

Hearing of the
House Transportation & Infrastructure Committee
Subcommittee on Railroads, Pipelines & HazMat
“Examining Freight Rail Safety”

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Written Statement of

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Chairman Payne, Chairman DeFazio, Ranking Member Crawford, and Members of the Subcommittee, thank you for the opportunity to testify today on the important issue of Freight Rail Safety.

My name is Don Grissom, and I currently serve as Assistant General President of the Brotherhood of Railway Carmen, a division of the Transportation Communications Union, or TCU/IAM.

The Carmen Division represents employees on the railroads that inspect, maintain, and repair rail cars, all across the country, at every Class 1 railroad, Amtrak, commuter railroads, and some short lines.

I have 41 years of railroad experience, having begun my career in 1981 on the C&O Railroad in Grand Rapids, MI, and later at CSX out of Richmond, VA. I have attended NTSB classes in Northern Virginia, and have participated in derailment and rail fatality accident investigations. Since 2011, I have served by appointment of the Secretary of Transportation to the Rail Safety Advisory Committee, or RSAC.

I’m here today to speak about the difficulties of the Carman craft and how recent changes to the railroad business model and increased pressures from management have created a ticking time bomb on our nation’s rails.

Rail cars are both simple and complex. Their simplicity and uniformity in design allows cars to be interchanged universally between railroads, aiding in the free flow of freight commerce across America. That said, the mechanics of freight cars are complex, and include airbrake systems, brake assemblies, wheels, draft gears, yokes, couplers, handholds and other safety appliances, as well as many other components that are all required to be in working order – per federal regulations - for a train to operate safely.

Upon hiring, a Carman Apprentice spends 732 working days (6 different 122-day phases) to become a Journeyman. During this time, a Carman becomes highly skilled at inspecting and repairing rail cars. Importantly, Carmen acquire many skillsets on the job that can be utilized outside the industry, such as metal-working, welding, and fabrication.

PSR Era

Like other crafts, Carmen have been cut to the bone in the PSR era. Depending on the carrier, we've lost anywhere from 15-30% of our craft. This alone wouldn't necessarily impact safety if rail car loads had been cut by the similar ratios, but that isn't the case. Rail traffic has largely stayed the same or declined only slightly. And, as many in the rail industry say – at least those outside of Class 1 C-Suites – PSR amounts to doing “less with less” – or moving fewer car loads with drastically fewer employees.

The net effect on Carmen is one of constant and sustained pressure on employees. Pressure not to inspect or repair rail cars. Pressure to turn a blind eye to AAR and FRA defects. Pressure to work so much forced overtime that your body becomes dangerously fatigued.

All of this pressure is dictated by corporate leadership and executed by regional or local management. Even when local managers know what they're doing to their employees is wrong or unsafe (since they came off the crafts themselves), they're forced to make our members' lives miserable under penalty of their own termination.

That is the life of a Carman in the PSR era. It's the only career I'm aware of where they train you to do a job, then fire you for doing it.

1 Minute Per Car

As mentioned above, a freight rail car – while seemingly simple – is a complex piece of equipment. And since one defective car can derail an entire train, it's important to make sure every FRA-required component has been inspected to be in working order. Each rail car has up to 90 inspection points, per car, per side (up to 180 in total). That's why, for most of my career, Carmen were permitted around 3 minutes per car on predeparture inspections.

That is, until the PSR era.

Today, in most locations, on all the Class 1s, Carmen are only allowed ~1 minute for predeparture inspections. Carmen used to get underneath cars to perform physical touch inspections of components, but now they only get a brief visual inspection. And it's not just our craft either. Machinists – those that inspect and maintain locomotives – have been given similar time reductions as well, not to mention the operating crews' strict time constraints, as other unions can attest.

A 12-year Carman on Union Pacific recently detailed the issue to me: "On a 150 car train, we're only allowed 2.5 hours maximum to perform inspections. However, when the FRA is on the property, that rule changes to 4 hours and they give us four Carmen to do it. But as soon as the FRA leaves, it's back to business as usual."

