



*A bold voice for transportation workers*

August 8, 2023

Ms. Carolyn Hayward-Williams  
Director, Office of Railroad Systems and Technology  
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**

Dear Ms. Hayward-Williams,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) notice regarding a joint Request for Amendment (RFA) received from 20 rail carriers to modify their FRA-approved Positive Train Control Safety Plans (PTCSP). TTD consists of 37 affiliated unions representing the totality of rail labor and we therefore have a vested interest in this matter. For the reasons outlined below, we respectfully request that the FRA deny this joint request. Additionally, TTD endorses the comments of our affiliates, the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD) and the Transport Workers Union of America (TWU).

TTD previously commented on how Positive Train Control (PTC) systems provide an additional layer of safety for rail workers and the public.<sup>1</sup> These systems are designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zones, and movements of trains through switches left in the wrong position. The National Safety Transportation Board (NTSB) first recommended that PTC be required in 1969 and Congress subsequently mandated PTC systems in the 2008 Rail Safety Improvement Act (RSIA) to save lives and reduce injuries.

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<sup>1</sup> <https://ttd.org/policy/getting-our-nations-freight-rail-system-back-on-track/>

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



Simply put, this RFA would allow trains to travel long distances without their required PTC systems. 20 rail carriers would be permitted to skirt the critical safety redundancy of PTC; justify further reductions in the maintenance of critical PTC systems; and reduce the engine repair shops workforce that maintains the safe functioning of trains. As stated in the petition, 20 rail carriers seek to utilize an alternative to the definition of “initial terminal” with regard to their PTCSPs. Initial terminal is currently defined as, “the starting point of a locomotive for a trip.” The carriers now desire to use this alternative definition: “the location where a train is originally assembled.” TTD and our affiliates strongly oppose this change.

Under the current definition of initial terminal, the point of transfer from one carrier to another is considered initiating a new train. Therefore, the train must be compliant with the FRA’s existing PTC regulations prior to continuing on to a second carrier’s territory. Under the proposed alternative definition of initial terminal, a PTC initialization failure at the point of interchange between one carrier and another would be considered an en route failure. Currently, a PTC initialization failure must be fixed immediately before a train can proceed in most cases. After experiencing an en route failure, trains are often allowed to continue along with specific limitations. If the joint RFA is granted, a train could potentially travel thousands of miles without a properly functioning PTC system. SMART-TD notes in its comments that if the FRA were to allow the requested modification, the percentage of trains without properly functioning PTC systems would rise significantly, jeopardizing the safety of crew members on the train, workers in the right of way, and surrounding communities. This is an extremely serious safety concern that the FRA cannot overlook.

Finally, we are concerned that the railroads are requesting a definitional change to such an important term as “initial terminal”, especially given the unknown consequences of such a change and the potential precedent it would set. It could be a slippery slope toward altering other procedures in train originations, like changing the definition of “initial terminal” for mechanical inspections. This would have extremely deleterious consequences for rail safety and allow rail carriers to further reduce the use of highly trained Qualified Mechanical Inspectors (QMIs.) who perform such inspections. Class I railroads drastically reduced the amount of carmen they employ and subsequently used the unavailability of carmen at terminals to avoid doing a full Part 215 inspection of rail cars, instead exploiting the allowable “Appendix D” inspection as those rail cars are added to trains. Furthermore, railroads are now having train conductors, instead of carmen, perform rail car inspections under Part 215 by citing the lack of available carmen. These conductors have not received adequate training to conduct proper railcar inspections; alarmingly, the FRA recently decided that these conductors are not allowed to stop a train if they spot a mechanical issue on a rail car.

The industry’s rail car inspection practices have greatly reduced safety, as evidenced by the National Transportation Safety Board’s (NTSB) investigation into Norfolk Southern’s toxic train derailment in East Palestine, Ohio. The NTSB’s June hearing on the derailment highlighted the lack of inspections that the rail cars in that train received, with most of the cars in that consist not receiving a full mechanical inspection before being added to the train. In a post-derailment

inspection, the FRA found defects in 25% of the 77 cars it reviewed. If given the opportunity, it is extremely likely that a full inspection performed by a QMI would have found some of those defects. Initial terminal mechanical inspections are the first and best line of defense against allowing defective equipment to enter our rail network.

Unfortunately, this RFA is another example of why the FRA's current 45-day window for decisions on PTC plan amendments is counterproductive.<sup>2</sup> Even though FRA has 45 days to make a decision from the time it receives notice from a railroad, the time it takes to publish the documents in the federal register means that the public and stakeholders have less than 45 days. In this instance, there were only 21 days between the FRA's posting of the documents and the comments deadline. Without the ability to have further conversations and discussions before the FRA is required to make a decision, we are forced to oppose this request.

For these reasons, we request that the FRA deny this joint RFA. We appreciate the opportunity to comment on this petition and look forward to working with the FRA in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Regan', with a stylized flourish at the end.

Greg Regan  
President

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<sup>2</sup> 49 CFR 236.1021(m)(3)(i)