



Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference — International Brotherhood of Teamsters

NATIONAL LEGISLATIVE OFFICE

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JOHN P. TOLMAN

*Vice President and
National Legislative Representative*

December 20, 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-2006-25705

Dear Docket Clerk:

On August 15, 2006, CSX Transportation (“CSX”) petitioned the Federal Railroad Administration (“FRA”) for a waiver from compliance with the requirements of 49 C.F.R. Sections 229.23, 229.27, 229.29, 229.31, and 229.33 as these sections pertain to the physical signature and recordkeeping requirements for 92-day periodic locomotive inspection reports, annual locomotive inspection reports, biennial locomotive inspection reports and other inspection reports that are subject to any waivers already granted by FRA regarding the time period for performance of these inspections. *See* DOT DMS FRA-2006-25705-1. On November 6, 2006, FRA published notice of the filing of the CSX petition, soliciting comments thereon from interested parties. 71 Fed. Reg. 65030.

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 CSX. Consequently, the CSX 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); Union Pacific (FRA-2004-17308-4); and Norfolk Southern (FRA-2006-24215-5). We also note that FRA’s Railroad Safety Advisory Committee has created a Locomotive Safety Standards Working Group, which is developing regulatory provisions

that will govern optional electronic recordkeeping, to obviate the need for waivers such as this in the future.

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 Norfolk Southern on this subject, which is the most recent of such waivers:

- The waiver should be limited to locomotives owned or leased by CSX operated railroads and maintained in CSX operated facilities.
- The computer generated report (FRA F6180.49A) and other required reports should be displayed under a transparent cover in the locomotive cab and should contain all information required by Locomotive Safety Standards.
- The database should be set up to not allow locomotives to continue in service beyond any required inspection.
- Employees and supervisors required to make entries on the electronic FRA F 6180.49A or any other required report should be provided with a secure and unique electronic access code for reporting and certifying inspection and repair records.
- Electronic reporting should provide the printed name of any person who performed inspections, repairs or certified work on the cab copy of the FRA F 6180.49 A or any other required report.
- CSX should provide employees with printed inspection packages, including all required tests and procedures needed to perform inspection and tests, as well as a means for any person performing inspections to indicate completion.
- Work packets should include defects and repairs made to the locomotive over the previous ninety-two (92) days, or other relevant period.
- FRA inspectors should be provided computer generated copies of FRA F 6180.49A or any other relevant report upon request at any of the CSX operated locomotive facilities utilizing the electronic reporting covered by this waiver.
- Starting from the implementation for a period of one year, CSX should be required to develop and submit to FRA on a quarterly basis a progress report of effectiveness of the

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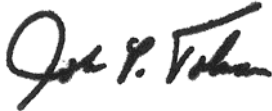
electronic record keeping for locomotive periodic inspections, and on a similarly timely basis for inspections required at other interims.

- The waiver should expire five years from the date of the Safety Board's approval. FRA should reserve the right to extend the waiver, at the conclusion of the five-year period, if conditions warrant and CSX 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.
- FRA should reserve the right to modify or rescind the waiver upon receipt of information pertaining to the safety of rail operations or in the event of non-compliance with any condition of the waiver.

See FRA-2006-24215-5.

The above conditions would place CSX on an equal footing with other Class I railroads with respect to electronic recordkeeping concerning 92-day inspections, and would treat all recordkeeping similarly, regardless of periodicity. 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

cc: D. M. Hahs, National President
All BLET CSX General Chairmen
All BLET CSX State Legislative Board Chairmen
T. A. Pontolillo, Director of Regulatory Affairs