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U.S. Department of Transportation

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The Subcommittee on Railroads, Pipelines, and Hazardous Materials
The State of the Rail Workforce
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Chairman Lipinski, Ranking Member Crawford, and Members of the Committee . . .

Thank you for the opportunity to testify today to discuss rail safety and the Federal Railroad Administration's (FRA) role in ensuring the safety and efficiency of our nation's rail system. The mission of FRA is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future. With Secretary Elaine L. Chao's leadership, FRA executes its mission in many ways. FRA enforces critical safety regulations and partners with industry to develop and promote both regulatory and non-regulatory solutions to safety issues. FRA also seeks to manage federal investments in rail infrastructure in a cost-effective and efficient manner, and pursues research and development to advance innovative technologies and best practices in railroad operations and maintenance. With a cadre of almost 400 railroad safety inspectors across the nation, FRA not only conducts traditional safety inspections and investigations, but FRA inspectors also forge strong collaborative relationships with railroad employees and seek opportunities to partner with those employees to ensure the safest rail working environment possible.

In recent years, we have seen great advances in railroad safety – both the train accident rate and the railroad employee injury rate have declined. Despite these advances, rail accidents and employee injuries do occur. FRA considers one rail accident or one employee injury one too many. As the demand for both freight and passenger rail transportation in the U.S. grows, FRA recognizes its responsibility to ensure rail operations are the safest they can be, not only for the traveling public and the communities through which railroads operate, but also for the highly skilled employees who work diligently on the rail system every day.

Safety is FRA’s top priority. FRA believes safety and innovation go hand-in-hand. From implementation of Positive Train Control (PTC) technology, to proactively addressing safety risks through our voluntary close call reporting program, to initiatives addressing the persistent challenges of grade crossing safety and the prevention of trespassers on railroad property, FRA believes both people and technology play critical roles.

FRA addresses safety risks using a risk-based, proactive approach, focusing resources on the top safety issues while continuing innovative research to further advancements in rail technology and investing in rail infrastructure. Last week, FRA announced the selection of \$326 million in grant funds under the Consolidated Rail Infrastructure and Safety Improvements grant program, with significant investments directed towards grade crossing, track, signal, and bridge improvements.

Today, I would like to highlight the top safety issues FRA is prioritizing – PTC, trespassing prevention, grade crossing safety, and FRA’s Close Call Reporting Program (commonly referred to as C³RS).

Positive Train Control

Railroads' successful implementation of PTC remains at the top of our agenda. As I've said before, implementation of PTC in rail operations represents the most fundamental change in rail safety technology in a century. PTC uses industry-designed emerging technologies to monitor speed and automatically stop trains to prevent specific human-error accidents. With the Secretary's leadership, we have prioritized grant programs for PTC and helped railroads make significant progress towards full PTC implementation on the required main lines. As of March 31, 2019, PTC systems were in operation on over 48,000 of the nearly 58,000 route miles subject to the statutory mandate – with the majority of implementation occurring in the last two years. All 41 railroads subject to the statutory mandate complied with the December 31, 2018, requirements prescribed under the PTC Enforcement and Implementation Act of 2015. Specifically, four host railroads fully implemented FRA-certified and interoperable PTC systems on their required mainlines by December 31, 2018, and the other 37 railroads sufficiently demonstrated they met, and in many cases exceeded, the six statutory criteria necessary to qualify for an alternative schedule and sequence to reach full implementation by December 31, 2020.

With approximately 20 months remaining until the statutory deadline, the Department and FRA will continue to provide extensive technical assistance and perform comprehensive oversight, to both host and tenant railroads, and hold each railroad accountable for the timely implementation of an interoperable PTC system on all lines subject to the statutory mandate. Following the series of PTC symposia held throughout 2018, FRA has already held two of six collaboration sessions planned in 2019-2020. These sessions bring together stakeholders to share best practices and jointly address key challenges. FRA PTC field staff continue to

prioritize technical assistance based on each of the 37 host railroads' risks to full implementation, with a specific focus on testing, revenue service demonstration and interoperability. In support of our FRA PTC field staff, and to support railroads interoperability challenges, this summer FRA plans to meet with each of the 101 Class II and III tenant railroads required to implement PTC by their host railroad to offer technical assistance with respect to PTC system implementation.

Trespassing Prevention and Grade Crossing

Also at the top of FRA's agenda is the prevention of trespassing incidents on railroad property and increasing grade crossing safety. Trespassing on railroad property is the leading cause of all rail-related deaths in the United States. Grade crossing incidents are the second. Together, over the past 10 years, they have accounted for more than 95% of all rail-related fatalities. One of my top objectives this year is to lead, promote, and strengthen efforts among all public, private, and government stakeholders to increase awareness of grade crossing safety issues and trespasser prevention strategies. Preventing trespassing and improving grade crossing safety is critical not only to save the lives of those involved, but also to help ensure railroad employees do not needlessly have to suffer the severe psychological and emotional consequences such incidents may cause.

Trespassing Prevention

Last year, at Congress's direction, FRA developed a national strategy to prevent trespassing incidents. FRA's strategy recognizes that trespassing is a complex problem and

solutions will necessarily differ based on localized circumstances. FRA identified the top 10 U.S. counties with the most railroad trespasser casualties in recent years.

