



Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference — International Brotherhood of Teamsters

NATIONAL LEGISLATIVE OFFICE

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RAYMOND A. HOLMES

*Vice President and
National Legislative Representative*

April 10, 2006

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

Re: Docket No. FRA-2006-24215

Dear Docket Clerk:

On February 1, 2006, Norfolk Southern Corporation (“NS”) petitioned the Federal Railroad Administration (“FRA”) for a waiver from compliance with the requirements of 49 C.F.R. Sections 229.23(d), 229.23(f), 229.27(a)(3), and 229.29(a), to the extent that such sections require the maintenance of physical records pertaining to 92-day locomotive inspection reports, and proposed to substitute electronic records in satisfaction of said requirements. *See* DOT DMS FRA-2006-24215-1. On April 7, 2006, FRA published notice of the filing of the NS petition, soliciting comments thereon from interested parties. 71 Fed. Reg. 17949.

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 NS. Consequently, the NS petition would have a significant impact upon our members. For the reasons set forth below, BLET recommends that any waiver granted by FRA include the conditions proposed herein.

FRA already has considered the question of electronic recordkeeping for 92-day locomotive inspection reports on several occasions, and has granted petitions for waiver on a conditional basis to the following railroads: Burlington Northern Santa Fe (FRA-2003-16440-5); Canadian National (FRA-2004-18960-4), and Union Pacific (FRA-2004-17308-4). Further, on April 7, 2006, FRA published notice of a similar filing by Kansas City Southern. *See* 71 Fed. Reg. 15798. We also note that FRA’s Railroad Safety Advisory Committee has created a Locomotive Safety Standards Working Group, which has been assigned the task — among others — of developing provisions for optional electronic recordkeeping.

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In the interim, however, BLET believes that consistency and uniformity in recordkeeping requirements is essential. Accordingly, we recommend that any waiver granted by FRA include the following conditions, adapted from the conditional waiver granted to Union Pacific on this subject, which is the most recent of such waivers:

- The waiver should be limited to locomotives owned or leased by NS and maintained by NS in its facilities.
- Any computer-generated form substituted by NS for FRA Form 6180.49A should contain all the required information; provided, however, that the computer-printed name of the person performing the inspections and the certifying inspections would satisfy the requirement for a signature.
- NS should be required to identify the waiver following instructions for block nineteen and explain the scope and content under remarks.
- Any computer-generated substitute for FRA Form 6180.49A should be displayed under a transparent cover in the locomotive cab and contain all information required by Part 229.
- NS should be required to maintain an electronic database to identify those units which require periodic inspection before continuing in service.
- Employees and supervisors required to make entries on electronic FRA Form 6180.49A should be provided with a secure and unique electronic access code for reporting and certifying inspections and to repair records.
- NS should be required to provide employees with inspection packages including all required tests and procedures needed to perform required inspections and tests. If provided electronically, a means for persons performing inspections to indicate completion should be provided by assigned unique electronic access.
- If an employee who has been provided with a unique electronic access code for reporting and certifying inspections and repairs is removed from service, retires, or otherwise is not employed by NS, his/her employee identification should be maintained until the requisite inspection or repair record is no longer required.
- It should be required that inspection packages include an enumeration of the defects and repairs made to the locomotive over the previous 92 days.

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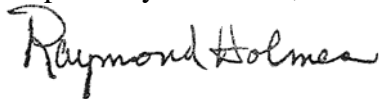
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- FRA should require that its inspectors be provided with computer generated copies of FRA Form 6180.49A upon request at any of the NS facilities utilizing the electronic reporting covered by the waiver.
- Any waiver granted should be of limited duration, expiring five years from the date of issuance; provided, however, that at the conclusion of the five-year period, FRA reserves the right to extend the waiver if conditions warrant and NS has made a written request for an extension to FRA's Office of Safety Assurance and Compliance at least six months prior to the expiration date.

The above conditions would place NS on an equal footing with other Class I railroads with respect to electronic recordkeeping concerning 92-day inspections. Accordingly, BLET submits that they should be imposed in the event FRA decides to grant the requested waiver.

Respectfully submitted,



Vice President and National Legislative Representative

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