



Transportation Trades Department, AFL-CIO

September 2, 2025

Kyle D. Fields
Chief Counsel
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington DC, 20590

**RE: Qualification and Certification of Locomotive Engineers and Conductors:
Incorporation of Longstanding C3RS Waivers
Docket No. FRA-2025-0131**

Mr. Fields:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) notice of proposed rulemaking regarding the incorporation of longstanding Confidential Close Call Reporting System (C3RS) waivers. TTD consists of 39 affiliated unions who represent members across the freight rail industry, including locomotive engineers, conductors, and many others.¹ We appreciate the FRA's efforts in encouraging Class I railroads to participate in the C3RS program, which the Class Is previously committed to joining in March of 2023 following the catastrophic Norfolk Southern derailment in East Palestine, but have yet to do.² We are concerned that this NPRM, as written, could have the unintended effect of excluding labor organizations from participating in C3RS. We therefore encourage the FRA to revise its proposal prior to finalizing this rule. Additionally, we strongly support the comments filed in this docket by our affiliates, including the Brotherhood of Locomotive Engineers and Trainmen (BLET), the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED), and the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD).

As the FRA has stated, C3RS is an important tool that allows rail workers to report safety incidents, or "close calls," to the FRA that do not meet the mandated reporting threshold.³ The program is designed to shield reporting employees from disciplinary action related to a close call event, where

¹ Attached is a complete list of the unions affiliated with TTD.

² https://www.aar.org/wp-content/uploads/2023/03/Response-Letter-on-C3RS-FINAL_.pdf

³ <https://railroads.dot.gov/safety-data/forms-guides-publications/guides/monetary-threshold-notice>

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer

an Implementing Memorandum of Understanding (IMOU) is in place, in order to ensure accurate reporting and provide a more complete representation of the rail operating environment. These benefits, however, can only be realized when labor is included as a stakeholder to IMOU agreements. The language in the NPRM effectively allows the duly recognized labor organizations representing covered employees to be excluded from the IMOU process.

Specifically, the NPRM includes the following language in its definition of a Confidential Close Call Reporting System Implementing Memorandum of Understanding: “if a non-profit employee labor organization representing employees covered by a C3RS IMOU *is not a stakeholder to the program*, a C3RS IMOU may be signed only by FRA and the participating railroad.” As the FRA is aware, rail labor has participated in the Railroad Safety Advisory Committee (RSAC) working group on C3RS and remains a stalwart champion of the program’s proven safety benefits. Thus, it is unclear why a labor organization representing covered employees would not be a stakeholder to the program. The FRA has an important role to play in getting the Class I carriers and rail labor organizations to agree to a C3RS IMOU, such as the template IMOU adopted by over two dozen railroads. FRA should not allow an IMOU to be signed by only itself and the railroad. We strongly urge the FRA to remove this language in its final rule to encourage buy-in from covered employees.

The C3RS program is only effective if employees report close calls. If labor organizations are left out of these agreements, it’s unlikely that employees will feel comfortable making a report to a program their labor organization has not signed. This buy-in is essential in securing the benefits of the C3RS framework. This proposed change is also concerning given the FRA’s latitude in revising the terms of the IMOU. If the terms of the IMOU are altered in a way that is favorable to the railroad without labor’s input and labor is then left out as a stakeholder to the program as per this NPRM, rail workers will be participating in a program subject to terms their duly recognized representatives (i.e. labor organizations) had no opportunity to view, discuss, or negotiate.

We are concerned that if labor organizations are not considered a stakeholder to a C3RS IMOU, the Peer Review Team (PRT) will not have members from labor present to evaluate C3RS reports. Again, labor buy-in is critical to the success of C3RS. Without labor representation on the PRT, it is unlikely that workers would feel comfortable submitting reports that would only be evaluated by management.

We firmly believe that participation in this program will create a safer freight rail system and identify potential safety issues before they lead to dangerous catastrophes. We support the implementation of C3RS when it is used as a tool to encourage employees to report unsafe conditions encountered on the job. We appreciate that the FRA is working to streamline and facilitate participation in C3RS, however labor organizations representing covered employees must be a party to any C3RS IMOU.

The C3RS system can provide invaluable information about safety concerns and hazards previously unreported to the FRA due to gaps in reporting requirements, and has the potential to vastly improve the safety of our rail system. We therefore strongly encourage the FRA to revise this NPRM to ensure labor organizations will not be left out of the C3RS IMOU process. 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