



Transportation Trades Department, AFL-CIO

August 15, 2023

The Honorable Carolyn Hayward-Williams,  
Director, Office of Railroad Systems and Technology  
Federal Railroad Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

**RE: Union Pacific Railroad July 14, 2023, Request to Amend its Positive Train Control Safety Plan  
Docket No. FRA-2010-0061**

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 Union Pacific Railroad's (UP) July 14, 2023, request to amend its Positive Train Control (PTC) safety plan. TTD consists of 37 affiliated unions representing the totality of rail labor, including both passenger and freight rail workers. For the reasons outlined below, we respectfully request that the FRA deny UP's request. Additionally, we endorse the comments of our affiliate, the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD) and the Brotherhood of Locomotive Engineers and Trainmen (BLET).

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. TTD and its unions support FRA's goal of implementing safe and effective PTC systems in a timely fashion in order to protect rail workers and the general public.

UP's RFA specifically requests that the carrier be allowed to equip a controlling (lead) PTC locomotive with only the Computer Display Unit (CDU) and penalty brake interface components of the typical Locomotive Segment configuration, and connect it via cable to the PTC onboard computer and other components of a fully equipped trailing PTC locomotive to achieve full PTC functionality.<sup>2</sup> This request constitutes a serious safety risk. Extending the cabling required to connect the CDU in the lead locomotive to the trailing locomotive with a fully equipped PTC system increases the opportunity for malfunctions. A lengthier cable is inherently more susceptible to breakage, shorts, and other damage.

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

<sup>2</sup> <https://www.regulations.gov/document/FRA-2010-0061-0186>

In its request, UP states, “No additional failure modes or hazards are introduced by this configuration as any break or short in the extended cabling will manifest in exactly the same manner as such a condition in the locally-cabled configuration.”<sup>3</sup> UP elaborates that it has conducted its “full suite” of locomotive class tests for this configuration, but does not indicate the results of those tests or the methodology it employed. It is therefore difficult to verify UP’s claims given that its request included precious little detail as to how it arrived at its conclusion that this configuration does not, in fact, pose a safety risk. Equipping locomotives with PTC makes those locomotives safer to operate by adding additional redundancy in the system. Because of the lack of detail provided by UP and its proposal to not equip an important piece of rail equipment with a critical safety system, we disagree with UP’s premise that their proposal does not decrease safety.

This filing comes at a time when UP’s safety record is deteriorating and it has slashed jobs necessary to the safe operation of UP’s system. Since 2015, UP has greatly cut back on the amount of workers it has from 47,201 employees at the beginning of 2015 to 33,179 at the end of 2022.<sup>4</sup> Per FRA’s own data, UP’s rate of accidents and incidents per million train miles went from 10.457 in 2013 to 14.853 in 2022.<sup>5</sup> Given that UP’s safety record is clearly declining after cutting critical jobs over the past few years, trust is not sufficient and verification is absolutely necessary.

While we understand that the FRA is required to provide a decision on PTC plan amendments within 45 days of receipt, we believe that this regulation should be changed.<sup>6</sup> Unfortunately, this RFA is another example of why the current regulation is counterproductive. 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 fewer than 45 days to file public comments. In this instance, there were only 24 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.

Congress mandated PTC because of the safety benefits that it provides. Before allowing railroads to roll back critical redundancies that are important to ensuring that PTC is functioning properly, the FRA should ensure that any proposal is consistent with Congressional intent and provides the same level of safety. We believe that UP has not met that bar in this request and therefore ask that the FRA deny it.

We appreciate the opportunity to comment on this docket and look forward to working with the FRA in the future.

Sincerely,



Greg Regan  
President

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<sup>3</sup> <https://www.regulations.gov/document/FRA-2010-0061-0186>

<sup>4</sup> [https://www.up.com/aboutup/corporate\\_info/uprrover/index.htm](https://www.up.com/aboutup/corporate_info/uprrover/index.htm)

<sup>5</sup> <https://railroads.dot.gov/accident-and-incident-reporting/overview-reports/accidentincident-and-employee-duty-rates>

<sup>6</sup> 49 CFR 236.1021(m)(3)(i)