



A bold voice for transportation workers

March 9, 2020

Mr. Karl Alexy
Associate Administrator for Railroad Safety & Chief Safety Officer
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington DC, 20590

**RE: CP Waiver of Compliance, Simulator Training
Docket No. Docket Number FRA-2020-0001**

Dear Mr. Alexy,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on the Canadian Pacific Railway's (CP) petition for a waiver of compliance from the "hands-on" component of periodic refresher training required by 49 CFR 232.203(b)(8). By way of background, TTD consists of 33 affiliate unions, including unions representing freight rail workers.¹ In responding to this notice, TTD strongly endorses the comments filed by the Transport Workers Union of America and the Brotherhood of Railway Carmen Division of the Transportation Communications Union/IAM.

Current regulation requires refresher training every three years for railroad employees that perform brake system inspections, tests, or maintenance. CP's request for relief would allow it to replace the hands-on training requirement with training conducted on a simulator for train and enginemen. Given the integral safety role of this equipment and CP's failure to make a compelling safety argument in favor of their proposal, we call on FRA to reject CP's request.

First, we categorically reject CP's assertion that providing real life training on actual equipment is "inefficient and outdated." It is unclear on what basis CP has determined that training employees on the equipment that they are required to be qualified on could ever be considered anything other than optimal, much less outdated. CP states that its proposed simulator training "places a user into a virtual scenario where the user must perform brake inspection functions as if it were as real." However, a simulator is inherently incapable of fully replicating a real life scenario, including

¹ Attached is a list of TTD's 33 affiliated unions.



factors like weather conditions or physical and olfactory sensory inputs. CP's justification for its waiver by way of comparing its proposal to locomotive simulators is not compelling, as those types of simulator training are always a complementary component to hands-on training, not a replacement. We are unaware of precedent for moving the entirety of training, which FRA has previously mandated must be hands-on, to a virtual model.

CP states that its proposal will improve the safe and effective performance of these tasks by employees, but provides no meaningful explanation or support for this statement. In fact, while the details CP have provided are sparse, we believe there are salient safety concerns as constructed. First, CP claims that the benefit of the simulated system is that it presents users with a consistent testing environment that introduces various defects and multiple car types. However, as railroad employees know, a consistent testing environment rarely exists in the field. While there may be merit to providing complementary simulator training on conditions that are difficult or impossible to replicate intentionally, hands-on training remains the gold standard, and its merit is unquestionable.

CP also makes the claim that "a group setting is not as conducive to learning as individual training, which the proposed training offers." We disagree with this position. While individual instruction can be helpful, one of the advantages of group training is the ability to listen to questions and concerns asked by one's peers, and to receive information about the experiences of other employees with similar safety responsibility. This method of training has long existed on the railroads, and we believe has a positive impact on safety.

While CP has not provided enough information to prove that the granting of this waiver would provide an equivalent or greater level of safety, it is clear about the benefit it would have for the railroad's bottom line. It writes that "due to the velocity within CP's network, it is often difficult to provide a consistent training and testing environment in regards to car selection, defects, and availability." CP's interests in operating at high velocity and efficiency are understandable. However, FRA must not permit the waiver of key safety regulations simply because doing so would be convenient and cost-effective for the railroad. CP has not provided compelling evidence that its waiver would promote safety, and as such must not be granted.

We also note that CP has redacted several sections of its waiver request in its public filing, citing 5 U.S.C. § 552(b)(4) as justification to not publicly provide proprietary information. Regardless of the soundness of CP's legal argument, the redaction of substantial sections of its request makes it impossible for a fully informed notice and comment process. If CP is unwilling to divulge this information that is the railroad's prerogative, but we call on FRA to reject any waiver which stakeholders, including rail labor, are unable to review and analyze.

Finally, in the event that FRA decides to grant CP's request, FRA should exercise substantial oversight of the development and deployment of this training and its quantifiable impacts on safety and the skill level of employees. Further, FRA should require that any roll out of this kind of training be conducted in conjunction with the labor organizations representing impacted employees, who are most capable of providing meaningful feedback on new technologies and methods.

We look forward to continuing to work with the FRA on this and other safety issues impacting the railroad workforce.

Larry 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 (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

