



Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference — International Brotherhood of Teamsters

NATIONAL LEGISLATIVE OFFICE

25 Louisiana Avenue, NW, Room A-704 • Washington, DC 20001
Phone: (202) 624-8776 • Fax: (202) 624-3086 • tolman@ble-t.org

JOHN P. TOLMAN

Vice President and

National Legislative Representative

February 15, 2007

Docket Clerk
DOT Central Docket Management Facility
Room PL-401
400 7th Street, SW (Plaza Level)
Washington, DC 20590-0001

Re: Docket No. FRA-2005-23281

Dear Docket Clerk:

On July 27, 2006, the Federal Railroad Administration (“FRA”) published a Notice of safety inquiry, regarding the Safety of Private Highway-Rail Grade Crossings, which was assigned DOT DMS Docket No. FRA-2005-23281. FRA therein solicited comments from interested parties. 71 FR 42713.

These comments are submitted by the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (“BLET”), which is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive Engineer employed on all Class I railroads. BLET also represents operating and other employees on numerous Class II and Class III railroads. Consequently, the issue of safety at private highway-rail grade crossings has a significant impact upon our members.

The BLET believes that private railroad grade crossings in the United States lack a uniform approach to safety, which endangers the lives of our members and the general public. There is a complete absence of regulation involving private grade crossings. This absence endangers both the public and railroad workers.

While accidents and injuries at public highway-rail grade crossings have declined by between one-third and one-half in the past decade, accidents at private crossings have declined by only 10 percent, and the number of injuries in private crossing accidents has actually increased by one percent. This increase is an unfortunate side-effect of both the government and the railroads failing to pay appropriate attention to this issue. We are fortunate, however, that no major accidents or incidents have occurred at such crossings. Nonetheless, the risk remains unacceptable. The

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risks of collision and of derailment mean that train crews and the public may be exposed to injury or death caused by derailing equipment or hazardous materials releases.

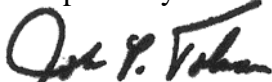
The boundaries between public and private crossings are often blurred. There are over 94,000 private highway-rail grade crossings in the United States; many of which are used by more than one individual. A private crossing should be defined as one used by a sole land owner or lessee. Once any other individuals routinely use the crossing, it should no longer be considered a private crossing but as a public crossing. We believe it is imperative that any private crossing that serves an industry should be held to the same standards for the highway-rail grade crossing signal system requirements. Due to the types and sizes of trucks, and the materials that they carry, the severity of an accident at these crossings would be greater than an accident between an automobile and a train.

The BLET feels that, at a minimum, all crossings should be required to have active warning devices and must be in compliance with the Manual for Uniform Traffic Control Devices. Active warning devices can significantly improve the level of safety at these grade crossings.

However, we would prefer that FRA prohibit the creation of new private crossings and work toward eliminating as many existing private crossings as possible. If the FRA determines that it wants to allow the creation of new private crossings, then the new private crossings should have active warning devices installed prior to use. FRA should request enactment of legislation to address private crossings.

It is unfortunate that for many years our nation's railroads have chosen to sweep this issue under the rug — ignoring these private crossings until the level of safety had degraded so far that they have become a danger to railroad workers and the general public. We appreciate the fact that FRA has undertaken this effort, and are grateful for the opportunity to participate.

Respectfully submitted,



Vice President and National Legislative Representative

cc: Thomas A. Pontolillo, Director of Regulatory Affairs