



SMART-TRANSPORTATION DIVISION

BEFORE THE U.S. DEPARTMENT OF TRANSPORTATION

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DOT-OST-2017-0069

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December 1, 2017

These comments are on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART). The SMART Transportation Division, formerly the United Transportation Union, is the largest of the rail unions representing members in all operating crafts, including engineers, conductors, trainmen, switchmen and yardmasters.

This is in response to the DOT's request for comments from the public on existing rules and other agency actions that are good candidates for repeal, replacement, suspension, or modification – DOT-OST-2017-0069.

There is a common saying in the railroad industry that “railroad operating rules and federal regulations are written in blood.” Our industry has a long history of derailments, head-on collisions and other accidents that have resulted in countless injuries, amputations and deaths. History has regrettably taught us about the safety risks and hazards associated with the daily work our members do on our nation's railroads. The good news is that accident rates overall in our industry have declined substantially over the past decades. A primary reason for that decline is because of the rules and regulations that have been adopted by the Federal Railroad Administration (FRA). While safety has improved on our nation's railroads, we fall far short of where the airline industry is, and we can do better.

One area where the railroad industry excels is the way the FRA develops most of the regulations that govern us. The FRA employs a “collaborative rulemaking process” called the Railroad Safety Advisory Committee (RSAC). The RSAC involves all stakeholders in the rail community including rail labor unions, railroad representatives and others who work together to develop consensus recommendations to FRA. FRA then uses those recommendations to formulate regulations that are effective at promoting safety, while limiting the burden on our industry. Since the establishment of the RSAC nearly 20 years ago, rail accidents per million train miles have decreased by nearly 30 percent as total miles and passenger counts increased significantly. The RSAC process has not only been a success, it is really a model that other government agencies should be using in their rulemaking process.

We readily agree that regulations, once adopted, need to be periodically reviewed. When necessary, they should be modified, and in some cases even eliminated. The RSAC process is how these reviews and discussions should take place.

As we stated previously in these comments, railroad regulations are written in blood. If the Department of Transportation plans to review any existing regulations that apply to the rail industry, it should be done through the RSAC so that changes can be reviewed by all stakeholders and sound recommendations can be made before changes occur. The primary focus of any such effort should be to make our industry safer with the goal of making workplace injuries and deaths a thing of the past.

Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read "John Risch". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Risch  
National Legislative Director  
SMART- Transportation Division