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## *House of Representatives*

# LET'S MAKE SURE THE RAILROADS ARE SAFE!

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

**MR. FILNER:** Mr. Speaker, we have had in this Nation in recent weeks several high-profile train accidents, one in Southern California and one in Florida. In light of these accidents and in light of ongoing problems with railroad safety, I have asked the chairman of the Subcommittee on Railroad on the Committee on Transportation and Infrastructure, the gentleman from New York (Mr. *Quinn*), and his ranking member, the gentleman from Tennessee (Mr. *Clement*), to hold a hearing and consider new legislation on railroad safety.

As my colleagues know, an Amtrak auto train crashed and derailed near Crescent City, Florida, last month. While the National Transportation Safety Board is still investigating, we have to wonder if the four deaths and over 100 injuries could have been prevented by the previous enactment by this body of real railroad safety legislation.

In the Southern California crash, a Burlington Northern engineer and conductor missed a yellow light that should have signaled them to slow their freight train down. Instead, they barreled head on into a Metrolink commuter train, killing two people and injuring almost 200 more. We simply cannot tolerate any more of these preventable accidents.

Various investigators in the media have looked at these accidents. In Los Angeles, the KCBS station said in a report: "Apparently there was no warning, no audible alarms, no automatic breaking system on the Burlington Northern train in Southern California. It all came down to one yellow traffic light and only two pairs of eyes. If they had seen that yellow signal, they would have had time to stop and prevented the accident."

According to the Federal Railroad Administration, the number one cause of train accidents today, and there is one every 90 minutes in this country, Mr. Speaker, is human error. And most of that human error comes from fatigue. We know that. And yet this body has not acted.

The leading expert in this Congress on railroad safety is my good friend and colleague, the gentleman from Minnesota (Mr. *Oberstar*). He has introduced in the past, and he will introduce again

tomorrow, a bill which should have been enacted many, many years ago. This year it is called the Railroad Safety Reform Act of 2002. The gentleman from Minnesota (Mr. *Oberstar*) and I will introduce this tomorrow in this body.

The bill goes into fatigue of employees of railroads; it goes into how employees and witnesses ought to be protected against any intimidation by railroad owners. It talks about grade crossing safety and passenger service safety standards, rulemaking and enforcement, and talks about technology. Unfortunately, my colleagues, the technology on railroads in this Nation today, the freight railroad system specifically, goes back to the 1930s.

We have to do a better job of protecting both the employees and our constituents from railroad accidents in the future. We can regulate, as we do with the airline industry, hours of work, amount of rest that is needed, amount of warning before people have to go on in shifts. Today, there are no such schedules. People can be required to go to work with just 2 hours' notice. If they work less than 12, they only have 8 hours off the next day. If they work more than 12, they are only guaranteed 10 hours off. These rules do not even take into account travel time from the worker's home. So the folks who are driving these trains, who are working as conductors, can be dead tired, literally dead tired, with the rules that we have today.

If I may quote one more time, Mr. Speaker, from the KCBS-TV report. They interviewed several employees from trains that have had accidents, and they acknowledge that they are tired. Their eyes are open, but they are just not there. There was one time a guy had fallen asleep and looked over and found his fellow conductor had also fallen asleep. Both of those in the locomotive were asleep at one time. One of the engineers says he averages 330 workdays a year.

My colleagues, we have to take these accidents seriously. Let us have this hearing. Let us mark up the bill of the gentleman from Minnesota and let us pass the Railroad Safety Reform Act of 2002.