

December 10, 2022

The Honorable Martin J. Oberman, Chairman
Surface Transportation Board
395 E Street Southwest
Washington, D.C. 20423

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RE: Docket No. EP 772 – Supply chain problems from embargoes, and network constraints imposed by Union Pacific Railroad

Dear Chairman Oberman, and members of the Board,

With regard to the hearing referenced above, this letter offers observations from the area where I work in Nevada which I hope will assist this Board in determining the causes and extent of congestion on the Union Pacific Railroad and whether or not network constraints, including embargoes, imposed by the carrier are appropriate in addressing these issues. The information provided explores six factors which appear as causes of supply chain issues on this railroad: embargoes, power (locomotives), excessive length of trains/train makeup, manpower, fuel conservation/energy management systems, and re crews.

Embargoes

Earlier this year while working a local freight job, I was informed by management that one of our major customers, Mars Petcare, had been embargoed due to “an excessive amount of cars in the yard.” In further inquiries both at that time and since, I was never provided with any information regarding where these “excessive cars” were at in the yard (I never saw any cars for this customer in any track other than the storage track in which they are typically kept), nor was I provided with any information regarding what negative effects these “excessive cars” were having on yard operations.

Power (Locomotives)

I continue to see on a regular basis trains running anywhere from several hours to, in some cases, days, late. In looking at delay reports for these trains, a common cause listed is the lack of available power at the train's originating terminal.

On average of late, I find that one in four locomotives on which I perform locomotive daily inspections has at least one defect which restricts the locomotive's effectiveness, requires immediate correction (train delay), requires restrictions regarding the service the locomotive may be used in, and/or requires the locomotive to immediately be removed from service. Never in my 19-year career have I seen our locomotive fleet in such poor state of repair.

I am currently working a job switching cars in the yard. On two consecutive nights within the past week, we lost about an hour of productivity as I attempted to correct problems with the locomotives we were instructed to use; in one case, we ended up taking the locomotives to a repair track and switched to another set of locomotives. As such instances are now so common with power removed from trains passing through the terminal, I have expressed to management the need for the yard switching jobs to

have a set of locomotives in good repair assigned to them so as to avoid such delays. The response I receive is that no such power is available.

It is my understanding that UP still has a large number of serviceable locomotives in storage. With this in mind, it is unacceptable that delays continue to be experienced due to a lack of available power in good repair. Like any other tradesman, I can perform almost any task asked of me within the scope of my craft – provided I am given the proper tools to perform the work. UP continues to fail on an almost daily basis to provide me and others with the appropriate tools to do the work assigned to us.

Excessive Length of Trains/Train Makeup

On a daily basis, Union Pacific continues to run trains of lengths exceeding the length of sidings in this area. As a consequence, we see frequent occurrences of trains being held for several hours due to trains operating in the opposing direction which are also non-fitters.

It is common practice at the Sparks, Nevada terminal for eastbound trains to pick up large blocks of cars, increasing their length to near 15,000 feet. This work also frequently includes the need to reposition distributed power locomotives or other equipment within the train to comply with restrictions regarding the makeup of the train. It is not uncommon for this work to take close to three hours, sometimes more, with several access points to the yard being blocked due to the excessive train length, resulting in other trains being held outside of the terminal.

Another common practice at Sparks is having trains which arrive at the terminal made up entirely of intermodal or automotive transport equipment pick up large blocks of manifest cars. As a consequence, a train which arrives at the terminal consisting entirely of equipment with a maximum authorized speed of 70 MPH subsequently leaves the terminal containing equipment with a maximum authorized speed of 50 MPH. In some cases, these trains are further reduced to a maximum of 40 MPH due to the arrangement of the cars in the train. This same practice is also frequently applied to empty grain shuttles coming from feedlots in California, reducing the speed of these trains from 60 MPH to either 50 or 40 MPH.

The Elko, Nevada terminal is a point where many trains are scheduled to receive intermediate terminal air brake inspections. The eastbound main track at this terminal can hold approximately 9,800 feet in between points of ingress/egress. With many trains now exceeding this length, a train which arrives in this terminal and requires an air brake inspection blocks access to the terminal for all following trains, requiring the following trains to wait outside of the terminal. Many of these trains also have work events at this terminal, the time which is required to complete this work furthering the delays for following trains. On a recent holiday weekend, a railfan/photographer posted on social media of his experience driving across Nevada, where Interstate 80 parallels much of the east-west trackage across the northern part of the state. He reported that, in a distance of nearly 400 miles, he saw only one train moving but observed two eastbound trains stopped at Elko and another five trains stopped west of Elko. Such congestion is common at the Elko terminal and can take many hours to clear up. This is a direct consequence of operating trains of lengths which exceed the design of infrastructure.

