



A bold voice for transportation workers

June 11, 2021

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

**RE: UP Waiver of Compliance, Simulator Training
Docket No. FRA-2021-0042**

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) request for comment on the petition for waiver of compliance submitted by Union Pacific Railroad Company (UP) on April 1, 2021. TTD consists of 33 affiliate unions representing workers in all modes of transportation, including engineers and inspectors who operate trains and perform brake inspections. We therefore have a vested interest in this policy.¹

The petition would allow UP to use its Class I Brake Test Simulation proficiency demonstration as a method to satisfy the required "hands-on" training component of periodic refresher training. Currently, UP provides a classroom training and testing in addition to "hands-on" training through observation and evaluation of actual performance of duties or through supervisor-led training events. The proposed simulation would replace the hands-on portion of the training using a 3D, virtual web-based simulation. TTD has commented on similar petitions in the past,² stating our concerns that simulations cannot provide equivalent levels of safety (as required by 49 U.S.C. § 20103(d)) over the current requirements of 49 CFR 232.203(b)(8) when they cannot provide the same physical and olfactory senses that hands-on training does.

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

² <https://ttd.org/policy/federal-comments/ttd-to-fra-hands-on-training-is-not-replaceable/>
<https://ttd.org/policy/federal-comments/replacing-hands-on-training-for-rail-employees-is-unsafe-and-unwarranted/>
<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

Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



TTD strongly urges FRA to deny this petition. We believe that web-based simulations cannot adequately replace true hands-on training. A keyboard and mouse can never provide the same experience as manipulating and inspecting equipment in person. Further, training in the field provides exposure to variable challenges such as weather conditions that a computer will never be able to replicate. It is our position that training in the same environment where duties will be performed will never be outdated. In the current environment, rail workers are being made to inspect cars within disturbingly short time windows due to precision scheduling practices, and railroads are enjoying previously granted waivers that permit them to perform fewer overall inspections. Now is not the time to reduce the quality of key safety training, given that there are already ongoing factors that inhibit the safety of the rail system.

UP has stated that the waiver is necessary because hands-on training is compromised due to lack of available cars to be used during the training. This is not a compelling argument to prove that simulation training provides the same level of safety as hands-on training. Given that UP holds billions of dollars in assets and over 50,000 owned or leased rail cars,³ it is not believable that UP cannot find enough cars to be used in hands-on training. This argument demonstrates that UP is not willing to allocate planning resources to routine safety training to ensure that cars are present for training. Further, periodic refresher training is required at least every three years, which gives UP plenty of notice and time to plan. The requirement is not onerous or burdensome to ask UP to prepare cars for inspection and does not impact day-to-day functions.

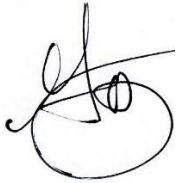
In its petition, UP states that “a group setting is not as conducive to learning as one-on-one training” which we contest. The proposed simulation training is not “one-on-one,” because it is a web-based module that is not led by an in-person, human instructor. Further, as we have previously stated, group training provides a number of advantages, including hearing questions and concerns asked by one’s peers, and receiving information about the experiences of other employees with similar safety responsibility. As the comments of our affiliates, the American Train Dispatchers Association (ATDA), the Brotherhood of Railway Carmen Division, TCU/IAM (BRC), and the Brotherhood of Locomotive Engineers and Trainmen / IBT state, “UP offers no data or other evidence to support its statement that group settings are inferior to one-on-one training; in fact, all railroads have been engaged in group training for many years and have argued in the past that it takes too many resources to train people one-by-one.”

FRA’s responsibility is to provide regulatory oversight to ensure safety on our nation’s railways, not to waive time-proven safety standards to help railroads save money. UP has not provided any convincing arguments that hands-on training is outdated, overly burdensome, or less effective than simulation training and has failed to meet the standard of 49 CFR § 211.9(c) and 49 U.S.C. § 20103(d). For this reason, we urge FRA to reject this petition.

³ https://www.up.com/cs/groups/public/@uprr/@investor/documents/investordocuments/pdf_up_10k_02052021.pdf

We appreciate the opportunity to comment on this petition and look forward to working with the administration moving forward.

Sincerely,

A handwritten signature in black ink, appearing to be 'Greg Regan', written in a cursive style.

Greg Regan
President



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

