



*A bold voice for transportation workers*

January 3, 2019

Mr. Robert Lauby  
Associate Administrator for Railroad Safety, Chief Safety Officer.  
Federal Railroad Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

**RE: CSX Waiver of Compliance Brake System Safety Standards  
Docket No. FRA-2018-0075**

Dear Mr. Lauby,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to CSX's petition for a waiver compliance. TTD consists of 32 affiliate unions representing workers in all modes of transportation, including railroad workers in both operating and inspection crafts who would be impacted by the granting of this waiver<sup>1</sup>. We therefore have a vested interest in this proceeding.

In its petition, CSX, requests relief from several requirements in 49 CFR 232 concerning brake system safety. CSX's waiver contains three requests. CSX requests an extension of mileage limits (1000 to 1052 miles) before a Class 1A test must be performed, that qualified persons (instead of qualified mechanical inspectors) be allowed to perform inspections, and that these trains be allowed to make multiple pick-ups and set-outs.

As with all waivers under FRA's purview, the petitioner is required by statute to demonstrate that its request serves the public interest and is consistent with railroad safety.<sup>2</sup> CSX's petition generally seeks to operate trains in excess of 1,000 miles without having to comply with the more stringent extended haul requirements contained at 49 CFR 232.213. In its request for the application of less rigorous safety standards, CSX provides only its "belief" that its proposed conditions will provide an equivalent level of safety. Given that CSX provides no further information or data to prove its contention, and there have been no technological or regulatory changes that necessitate this waiver, FRA should deny the request.<sup>3</sup>

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<sup>1</sup> Attached is a complete list of TTD's 32 affiliate unions.

<sup>2</sup> 49 U.S.C. 20103(d)

<sup>3</sup> FRA Final Rule, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End of Train Devices, 2001.

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Larry I. Willis, President / Greg Regan, Secretary-Treasurer

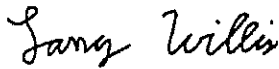


Among its requests, CSX seeks to use “qualified persons” to perform brake inspections on these trains as opposed to a “qualified mechanical inspector”, as is required by 232.213(a)(2). CSX provides no information to support its assertion that this change promotes equal safety. In fact, the regulations as written show that this delineation is purposeful and clear. 49 CFR 232.207 only requires a qualified person to perform a Class IA brake test when operating with a 1,000-mile limit. However, extended haul regulations are explicit that this level of qualification will not suffice, and that a qualified mechanical inspector is required.<sup>4</sup> The difference is not semantic – qualified mechanical inspectors must receive, “as a part of the training, qualification, and designation program required under 232.203, *instruction and training that includes hands-on experience*”.<sup>5</sup> The real life experience of these inspectors, members of the carmen craft and represented by TTD affiliate unions, is invaluable and cannot be substituted. Allowing CSX to remove the most qualified workers from performing critical inspections on long haul trains would invariably reduce safety. Further, this petition and others like it, which seek to reduce inspections, eliminate inspection points, and perform inspections with less qualified workers threaten the entire carmen craft, whose skill and expertise is integral to safety. FRA must not allow this to occur.

Additionally, despite no mention in CSX’s filed waiver, FRA states that CSX has also requested relief to perform multiple pick up/set outs on extended haul trains, which is currently prohibited by 232.13(a)(5). Granting this request could allow CSX to continually operate cars without inspections as it performs multiple cuts of cars from train to train. While we believe that the negative safety implications are obvious, it is also unclear how FRA could even try to evaluate CSX’s claim, as it has provided no information on this item in the public docket. Not only is the notion of such relief unsafe, but CSX has apparently submitted no justification for this request. As such FRA cannot grant it.

Finally, TTD strongly endorses the comments filed by the Brotherhood of Railway Carmen Division, TCU/IAM, and the Transport Workers Union (TWU), TTD affiliated unions who have unique expertise in brake inspection issues raised in this waiver. We hope that FRA will consider the issues raised in our comments, and we look forward to continuing to work with the agency on rail safety issues going forward.

Sincerely,



Larry I. Willis  
President

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<sup>4</sup> Class IA brake tests - 1,000-mile inspection.

<sup>5</sup> 49 CFR § 232.5



**Transportation Trades Department, AFL-CIO**  
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***TTD MEMBER UNIONS***

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 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 (NFOPE)  
Office and Professional Employees International Union (OPEIU)  
Professional Aviation Safety Specialists (PASS)  
Sailors' Union of the Pacific (SUP)  
Sheet Metal, Air, Rail and Transportation Workers (SMART)  
SMART-Transportation Division  
Transportation Communications Union/ IAM (TCU)  
Transport Workers Union of America (TWU)  
**UNITE HERE!**  
United Mine Workers of America (UMWA)  
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service  
Workers International Union (USW)

*These 32 labor organizations are members of and represented by the TTD*

