



A bold voice for transportation workers

January 4, 2020

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

**RE: Illinois Central Railroad Company/Canadian National Railway Company
Hands-on Training Waiver
Docket Number FRA-2020-0087**

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's request for comment on a petition for a waiver of compliance filed by Illinois Central Railroad Company on behalf of Canadian National Railway Company. TTD consists of 33 affiliate unions representing workers in all modes of transportation, including employees of Illinois Central/Canadian National railroads. We therefore have a vested interest in this petition¹.

The proposed waiver would allow IC/CN to provide instructor-led, desktop computer simulation training instead of hands-on refresher training on mandatory brake inspection and equipment. IC/CN proposes to apply this waiver system-wide to all personnel responsible for performing Class I freight air brake tests. The waiver has been submitted separately from the COVID-19 emergency relief docket (ERD), which grants waivers for 60 days at a time. Instead, IC/CN is requesting the waiver without a specified time limit and without ongoing review.

TTD opposes this waiver because IC/CN's proposal to substitute video training for hands-on training neither serves the public interest nor is consistent with railroad safety, as is required by statute (49 U.S.C. 20103(d)). Virtual simulations delivered on a desktop do not provide any improvement over traditional video training, which we have previously opposed.²

Fundamentally, the video simulation described in the petition does not provide interaction with the real-life operation of safety equipment or experience with the real-life inspection process. Further, the

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

² <https://ttd.org/policy/federal-comments/fra-must-reject-unjustified-training-waiver/>

Transportation Trades Department, AFL-CIO

815 Black Lives Plaza, NW / 4th Floor / Washington DC 20006

Tel: 202.628.9262 / Fax: 202.628.0391 / www.ttd.org

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



proposed waiver does not provide any specifications regarding the quality or accuracy of the video training, which is particularly worrisome given the variety in quality of simulation technology and the integral nature of the training it seeks to replace.

TTD has previously opposed replacing hands-on training requirements, as they provide an unparalleled level of instruction and safety.³ In this instance, the video training IC/CN has proposed will not provide the same level of practical familiarity with brake equipment as hands-on training. The regulations addressed in IC/CN's waiver, contained at 49 CFR 232.203(b)(8), require hands-on instruction on the operation and inspection of safety-critical brake equipment. Hands-on instruction ensures that employees have a practical understanding of safety and inspection procedures. Video training on such critical procedures simply cannot maintain existing levels of railroad safety.

In its petition, IC/CN justifies the need for the waiver due to limitations of personal contact due to COVID-19, which it argues will provide increased safety. However, this petition was not submitted in the ERD, which is designed to accommodate limited relief requests caused by the pandemic. Instead, IC/CN is seeking ongoing relief of training requirements, but it fails to provide any justification to support the need for this relief—unrelated to COVID—or its safety. If IC/CN is seeking relief solely because of the pandemic, as is reflected in its petition, it should make use of the established ERD process and use time-limited relief that is reviewed periodically. By submitting the petition through a standard docket, IC/CN must provide sufficient evidence and justification that the video training meets the same safety standards as hands-on training—and it has not provided any compelling justification.

We understand that regulatory flexibility is necessary during the unprecedented COVID-19 crisis. However, IC/CN has failed to abide by the established procedures for COVID-19-related relief and has not provided justification for non-COVID-19-related relief. We therefore urge FRA to reject the petition which would unnecessarily compromise safety of rail employees and passengers. Finally, any continued permissiveness of the replacement of hands-on brake test experience for virtual training creates a dangerous precedent encouraging further elimination of hands-on training for other safety-critical skills across the industry. Hands-on training is paramount to understanding the intricacies of maintaining and inspecting all critical safety equipment and cannot be accomplished in any virtual setting. The FRA should also reject this petition for this reason.

We thank FRA for the opportunity to comment on this petition and look forward to working with the administration on rail safety issues going forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Regan', written over a circular stamp or mark.

Greg Regan
Secretary-Treasurer

³ For example, TTD comments to Docket Numbers FRA-2020-0001 and FRA-2018-0075



Transportation Trades Department, AFL-CIO
A bold voice for transportation workers

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 (NFOPAPE)
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

