

By: Chavez

H.C.R. No. 171

CONCURRENT RESOLUTION

1 WHEREAS, At a time when many rail cars crossing the
2 Texas-Mexico border carry hazardous materials, posing a
3 significant threat to public health and safety in the event of a
4 collision, derailment, and subsequent release, whether accidental
5 or as a result of a targeted attack by terrorists, the failure of
6 the Federal Railroad Administration, U.S. Department of
7 Transportation, to issue mandatory safety regulations for remote
8 control locomotive operations is a glaring omission in our nation's
9 homeland security efforts; and

10 WHEREAS, The three major railroads serving Texas are using
11 remotely controlled locomotives to switch rail cars and make up
12 trains at rail yards across Texas, including those in El Paso,
13 Laredo, and other Texas border cities, according to the Railroad
14 Commission of Texas; and

15 WHEREAS, The Federal Railroad Administration admits that
16 compliance with recommendations it issued in 2001 to guide the rail
17 industry in using remotely controlled locomotives is voluntary and
18 that not all of the recommendations have been adopted by all of the
19 nation's railroads; and

20 WHEREAS, In its May 2004 interim report on the safety of
21 remote control locomotive operations, the Federal Railroad
22 Administration also acknowledges that certain types of human error
23 may be more likely to occur in remote control locomotive operations
24 than in conventional switching operations; and

1 WHEREAS, Despite a number of reported accidents related to
2 unmanned locomotives, a worker may operate a remotely controlled
3 locomotive after only 80 hours of training; in contrast, a
4 locomotive engineer is required to take up to eight months of
5 training before receiving certification to operate a locomotive;
6 and

7 WHEREAS, An example of what can happen when hazardous
8 materials are moved by a locomotive with no engineer on board
9 occurred in 2004 when four rail cars went off the tracks in an East
10 St. Louis rail yard, setting fire to a spilled chemical and
11 sickening students at a nearby high school; and

12 WHEREAS, Another reason that hazardous materials in rail cars
13 are more dangerous in remote control locomotive operations than in
14 conventional switching operations is that the radio transmitter
15 used to control the locomotives is more vulnerable to terrorist and
16 criminal exploitation; and

17 WHEREAS, The lack of mandatory safety regulations for remote
18 control locomotive operations is particularly critical as the
19 technology moves from switching yards to main-track train
20 operations; now, therefore, be it

21 RESOLVED, That the 79th Legislature of the State of Texas
22 hereby respectfully urge the Congress of the United States to
23 direct the Federal Railroad Administration, U.S. Department of
24 Transportation, to issue mandatory safety regulations for remote
25 control locomotive operations along the Texas-Mexico border; and,
26 be it further

27 RESOLVED, That the regulations include prohibitions against

1 using remotely controlled locomotives to transport hazardous
2 materials, switch cars containing hazardous materials, or switch
3 cars on or near tracks occupied by cars containing hazardous
4 materials; and, be it further

5 RESOLVED, That the Texas secretary of state forward official
6 copies of this resolution to the president of the United States, to
7 the speaker of the house of representatives and the president of the
8 senate of the United States Congress, and to all the members of the
9 Texas delegation to the congress with the request that this
10 resolution be officially entered in the Congressional Record as a
11 memorial to the Congress of the United States of America.