



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Motion to Approve a Resolution Authorizing the Mayor and City Clerk of the City of St. Charles to Endorse the Federal Railroad Administration's Crew Size Rule

Presenter: Mark Koenen

*Please check appropriate box:*

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council (5/2/16)
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

**Executive Summary:**

This is a request from Metro West Council of Government asking municipalities to support this resolution for the Federal Railway Administration's (FRA) regarding proposed regulations to mandate staffing levels on trains. The FRA has become concerned that the railroads plan to phase in more operations that rely upon using only one crew member without properly considering and evaluating the risks associated with downsizing crew sizes. The FRA is seeking public comment about the proposed rules by May 16.

The City of St. Charles recommends supporting this resolution.

**Attachments:** *(please list)*

Resolution

**Recommendation / Suggested Action** *(briefly explain):*

Motion to approve a Resolution Authorizing the Mayor and City Clerk of the City of St. Charles to Endorse the Federal Railroad Administration's Crew Size Rule.

*For office use only:*

*Agenda Item Number: IA*

**City of St. Charles, Illinois  
Resolution No. \_\_\_\_\_**

**A Resolution Authorizing the Mayor and City Clerk  
of the City of St. Charles to Endorse the  
Federal Railroad Administration's Crew Size Rule**

**Presented & Passed by the  
City Council on May 2, 2016**

BE IT RESOLVED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the Mayor and City Clerk be and the same hereby endorse the Federal Railroad Administration's Crew Size Rule, by and on behalf of the City of St. Charles.

WHEREAS, the safe operation of freight and passenger trains is vital not only to interstate commerce but also to the health and welfare of local communities, and the City of St. Charles supports efforts to keep train operations safe in our state;

WHEREAS, the Federal Railroad Administration (FRA) has published a notice of proposed rulemaking (NPRM) to require minimum staffing on trains, a factor vital to ensuring safe train operations;

WHEREAS the FRA NPRM proposes two alternate options for permitting a railroad to operate with fewer than a two-person crew, the first of which is stronger because it requires FRA review and approve prior to commencement of those operation as opposed to after;

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WHEREAS, polling across the nation 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;

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

WHEREAS, the FRA proposal for a two-person minimum train crew recognizes that, while technologies like Positive Train Control (PTC) can improve safety, they do not perform several important physical and cognitive functions currently performed by a second crewmember;

WHEREAS, attending to a disabled train in a timely manner, opening a blocked crossing for an emergency vehicle to pass, and providing timely and accurate information to emergency responders are vital functions train crews perform;

WHEREAS, a railroad's use or reliance on new, innovative technology for its operations should not place new risks or burdens on local communities;

WHEREAS, metropolitan Chicago is the one of nation's largest and most significant rail hubs, making rail safety an important consideration for many of the region's municipalities and counties with rail lines within their boundaries;

WHEREAS, the Chicago metropolitan region is home to some 1,500 public at-grade highway-rail crossings, which account for some 7,800 hours of motorist delay each weekday;

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WHEREAS, over 280 collisions have occurred at the Chicago metropolitan region's highway-rail grade crossings between 2009-14, resulting in 65 fatalities and 146 injuries;

WHEREAS, rail safety issues have been particularly salient in recent years after a series of high-profile derailments, collisions, and releases of flammable liquids shipped by rail, as well as collisions at highway-rail grade crossings across the country and in Canada and has caused Canadian regulators to put in place a two-member crew requirement for any train transporting hazardous goods;

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

WHEREAS, the public deserves the assurance that a thorough risk analysis has been completed, risks have been properly identified, and a rail carrier has mitigated these risks in advance of any approval for reduced crew staffing and borne the burden and cost to mitigate these risks;

THEN THEREFORE be it resolved, that the City of St. Charles does hereby support the FRA's train crew staffing NPRM, and encourages the FRA to strengthen the rule to ensure that communities around railroads are protected and safe by requiring FRA review and approval before a railroad is allowed to operate with less than a two-person crew.

BE IT FURTHER RESOLVED that this resolution be filed with the United States Department of Transportation in the form of comments to Docket Number FRA-2014-0033 and Regulatory Identification Number 2130-AC48 in support of a strong federal rule.

**Presented** to the City Council of the City of St. Charles, Illinois this 2<sup>nd</sup> day of May, 2016.

**Passed** by the City Council of the City of St. Charles, Illinois this 2<sup>nd</sup> day of May, 2016.

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**Approved** by the Mayor of the City of St. Charles, Illinois this 2<sup>nd</sup> day of May, 2016.

\_\_\_\_\_  
Mayor Raymond P. Rogina

ATTEST: \_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

## **ISSUE SUMMARY & ACTION REQUEST** **on FRA-2014-0033 – Proposed FRA Regulation on Train Crew Staffing**

**ISSUE SUMMARY:** On March 15, 2016 the Federal Railroad Administration (FRA) released a proactive and forward-looking Notice of Proposed Rulemaking (NPRM) that would institute minimum two-man crew size requirements for trains operating in the United States with certain enumerated exceptions for operations the FRA believes will pose minimal public safety risks. The FRA has become concerned that the railroads plan to phase in more operations that rely upon using only one crew member without properly considering and evaluating the risks associated with downsizing crew sizes. The FRA is seeking public comment about the proposed rules by May 16, 2016.

