



A bold voice for transportation workers

February 1, 2021

Ms. Hodan Wells
Information Collection Clearance Officer
Federal Railroad Administration
1200 New Jersey Ave, SE
Washington, DC 20590

**RE: FRA Information Collection Request: Alleged Violation and Inquiry Form
OMB Control Number: 2130-0590
Docket No. FRA-2020-0027-0031**

Dear Ms. Wells:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to FRA's request for comment on its revisions to information collection request entitled "Federal Railroad Administration Alleged Violation and Inquiry Form." TTD consists of 33 affiliate unions representing workers in all modes of transportation including rail workers. We therefore have a vested interest in this policy.¹

FRA states that the form satisfies the requirements of section 307(b) of the Rail Safety Improvement Act of 2008 (RSIA) to "provide a mechanism for the public to submit written reports of potential violations of federal railroad safety and hazardous materials transportation laws, regulations, and orders to the Federal Railroad Administration."² Through this docket, FRA seeks revisions to add a question requesting the users to identify if they are members of the public, a railroad employee, or other.

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

² P.L. 110-432, https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/2189/RSIA_Pub.%20L.%20No.%20110-432%20in%20pdf.pdf



While TTD supports engaging the general public in the promotion of rail safety, we oppose asking users if they are railroad employees. The information is not needed to meet statutory obligations, and full investigations can be conducted without it. Further, the potential for retaliation, perceived or real, may discourage reporting, eroding the safety of our nation's rail system.

The RSIA does not mandate that distinction should be made between members of the public and railroad employees. Railroad employees who seek to use the form should be entitled to just as much anonymity as the general public — who are not asked to disclose where they work — when reporting potential violations. Full consideration, and investigation if needed, of the alleged violation should be given to each report regardless of the user's affiliation.

Most importantly, FRA's actions must never discourage reporting of potential violations, intentionally or unintentionally. Asking users of the form to identify if they are railroad employees would have this effect. The Alleged Violation and Inquiry Form already includes the option to include personal contact information, if users would like to be reached for additional information. The form currently includes the statement that “Your submission is voluntary and anonymous unless you choose to provide us with your contact information. Choosing not to provide your contact information may affect our ability to follow up with you on the status of the investigation and may prevent us from adequately investigating the alleged violation.” Asking users if they are railroad employees would drastically reduce trust in the confidentiality of the form, leading to wariness and concerns over retaliation.^{3,4}

Retaliation concerns are particularly salient given the impacts of the wide scale adoption of Precision Scheduled Railroading among Class I Railroads. While TTD has raised numerous concerns with the safety implications of PSR, it is undeniable that substantial reductions in workforce are a real and intended consequence in the adoption of the model. Over the last four years, over 50,000 rail workers have lost their jobs, most of them in the freight rail industry. In 2019 alone, 20,000 rail workers lost their jobs, a 10% decline in total employment in the industry, and the largest layoff since the Great Recession. To be more specific, in just the first two years after CSX implemented this model, the carrier fired 22% of its equipment maintenance workers, 16% of its train crews, and 11% of its maintenance-of-way employees.

In a climate where employment is being slashed dramatically and rapidly, employee concerns of retaliation are likely to be high as workers fear being next on the chopping block. Given that FRA's own data demonstrates that incidents have increased in recent years at several Class I carriers, it is clear that any action by the agency that may reduce the willingness of employees to report dangerous conditions would be contrary to FRA's safety mission.⁵

³ We also note the current link to the FRA's privacy policy is broken, meaning that users are not able to confirm that they have a right to anonymity when submitting the form

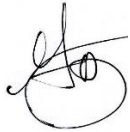
⁴ <https://railroads.dot.gov/railroad-safety/federal-railroad-administration-alleged-violation-reporting-form>

⁵ <https://ttd.org/policy/congressional-testimony/ttd-submits-testimony-to-senate-commerce-hearing-on-freight-and-passenger-rail/>

Finally, the Alleged Violation and Inquiry Form is not due for renewal until 2023. While TTD does not oppose modernizing the form with drop-down boxes to improve data maintenance, it is clear that the goal of this revision is not to standardize responses. For the past ten years, OMB has approved renewals of this collection without change, including most recently in April 2020. It is unclear what practical benefit FRA believes the revision would achieve. These revisions, requested in the waning days of the previous administration, would chill critical safety reporting, risking the safety of rail employees, passengers, and the public at large

FRA should withdraw this information collection immediately and pursue data standardization without actions that could be viewed as inviting retaliation against conscientious rail employees. We appreciate the opportunity to comment on this information collection and look forward to working with FRA going forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", enclosed within a circular scribble.

Greg Regan
Secretary-Treasurer



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 (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

