulatory reform." Safety does not need reforming. It has been said that rail safety regulations "are written in blood." They come about, sad to say, after the accident and after the deaths and after the smoke clears.

Our task in the railroad industry is to see that PTC is implemented and deployed by the deadline. This does not mean we should move forward in a reckless way. How PTC is implemented will be critical to gaining the safety benefits it is designed to provide. Training will be vital and train crews will have to work as an integral team to make the systems work and perform safely.

New systems will be installed along the right of way and in the cab of locomotives. Human factor issues will require close attention to be paid to human-machine interface problems as more screens with more buttons and submenus come online to interface with PTC.

While PTC is an attempt to solve some of the most pressing safety problems in the railroad industry, it is not a perfect solution. We strongly desire it to be implemented with deliberate speed. We also recognize the challenges PTC will place on train crews who will be forced to interact with more computer screens in the locomotive cab. This will only increase the potential for electronic device distraction, given the already widespread use of technologies such as Trip Optimizer and LEADER.

This could also exacerbate the widespread problem of fatigue in the railroad industry. This problem has been wrestled with for decades and Congress made an attempt to alleviate it in the RSIA in 2008. However, the regulator's effort in meeting the requirements of the Act has not produced any measurable results a full decade after Congress mandated that the management sit down with labor and work out genuine fatigue mitigation plans.

The length of trains is another urgent issue. Freight trains have been getting longer and heavier in recent years. Some of these trains have been over three miles long. This creates technical challenges with maintaining brake pipe pressure that aids a train in slowing and stopping. There are currently no federal regulations or laws that address train length. This needs to change. These trains also have the potential of blocking many public crossings simultaneously.

There are some bright spots when it comes to rail safety. We applaud Transportation and Infrastructure Ranking Member Congressman Peter DeFazio and Congressman Capuano for introducing H.R. 4766, the "Positive Train Control Implementation and Financing Act of 2018." We would especially like to point out that it prevents further foot-dragging for implementation.

It is time to get past decades of the industry's "can't do" excuses, and it is time for ALL of Congress to get on board the safety train. I know some of the railroads have worked in earnest to get this done by the mandate of 2015 and we applaud these railroads. Some of the railroads have valid excuses as to why they needed and extension, but it is time to make the country safer and redouble our efforts to get this done.

One recent comment from a CEO complaining of PTC delaying its trains and in the next breath saying safety is his railroad's number one priority just boggles my mind. Now we all know there will be problems during the implementation and troubleshooting but in the long run we all will be safer ... no one seriously disputes that fact.

They say "Teamwork makes the dream work." On the railroad, train crews consisting of Engineers and Conductors form a solid team that moves trains across the United States safely every day. We applaud Congressman and former Chairman of the T&I Committee Don Young for introducing the Safe Freight Act H.R. 233, which currently has 83 co-sponsors in the House. In the Senate, Senator Heidi Heitkamp has introduced a companion bill — S. 2360 — and we expect it will too receive bipartisan support. True safety requires two crew members on every freight train, and such a goal should have no party lines.

In December, FRA reported to Congress regarding PTC Implementation that eight of the 37 railroads required to implement PTC systems on their own tracks have obtained conditional PTC System Certification from FRA. In total, 41 railroads are subject to the statutory PTC implementation mandate and must implement FRA-certified PTC systems by the December 31, 2018 deadline mandated by Congress, unless a railroad obtains a limited deadline extension. We strongly urge you to take all appropriate measures to ensure the current PTC deadline is met.

I thank the Chairman and Ranking Member and Committee and I would be happy to try to answer any questions you may have.