

June 20, 2023

Mr. Brett A. Jortland  
Deputy Chief Counsel  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Information Collection Request (ICR)  
Docket No. FRA-2023-0002-N-09**

Mr. Jortland:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) request for comment on an Information Collection Request (ICR) related to amending the current railroad accident/incident reporting regulations (Form FRA F 6180.54) to add (1) the length of the involved trains, in feet, and (2) the number of crew members who were aboard a controlling locomotive involved in an accident at the time of such accident. TTD consists of 37 affiliated unions representing the totality of rail labor, including both passenger and freight rail workers. We therefore have a vested interest in this ICR.

These changes would bring the FRA into compliance with a congressional mandate in the Bipartisan Infrastructure Law to add (1) the number of cars and length of the involved trains; and (2) the number of crew members who were aboard a controlling locomotive involved in an accident at the time of such accident to Form FRA F 6180.54 ("the Form") for a five-year period.

These amendments are commonsense proposals that will strengthen our analysis of the trends in rail accidents and incidents. Therefore, TTD strongly supports the FRA's proposal to collect this information and recommend amending the Form so that this information is included on a **permanent** basis rather than a limited five-year period. Given the current industry dynamics, the FRA should not stop at the bare minimum of fulfilling its congressional mandate. Rather, the FRA should also proactively collect additional information on the Form to help reduce the likelihood and frequency of future train accidents and incidents.

## Train Length

While the number of train cars is currently reported on the FRA's accident/incident form, train length is not reported. TTD strongly supports the FRA's proposal to add the length of the involved trains, in feet, to Form FRA F 6180.54 utilizing Special Study Blocks 49a and 49b. However, TTD requests that the FRA amend the Form to add this information **on a permanent basis** by incorporating it into a location on the form.

The length and weight of freight trains have dramatically increased in recent years due to the rail industry's adoption of Precision Scheduled Railroading (PSR). The Association of American Railroads' (AAR) recent fact sheet states that the length of the longest train increased by roughly 40% between 2010 and 2022.<sup>1</sup> Per AAR, the longest train is at least 14,000 feet, or almost three miles long. Rail unions have reported trains that are four or five miles long operating in the western United States. Rail workers have long-standing safety concerns related to train length, including radio and End of Train (EOT) device communication issues; increased blocked crossings; additional in-train forces that make it difficult to keep trains intact; insufficient training for Very Long Trains (VLT) crews; and decreased maintenance standards.<sup>2</sup>

In a recent safety advisory, 2023-03, the FRA noted rising safety concerns over longer trains:

While this research is ongoing, FRA is issuing this Safety Advisory to ensure railroads and railroad employees are aware of the potential complexities involved in the operation of longer trains, and appropriate actions are taken to address these complexities. This Safety Advisory also makes clear that train length is a critical factor to consider when building any train, just as consideration of a consists configuration is critical, as outlined in FRA Safety Advisory 2023-02.

FRA has identified three significant incidents (discussed below) that have occurred since 2022 involving trains with more than 200 cars, where train handling and train makeup is believed to have caused, or contributed to, the incidents.<sup>3</sup>

Congress went even further and directed the National Academy of Sciences (NAS) to conduct a study on the safety impacts of trains longer than 7,500 feet. That study is ongoing and several rail unions are participants.<sup>4</sup>

The rail industry, rail workers, the FRA, and Congress have all acknowledged that train length is increasing. We support the FRA's commonsense proposal to add the length of involved trains to the accident/incident reporting form.

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<sup>1</sup> <https://www.aar.org/wp-content/uploads/2023/03/AAR-Train-Length-Fact-Sheet.pdf>

<sup>2</sup> [https://railroads.dot.gov/sites/fra.dot.gov/files/2022-12/Stakeholder%20Perceptions%20of%20Longer%20Trains\\_Final\\_-\\_A.pdf](https://railroads.dot.gov/sites/fra.dot.gov/files/2022-12/Stakeholder%20Perceptions%20of%20Longer%20Trains_Final_-_A.pdf) (See Page 9)

<sup>3</sup> <https://www.federalregister.gov/documents/2023/05/02/2023-09239/safety-advisory-2023-03-accident-mitigation-and-train-length>

<sup>4</sup> <https://www.nationalacademies.org/our-work/impacts-of-trains-longer-than-7500-feet>

## Crew Size

Similarly, collecting additional information on crew size operating practices when accidents and incidents happen is of vital safety importance. Therefore, TTD strongly supports the FRA's proposal to collect information regarding the number of crew members aboard a controlling locomotive involved in an accident at the time of such accident to Form FRA F 6180.54 utilizing Special Study Blocks 49a and 49b. However, TTD requests that the FRA amend the Form FRA to add this information **on a permanent basis** by incorporating it into a location on the form.

