



Transportation Trades Department, AFL-CIO

September 18, 2023

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

**RE: Petition for Extension of Waiver of Compliance, Canadian National Railway  
Company  
Docket No. FRA-2011-0071**

Mr. Alexy,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) notice regarding the Canadian National (CN) Railway Company's petition to extend its waiver of compliance from the provisions of §236.377, Approach locking; §236.378, Time locking; §236.379, Route locking; §236.380, Indication locking; and §236.281, Traffic locking, to extend the periodic testing schedules from at least once every two years to at least once every four years. TTD consists of 37 affiliated unions representing the totality of rail labor. For the reasons outlined below, we respectfully request that the FRA deny CN's petition. Additionally, TTD endorses the comments of our affiliate, the Brotherhood of Railroad Signalmen (BRS).

In its petition, CN is requesting an extension of its initial waiver, first granted in 2012 and most recently extended in 2018, that allows for the verification and testing of signal locking systems controlled by microprocessor-based equipment through the use of alternative procedures every four years. As BRS notes in its comments, continuing to grant this request bypasses several safety checks that validate signal control systems. First, the alternative methods of verification currently in place under this waiver, using the Cyclic Redundancy Check (CRC)/Checksum/Universal Control Number (UNC), are not an adequate substitute for required field verification testing. These methods cannot reliably discover errors that would otherwise be identified through the required means of testing and verification as established under federal regulations.

In addition, the FRA is exposing CN's employees to unnecessary risk by allowing verifications of the accuracy of signal timing mechanisms to be performed every four years rather than every two years as required by current regulations. Signal systems are critical to the operation of every railroad, including CN, and it is vital that these systems work properly. Regular periodic inspections and testing of signal systems are necessary to ensure that these systems are functioning properly and the current regulations that CN seeks to waive reflect the necessary regularity. BRS'

comments highlight that internal timers cannot afford to lose seconds, let alone minutes. Extending the time between verifications from two years to four years allows far too much room for error and for undiscovered problems that could lead to catastrophe.

If CN, or any other railroad, believes that the existing federal rail safety regulations regarding periodic inspection and testing of signal systems and equipment are inadequate or unnecessary to meet current needs, there is an established process to initiate regulatory changes through the Rail Safety Advisory Committee (RSAC). Safety regulations exist for a reason, and they are often created after a catastrophe demonstrates the precise need for regulations and the consequence of operating without such safety rules. A patchwork system of waivers that enable inconsistent procedures and operations is simply not as safe and effective as a comprehensive approach to railroad safety. CN has not demonstrated any compelling reason to waive these critical safety regulations nor that their petition would increase safety.

For these reasons, we ask that the FRA deny CN's petition. We appreciate the opportunity to comment on this docket 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