



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

November 2, 2007

Docket Clerk
DOT Central Docket Management Facility
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, Southeast
Washington, DC 20590

Re: Docket No. FRA-2006-26175

Dear Docket Clerk:

On September 4, 2007, the Federal Railroad Administration (“FRA”) published a Notice of Proposed Rulemaking (“NPRM”) concerning Electronically Controlled Pneumatic (“ECP”) brake systems. *See* 72 FR 50820–50853. 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 Proposed Rule would have a significant impact upon our members, and we appreciate the opportunity to comment on their behalf.

The BLET participated in the October 4, 2007 Public Hearing held in Washington, D.C., and in the October 19, 2007 Public Hearing / Technical Conference held in Rosemont, Illinois. We applaud FRA for devoting the time and resources it has since the Proposed Rule was published. Our participation included providing oral and submitting written testimony, and we incorporate said prior testimony by reference herein, except as modified below.

Concerning the request by Norfolk Southern (“NS”) that proposed Section 212.613(c) be redrafted in order to permit a locomotive to be used on the rear of a train without an ECP end-of-train device (“EOT”), we concur with the NS position and would support such a redrafting. With regard to our testimony that identified a pair of potential situations when it might be necessary for an ECP EOT to perform the function of venting the brake pipe to atmosphere to engage an

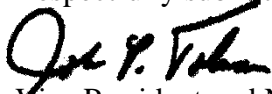
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emergency brake application,¹ as a result of information provided by the Association of American Railroads (“AAR”) at the Technical Conference our concerns have been adequately satisfied and we no longer believe it is necessary for FRA to reconsider this aspect of ECP EOT functionality.

In support of our position that there should be no exception from Section 232.305(b)(2), which requires railroads to perform a single car air brake test when a car is on a shop or repair track for any reason and has not received a single car air brake test within the previous 12-month period, we would offer the following additional information for FRA’s consideration. AAR’s charge for conducting this test is \$90.75, and the test takes approximately one (1) hour to complete. We believe both the cost and the time involved in performing this annual test are minimal, and we reiterate that there should be no exception in the Final Rule.

Lastly, our October 29th written testimony included eleven (11) concerns with respect to AAR’s S-4200 Standard, one (1) concern with respect to AAR’s S-4250 Standard, and two (2) concerns with respect to AAR’s S-4260 Standard. To date, the issues and concerns we raised have not been addressed. Accordingly, we reserve the right to file supplementary comments relative to these concerns when AAR’s response has been received and reviewed. Once again, we appreciate the full airing given by FRA concerning its Proposed Rule, and we look forward to continuing to work with FRA, the railroad industry, and suppliers in developing appropriate regulations to facilitate the implementation of ECP technology.

Respectfully submitted,



Vice President and National Legislative Representative

cc: Advisory Board
All General Chairmen
All State Legislative Board Chairmen
Thomas A. Pontolillo, Director of Regulatory Affairs

¹ See October 19, 2007 BLET Testimony at pp. 13-14.