New report exposes unsafe working conditions at Long Island Rail Road

By Alan Whyte
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The National Council for Occupational Safety and Health (National COSH), a worker safety advocacy group, has named a Long Island Rail Road (LIRR) freight provider, the New York and Atlantic (NYAR) as one of what it calls the "Dirty Dozen," the 12 most dangerous employers in the US.

Criteria for inclusion in this group of companies include "severity of injuries to workers; exposure to unnecessary and preventable risk; repeat citations by relevant state and federal authorities; and activity by workers and allies to improve their health and safety conditions."

A group of 18 immigrant laborers, from Mexico, Ecuador, and the Dominican Republic, sued NYAR in New York courts in February of this year for doing dangerous work such as repairing broken rails in rail yards and operating chain saws while being exposed to toxic chemicals.

They were hired in parking lots and from there to get to their jobs had to climb a wall and jump over a fence. Since the workers did not have proper certification, training or equipment, company supervisors told them to hide in bushes or behind rail cars whenever either federal or state inspectors came on the site.

As a result of these conditions, the National COSH found that the laborers suffered "amputation, brain injury, impaired vision and rashes."

The workers are also suing for wage theft and racial discrimination. They were paid off the books, in cash, $120 a day for 12 hours shifts or longer. They were also continuously abused by the supervisors with ethnic slurs.

While company president James Brewer has denied the charges, the Federal Railroad Administration has raised serious concerns about the company's safety practices. One example was in 2015, when a train crashed and an uncertified locomotive engineer fled the scene.

NYAR is a subsidiary of Chicago-based Anacostia Rail Holdings. The advocacy group's report was issued just after the company renewed its contract with the LIRR, guaranteeing that it would operate on its tracks for another 10 years. The company, based in the borough of Queens in New York City, has been the railroad's freight provider since 1997.

The safety council also included Amazon, based in Seattle, Washington, finding that seven workers have been killed in its warehouses since 2013; and Patterson UTI Energy, based in Houston, Texas, responsible for an explosion in Quinton, Oklahoma in which five workers died. Patterson has also received 110 safety violations, and 13 of their workers have been killed on the job in the last 10 years.

The objective of the COSH reports is to put pressure on employers to implement effective workplace safety actions. This is, however, belied by its own statistics, which show continuous declines in workplace safety.

The report refers to US Bureau of Labor statistics that show that 5,190 workers were killed on the job in 2016, a 7 percent increase compared to 2015, and a 12 percent increase since 2012.

The report also takes note of the fact that the budget for the Occupational Safety and Health Administration (OSHA) has declined by 12 percent since 2012 and that OSHA has 132 fewer employees. It further points out that in fiscal year 2018 various safety agencies, such as the US National Institutes for Occupational Safety and Health (NIOSH), are being targeted for budget cuts.

The LIRR justified the renewal of its contract with NYAR with the claim that the railroad would monitor the company's performance. In reality this deal is part of the general disregard for health and safety, with the object of obtaining the cheapest labor and the overall cheapest cost of operation.

Another safety crisis in the LIRR involves the failure of its federally required installation of Positive Train Control (PTC), a technology designed to prevent train crashes and derailments. The system failed in 16 out of 52 factory tests in March of this year.

PTC works with a system of radio transponders on the tracks and trains which automatically slow down a train if it is going too fast, bypassing a signal, or is about to crash into another train. The National Transportation Safety Board (NTSB) has concluded that installment of this technology could have saved lives and equipment.

The US Rail Safety Improvement Act of 2008, passed after a horrific train crash in Chatsworth, California that killed 25 people, requires all railroads to install PTC by 2018 or risk heavy financial penalties. According to the federal Government Accountability Office, two-thirds of all the railroads, including the LIRR, are at significant risk of missing the deadline. However, the law also provides for a two-year extension if it is found that significant progress has been made.

The 2008 legislation originally called for the railroads to install PTC by 2015, but under conditions where very few of them were meeting the deadline, the government extended it until 2018, along with the provision for a two-year extension.

The Metropolitan Transportation Authority (MTA), which runs the LIRR, has been financing the PTC project with a $1 billion federal loan. This is under conditions where the transit agency is already suffering from increasing unmanageable debt motivating its search for cheap labor and the minimizing of safety measures, as revealed in the National COSH report.

The MTA is currently involved in a capital improvement program, which now has a cost estimation of $33 billion, in addition to a long-term bond debt approaching $40 billion. As a result, the transit agency has, with the collaboration of the unions, been negotiating concession contracts, and has also been increasing the fare every two years, increases that are scheduled to continue even as passengers experience deteriorating service.

The MTA reported that for the month of January this year, on-time performance was 58.1 percent for weekday travel, down from 64.1 percent for January of last year. The numbers for weekend travel were 64.7 percent this past January, compared to 74.2 percent in January last year.

The LIRR had its worst on-time performance in 22 years in January. As a result, the transit authority earlier this month installed a new president for the railroad, Phillip Eng. Eng has promised to be more visible than his predecessor. The promise is little more than a public relations gambit, designed to mask the fundamental contradictions inherent in the very nature of a system that is based on the needs of corporate profit-making at the expense of working people's health, safety and living standards.