The FRA's notice of proposed rulemaking (NPRM) on crew size reinforces the importance of two-person crew train operations to the safety of the U.S. freight rail system.<sup>5</sup> As the U.S. Department of Transportation (USDOT) noted in its safety action plan following the East Palestine derailment:

“Research indicates that an increase in physical tasks and cognitive demands for a one-person crew could potentially lead to task overload or a loss of situational awareness that could cause an accident. Despite two-person train crews being industry standard, the rail industry has resisted being regulated on this front and pushed for crews of less than two people.”<sup>6</sup>

The Class I railroads are transparent about their desire to move from the current industry standard of two crew members in the cab of a locomotive to only one crew member.<sup>7</sup> If successful, this would negatively impact the safety of our freight rail system, and be compounded by safety concerns related to longer and heavier trains.

We support the FRA's commonsense proposal to record the number of crew members aboard a controlling locomotive involved in an accident at the time of the accident. FRA needs to have this information to continually analyze the causes and trends in rail accidents and incidents.

## Addressing Broader Safety Concerns Following East Palestine

It is impossible to ignore recent events in East Palestine, Ohio, when discussing this information request from the FRA. While the NTSB's full investigation is not yet complete, freight rail workers have been warning of deteriorating safety for years because of dangerous industry practices. The PSR operating model has eroded the safety of our freight rail system. At its core, PSR seeks to maximize every penny of profit out of the freight rail system by cutting costs wherever possible, no matter the negative effects on safety. Per the FRA's own data, the four largest Class I railroads saw the total rate of accidents/incidents per million train miles increase between 2013 and 2022, and the rate of yard incidents tripled in some cases in the same time period.<sup>8</sup> In short, the safety records of these railroads got worse over this time period.

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<sup>5</sup> <https://www.federalregister.gov/documents/2022/07/28/2022-15540/train-crew-size-safety-requirements>

<sup>6</sup> <https://www.transportation.gov/briefing-room/usdot-secretary-buttigieg-calls-rail-industry-take-immediate-commonsense-steps>

<sup>7</sup> <https://www.trains.com/trn/news-reviews/news-wire/05-class-i-roads-make-official-their-desire-for-one-man-crews/>

<sup>8</sup> <https://safetydata.fra.dot.gov/officeofsafety/publicsite/query/TenYearAccidentIncidentOverview.aspx>

The FRA should not miss this opportunity to further amend Form FRA F 6180.54 to capture additional information that would be helpful in addressing and preventing future derailments, injuries, and deaths. Such a proactive step would be consistent with USDOT Secretary Pete Buttigieg’s focus on rail safety following the East Palestine derailment and the concerns listed in FRA Safety Advisories 2023-02 and 2023-03.<sup>9</sup>

### **Proactive Information to Collect on Form FRA F 6180.54**

Outlined below are three additional information requests that we urge the FRA to add to Form FRA F 6180.54. We are confident that the FRA can collect these additional pieces of important information related to train weight distribution, buffer cars, and Distributed Power Units without adding new reporting requirements for the railroads, consistent with the goals of this ICR.

Rather, the FRA can require railroads to attach the train manifest, train profile, and train work report to the Form. The railroads have a manifest for every train they operate.<sup>10</sup> Likewise, railroads give train crews profile information about the train, including length, number of cars, and placement of cars, so they can figure out how to operate the train safely. In addition, train crews are required to document, as part of a “work report” they submit to the railroad, any actions they took like cutting a train, or defects that were found as part of their trip.

### **Weight Distribution of Train**

Item 35 of Form FRA F 6180.54 requires railroads to report the number of loaded and empty cars in a train and Item 29 requires a report of the trailing tons of a train, but neither require reporting of weight distribution of the train. The FRA in its Safety Advisory 2023-02 notes several incidents of train derailments where the weight distribution of a train that derailed was concentrated—like the train that derailed in Springfield, Ohio not long after the East Palestine, Ohio derailment—“The weight was mostly concentrated at the head and rear ends of the train.”<sup>11</sup>

Therefore, we request that the FRA add a requirement for the railroads to provide information related to the weight distribution of the train, including between the front, middle, and rear of the trains.