Why do this? Simple: profits.

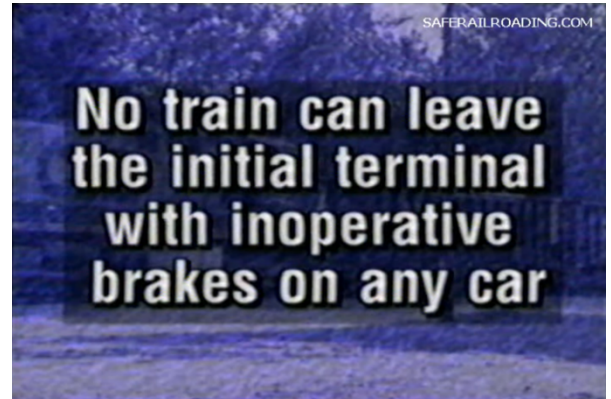
At the yard this Union Pacific Carman hails from they had 74 Carmen on duty in 2018. Now, they have 24. Fewer people not only costs the railroads less, but the implied and direct pressure on the remaining Carmen – and all rank-and-file railroaders – is that if you don't do the job as instructed, you're gone.

I have attached written proof of the one-minute per car policy mandated by the railroads today, including:

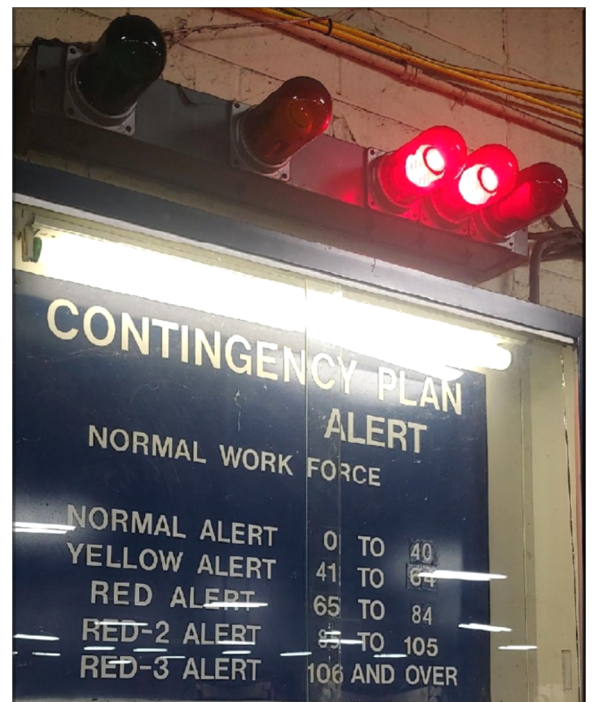
- A memo to Car Foremen at Union Pacific's Proviso Yard in Chicago, IL.
- A time claim at CSX where they first admitted their policy in writing.
- Safety metrics from Norfolk Southern showing "Man Minutes Per Car" (MMPC), allowing 1.1 minutes per car on inbound trains, and 1.7 minutes per car on outbound trains.

Pressure NOT to Shop Cars

As a result, cars often go uninspected. And even if they are inspected, if the car will still roll down the track, they send it out, regardless of whether brake systems or other critical components are defective.



Screenshot from pre-PSR CSX Carman Training Video, which specifically emphasizes that all rail cars must have operational brakes. Source: "CSX Train Air Brake Test", SafeRailroading Youtube Channel, April 30, 2013. <https://youtu.be/3ISOh-ES-o8>



CSX "traffic light" system used to pressure Carmen NOT to find bad order (aka defective) rail cars

All of this is due to the pressures applied to local management and workers to do whatever it takes to get the train out the door. Terminal dwell is a key metric by which C-Suite executives are scrutinizing managers, so any increase in dwell time places their jobs at risk, which forces them to work our members to the bone.