**BACKGROUND:** Currently, the FRA does not regulate minimum train crew sizes, as it has long been an industry operating practice to staff trains with two (or more) crew members. With the advent of mandated technology advances like Positive Train Control (PTC), however, the FRA is learning that railroads are increasingly seeking to substitute technology for a second trained “failsafe” crew member aboard the nation’s freight and passenger trains. Because there are many cognitive and manual functions undertaken by two crew members that cannot be accomplished by a combination of one crew member with the assistance of technology, the FRA is seeking to address any potential risk proactively *before* public safety is endangered by the widespread railroad adoption of one-crew member train operations that fail to achieve the same level of safety that is achieved through the use of two-person crews.

The NPRM contains two main provisions. The first provision establishes a general rule that each train operating in the country be assigned at least a two-person crew. The rule goes on to identify exceptions to this rule in various existing situations that the FRA considers low-risk, including for trains that are hauling less than 20 carloads of hazardous materials; for small railroads with trains operating at less than 25 mph; for tourist or other excursion trains; or, for trains assisting in railroad operations (e.g., track maintenance, train assistance, or moving locomotives). The second provision defines the role and responsibilities of the second crew member on a moving train to insure that this crew member has the experience and knowledge necessary to serve as an effective asset to the train’s crew team as incidents arise during train movements.

The new FRA rules are proposing two ways to handle railroad petitions to the FRA for use of one-person crews, for either the continuation of operations that were in existence as of January 1, 2015 or for the initiation of new operations. ***Option 1*** would require a railroad to submit an application to the FRA, which would then be reviewed and approved or rejected within 90 days of receipt. Existing one-person train operations would be allowed to continue during the 90-day review period. ***Option 2*** would require a railroad to submit documentation to the FRA demonstrating the safety of its proposed one-person train operations, but it would not require FRA approval before beginning or continuing any grandfathered operations. The FRA, however, would reserve the right to investigate subsequent safety issues and to discontinue unsafe single crew member train operations. ***Option 1 pre-approval*** places the burden of proving safety on the petitioning railroad before such operations commence (or continue if they were in existence prior to 2015) in order to obtain an affirmative sign-off from the FRA. ***Option 2 allows the railroad to commence single crew member operations*** as long as the railroad has submitted an “FYI” petition to the FRA and an officer of the company attests that the railroad undertook a safety evaluation of the operation covered in the petition.

In the NPRM, the FRA has explained the functions of crew members and its concerns surrounding operating trains with just one crew member based on knowledge gleaned from two major rail accident investigations and reviews of relevant crew-related safety research. The FRA’s concerns include cognitive overload when one crew member needs to operate a complex and heavy train while maintaining situational awareness of what is happening outside the train locomotive; potential for increases in impaired operation associated with drug use, alcohol use, fatigue, and unauthorized use of distracting electronics by the one crew member; the inability of a single crew member who is operating the train to operate manual switches or serve as a flagger if a crossing gate fails while in route; and, the extent to which a single crew member can perform necessary public safety duties in cases of train accidents and malfunctions.

In a 2014 research report conducted by the FRA involving five public surveys, the agency found that 77% of all respondents support federal legislation requiring freight trains to be operated by a crew of two. Another finding was that an overwhelming majority of those polled (between 83 to 87 percent in each of the five surveys) had the opinion that, generally speaking, when it comes to railroad safety and operations, a train operated by one operator cannot be as safe as a train operated by a crew of two individuals. While the public intuitively believes this to be the case, the FRA – as the experienced federal regulator of safe railroad operations – clearly shares these public concerns.

**ISSUES OF CONCERN TO LOCAL GOVERNMENTS:** Agencies of local government serve as first responders in the event of a public safety threat associated with railroad operations. Whether it be malfunctioning crossing gates, traffic back-ups stemming from blocked crossings, or in worst case scenarios of a rail derailment involving a hazmat release. As such, local governments are critical stakeholders in a railroad's train staffing decisions.

The quarter-century history of federal hindsight efforts to insure that flammable hazmat (like crude oil) be hauled in robust tank cars clearly serves as a cautionary tale in support of the FRA's current efforts to take a proactive approach when it comes to insuring that adequately staffed trains operate on the nation's 140,000-mile rail network. In the wake of a series of crude train derailments, the FRA described in Emergency Order 28 the chilling lack of non-compliance by railroads when it comes to train securement rules, so local governments believe that allowing industry to make staffing decisions without proper regulatory oversight in advance constitutes a clear and unacceptable risk to public safety. As a result, the Option 2 approach lacks the proactive regulatory review and approval that should be mandatory before any train operates with a single crew member.

Furthermore, local governments urge FRA to strengthen the train crew staffing rules laid out in FRA-2014-0033 by requiring that all trains hauling any number of carloads of flammable and/or explosive hazmat have at least a two-member crew. This would harmonize the U.S. with Canada's rules for crew sizes on all trains carrying dangerous goods.

**ACTION REQUEST OF LOCAL GOVERNMENTS:** In support of the FRA's approach to crew staffing levels, local governments across the country should weigh in on the positions described above. To that end, a sample resolution is attached that local units of government can adopt and forward to the FRA to indicate their support for new crew staffing rules that best protect public safety interests.

Once adopted, a copy of your government's resolution should be uploaded electronically **BY MAY 16, 2016** to docket FRA-2014-0033 by going to <https://www.regulations.gov/#!home> and typing "FRA-2014-0033" into the search box. Then please forward a copy of the resolution to your Members of Congress in the Senate and the House of Representatives.

Any questions you may have on this matter can be directed to [FightRailCongestion@gmail.com](mailto:FightRailCongestion@gmail.com). Thank you!