### **Number of Buffer Cars Between Hazardous Materials and Crew Member Locations**

We are greatly concerned about the freight rail industry’s tendency to severely reduce the number of buffer cars between rail cars carrying hazardous materials and the location of crew members in

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<sup>9</sup><https://www.transportation.gov/briefing-room/usdot-secretary-buttigieg-calls-rail-industry-take-immediate-commonsense-steps>

<sup>10</sup><https://www.csx.com/index.cfm/about-us/company-overview/railroad-dictionary/?i=M#:~:text=Manifest,the%20contents%20of%20a%20shipment.>

<sup>11</sup><https://www.federalregister.gov/documents/2023/04/11/2023-07579/safety-advisory-2023-02-train-makeup-and-operational-safety-concerns#:~:text=FRA%20is%20issuing%20Safety%20Advisory,with%20varying%20configurations%2C%20load%20and>

occupied locomotives. Before PSR, the standard practice was to place several buffer cars between cars with hazardous materials and crew members in occupied locomotives. Now, that buffer has been dramatically reduced and we are concerned that the railroads are trending toward as few as one or zero buffer cars. Buffer cars are critical to ensuring the safety of crew members in the event of a derailment involving hazardous materials, including materials that can kill a crew member if they breathe or touch that material.

The National Transportation Safety Board (NTSB) has noted the importance of buffer cars to the safety and health of crew members. Following NTSB investigations into two incidents involving High Hazard Flammable Trains (HHFT), where the railroads only had one or two buffer cars, the NTSB recommended a minimum of five non-placarded buffer cars on High Hazard Flammable Trains (HHFT) trains.<sup>12</sup> Our understanding is that this recommendation is still an **open recommendation** by NTSB, which means it is unfulfilled. The fact the recommendation is still open is extremely concerning considering that NTSB stated that these recommendations are critical to preventing the potential for a catastrophic event.<sup>13</sup>

Therefore, we request that the FRA add an information item to Form FRA F 6180.54 to collect the amount of buffer cars in a specific train between a location of a crew member in an occupied locomotive anywhere in the train (front, middle, or rear) and a car carrying hazardous materials. That information would give the FRA more insight into railroads' current operating practices around buffer cars and whether they are complying with NTSB's safety recommendations

### **Presence of Distributed Power Units and Synchronous or Asynchronous Operating Mode**

In an attempt to make up for the difficulties of operating increasingly longer and heavier trains under PSR, railroads are placing Distributed Power Units (DPUs) in trains in an attempt to keep the trains from derailing, especially when trains go around curves or operate on steep gradients. In Safety Advisory 2023-02, the FRA notes the problems with attempting to use DPUs to make up for properly putting together a train, including train car placement and makeup:

Technologies such as DPUs, energy management systems, and dynamic braking can be used in conjunction with proper train car placement and makeup. While these technologies can improve train handling and fuel efficiency, they cannot replace the need for correct car placement and assembly. Railroads must prioritize proper train makeup to maintain safety, prevent accidents, and optimize train performance. Further, all operating employees must be properly trained in these technologies and the handling of complex trains to ensure safe operation and minimize human error.<sup>14</sup>

Rail unions share the same concerns as the FRA regarding reliance on DPUs. Further, we firmly believe that whether the DPU units on a locomotive train are operating in synchronous or asynchronous mode is a very important question from an operations and safety standpoint.

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<sup>12</sup> <https://www.nts.gov/news/press-releases/Pages/NR20201215.aspx>

<sup>13</sup> I.d. 12

<sup>14</sup> I.d. 11

Therefore, we request that the FRA amend Form FRA F 6180.54 to add three items related to whether 1) DPU units were present on a train, 2) the number of DPU units on a train if they were present, and 3) whether the DPU units were in synchronous or asynchronous mode.

### **Conclusion**

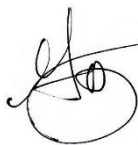
We commend the FRA for moving forward to fulfill the requirements in the Bipartisan Infrastructure Law by amending Form FRA F 6180.54 for a five-year period to add information regarding the number of cars and length of the involved trains and the number of crew members who were aboard a controlling locomotive involved in an accident. We support the FRA's proposals on the collection of these items, though we ask the FRA to make those changes permanent, instead of just for five years.

Given the worsening safety trends in the railroad industry, we urge the FRA to proactively collect additional information on the Form regarding the weight distribution of trains, the number and placement of buffer cars, and the presence and operational mode of Distributed Power Units. The FRA can fulfill these requests without additional reporting requirements to the railroad by requiring them to attach the train manifest, train profile, and train work report to the Form.

By utilizing this existing documentation that the railroads already generate as part of their operations, we believe that the FRA will gather valuable information that can improve rail safety while not increasing the railroads' reporting burden. This approach is consistent with three reporting objectives listed in this ICR: (1) reduce reporting burdens; (2) organize information collection requirements in a "user-friendly" format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested.<sup>15</sup>

We hope the FRA will use this opportunity to do everything possible to prevent future derailments, injuries, and deaths.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", with a stylized flourish at the end.

Greg Regan  
President

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<sup>15</sup><https://www.federalregister.gov/documents/2023/04/21/2023-08413/proposed-agency-information-collection-activities-comment-request#footnote-1-p24657>