

MN Senate Legislative Hearing Testimony- March 19 2015; 2: PM

Good Afternoon Mr. Chairman, Committee members.

I am Phillip Qualy, State Director for the SMART-Transportation Division, formerly the UTU, representing the regulatory and safety interests of 1400 railroad workers in Minnesota.

I am pleased to be joined by Cortney LeNeave, Counsel, Ms. Jen Schaubach, Minnesota AFL-CIO and railroad workers.

Today, we respectfully request the committee to support S.F. 918 that will require two persons on all Class One and Two trains in Minnesota. This is essentially a policy bill that does hold misdemeanor penalties to assure compliance.

Currently, railroads have two persons on all trains. Our S.F. 918 poses no undue burden on commerce. Our legislation is not federally preempted. Wisconsin and Arizona currently have "two-person train crew" laws.

As railroad workers, we assert it is in the public interest to assure trains can be uncoupled at grade crossings, and public crossings can be opened when long trains block passage of vehicles, pedestrian, or emergency response vehicles.

It is essential to safe operations that workers are in position on all trains to keep the right of public highway access open.

Another public benefit, a two person crew law will assure continued inspections of moving train equipment that will lower potential for derailment, assure train securement so standing trains and cars do not roll away, and in-cab crew resource management.

Failure in anyone of these areas can cause derailment and damage to public and private landowners. From ignition of brush fires from train sparks, to release of hazardous material, which could have catastrophic consequence, we need two persons on machines this size.

Two recent incidents present clear comparison of train crew operations. With the tragic Lac Megantic Quebec, train wreck, July 2013, a one-person crew failed to properly secure the train. The train was release to unqualified individuals and the train rolled away. The train exploded and 47 persons lost their lives.

In contrast, Casselton ND train wreck, December 2013, the train person on the two-person crew walked back toward the derailment to uncouple cars and remove them from the fire zone. The same actions were taken in the recent West Virginia train derailment. As train crews, this is what we do.

Another public benefit, passage of SF 918 will assure a worker's right and responsibility to provide Samaritan emergency response to injured persons after grade crossing collisions with trains.

It is the train person who first attends to injured persons. When the EMT arrives, we must be there immediately so EMTs can climb on, under, or about railroad equipment as safely as possible. After collisions, a train's brakes, cars and safety appliances may be damaged and direct radio contact with the engine from the ground is essential for EMT safety.

Regarding grade crossing emergency response, for the railroad workers of Minnesota, I submit that we simply cannot leave injured persons lying unattended in the ditches of Minnesota.

Very quickly, I want to clarify that railroad safety is not a subject under the purview of collective bargaining. We reject the carrier's position that public safety is appropriate subject area within any collective bargaining process.

This legislation has no reference to union contracts, agreements, or designation of individuals.

The question may be asked, why is SF 918 necessary now? The impetus for this legislation was BNSF's attempt last summer to operate trains with one-person crews. Railroad workers asked many questions to BNSF about their proposed operations. No satisfactory answers were given. Railroad workers rejected their proposal by an overwhelming majority (86%). We know one person train crews are inherently unsafe and a real danger to the public.

Before closing, I want to direct your attention to our committee handout with Federal Railroad Administration grade crossing incident data.

Please note that in 2014, in Minnesota we saw an Eleven percent increase in total incidents over prior year. In 2013, we saw a sixty percent increase over prior year. 2014 held a four-year high with 59 grade crossing collisions.

As well, please review the photos and letters from four General Committee Chairpersons, all who hold authority in the contractual area, stating that safety is not an appropriate subject area within collective bargaining and legal brief.

The public safety issue before you is one that defines the moral fabric of our society. This is about corporate citizenship and conduct across the railroads of this state. As train crews, we are Minnesotans first.

We request your support and ask that you base your decision on the best interest for public safety.

Mr. Chairman, Committee members, thank you for hearing my testimony and I will be happy to answer any questions.