Manpower

At the April hearings regarding Docket No. EP 770, rail carriers cited a shortage of manpower as a

primary cause of service failures and outlined their plans for recruitment for the remainder of the year. At the time I hired on in 2004, this railroad was in an even greater crunch for manpower due to a spike in traffic combined with a large number of retirements. In this area during that time, Union Pacific was graduating classes of new Conductors about every four weeks. By comparison, 7 ½ months after the hearings regarding Docket No. EP 770, I am just now seeing our second class of new hires nearing completion of their training. Based on previous history, this current effort hardly appears to reflect a serious attempt to address the manpower shortage which is contributing to congestion, delays, and the annulment of jobs.

How UP manages this incoming workforce will dictate success or failure regarding the retention of these new employees. Further, the recent forced settlement of our labor contract has the potential to accelerate attrition and retirements. Both of these factors, as well as how UP responds to them, are worthy of close scrutiny in the future.

Earlier this year at the Sparks terminal, a yard switching job was abolished. At the time of this action, employees were told by local management that management would be able to call extra switching jobs if needed. I am aware of only three times since that such extra jobs were actually called, yet there have been many times when they have been needed. As an example, approximately one week ago a group of cars was delayed in being forwarded out of the yard for approximately 48 hours because the remaining jobs did not have time to switch them, yet no extra job was called to perform this necessary work, presumably because management did not wish to absorb the additional costs associated with such action.

Fuel Conservation/EMS

At the hearing regarding Docket No. EP 770, the Chair of this Board expressed his desire to see the rail carriers' policies regarding the isolation/shut down of available locomotives and use of energy management systems changed as a means of increasing train velocity. In response, the carriers expressed their reluctance to do so, stating their reasons as to why they did not feel this was an appropriate solution. True to this form, Union Pacific has made no changes to their policies regarding this factor which would help to increase train speeds. If anything, they have doubled down on the mandatory use of energy management systems (under threat of discipline) and required isolation/shut down of locomotives deemed unnecessary (also under threat of discipline).

I recently experienced two incidents wherein our hours of service expired prior to reaching our final terminal with the primary cause being reduced speed due to available locomotives being isolated. In both of these cases, the question was never raised as to whether or not placing additional locomotives online would facilitate reaching the next terminal prior to our hours of service expiring, nor did I suggest such action because in the overwhelming number of instances when such inquires are made the response received is, "No." Additionally, crews continue to report that energy management systems routinely run their trains at less than the train's maximum authorized speed, in some cases significantly less than maximum authorized speed.

Recrews

First, I would like to make this Board aware of a long-standing policy of Union Pacific in this region regarding the recrewing of local freight trains, those trains which deliver and pickup cars to and from customers on line. Even prior to the implementation of precision scheduled railroading, UP adopted the

policy of not calling hours-of-service relief crews for local train crews which expire under these limits before reaching their final terminal. The consequence of this is that the cars on these trains are delayed, in many cases for 24 to 48 hours or more, until the carrier can find an "incidental crew" to move the train to its destination. Just one week ago, working my assignment which is supposed to switch cars in the yard, I was dispatched to pick up one of these trains which had been sitting in a siding just east of the terminal for over 24 hours. The decision to use our crew for this service was made in part because the power on this train was needed for our job to complete our tasks due to lack of any other available power.

If this Board is not already aware of this fact, it should take note that labor agreements allow for the outbound crew for a train to be sent up to 25 miles outside of the terminal to pick up their train if the inbound crew does not have sufficient hours of service to complete their trip into the terminal. When crews are short on time, UP has long sought to push trains into this 25-mile-zone so that the outbound crew can pick up the train. I am told that the reason for this is that these instances are not counted as recrews by the carrier.

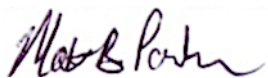
A practice I have witnessed frequently here which should raise alarm with this Board involves a crew being called against a made-up train symbol for which no train actually exists. These crews are then used to provide hours-of-service relief for other trains, sometimes multiple trains. Given these attempts to apparently hide recrews, it seems unlikely that these recrews are being included in the reports being filed with this Board pursuant to this Board's decision in Docket No. EP 770 (Sub-No. 1).

Overall, with regard to the information provided herein, it may serve the Board well to exercise increased scrutiny of what UP is reporting with regard to recrews, as the finding of such scrutiny may be that the statistics being reported to the Board are substantially inaccurate.

Conclusion

The observations presented in this letter provide ample evidence that Union Pacific itself, through its current management and operating practices, is a contributor to the problem of congestion and delays on its own network; perhaps, even, the largest contributor. It is well established that the lengthening of cycle times for rail cars necessitates that additional cars be mobilized in order to meet the deadlines of shippers. With regard to UP, it appears the company has largely created the need for additional cars on its network and is now responding to its own self-inflicted inability to handle the additional cars by metering traffic and imposing embargoes, perhaps inappropriately. Concerned shippers, employees, and the public appreciate this Board's inquiry into this matter and are hopeful that the Board will take appropriate regulatory action as may be determined necessary pursuant to the findings of this hearing to compel Union Pacific to correct the related problems on its network.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matt B Parker", written in a cursive style.

Matthew B. Parker
Locomotive Engineer
Sparks, Nevada