



A bold voice for transportation workers

March 11, 2013

Mr. Thomas McFarlin
Office of Safety Assurance and Compliance
Signal & Train Control Division
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington, D.C. 20590

**RE: Federal Railroad Administration
Positive Train Control Systems (RRR)
Docket No. FRA-2011-0061, Notice No. 1
RIN 2130-AC32
Notice of Proposed Rulemaking**

Dear Mr. McFarlin:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to comment on the Federal Railroad Administration's (FRA) Notice of Proposed Rulemaking (NPRM) regarding its regulations governing the implementation of positive train control (PTC). In addition to offering our own comments, TTD endorses those jointly filed by several of our affiliates, including Sheet Metal, Air, Rail and Transportation Workers (SMART – Transportation Division), Brotherhood of Railroad Signalmen (BRS) and American Train Dispatchers Association (ATDA).¹

In response to the FRA's January 2010 final rule and subsequent amendments issued later that year, AAR petitioned the FRA to amend certain portions of its regulations governing the implementation of PTC on certain passenger and freight rail lines. Following AAR's petition, the FRA issued an NPRM on PTC in December 2012 and a clarification of the NPRM in January 2013. Of those issues that FRA addressed in its NPRM, there are some that we support and others we oppose. Those provisions are laid out below.

With regards to the changes in 49 CFR section 234.207, we support FRA's efforts to ensure that when any essential component of a highway-rail grade crossing warning systems malfunctions, they are corrected quickly and without delay. We also support the proposed changes to sections 234.213 and 236.2 that reflect the use of microprocessor-based technology in highway-rail grade crossing warning systems.

¹ A complete list of TTD affiliated unions is attached. By way of background, TTD represents 33 affiliated unions that represent workers in every mode of transportation, including those in rail transportation.

Transportation Trades Department, AFL-CIO

815 16th Street NW / 4th Floor / Washington DC 20006
Tel: 202.628.9262 / Fax: 202.628.0391 / www.ttd.org
Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



We believe that the changes made to the Timetable Instructions in section 236.15 would make it easier for workers to identify whether the area in which they work is PTC territory. This change will help workers properly operate trains and provide appropriate track protection. Additionally, we approve of the FRA's decision not to allow automatic approval of the removal of signal systems under section 236.1021. We oppose such a process for underlying systems upon which PTC overlay systems rely.

Moreover, TTD supports the FRA's change to one of the qualifying criteria of the *de minimis* exception in section 236.1005. This change would allow track segments over which 200 carloads of empty or residue carloads travel annually to meet one of the five criteria in determining whether the rail segment poses a negligible risk of release of PIH materials. We also support some leeway to the *de minimis* exception in section 236.1006 for non-equipped locomotives performing yard operations over mainline track.

TTD and our affiliates have a long record of supporting improvements to rail safety. We supported Congress when it enacted the PTC requirements in 2008 and continue to support the FRA in its implementation of the congressional mandate.

We appreciate the opportunity to provide comments on this important rail safety issue, and urge the agency to move forward with swift and timely implementation of PTC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized flourish at the end.

Edward Wytkind
President

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
*International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (IBB)*
International Brotherhood of Electrical Workers (IBEW)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW)*
United Transportation Union (UTU)

UNITE HERE!