



May 1, 2023

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

RE: Railroads' Joint Request To Amend Their Positive Train Control Safety Plans and Positive Train Control Systems
Docket No. FRA-2010-0028, -0029, -0039, -0042, -0043, -0045, -0048, -0049, -0051, -0054, -0056, -0057, -0058, -0059, -0060, -0061, -0062, -0064, -0065, and -0070

Associate Administrator Alexy:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) notice of a recent joint request from 20 railroads to amend their positive train control (PTC) safety plans. TTD consists of 37 affiliated unions representing the totality of rail labor, including both passenger and freight rail workers. Additionally, TTD endorses the comments of our affiliate, the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD).

High-Hazard Flammable Trains

The joint PTC request for amendment (RFA) from 20 railroads that use Wabtec PTC systems would restrict operating speeds to 50 mph in all areas and 40 mph in "high-threat urban areas" for trains with tank cars that do not meet the enhanced tank car standards also laid out in a 2015 Pipeline and Hazardous Materials Safety Administration (PHMSA) final rule.

TTD supports this change and believes that this speed restriction should be implemented within the PTC system immediately to prevent catastrophic accidents that threaten lives and communities. This mandate from PHMSA has been in place since 2015, and we are glad that railroads are finally implementing such common sense measures in the PTC. Though we note that eight years is far too long to wait to implement such a basic step given the safety risks involving High-Hazard Flammable Trains.

Redactions and Confidential Undertakings

The joint PTC RFA discussed two other changes. First, it would modify PTC suspension procedures and second, it would notify operators of faults that occur during braking prediction calculations. TTD does not oppose either of these modifications. We note that this filing includes fewer redactions than many PTC RFAs that have been published recently, though there are still redactions present regarding defects reported that unions should have access to as the workers who will encounter defects while on the job. We urge the FRA to adopt guidance allowing for confidential undertakings modeled on the system that the Surface Transportation Board (STB) successfully utilizes. Unions need to be able to review all safety information to provide the FRA

with accurate comments, and a confidential undertaking system would allow for this while also protecting legitimate confidential business information and safeguarding data security.

Unmapped Track

In addition to the changes this RFA discussed in detail along with safety justifications, Wabtec and the 20 railroads jointly requesting this PTC safety plan amendment slipped in a highly concerning change into the software release notes. In a single bullet point, the railroads noted that this RFA would remove the “Unmapped Track” key, thus restricting train operators from disabling PTC operations. This is concerning simply because not all tracks are yet mapped in the PTC system. If a train encountered unmapped track and the operators were not able to report it accurately, train operators would be required to put the PTC into restricted mode, which does not offer the full protections afforded when the PTC is operating and does not allow for speeds above 20mph.

This proposed change is a substantial one and TTD is highly concerned that this change was not discussed in the summary of proposed changes, has limited detail, and included no safety justification.. We would like to see any safety data that the railroad has gathered to support that this change is necessary and safer than current procedures. The current procedures offer a level of safety to operators to retain protections while accurately reporting when the train encounters unmapped track.

We are highly concerned that such operational changes can be slipped into the software release notes of PTC RFAs, renewing our concerns regarding the redactions. If this change was noted in a single bullet point in the software release notes, that raises serious questions about what other changes are railroads including in redacted sections.

Conclusion

TTD requests that the FRA examine the railroads’ changes separately. We support implementing speed restrictions for high-hazard flammable trains as soon as possible, and we do not wish to slow down that process in any way given that the railroads’ have already delayed it for years. However, the changes proposed in this RFA with respect to unmapped track are concerning and have not been studied or justified with any safety analysis and therefore should be held subject to further input from FRA and stakeholders. Finally, we believe that all parties involved would benefit from FRA issuing guidance adopting a process exactly or similar to STB’s process regarding confidential undertakings so that parties can view and comment on legitimately confidential business information.

Sincerely,



Greg Regan, President