

# Railroad accident investigator speaks on US rail safety

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Railroading has always been a dangerous industry and profession, though technology and regulation have gradually improved the safety record. Nevertheless, certain derailments in 2013 have again raised questions about how safe current operations are, and whether the industry is avoiding certain steps to improve safety.

The slightest lapse in attention or judgment of a railroad engineer, at the control of thousands of tons of speeding iron, can result in tragedy. Mechanical or technological failures can lead to the same results. No employee or system operates perfectly all the time.

In response, the National Safety Transportation Board has stated for nearly two decades that a new form of signaling should be implemented—Positive Train Control (PTC). It uses GPS to provide real-time information about train location that is cross-checked to other changing factors. If something is wrong and the crew is unaware, it can stop the train, and therefore provides another layer of prevention against accidents.

The US Congress passed a law requiring it to be in use by 2015, but both private freight and public passenger railroads are pushing for indefinite delays, claiming a lack of finances.

The *World Socialist Web Site* spoke with John Hiatt, a former railroad engineer who has been an investigator for the Bremseth Law Firm with a focus on railroad accidents for the past 20 years. In his work, Hiatt often represents injured railroad employees, and he has also testified before federal agencies about railroad safety issues affecting both employees and the public.

WSWS: What do you think is the state of rail industry in North America at present?

JH: It is teetering on real dangerous times. I believe there are a combination of factors that can create the perfect storm and lead to accidents. Crews face persistent issues of fatigue, overload, and thousands of rules that they have to adhere to. It is not always the case that they

get 8 hours off between shifts. A lot of time is spent getting to work and going to work, so you are looking at 6 hours of sleep if you're lucky. Plus, when you get off, you are pretty wired up after working all day at what is, at times, a high-tension job, so it's not like you always go right to sleep.

There are so many other responsibilities for the engineer—blowing the horn for crossings, reading signals, handling the train and operating it properly—a lot of things that open up the potential for slip-ups over the course of a long shift.

What are your thoughts on the derailment of the Metro North commuter train last week in New York City?

JH: I think it is an example of an accident that should not have happened if PTC was in place. From what has been said, it seems that the engineer was a pretty good employee who got stuck in a spot anyone can—where for a moment you daydream and slip up.

PTC would give backup, peace of mind, it is a safety net for circumstances like this. [PTC would have recognized that the train was not slowing for a curve, possibly in time to introduce emergency braking that would have prevented or reduced the severity of the derailment.]

Plus, in the case of other accidents, sometimes signals and other equipment fail. Twenty years ago in a train collision on the Burlington Northern railway in Kelso, Washington, 5 lives were taken for absolutely no reason other than poor signal equipment—signals for trains coming in different directions were both showing clear. The railroad tried to blame the employees, all of whom were experienced. They even tried to sue the families for property damage, but investigation showed that the signal in the case had a history of technical malfunction that had not been addressed, despite being reported.

WSWS: Why are railroads resisting the implementation of Positive Train Control?

JH: Well, they say there is no money, but these are big

railroads. If they were to start putting money away for it when first asked about it many years ago, there would have been no issue. Instead, they knew lobbyists would buy them more time. How long do we go before we have a major passenger train accident, where two passenger trains crash into each other? As far as I can tell, they are doing bean counting. For them, it is way cheaper to deal with accidents than it would be to implement PTC.

The lack of PTC is something seriously, seriously wrong, and it's going to keep getting worse until they do something to address it. To keep saying "well, this guy fell asleep at the controls," well what does that do? It puts the public in the mindset that "well, this guy was an idiot, this guy wasn't paying attention" and it takes their mind off why there wasn't some other system in place.

In this day and age, with the technology that we have, how can it be overly expensive? Another item to note—some of the major railroads, for instance, BNSF and Union Pacific—they have in-cab cameras. Through that, they have live views of the movement of their trains to record employees as protection against lawsuits, but not tied to any safety system. Plus, they have a huge surveillance program where if an employee gets injured, they spend a ton of money to follow them around and take pictures, which is fine, but they spend that money, yet can't afford to put a Positive Train Control System? To say that BNSF—owned in part by Warren Buffet—doesn't have the money? That's window dressing, unless it is because they have to give a CEO a multimillion dollar bonus.

WSWS: How are railroads keeping up with investment in infrastructure? Does it play a role in safety?

JH: Well, I can say that we are representing several people that are getting beat up because of rough track that the engines pass over. We've had ruptured kidneys, and get herniated disks all the time. Sometimes the overall suspension of the locomotive bottoms out when they hit a low spot in the track. It can feel like hitting your tailbone on cement, and over time, it has a real impact on the crews. Railroads are spending money on improving track conditions, but it is a continuous cycle and in some cases, the traffic expanding faster than the maintenance.

I want to note one issue that I see with clients that is generally unmentioned: seats on locomotives are a source of long-term injury, because they are welded to the frame on the engine with no shock absorption. Years ago the truck industry adopted air-ride seats to solve this problem, but not the rail industry. Sitting in these, day in and day out, causes long-term back problems that go unrecognized

or contested by the railroads.

There are two areas they cut first—maintenance and security. They will also cut (operating) employees when traffic falls, but it can pick up faster than they can train and hire employees to handle it. It used to be when you got the job, you were protected. Now, guys will work for 3 to 4 months, then get laid off for 3 to 4 months, or get moved to a new terminal where they are given only brief training to get familiar with new territory.

WSWS: How about safety and staffing on short lines, which operate many of the smaller lines that the large railroads sold off in the last few decades?

My view is that short line railroads were created to save the big railroads money. A classic example is the Montana Rail Link. Burlington Northern leased them a large portion of main route through Montana. Most of the traffic is still Burlington Northern (now BNSF) trains going from end to end.

What they did—and all they did—is circumvent the union contract. They didn't like the terms, so they took this one piece of line in the middle of everything out, and called it a short line railroad, and a bunch of guys who work on it get a lot less money. The railroad was awarded "Short Line of the Year," but in reality, their employees are working very hard for less money, feel intimidated by management, and can't report injuries. Meanwhile, Dennis Washington, the [billionaire] owner of Montana Rail Link, is making a ton of money.

In other cases, I've seen injury cases related to a lack of regulatory oversight. On short lines and industries in rural areas, it can be like the Wild West. There is just no oversight. I had a railroad employee who was injured when an employee of a grain elevator tried to move railroad cars with a front-end loader, unaware that the railroad employee was between cars. He luckily escaped death, but was still injured.



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