



December 2, 2024

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

**RE: Confidential Close Call Reporting System Petition for Waiver of Compliance
Docket No. FRA-2024-0089**

Ms. Hayward-Williams,

The undersigned labor organizations are pleased to respond to the Federal Railroad Administration’s (FRA) notice regarding the Association of American Railroads’ (AAR) petition for a waiver of compliance from certain provisions of the federal railroad safety regulations contained at 49 CFR part 245 (Qualification and Certification of Dispatchers) applicable to AAR’s members who enter or have entered into an Implementing Memorandum of Understanding (IMOU) to participate in the FRA’s Confidential Close Call Reporting System (C³RS) Program involving train dispatchers. Our organizations represent members across the totality of rail labor, and we therefore have a vested interest in this petition. For the reasons outlined below, we ask the FRA to grant this waiver while continuing to push the Class I railroads to join the C³RS Program.

C³RS is an important tool that allows rail workers to report qualifying safety incidents, or “close calls,” under the program. Where IMOUs are in place, C³RS is designed to allow reporting employees to provide an accurate, detailed account of the events which not only transpired, but what contributing factors may have lead up to the event and a more complete representation of the rail operating environment. Qualifying reports related to the close call are also made all without fear of retaliatory action against the employee or the rail carrier. The system has been shown to provide invaluable information about safety concerns and hazards previously unreported.

Presently, the American Train Dispatchers Association (ATDA) has established C³RS Programs in place on Amtrak and three other commuter carriers, “pilot programs” in place on two major Class I carriers, BNSF and Norfolk Southern, and is actively attempting to expand the program to additional properties. However, in order to continue to offer the same level of protection from punitive action in specific situations to both train dispatchers and carriers, and to continue to foster C³RS reporting and participation, relief from required certification revocation is necessary.

In addition, we note that FRA has an established history of providing such waivers for C³RS Programs with respect to Locomotive Engineer (Part 240) and Conductor (Part 242) certification. As recently has September of this year, FRA provided such waivers to the Rapid City Pierre & Eastern Railroad (RCPE)¹ and extended waivers previously provided to the National Railroad Passenger Corporation (Amtrak)² and New Jersey Transit (NJT)³ in support of their respective C³RS Programs. The FRA noted in each of its decisions that such waivers were “in the public interest and consistent with railroad safety.” As such, we maintain that FRA should apply the same consistent standards and reasoning to AAR’s request for relief from certain sections of 49 CFR Part 245.

The C³RS program is one of the most important tools the rail industry should leverage to combat ongoing safety challenges and concerns. We therefore strongly encourage the FRA to grant the AAR’s petition in order to facilitate increased participation in and the expansion of C³RS Programs. We appreciate the opportunity to comment on this docket and look forward to working with the FRA in the future.

Sincerely,

American Train Dispatchers Association

Brotherhood of Maintenance of Way Employees – IBT

Brotherhood of Railroad Signalmen

Brotherhood of Railway Carmen

International Association of Sheet Metal, Air, Rail and Transportation Workers, Transportation Division

International Association of Sheet Metal, Air, Rail and Transportation Workers, Mechanical Division

International Association of Machinists

National Conference of Firemen and Oilers

Transport Workers Union

Transportation Communications Union

Transportation Trades Department, AFL-CIO

¹ <https://www.regulations.gov/document/FRA-2024-0043-0003>

² <https://www.regulations.gov/document/FRA-2010-0152-0029>

³ <https://www.regulations.gov/document/FRA-2009-0096-0021>