At one CSX shop, the railroad utilizes a “traffic light” system to alert Carmen (and others) as to how much work the repair shop has backing up. Green means “go ahead and send Bad Orders to the shop,” Yellow means “We’re getting full in the shop,” and Red means “Do NOT send any more Bad Orders to the Shop.”

While CSX maintains that it’s simply a visual tracking system for repair work, in practice the system is used to pressure and intimidate employees NOT to do their job, which is to inspect and “cut out” defective rail cars. For obvious reasons, this system is inherently problematic as it runs counter to safety.

Unfortunately, this system also exists virtually at every yard, and metrics are specifically focused on the amounts of Bad Orders as well as dwell times.

| | > 48HR Cars | > 100HR Cars | Bad Order | Hold | C |
|---|-------------|--------------|-----------|------|---|
| | 0 | 0 | 8 | 0 | |
| | 0 | 0 | 21 | 2 | |
| | 0 | 0 | 21 | 1 | 0 |
| | 1 | 0 | 12 | 0 | 1 |
| 2 | 10 | 0 | 82 | 18 | 3 |
| 1 | 0 | 0 | 13 | 0 | 0 |
| 1 | 0 | 0 | 24 | 1 | 2 |
| 0 | 0 | 0 | 0 | 0 | 0 |
| 2 | 6 | 0 | 59 | 1 | 0 |

After the FRA issued concerns about the traffic light system, CSX simply moved the system to a virtual database. The pressures to local managers and shop craft employees remains.

UP Safety Audit – August, 2021

From August 1st through August 14th, 2021, the FRA audited a few Union Pacific rail yards. According to the report, the FRA only saw a defect ratio of 3.3% of rail cars. Let me tell you why that’s inaccurate or incomplete.

First, our members report that the FRA Safety Management Team (SMT) 6, which covers UP and KCS, communicated to Union Pacific ahead of time what yards they would be inspecting, allowing the company to prepare and get equipment up to code while also escorting inspectors around pre-selected sections of the yard – and they still found defects. Furthermore, our members reported that the FRA often wouldn’t go to the main yards, but rather only the side or satellite yards, and they rarely – if ever - bothered to talk to our Carmen on duty. One would think if the FRA field inspectors are interested in mechanical safety, they would spend time talking to the folks on the ground that inspect for safety compliance.

Second, to our knowledge, the FRA did not audit any of the yards where Carmen have been fully removed from service and replaced with “Utility workers,” a somewhat flex position that is not a qualified mechanical inspector, nor can they perform repairs. There are several yards that currently have either no Carmen or only a single Carman assigned to inspect. These yards include:

- Kansas City, KS, 18th Street Yard – Removed 20 Carmen. Having Utility positions perform inspections. Carmen only sent to make repairs flagged by Utility or FRA.
- Herrington, KS – Removed 13 Carmen. Having Utility positions perform inspections. A “Travelling Carman” is dispatched from Wichita, KS if a repair is flagged.
- Wichita, KS – Removed 12 Carmen. Switchmen now performing inspections. Two “Travelling Carmen” make repairs if any are found.
- St. Louis, MO – Removed 8 Carmen. Traincrews are performing all inspections in this yard.
- Dallas, TX, Miller Yard – Removed 14 Carmen. Traincrews and Utility are doing all inspections.
- Arlington, TX – Removed 3 Carmen. Traincrews and Utility are doing all inspections.
- Texarkana, TX – Removed 5 Carmen. Traincrews and Utility are doing all inspections.
- Spring, TX, Lloyd/Spring Yard – Removed 4 Carmen. Traincrews and Utility are doing all inspections.
- Beaumont, TX – Removed 12 Carmen. Replaced with 4 Utility men to do all inspections.
- Angleton, TX, Angleton Yard – Removed 6 Carmen. Replaced with 4 Utility men to do all inspections.
- Lake Charles, LA – Removed 2 Carmen. Replaced with 2 Utility men to do all inspections.
- Shreveport, LA – Removed 12 Carmen. Replaced with unknown number of Utility men to do all inspections.
- La Porte, TX, Strang Yard – Removed 5 Carmen. Replaced with unknown number of Utility men to do all inspections.
- El Paso, TX, Alfalfa Yard – Removed 17 Carmen (sent only 2 to Santa Teresa yard). Replaced with unknown number of Utility men to do all inspections.
- Pueblo, CO – Removed 2 Carmen. Train crews are now performing all inspections.
- Cheyenne, WY – Removed 8 Carmen. Only 3 left on the property.

