

May 8, 2007

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION and INFRASTRUCTURE  
SUBCOMMITTEE ON  
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS**

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**HEARING ON  
RAIL SAFETY LEGISLATION**  
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**TESTIMONY OF W. DAN PICKETT  
INTERNATIONAL PRESIDENT  
BROTHERHOOD OF RAILROAD SIGNALMEN**  
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Good Afternoon. I would like to thank Madame Chair Corrine Brown and members of the Subcommittee. It is an honor for me to testify today on the recent passage of H.R. 2095, The Federal Railroad Safety Improvement Act of 2007.

My name is Dan Pickett, and I am the International President of the Brotherhood of Railroad Signalmen. The Brotherhood of Railroad Signalmen (BRS), is a labor organization with headquarters at 917 Shenandoah Shores Road, Front Royal, Virginia, 22630-6418. The BRS, founded in 1901, represents approximately 10,000 members working for railroads across the United States and Canada. Signalmen install, maintain and repair the signal systems that railroads utilize to direct train movements. Signalmen also install and maintain the grade crossing signal systems used at highway-railroad intersections, which play a vital role in ensuring the safety of highway travelers.

Madame Chair, I commend both you and Transportation and Infrastructure Committee Chairman James Oberstar for introducing this bill. This bill is long overdue. The BRS has always made the safety of our members, as well as the members of all the other rail crafts, our number one priority. A safe rail network is an efficient rail network, and this bill is the first step to improve that network.

The BRS has long advocated the reform of the Hours of Service Act. Title II of this bill, Employee Fatigue, will provide those reforms if passed into law. For too long, fatigue-related errors in the rail industry have contributed to rail worker injuries and deaths. This bill will correct many of the issues that lead to employee fatigue. The reforms to the Hours of Service Act contained in this bill are long overdue. Increasing the consecutive hours of rest from 8 hours to 10 hours has long been advocated by the Brotherhood of Railroad Signalmen. In addition, this bill prohibits railroad employers from communicating with signal employees by cell phone, pager or any other manner during rest time. Along with Fatigue Management Plans, the BRS believes that this legislation will reduce accidents and incidents related to employee fatigue.

The Federal Railroad Safety Improvement Act contains provisions that have been long overdue in Title III, Protection of Employees and Witnesses. It is unfortunate that in our industry there still remain railroad managers who resort to harassing and intimidating employees in order to get those employees to either perform unsafe tasks or not report hazardous conditions they encounter during their duties. The Federal Railroad Safety Improvement Act seeks to correct those situations by strengthening whistleblower protections.

Employees want to go to work and perform their duties in a safe manner and come home to their families in the same condition when they last left them. When an employee speaks up about an unsafe procedure, he knows that his comments will not be well received and they will bring unwanted focus on him. But employees do speak up, and when they do they need the protections provided in this section so they do not have to suffer job loss or any lesser evil for trying to perform their duties safely and correctly.

The BRS has long advocated the need for improved safety legislation for highway-rail grade crossings. Title IV of H.R. 2095 provides for the establishment of a required toll-free number which will aid the railroads in complying with 49CFR234, *Grade Crossing Signal System Safety*, Subpart C - *Response to Reports of Warning System Malfunction*, Section 103, *Timely Response to Report of Malfunction*. The establishment of the toll-free notification number will allow the public to provide more timely reports of highway-rail grade crossing signal malfunctions, which in turn allows a quicker response time to these reports, and ultimately will reduce accidents and incidents at these crossings.

In addition, this bill provides language that will develop criminal and civil penalties for grade crossing violations. While there have been many advancements in grade crossing signal system technology that provides protection for the traveling public at highway-rail grade crossings, even the most high-tech equipment is useless if the traveling public does not obey the warnings they receive. Enforcement of laws and the penalties that come with non-compliance are critical in order to increase safety at highway-rail grade crossings and reduce accidents and incidents to the traveling public who traverse these intersections along with the train crews who pilot the trains.

The BRS is a long time advocate of maintaining an up-to-date highway-rail grade crossing inventory. The BRS commends the language contained in Title IV, Grade Crossings, Section 405, Accident and Incident Reporting. By conducting audits in the time frames contained within the legislation, the FRA and the rail industry can ensure that they are getting all of the requisite data relating to highway-rail grade crossing accidents and incidents so that any decisions that are based on that information and any conclusions drawn by that data will then be accomplished with viable up-to-date data.

It is and has been the position of the BRS that the FRA is understaffed. Lacking the requisite number of inspectors prevents the FRA from ensuring compliance with federal regulations throughout the rail industry. This bill will increase the number of inspectors that are needed to ensure proper accident incident reporting.

In Title VI, Miscellaneous, Section 601, Positive Train Control Systems, the suggested language requires that within 12 months, the railroads develop and submit a plan to the Secretary implementing Positive Train Control (PTC) Systems by December 31, 2014. The BRS concurs with the requirements of this section. The time has come for the implementation of PTC systems in order to prevent many of the accidents/incidents that are occurring today. The Federal Railroad Safety Improvement Act of 2007, if passed into law will implement this long overdue requirement.

In addition, the BRS agrees with the provisions contained in Title VI, Miscellaneous, Section 602, Warning in Nonsignaled Territory. The hardware and software is available today to prevent many, if not all of the accidents/incidents involving misaligned switches in nonsignaled territory. It is critical that we as an industry make every effort to

prevent these tragic accidents. As railroads continue to increase capacity, these types of accidents will likely increase if we do not take any action.

As the complexity of all railroad equipment increases, it is important to make sure that all employees have the necessary training to perform their duties. For signal employees it is critical to be properly trained in order to perform the required installation, maintenance and repair of signal equipment. That is why the BRS praises the provisions contained in Title VI, Miscellaneous, Section 605, Minimum Training Standards.

While there have been improvements in the treatment of injured railroad employees, the Federal Railroad Safety Improvement Act of 2007 provides language to ensure that all injured railroad employees get the proper medical treatment for any on-the-job injuries. No employee starts their day thinking this is the day they will get hurt or die. However, injuries occur, and when they do, the injured employee should not have to worry about reporting the injury, let alone getting the proper treatment for the injury. That is why the language contained in Title VI, Miscellaneous, Section 606, Prompt Medical Attention, will address this issue if the bill is passed into law.

## **Conclusion**

Madame Chair, H.R. 2095, The Federal Railroad Safety Improvement Act of 2007, is a giant step toward improving safety on the nation's railroads. This bill addresses many issues that are important to Railroad Signalmen. Issues such as reorganizing the Federal Railroad Administration, addressing employee fatigue, providing for the protection of employees and witness of accidents/incidents, grade crossing issues, and enforcing regulations are only a first step. This bill, if passed into law, will improve rail safety across our nation.

On behalf of the Brotherhood of Railroad Signalmen, I congratulate all who helped craft this bill, and I appreciate this opportunity to testify before this subcommittee today. At this time I would be glad to answer any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "W. Dan Pickett". The signature is written in a cursive style with a large, prominent "W" and "P".

W. Dan Pickett  
International President