

# Following death of workers, report indicts safety at New York Metro-North rail system

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The Federal Railroad Administration (FRA) issued its Operation Deep Dive Safety Assessment of the Metro-North commuter railroad last week. The report came days after James Romansoff, an eight-year Metro-North worker in the power department, was killed working on the tracks at 106th Street and Park Avenue in East Harlem, when he was struck by a northbound train at 12:54 AM.

The unprecedented FRA 60-day investigation of a commuter line was launched after the fourth major accident in 2013 on Metro-North, which serves the northern suburbs of New York City. This occurred on December 1, when a Hudson line train failed to slow down coming to tight curve near the Spuyten Duyvil Station in the New York City borough of the Bronx. The resulting derailment killed four passengers and injured over 70 others.

Another accident happened on May 17, when an eastbound train on the New Haven line, another Metro-North division, derailed and ran onto adjacent tracks where a westbound train coming 20 seconds later crashed into it sending more than 50 passengers to the hospital. On July 18th a third accident occurred on the tracks of the Hudson line when a CSX freight train derailed tearing up tracks and overturning train cars along a narrow curve near Spuyten Duyvil.

There was another major accident May 28, when a New Haven line commuter train traveling at 70 miles per hour in West Haven, Connecticut struck and killed a maintenance-of-way supervisor who was doing inspection work on the tracks. According to the National Transportation Safety Board's (NTSB) preliminary investigation of this deadly incident, the maintenance-of-way workers established exclusive track occupancy on the tracks to do their work, but a rail traffic controller (RTC) trainee accidentally removed these signals from the computer console allowing a train to proceed at full speed into the active work zone and kill the track worker.

The 31-page FRA Assessment concluded that, "This emphasis on on-time performance, combined with increased volume of train activity, appears to have led managers and supervisors to allow inspections maintenance and employee

training to lapse. This, in turn, led to a deficient safety culture which manifested itself in increased risk and reduced safety on Metro-North."

A record 83.4 million passengers rode Metro-North, the second largest commuter railroad in the country, last year. Despite the critical importance of this system, the various divisions of the Metropolitan Transportation Authority (MTA), which oversees public transportation in the New York City metropolitan area, including Metro-North, have suffered years of budget cuts resulting in the inevitable deterioration in safety. In 2010, the MTA implemented a cost-cutting plan which is aimed at reducing its operating budget by over \$1 billion by 2017.

By focusing blame for the deterioration in safety on an over-emphasis on timely performance, the FRA is diverting attention from the main cause of these increasingly frequent accidents—the failure to make adequate investments in routine maintenance, upgrade of equipment, and installation of the latest safety innovations—creating the impression of an antagonism between safety and timely service.

The true cause of the Metro-North's safety crisis, a lack of necessary investment to keep up with growing demand, became evident during the Grand Central Terminal press conference announcing the official release of the Operation Deep Dive Safety Assessment. During 2013, the three Metro-North lines carried a record number of passengers. According to Metro-North, the average number of weekday trains running on the Hudson, Harlem, and New Haven lines has increased by 15 percent since 2004. In 2013, the number of such trains increased from 652 to 690, an increase of nearly 6 percent. Ridership has doubled since 1983 and increased by 11 million since 2003.

The railroad's new president, Joseph Giulietti, described Metro-North's failed safety culture this way, "At some point this culture turned into one of 'How many trains can we get in there, and how fast can those trains get there.'" The framing of the problem as a failure of a "culture" seeks to mask the true cause—a failure to provide adequate funding. Somewhat more truthfully, Joseph Szabo, the

FRA administrator, queried whether capacity limitations compelled Metro-North to “squeeze 11 pounds into a 10 pound gunny-sack.”

The FRA’s Operation Deep Dive investigation was conducted by 14 teams of railroad operation experts, and their findings are a checklist of critical safety deficiencies and violations that fully justify the conclusion that there has been a criminal neglect of safety at Metro-North. In their report, “The FRA found that the overall track inspection process needs to be improved. These are the areas of concern: (1) inadequate supervision of the track program and inadequate training of track inspectors, (2) the general state of Metro-North’s track maintenance, and (3) the lack of time available to complete track inspections or repair.”

There has been no preliminary report or findings of any kind by the NTSB or FRA concerning the CSX freight train derailment on Metro-North tracks July 18. Ten cars derailed causing a great deal of damage and requiring extensive track repair. This should have provided a significant perspective on the conditions and problems with Metro-North track, particularly in that area. Nevertheless, the potential track risks and the failure of safety procedures due to inadequate resources at the railroad become abundantly clear with the FRA’s finding that, “Track Department employees expressed the view that it is difficult for them to get the track time needed to make the necessary track repairs.”

The FRA described Metro-North’s “Ineffective Training Department” this way: “The overall training of Metro-North employees is inconsistent and often fragmented. Further, the railroad lacks an efficient recordkeeping system of employee training. In response to the retirements of many experienced employees, Metro-North hired approximately 700 new employees in 2013, and they expect to hire 800 new employees in 2014. An effective training program for new and existing employees with accurate documentation is critical for safe operations.”

With respect to “Successfully implementing PTC,” the federally mandated Positive Train Control system that most experts say would have prevented the fatal December 1 accident, the FRA Appendix holds out little hope this system will be installed any time soon and lobbies for its own budget funding to assist the austerity plagued public commuter lines. Operation Deep Dive avoids the critical issue of government at every level slashing funds for mass transit and commuter railroads.

The FRA concludes, “It is unlikely that many railroads will reach the mandated deadline (for PTC installation) of December 2015. Commuter rail operations are cash-strapped and unable to obtain certain necessities for implementation, such as communications spectrum. The FRA’s budget proposes grants for these commuter railroads and research

and development for new technologies to improve rail safety.”

The FRA underscores “Maintenance-of-way Employee Fatigue” resulting from “weekday and weekend overtime (which) is common and sometimes extensive. In addition, as of February 2014, Metro-North had more than 100 vacancies owing to retirement of maintenance-of-way employees.”

These and other deficiencies are all the result of inadequate funding. Yet, there is no mention in the FRA report of the MTA’s \$32 billion debt or the fact that New York’s Governor Andrew Cuomo is trying to rob \$40 million in funds specifically dedicated to mass transit to pay off New York State’s debt.

The drive for budget cutting is expressed not only in the egregious deterioration in maintenance and safety, but also in management’s determination to address their budget difficulties by imposing major concessions on railroad workers.

Tens of thousands of transit workers in the city and on the two biggest commuter lines in the country—Metro North and the Long Island Railroad (LIRR)—have been working without a contract for years.

Last year, Metro-North conductors and engineers, organized in the Association of Commuter Rail Employees (ACRE), voted down a proposed no-wage-increase contract by 3 to 1. And, at the nation’s largest commuter line, the LIRR, the MTA has rejected an arbitration settlement, and the dispute is going through federal Railway Labor Act mediation procedures which will expire shortly before Election Day 2014. In New York City, subway and bus workers, represented by the Transport Workers Union (TWU) Local 100, have been working without a contract for two years. Union leaders have done everything in their power to avoid strike action.

As damning as Operation Deep Dive is on the safety failures at Metro-North, it is an even more of an indictment of the railroad unions, which have allowed conditions to persist in which train workers’ and passengers’ safety is in constant danger while, at the same time, the union leaders collaborate with management in attacks on workers’ living standards.



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