



A bold voice for transportation workers

September 16, 2019

John Karl Alexy,
Associate Administrator for Railroad Safety, Chief Safety Officer
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

**RE: Norfolk Southern Railway Company Waiver of Compliance, Triple Crown
RoadRailer
Docket No. FRA-2002-11896**

Dear Mr. Alexy,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on Norfolk Southern Railway Company's (NS) waiver of compliance regarding the operation of RoadRailer units. By way of background, TTD consists of 33 affiliate unions representing workers in all modes of transportation, including rail workers who operate and inspect the equipment discussed in NS' request.¹

In the request, NS asks that its existing waiver that permits it to operate trains with 150 total RoadRailer units be modified to allow it to operate a consist of 165 RoadRailer units. NS states that it has conducted research that demonstrates that it can do so safely, and that granting its request would be a nominal modification to its existing waiver.

NS argues that existing tonnage limitations guarantee that dangerous levels of draft and buff forces will not be met, regardless of the number of units in the consist. Put another way, NS writes that "the number of units does not matter as long as the tonnage limits are not exceeded". This was not the view of the FRA when it granted NS' 2002 application, which clearly established the current limitation, stating, "At no time shall the train length exceed the equivalent of 150 Mark V RoadRailer units". This continued to be FRA's position as recently as 2017, when it extended NS' existing waiver. NS made no request at that time to alter its train length limits. TTD urges FRA to reject the waiver modification and maintain its position on RoadRailer consists.

¹ Attached is a complete list of TTD's 33 affiliate unions

FRA clearly has the authority to modify existing regulatory waivers in light of new evidence. However, while NS' has addressed one element of rail safety in its discussion on tonnage limits, this is not the only concern raised by the operations of longer trains. Longer trains present additional challenges relating to wear on equipment, braking distances, and delays caused by the time it takes for crews to walk the length of the train for a multitude of required tasks. The length of these trains can also pose communications issues, including the loss of radio contact between the engineer and the conductor given the distance between them. The inability of crew members to communicate for any period of time is dangerous and an unnecessary risk. FRA must not ignore these factors when considering the proposed modification.

Further, NS states that it has provided a letter to FRA outlining its research that demonstrates the safety of 165 unit RoadRailer consists. As of the time this document was filed, that letter does not appear in the docket, and TTD and our affiliated railroad unions are unable to review NS' evidence. If FRA intends to make a determination based on information contained in this letter, it must provide the document to the public for review.

This docket also provides a long overdue opportunity for FRA to exert its safety authority on the subject of train length. A recent GAO report found that average train length has increased by approximately 25 percent since 2008, and that any carriers are operating trains with average lengths well over a mile—and in the most extreme cases, nearly three miles. These progressive increases have been met with silence by regulators despite the serious safety concerns presented by long trains, as well as negative impacts to communities when massive trains block grade crossings. FRA should take a proactive role in examining these safety risks, and should not grant waivers seeking to increase the length of trains until this examination is complete.

Finally, in the waiver granted in 2002, condition #17 of the FRA's approval states that "NS shall ensure that all personnel (including contractors) responsible for assembly, inspection, testing, maintenance and operation of RoadRailer equipment have been trained and qualified to perform those duties prior to undertaking them, including instruction in the provisions of this waiver pertinent to their duties".

When GAO talked to actual rail workers, it was informed that "locomotive engineers and conductors lack the necessary training and experience to handle longer trains, a situation that can be challenging even for properly trained crew". As mentioned, the safety of these operations is not solely reliant on a mathematical calculation of draft or buff forces. Freight trains must be operated and maintained by rail workers who are fully trained and comfortable with the equipment. GAO's findings and reports from our member unions make it clear this is not the case. Before taking action to allow even longer trains that it currently permits, we urge FRA to develop a better understanding of how carriers are failing workers by cutting corners, and the danger this poses both to rail employees and to the public.

FRA should reject NS' request to modify its RoadRailer waiver of compliance, and should use this opportunity to begin to address a critical safety issues it has thus far ignored. We look forward to working with FRA as it considers this issue.

Sincerely,

A handwritten signature in cursive script that reads "Larry I. Willis".

Larry I. Willis
President



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 Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
United Mine Workers of America (UMWA)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (USW)

These 33 labor organizations are members of and represented by the TTD

