



# Brotherhood of Locomotive Engineers and Trainmen

*A Division of the Rail Conference — International Brotherhood of Teamsters*

## NATIONAL LEGISLATIVE OFFICE

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**JOHN P. TOLMAN**

*Vice President and*

*National Legislative Representative*

October 15, 2007

Dear Representative:

On the behalf of the 59,000 members of the Brotherhood of Locomotive Engineers and Trainmen and the 1.4 million members of the International Brotherhood of Teamsters, I am writing to urge you to support H.R. 2095, the Railroad Safety Improvement Act of 2007. This legislation goes a long way towards addressing many unsafe conditions on our nation's railroads.

The most pressing of these issues is fatigue. The National Transportation Safety Board has, on numerous occasions, pointed to crew fatigue as a potential contributing factor in railroad accidents. H.R. 2095 goes a long way towards addressing fatigue by amending the Hours of Service Act (49 U.S.C. ch.211). The legislation substantially limits the industry's manipulation of the Hours of Service Act through the use of a practice known in the industry as "limbo time." Limbo time was defined by the Supreme Court in 1996 as neither time on duty nor time off duty. Limbo time occurs when train crews exhaust their 12 hours of service and are left on the train waiting for another crew to relieve them.

The statistics we have regarding the abuse of limbo time are striking. On one Class I railroad, nearly 335,000 crews had work tours in excess of 14 hours during the years 2001 through 2006. This is an average of over 150 crews exceeding the Hours of Service by two hours every day for six years. However, during the last three years of the study, the average is over 205 crews per day. During that same period, an average of about 94 crews per day had work tours longer than 15 hours.

Interestingly, when a crew is abandoned on a train for 4, 8, 12, or 20 hours, all of the freight being carried by that train also is left in "limbo." Limbo time severely disrupts delivery of just-in-time parts and supplies. It also wastes countless gallons of diesel fuel because the locomotives must be kept running so that the train's braking system remains operational — squandering an increasingly expensive and scarce resource and not to mention the pollution.

Not only is limbo time bad business for America, it is bad business for the railroad industry itself. Every hour a crew — and its train — spends in "limbo" reduces velocity. Increasing velocity means freeing up locomotives, cars, and crews for more productivity. A dramatic reduction in limbo time is good for railroads, workers, the economy, consumers, and the environment. While we would prefer no limbo time, H.R. 2095 caps the amount of limbo time at 10 hours per employee per month after three years, which is a step in the right direction, and will both abate fatigue and speed the delivery of goods across the country.

H.R. 2095 contains many other provisions which will positively impact the safety of the railroad industry. I would like to again urge you to consider supporting this important piece of legislation. If you have any questions concerning the most significant piece of rail safety legislation in decades, please contact my office.

Sincerely,

Vice President and National Legislative Representative