FRA's strategy focuses on four strategic areas: (1) data gathering and analysis; (2) community site visits; (3) funding; and (4) partnerships with affected stakeholders. Success of our national strategy, however, depends on meaningful input and participation by all stakeholders – including State and local governments, railroads, labor organizations, and the public – as well as the availability of funding.

FRA intends to hold trespasser prevention summits in each of the top 10 counties identified. The summits will include local community leaders, law enforcement, the railroads operating in and through the county, the public, and FRA, with the goal of identifying trespassing hotspots within the community, developing local improvement recommendations for trespass mitigation and fatality prevention, assisting with trespasser prevention outreach campaigns, and ensuring all stakeholders are equipped with the necessary information on the availability and process for applying for various forms of FRA grants and other funding.

Improving Grade Crossing Safety

Highway-rail grade crossing incidents are the second leading cause of rail-related deaths, accounting for approximately 30 percent of all rail-related fatalities and are the top cause of all railroad accidents. Increasing grade crossing safety will not only reduce the number of fatalities, but it will also improve the safety and efficiency of the rail transportation network. FRA expects the risk of highway-rail grade crossing incidents to grow as both train and highway traffic increases during the next decade.

In October of last year, the Department hosted the first Highway-Rail Grade Crossing Safety and Trespass Prevention Summit. The event brought together safety advocates, railroads, labor organizations, law enforcement, and both Canadian and U.S. transportation officials to exchange ideas and begin developing best practices on implementing a coordinated national response to the growing problem of trespassing incidents on railroad property and to increase grade crossing safety. At the conclusion of the Summit, FRA committed to hosting a series of listening sessions to identify technology to improve the functioning of grade crossing warning systems and safety, as well as barriers to implementation.

This past spring, FRA hosted those listening sessions. We brought together railroads, labor organizations, signal equipment manufacturers, trade and advocacy groups, technology companies, and representatives from federal, state, and local governments to discuss ways of improving grade crossing safety through technology. Participants discussed demonstrated and emerging technologies that could be used to improve grade crossing safety and ideas for needed regulatory changes to help field new grade crossing technology. Ideas included both highly complex technological improvements and lower tech improvements. FRA is using all the information and ideas gathered through this symposium to develop a three-year plan to improve grade crossing safety. We will hold a follow-up symposium this fall to continue the dialogue with all stakeholders. We will continue to collaborate with our modal partners including the Federal Highway Administration, Federal Motor Carrier Safety Administration, and National Highway Traffic Safety Administration, to provide ongoing assistance to all stakeholders, and develop and promote new tools and resources to support grade crossing safety.

Confidential Close Call Reporting System (C³RS)

C³RS is a voluntary FRA program enabling participating railroads' and their employees to improve the safety culture of their organizations and to proactively identify and address safety issues before accidents occur. For properly reported and qualifying close calls, employees are protected from company discipline, and both employees and railroads are protected from FRA enforcement. Root cause analysis is conducted on individual close call events, and collectively, safety hazards are identified. Railroads are then empowered to develop solutions to proactively mitigate or eliminate the identified hazards, thus avoiding the costs and often devastating consequences of an accident or incident.

FRA first piloted the C³RS program in 2007 with the train, yard, and engine craft employees of 4 railroads. Since then, the program has grown to 15 railroads with over 23,000 employees involved from all crafts.

On participating railroads, several tangible safety improvements have resulted from the C³RS program thus far. Most notably, derailments caused by human factors are down 41 percent and derailments caused by run-through switches are down 50 percent. The program has also led to more qualitative benefits such as improved collaboration between labor and management on safety improvements, and in several instances, the discovery of multiple factors playing a role in a single event, leading to more systemic corrective actions. This level of collaboration and data analysis is often stifled in the traditional environment of railroad discipline.

FRA is actively working to increase railroad and employee participation in the program and to identify alternative funding sources for the program. Specifically, FRA is evaluating ways to allow industry to provide funding for the program and how to potentially leverage

machine learning technology to effectively automate the processing of close call reports in the future.

Going forward, FRA is prioritizing the expansion of the C³RS program, along with other industry partnerships designed to ensure a transparent sharing of information among all stakeholders and enabling the effective identification, analysis, and mitigation or elimination of risks throughout the rail operating environment.

Conclusion

FRA has a responsibility to the public, to railroad employees, and to railroads themselves to lead industry to the next generation of safety improvements. FRA is committed to continuing to work with all stakeholders to achieve this new level of safety. This next generation of safety improvements will necessarily involve change. One constant that will remain, however, is FRA's commitment to working with all stakeholders to achieve this new level of safety. FRA recognizes the unique position of railroad employees in ensuring safety both now and in the future. FRA safety inspectors are "on the ground" throughout the United States. While they are responsible for conducting periodic inspections for compliance with FRA's safety regulations and conducting accident investigations, they are also prime points of contact for railroad employees to share any concerns, suggestions, or ideas related to railroad safety. FRA has long-established processes and procedures in place to ensure the anonymity of any individual sharing safety concerns with the agency.

I believe that with clear and open communication and a commitment to safety among all stakeholders – including FRA, railroad employees, and railroad management – our nation's rail industry can become safer and stronger than ever before.