



Transportation Trades Department, AFL-CIO

April 16, 2025

Mr. Karl Alexy
Associate Administrator for Railroad Safety & Chief Safety Officer
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Amtrak Petition to Modify a Waiver of Compliance
Docket No. FRA-2014-0124**

Mr. Alexy:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the National Railroad Passenger Corporation's (Amtrak) petition for relief from condition 11a required by the FRA's August 9, 2016 decision letter in Docket Number FRA-2014-0124. TTD consists of 37 affiliated unions representing the totality of rail labor, including Amtrak employees. For the reasons outlined below, we respectfully request that the FRA deny Amtrak's request for modification and duly consider the comments filed in this docket by our affiliate, the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED). The FRA must ensure the safety concerns detailed by the BMWED are addressed prior to approval of Amtrak's petition for modification.

First, we acknowledge Amtrak's proactive outreach to the labor organizations impacted by this request. We appreciate Amtrak's willingness to discuss the safety concerns raised by the BMWED. However, as the BMWED notes in its recent letter in this docket, these concerns should be fully addressed with clear safety improvements visible in the field prior to the FRA granting Amtrak's requested relief from condition 11a.

Condition 11a currently imposes a maximum speed of 125mph on Amtrak's Tier III trainsets when passing roadway work limits on adjacent tracks. This restriction is intended to mitigate the very real risk of fatal collisions with maintenance-of-way (MOW) crews. This safety protection exists because BMWED has seen workers killed and injured in entirely preventable accidents. As noted in its request, Amtrak plans to enact risk mitigations to include right-of-way barrier and fencing improvements, investment in technologies to reduce the risk of MOW collisions, and system-wide procedural safety updates. Amtrak argues it has determined that condition 11a is no longer necessary and that trainsets can operate "at speeds up to 160 mph in designated high-speed zones"

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer

as a result of these risk mitigation measures. BMWED made an eminently reasonable request to see Amtrak's risk analysis data so they may evaluate and scrutinize the promised safety improvements for themselves. To this day, Amtrak has not shared the risk analysis with BMWED. Given Amtrak's inconsistency with regard to implementing safety protocols and additional safety measures, including Limit Compliance and Collision Avoidance Systems (LCCAS), we are concerned that condition 11a will be withdrawn without necessary assurances that safety improvements are actually in place. This will pose unnecessary and unacceptable risk to both rail workers and the travelling public.

We must also reiterate the BMWED's concerns surrounding the responsibilities of Roadway Workers in Charge (RWICs). As the organization notes in its letter in this docket, "BMWED has repeatedly flagged for Amtrak its concerns that RWICs are being forced to conduct their roadworker protection duties and oversee other gangs performing work simultaneously, a practice called "piggybacking" of RWIC duties. This current dynamic is especially dangerous from a safety perspective, given the number and speed of trains along the Northeast Corridor and the amount of work currently taking place." This unsafe practice must be addressed prior to approval of Amtrak's request for relief.

We encourage the FRA to hold Amtrak accountable for redesigning its Enhanced Employee Protection System (EEPS) framework to prevent multiple workgroups from operating under shared, overlapping authorities and requiring individual RWIC oversight for distinct worksites prior to granting Amtrak's request for relief. Further, we strongly urge the FRA to require Amtrak to revise and enforce its Slow-By rules to limit train speeds at 60 mph on tracks adjacent to out-of-service or occupied tracks. The authority to enforce a Slow-By restriction must also rest with the RWIC, not solely with Amtrak management. FRA has an important responsibility to reduce near-miss incidents and protect MOW crews from being struck by trains. These concerns must be addressed with safety improvements verifiably implemented before the FRA grants Amtrak's request for relief.

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 be "Greg Regan", written over a circular stamp or seal.

Greg Regan
President