

Kansas State Legislative Board

International Association of Sheet Metal, Air, Rail, and Transportation Workers

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March 7th, 2023

The Honorable Senator Mike Peterson
Chair of Standing Committee on Transportation
Distinguished Members of the Committee
Kansas State Legislature, Senate
State Capitol, Room 546-S
300 South West 10th Avenue
Topeka, KS 66612

Re: SB271 — Limiting the length of trains to 8,500 feet on any main line or branch line and providing for minimum distance for storage of rolling stock.

Dear Sen. Peterson and Members of the Committee:

The Sheet Metal Air Rail and Transportation Workers (SMART) is a proponent of SB271.

SMART represents over six thousand members active and retired in Kansas. Our members work in all areas of transportation in the state, from railroad conductors, engineers, and various railroad positions. Our office is the transportation infrastructure throughout Kansas. We move our nation's freight safely and professionally.

Freight train length has increased in recent years; all seven Class I freight railroads told the Government Accountability Office, according to a July 2020 report, that their average train lengths had grown 25 percent or more since 2008, with some trains stretching longer than three miles.

Longer trains are affecting the public. Longer trains lead to crossings being blocked more often and for longer periods. Blocked crossings make it difficult, and sometimes impossible, for citizens to reach work on time or their destination. This creates a hostile environment for our members as well. There have been several times commuters or property owners have actually boarded our trains threatening crew members.

We are constantly blocking emergency access in times of crisis. It needs to be clear the crews are not doing this on a whim. We block crossings for two reasons: we can't fit longer trains in sidings and yards and are ordered to park where dispatching can fit long trains.

In the GAO report, state and local officials told the GAO of anecdotes of children across the country crawling through stalled trains to get to school and instances of emergency responders unable to reach the destination to get lifesaving help to citizens. Stories of people marooned in their homes or farms because of single driveway access on a rail crossing. THIS HAPPENS EVERY DAY IN KANSAS!

The American Association of State Highway and Transportation Officials Council discussed the issue late last year. “We’re all sitting around saying that we have the same problems,” said the council’s vice chairman, Matt Dietrich, executive director of the Ohio Rail Development Commission. The conversation was too little too late for Ohio.

Communication during an emergency is often hampered by long trains. Handheld radios the crew members use to communicate with the head end (locomotive) have a limited range; many do not reach distances over 8500ft, let alone 3-mile-long trains.

Crews responding to in-train emergencies can only be effective within certain distances. It is straightforward logic; if you have a train that is 3 miles long, it will take precious amounts of time to reach accidents by foot the further back from the locomotive. In rough terrain, it could take vital life-saving minutes away.

We can not have an honest discussion about train length if we don't discuss the other factors causing a massive surge in derailments across our nation. Yes, length is an issue, but what is often seen as the only culprit there is an added danger the length creates, WEIGHT. The longer a train is, the heavier a train is. Understand a train is extremely efficient in moving freight because it takes so little resistance to move on a rail. However, the same is true when it comes to stopping a train; the heavier the train, the longer it takes to stop. When derailments happen, the inertia of the weight behind the derailment continues to push more cars to the ground and off the rails. Weight is extremely dangerous not only for weakening infrastructure and wear and tear on equipment but also exacerbates derailments when they do happen.

Railroads have fought for decades not to be regulated. Kansas regulates truck weight; Kansas regulates speed limits; why are they different? Because they are the railroad? In fact, the K.S.A. has over 100 statutes published regulating railroads. No doubt they will do all they can to raise the preemption and interstate commerce smoke screen. But that is something said to get local and state legislators to drop the issue.

In 1945, the Supreme Court, in a case entitled *So. Pac. Co. v. State of Arizona ex rel. Sullivan*, 325 U.S. 761 (1945), held that the Arizona law on train length was preempted because of an undue burden on interstate commerce. That case is no longer controlling. It preceded the Federal Railroad Safety Act, which gave the states broad authority to regulate railroad safety. Since the enactment of the FRSA, the issue of undue burden on interstate commerce is relevant only when a state attempts to regulate a local safety hazard. **Title 49 U.S.C. 20106 makes this clear. It states:**

(a) National Uniformity of Regulation.—

(1) Laws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable.

(2) A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters) or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security when the law, regulation, or order

Fortunately, Kansas has said enough. Legislators in Topeka now have an opportunity to address the issue and make our communities, commuters, and emergency responders safer and able to respond to emergencies quicker.

SB271, introduced in the Kansas Legislature, states, "A railroad operating within this state is required to maintain certain minimum distances from the near-edge railroad crossings to railroad rolling stock stored on sidings. The minimum distance for storage of railroad rolling stock shall be 250 feet."

This section will help commuters have a better visual perception of rail crossings. All too often, crews are ordered to shove as many cars into sidings as possible because trains are too long. This creates situations where railcars make a very narrow gateway for commuters crossing grade crossings. Many deaths have occurred because motorists have not seen oncoming trains on lines next to the standing rails cars in storage.

We do recognize SB271 as a good first step when it comes to public safety. The public will benefit if the legislation is amended to include a minimum of two persons on each train in the state of Kansas.

Please Support SB271.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ty Dragoo", with a long horizontal flourish extending to the right.

Ty Dragoo
SMART-TD
Kansas State Legislative Board
Director/Chairman