



Transportation Trades Department, AFL-CIO

July 5, 2023

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

**RE: Amtrak Waiver of Compliance
Docket No. FRA-2023-0031**

Mr. Alexy,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on Amtrak's petition for a waiver of compliance from the "hands-on" component of periodic refresher trainings required by 49 CFR 232.203(b)(8), 49 CFR 215.11(b), 49 CFR 229.5, and 49 CFR. 238.109. TTD consists of 37 affiliate unions, which include the totality of rail labor, and therefore has a vested interest in this petition. Virtual training is not a sufficient substitute for hands-on training, and as such, we request that the Federal Railroad Administration (FRA) deny Amtrak's petition for a waiver of compliance from such requirements.

As discussed below, we oppose Amtrak's waiver request and urge the FRA to reject the request because it jeopardizes the safety of rail labor employees and the public. When protocols are revisited, it is imperative to recognize and retain, not weaken or waive the very requirements that are core to the safety of our system.

First, we want to commend Amtrak for meeting with our affiliates—including the Transportation Communications Union (TCU), Transportation Workers Union of America (TWU), International Association of Machinists and Aerospace Workers (IAM), International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), the Brotherhood of Maintenance of Way Employees Division (BMWED-IBT), and the National Conference of Firemen and Oilers (NCF&O, SEIU)—to gather feedback on this proposal. However, while we appreciate Amtrak's initial approach, we take issue with the fact that our affiliates' objections to this petition were misrepresented by Amtrak as indicative of their approval. TTD and our affiliates have major concerns with the substance of this waiver request. Amtrak's petition includes meeting notes that outline the unions' strong preference that virtual training not replace any hands-on training or evaluation for new hires.¹ While Amtrak took that feedback into consideration, it still submitted a proposal requesting that virtual training be permitted to satisfy refresher training requirements instead of hands-on training. Such a request ignores fundamental rail safety considerations. Hands-on training is a critical safeguard to ensure safety in our rail system.

¹ See <https://www.regulations.gov/document/FRA-2023-0031-0001>

Current regulation requires refresher training every three years for railroad employees that perform brake system inspections, tests, or maintenance.² Amtrak's request, if granted, would allow virtual reality training to satisfy the hands-on training currently required by law. TTD opposes this waiver, which is consistent with our previous opposition to replacing hands-on training requirements with virtual training.³ Hands-on training provides an unparalleled level of instruction and safety that virtual training simply cannot provide. A simulator is inherently incapable of fully replicating a real-life scenario, including factors like weather conditions or physical and olfactory sensory inputs often encountered over the course of an employee's normal duties. Amtrak's request to substitute virtual 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).

In this instance, the virtual training Amtrak proposed will not provide the same level of practical familiarity with brake and other locomotive equipment as hands-on training. Amtrak lists several justifications for its petition, including exposure to random complex defects, hazard reduction, and detailed feedback on performance for employees. In reality, the bulk of these justifications are better satisfied by hands-on training. First, hands-on training can provide training on every railcar type, should Amtrak choose to bring those railcars in, and also provide a physical way to experience these railcars, unlike virtual training. Amtrak is also fully capable of bringing in, or physically simulating, mechanical defects on railcars that allow an employee to physically work through how to fix the defects in-person. In-person instructors can also observe employees as they are training and provide real-time feedback, including providing an in-person demonstration when corrections are necessary. Such demonstrations are similarly impossible in a virtual setting.

In addition, Amtrak cites that virtual training will help employees avoid hazards and exposure to injury during hands-on training. This argument misses a key aspect of in-person training, which is designed to provide employees with the necessary risk mitigation skills to safely navigate their physical working environment. Risk exposure is a very real part of the job for rail workers, and workers need to be trained to safely mitigate that risk. Finally, Amtrak states that simulation training provides individualized feedback on performance and assessment data based on basic competencies. However, this justification does not provide any logical basis to support the use of simulation training over hands-on training because an in-person instructor can provide similarly individualized feedback with the benefit of lived experience. Further, there is no reason that competencies and other metrics cannot be recorded in a hands-on setting.

For the reasons described above, we request that the FRA reject Amtrak's petition. Amtrak's request would reduce the quality of refresher training and potentially compromise the safety of employees and passengers. Granting Amtrak's request to replace hands-on brake test experience with virtual training would also create 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.

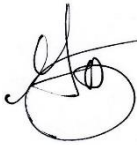
² 49 CFR 232.203(b)(8)

³ See TTD's comments to Docket Numbers FRA-2020-0045, FRA-2020-0001, and FRA-2018-0075

Amtrak’s petition does discuss and acknowledge the fact that virtual training should supplement, not supplant, the required hands-on training for new hires.⁴ TTD and our affiliates strongly believe that’s the right approach for all training. Virtual reality simulations should only be used as an augmentation to “hands-on” training for new hires and existing employees, not as a replacement. Outside of this petition, TTD and our affiliates will continue to have discussions with Amtrak on its training protocols for new hires and existing employees.

We thank the 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', with a stylized flourish at the end.

Greg Regan
President

⁴ See <https://www.regulations.gov/document/FRA-2023-0031-0001> (Page 7)