



## Oppose Efforts in Minnesota to Intervene in Rail Yardmaster Agreements

- HF 4356/SF 4072 would expand the scope of Hours of Service (HOS) laws that apply to railroad yardmaster employees. The purpose of HOS laws "is to promote safety in operating trains by preventing the excessive mental and physical strain which usually results from remaining too long at an exacting task." (*Chicago & Alton R.R. Co. v. United States*, 247 U.S. 197, 199 (1918)).
- Current HOS laws already cover employees directly involved in the movement of trains along the rail line, which includes the train crew (conductors and engineers), dispatchers, certain yardmasters and workers performing signal maintenance.
- A yardmaster is the supervisor of a rail yard. **Unlike ground service employees, the vast majority of yardmasters work a set shift with set days off, already reducing fatigue concerns.** Yardmasters monitor activities of workers in and around yards and coordinate freight car movements for loading/unloading. **When a yardmaster is engaged in an activity that could impact the safe operation of a train, they are already subject to HOS laws.** ([2009 FRA Final Rule: Hours of Service of Railroad Employees; Amended Recordkeeping and Reporting Regulations / Hours of Service Compliance Manual Passenger Operations](#))

- An FRA study found 99.8% of all train accidents were attributable to personnel other than yardmasters and of the 0.2% attributable to yardmasters, zero were proven to be related to fatigue.
- Train crews and other employees operating in and around the yard are covered by the current HOS laws as they are directly involved in the safe movement and operation of trains. The yardmaster is in essence a conduit, working from an office and transferring directions and instructions from management to the employees on the ground. In many cases, yardmaster tasks are shared with multiple management employees ensuring the efficient operations of our yards.

As technology advances, fewer and fewer tasks remain the sole function of a yardmaster and this sharing of work and/or automation of work has already positively impacted the workload of yardmasters and will continue to do so.

- Proponents of the bill in Minnesota state the purpose is to protect yardmaster employees — a goal the railroads share. However, applying additional HOS laws to yardmaster employees in additional instances is not the solution. Instead, railroads already follow stringent procedures to ensure a safe work environment for all their employees including company policies, OSHA regulations, and collective bargaining provisions, all of which more directly address the types of concerns raised by the bill sponsors.
- Imposing HOS restrictions on all yardmasters engaged in all activities is impractical and unnecessary. Work schedules and hours of work are already addressed in current regulations and railroad collective bargaining agreements. This bill would not increase the safety or efficiency of our railroads. Instead, this bill would force railroads to hire excess people who would only be used intermittently.
- A proposed state law regulating yardmaster hours of service would likely be struck down as preempted by federal law. First, the Federal Railroad Safety Act already covers safety-critical jobs, and the FRA has already considered and rejected regulating yardmaster hours. Second, such a law would interfere with collective bargaining rights established by federal labor law. Yardmaster hours are a subject of negotiation in collective bargaining agreements (CBAs), and state intervention would disrupt established agreements.