We have asked the FRA Safety Management Team – 6 (SMT) to inspect these yards in particular, and to do so without tipping off Union Pacific management. It is THESE yards where inspections, both inbound and outbound, are either not being performed at all or are not being done in full compliance with FRA regulations.

Fatigue Issues

Finally, some attention has been paid to railroad workers on fatigue issues in the industry, but not enough. And rarely are studies aimed at Carmen or other shop crafts. As noted, in the PSR

era, Carmen are being forced into overtime constantly. Many report forced overtime to include 16 hour shifts, 5-6 days in a row. Many of our members sleep in their cars between shifts so they can get an extra hour or two of rest, instead of wasting time commuting home and back.

This is NOT a healthy working environment.

Workplace fatigue is generally considered a workplace hazard, as countless studies have shown, from both public (i.e. OSHA) and private studies. The risk for a railroad employee is further compounded by the nature of the work our members perform. Trains are incredibly heavy, unstoppable objects, and everything in a rail yard “hurts.” Therefore, over the years regulations have placed emphasis on practices and policies to reduce those risks as much as possible. That’s why we have blue flag protections, as well as strict training to perform job tasks in a safe, effective manner.

Unfortunately, a lot of those practices and policies get thrown out the window in the PSR era. And not necessarily by intention. Management isn’t telling our members to perform tasks in unsafe manners. They’re too smart to do that. But they don’t have to, because it’s all implied. The pressures on managers to reduce dwell times places further pressures on our members to cut corners not just on inspections, but on their own safety. I routinely hear from my Local Chairmen that they don’t believe the pace that our members are being asked to work is safe, both for the trains and the members themselves.

These kinds of issues are hard to quantify. But in the interest of preventing the loss of another Carman’s life or limb, I strongly urge the FRA and Congress to study and adopt policies that cover the whole health of shop and yard craft employees.

The issues raised today are all derived from the pressure placed on railroads to adopt these so-called “Precision Scheduled Railroading” practices. These pressures to cut headcounts and reduce dwell times run contrary to how our members were trained to ensure that trains on our nation’s railroads are safe. It is truly a sad time in the rail industry.

When I began my career in 1981, we were at the beginning of the Staggers Act era, when railroads were having a tough time turning a profit, and our rolling stock and infrastructure was in deep disrepair. For the following 35 years, we – the working men and women of the rail industry – have turned things around to make the railroads profitable enterprises.

Approximately 6 years ago, PSR began spreading throughout the industry like a virus, once the leeches on Wall Street realized there was a profit to be made by extracting wealth out of the industry. Today, we have 45,000 (29%) fewer employees in the rail industry – and the cuts to the Carman craft are a significant portion. But in order to keep up with service demands, the much fewer Carmen throughout the industry are asked to do much much more.

As my colleague Matt Hollis stated before the Surface Transportation Board a few weeks ago: the relative quality of job is now gone. What were once considered highly-desired and competitive careers have been transformed into what you're seeing today: a labor shortage where the job is so unappealing that our members are either refusing recall or outright resigning their positions. This is NOT normal, nor is it sustainable.

A wise colleague of mine said to me: "the railroads are burning the candle at both ends – burning their customers one, and burning out their employees on the other."

I believe that to be true.

Thank you for the opportunity to testify.