



Brotherhood of Locomotive Engineers & Trainmen

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National Legislative Director

May 19, 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-2006-24224

Dear Docket Clerk:

On March 3, 2006, Canadian National Railway Company, on its own behalf and on behalf of its wholly owned U.S. subsidiaries, Illinois Central Railroad Company, Wisconsin Central, Ltd., Grand Trunk Western Railroad Company, Chicago Central & Pacific Railroad Company, Duluth, Winnipeg & Pacific Railway Company, Bessemer & Lake Erie Railroad Company and Duluth Missabe & Iron Range Railroad Company (hereinafter collectively referred to as "CN") petitioned the Federal Railroad Administration ("FRA") for a waiver from compliance with the requirements of 49 C.F.R. Sections 229.27(a)(2) and 229.29(a). *See* DOT DMS FRA-2006-24224-1 ("Petition"). On April 7, 2006, FRA published notice of the filing of CN's petition, soliciting comments thereon from interested parties. 71 Fed. Reg. 17948.

These comments are submitted jointly by the United Transportation Union ("UTU") and the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters ("BLET"), which are the duly designated and recognized collective bargaining representatives for all operating crafts employed on CN. Consequently, CN's petition would have a significant impact upon our members. For the reasons set forth below, BLET and UTU oppose granting the requested relief at this time.

On February 22, 2006, the Railroad Safety Advisory Committee ("RSAC") adopted Task No. 06-01, which served as the basis for the creation of a Locomotive Safety Standards Working

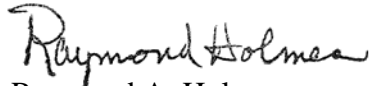
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Group (“LSSWG”).¹ The task description calls for a general review of Part 229, “with special emphasis on Section[] ... 229.29 (air brake intervals),” which is the regulation from which the instant petition seeks relief. The LSSWG also is tasked with specifically reporting on the question “[w]hether current inspection intervals and procedures are appropriate to current conditions.” Thus, the LSSWG will directly address the question raised in CN’s petition.

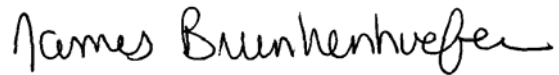
The LSSWG held its initial meeting from May 8, 2006, through May 10, 2006. A teleconference is scheduled for June 27, 2006, and a second meeting will be held on August 8, 2006, and August 9, 2006. According to the LSSWG roster published on the secure RSAC website, CN is represented by Assistant Chief Mechanical Officer – Locomotive William Ross for purposes of Task No. 06-01.²

Inasmuch as the subject matter of CN’s petition has been specifically assigned to the LSSWG for consideration and report, we believe it would be inappropriate for FRA to grant the requested relief at this time. RSAC’s handling of the issue should prove to be dispositive of the question of relief in the nature sought by CN, which would render the petition moot upon final action by FRA on RSAC’s recommendation on the matter. Accordingly, we request that FRA not act on the petition during the pendency of the LSSWG.

Respectfully submitted,



Raymond A. Holmes
Vice President & National Legislative Representative



James M. Brunkenhoefer
National Legislative Director

cc: All affected UTU General Chairpersons and BLET General Chairmen
All affected BLET State Legislative Board Chairmen and UTU State Legislative
Directors

¹ For the Safety Board’s ready reference, a copy of the Task Statement is attached hereto.

² See http://rsac.fra.dot.gov/private/wg_people_detail.asp?NAMENO=1151.



U.S. Department
of Transportation

Federal Railroad
Administration

Railroad Safety Advisory Committee
Task Statement:
Review and Revision of the Locomotive Safety Standards

Task No.: 06-01

Date presented to the RSAC: February 22, 2006

Purpose: To review 49 CFR Part 229, Railroad Locomotive Safety Standards, and revise as appropriate.

Description: Review Part 229 generally, with special emphasis on Sections 229.21 (Daily inspection); 229.23 (Periodic inspection - general); 229.25 (Tests: Every periodic inspection); 229.29 (air brake intervals); 229.125 (Headlights and auxiliary lights); and 229.131 (Sanders). Develop provisions for (optional) electronic recordkeeping. Consider need for regulation of safety-relevant control systems.

Issues requiring specific report:

- Whether there is a continuing need for § 229.131 (Sanders).
- What conditions or procedures should accompany authorization of electronic record keeping?
- Apart from traditional train control, what is the role of electronic control systems in the operation of locomotives for switching and for train operations? What safety criteria should be applied?
- Whether current inspection intervals and procedures are appropriate to current conditions?

Sources:

- Request from the Association of American Railroads, Docket 2005-20112-9, to restructure the requirements for locomotive inspections and facilitate electronic record keeping.
- Request from the Association of American Railroads, Docket 2004-18739, to delete Section 229.131, which requires that locomotives be equipped with operable sanders.
- Waiver request from American Short Line and Regional Railroad Association, Docket 2003-16271, to reduce the regulatory burden for small railroads in connection with the inspection requirements in Section 229.23 and Section 229.25.
- Requests by labor organizations for attention to issues related to remote control of locomotives.
- The Government Paperwork Elimination Act.

Refer to: Locomotive Safety Standards Working Group to be formed.

Target dates:

90 days from date of first working group meeting: report any recommendations regarding revision or repeal of § 229.131 (Sanders).

The Working Group will be established and will report to the RSAC any specific actions identified as appropriate. The Working Group will report planned activity to the full Committee at each scheduled Committee meeting, including milestones for completion of projects and progress toward completion.

Disposition: Accepted

Date: February 22, 2006