



Before the 63rd Constitutional Convention of the Nevada State AFL-CIO,
A RESOLUTION;

WHEREAS the safety of the public in regard to the risks associated with the transportation of freight by rail is best served by BOTH implementing new safety technology AND assuring that freight trains continue to be operated by a crew of at least two professionals; and

WHEREAS to this end, the Nevada State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen, a member of the Rail Conference of the International Brotherhood of Teamsters, fought for and successfully achieved legislation in the State of Nevada during the 80th Nevada Legislature requiring freight train crews of at least two persons; and

WHEREAS the success in achieving this legislation involved the outstanding support of the Nevada AFL-CIO and its affiliates; and

WHEREAS subsequent to such laws passing in Colorado, Nevada, and Illinois this year, the Federal Railroad Administration (FRA), under the leadership of a corporate-friendly appointee of the Trump Administration, took action serving no other purpose than to create preemption of the state laws passed addressing the issue of train crew size without otherwise addressing the issue; and

WHEREAS FRA's arbitrary and capricious action in this matter is to the detriment of the safety of the public, which the agency is responsible for protecting, therefore making the need to pass Federal legislation requiring freight train crews of at least two persons paramount;

NOW, THEREFORE, BE IT RESOLVED that the Nevada AFL-CIO and its affiliates hereby commit to lending their support to the Brotherhood of Locomotive Engineers and Trainmen as it fights to reverse the adverse action of the FRA and pass Federal legislation requiring freight train crews of at least two persons.

Submitted by the
Nevada State Legislative Board
Brotherhood of Locomotive Engineers and Trainmen
Teamsters Rail Conference

Adopted by the
Delegates to the 63rd Constitutional Convention
Nevada State AFL-CIO
August 29, 2019



MINIMUM TWO-PERSON FREIGHT TRAIN CREWS - SAFER FOR YOU, SAFER FOR US!

Why is there a need for crews of at least two persons on freight trains?

- The Federal Railroad Administration (FRA) has conducted studies regarding the numerous tasks train crew members must give attention to during operation of freight trains. These studies have concluded that these many tasks, often requiring attention simultaneously, are best addressed with multi-person crews.

What is at risk?

- Every day in Nevada, freight trains are moving thousands of tons and millions of gallons of hazardous materials – commodities such as chlorine, anhydrous ammonia, liquefied petroleum gas, gasoline, and even high explosives. An accident involving these materials puts at risk not just the lives of railroad employees, but the public as well. Discussion of rail safety requires acknowledgment of the fact that the public bears a risk as the result of the movement of freight by rail.

What is the benefit to requiring that freight trains continue to be staffed by crews of at least two persons?

- The desire of U.S. freight rail carriers to reduce crew size has nothing to do with ensuring safest possible operations, it is solely about cost savings. However, in its 2016 proposed rulemaking to require freight train crews of at least two persons, FRA said this: "This rule would break even through prevention of a fatal injury or high consequence accident, any one of which alone occurring over a 10-year period would justify the costs."

Do additional crew members enhance safety?

- "The two-person crew performing switching that required the use of main track switches would have benefited from an additional crew member. . ." - National Transportation Safety Board, presenting the findings of its investigation of a fatal train collision in Cayce, South Carolina.

Why is Federal legislation needed?

- In spite of numerous findings highlighting the safety benefits of two-person train crews by the agency, the current Administrator of FRA (a former railroad company President and COO) arbitrarily withdrew the proposed rulemaking in May, stating there was no evidence supporting it. Further, he declared that his action established Federal preemption of state laws regarding crew size, such as the one passed in Nevada this year, rendering them unenforceable. While legal challenges to FRA's action are pending, Federal legislation would address the issue absolutely.

URGE CONGRESS TO PASS THE SAFE FREIGHT ACT!

- **H.R. 1748** – Nevada Representatives Lee, Horsford, and Titus are co-sponsors
- **S. 1979** – Nevada Senator Rosen is a co-sponsor