



Transportation Trades Department, AFL-CIO

November 20, 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, Port Authority Trans-Hudson Corporation (PATH)
Docket No. FRA-2018-0041**

Dear 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 Port Authority Trans-Hudson Corporation's (PATH) petition to extend its waiver of compliance from certain provisions of the federal railroad safety regulations contained at 49 CFR part 214 (Railroad Workplace Safety). TTD consists of 37 affiliated unions representing the totality of rail labor, including roadway and track employees, and therefore have a vested interest in this proceeding. We strongly endorse the comments of our affiliates, the Brotherhood of Maintenance of Way Employees Division-Teamster Rail Conference (BMWED), the Brotherhood of Railroad Signalmen (BRS), the International Brotherhood of Electrical Workers (IBEW), and the Transport Workers Union of America (TWU). We respectfully request that the FRA hold a public hearing in order to receive testimony from stakeholders and other interested parties.

Specifically, PATH is requesting continued relief from the definition of "fouling a track" as defined in 49 CFR 214.7, at "certain locations within PATH's tunnel system if certain conditions are met." In addition, PATH seeks to allow tunnel bench walls to be considered a "place of safety" under § 214.329 (Train Approach Warning) for the safety and efficiency of roadway maintenance procedures at those locations. The rail labor organizations noted above strongly opposed PATH's initial waiver request due to our significant safety concerns. The partial relief the FRA granted in 2018, which PATH now seeks to extend, does not adequately address these safety issues and falls short of providing sufficient protection for roadway and track workers.

TTD and our affiliates respectfully request that the FRA hold a public hearing to receive testimony from all parties interested in and affected by this proceeding. Our affiliates' concerns about the existing 2018 waiver and this petition for extension of that waiver stems from the first-hand experiences of their members who work in the rail industry. A public hearing would allow FRA to hear this testimony in a manner that is more efficient and illuminating than written comments. We request that the FRA hear oral arguments presented by individuals with first-hand experience in this area, including General Chairmen familiar with the property and Federal Employers' Liability Act (FELA) attorneys who have represented employees injured in these tunnels. As our affiliates note in their comments, this approach will ensure a more distinct and comprehensive discussion of the safety concerns at hand. To facilitate the participation of General Chairmen and workers at PATH, we respectfully ask that the FRA hold this public hearing at a location conveniently accessible from the properties covered by this waiver extension request.

For these reasons, we ask that the FRA schedule a public hearing on this matter. 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 circular flourish at the end.

Greg Regan
President