



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

April 12, 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-2007-26965

Dear Docket Clerk:

On December 15, 2006, CSX Transportation (“CSXT” or “Petitioner”) petitioned the Federal Railroad Administration (“FRA”) for a limited waiver from compliance with the requirements of 49 CFR Section 236.586. *See* DOT DMS FRA-2007-26965-1 (“Petition”). On February 28, 2007, FRA published notice of the filing of CSXT’s petition, soliciting comments from interested parties. *See* FRA-2007-26965-3.

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 by CSXT. Consequently, the instant petition would have a significant impact upon our members. For the reasons set forth below, BLET respectfully requests that any relief granted by FRA include the conditions set forth herein.

The FRA safety regulation from which Petitioner seeks relief provides as follows:

§ 236.586 Daily or after trip test.

(a) Except where tests prescribed by § 236.588 are performed at intervals of not more than 2 months, each locomotive equipped with an automatic cab signal or train stop or train control device operating in equipped territory shall be inspected for damage to the equipment and tested at least once each calendar day or within 24 hours before departure upon each trip.

(b) Each equipped locomotive shall be tested to determine the locomotive equipment is responsive to the wayside equipment and shall be cycled to determine the device functions as intended.

(c) Each locomotive equipped with intermittent inductive automatic train stop or non-coded continuous inductive automatic train stop or non-coded continuous inductive automatic train control device shall be tested to determine that the pickup of the device is within specified limits.

49 CFR § 236.586.¹

Petitioner states that the scope of relief sought is limited to locomotives with a microprocessor-based cab signal- or train control- system. Petition at p. 1. Moreover, Petitioner proposes the following additional limitations:

- That the waiver be granted for a test of the microprocessor-based equipment, which is to be performed with the participation of CSXT, the FRA, Cab Signal OEMs, BLET and UTU.
- A 3-phase test protocol consisting of: (1) a static test conducted at the OEM facilities; (2) a replication of this test on actual locomotives at one of CSXT's shops; and (3) an "on-the-road test" phase involving all locomotives equipped with microprocessor-based Cab signal and Train Control equipment.
- This test is intended to demonstrate how the newer systems will allow safe train operation in Train Control Territory without the need of performing a daily visual inspection of the Cab Signal and Train Control apparatus by exhibiting how microprocessor-based systems can continuously monitor themselves, with on-board self diagnostics, and take the appropriate safe action in the event a failure is detected.

Id.

Petitioner also asserts that the system is fail-safe, and that the test will demonstrate that component failures, while undesirable, do not reduce public safety as a result of the continuous self-diagnostics built into these systems. Id. During the test period, CSXT will keep these locomotives on a 92-day periodic inspection interval and will not perform daily visual inspections of its

¹ Section 236.588 — entitled "Periodic test" — states that "[e]xcept as provided in § 236.586, periodic test of the automatic train stop, train control, or cab signal apparatus shall be made at least once every 92 days, and on multiple-unit cars as specified by the carrier, subject to approval by the FRA."

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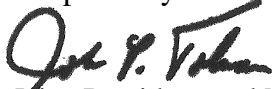
Cab Signal and Train Control equipment.² Id. Petitioner also states that it “will host quarterly meetings with all participants to discuss data collected until conclusion of the test period.” Id.

While Petitioner appears to have carefully thought through and developed a detailed test plan, we, nonetheless, find the petition lacking in at least two significant respects.³ First, although Petitioner proposes to conduct testing “with the participation of ... BLET,” the petition fails to set forth the manner of BLET participation, except attendance at the quarterly meetings CSXT will host to discuss data collected. BLET also should be afforded the opportunity to have representatives observe and otherwise participate in the static testing that will comprise the first two phases of the program, and any waiver granted should so require.

Second, Petitioner seeks relief from compliance with Section 236.586 *in toto*. However, the petition states only that CSXT “will not perform daily visual inspections of its Cab Signal and Train Control equipment” on locomotives included within the scope of the waiver. As previously noted, FRA requires that the equipment be “tested at least once each calendar day or within 24 hours before departure upon each trip.” 49 CFR § 236.586(a). The purpose of that test is “to determine the locomotive equipment is responsive to the wayside equipment and shall be cycled to determine the device functions as intended.” 49 CFR § 236.586(b).

It is our understanding that the self-monitoring capacity of the microprocessor-based systems pertains to general operability (e.g., the system is not inoperative because of physical damage and induction is within specified tolerances), thereby — in Petitioner’s opinion — obviating the need for a daily or after trip visual inspection. CSXT’s petition has proposed no substitute — and we can envision none — that would satisfy the safety requirement for cycling the system to ensure all aspects are timely and appropriately displayed and that the system functions as intended. Accordingly, any relief granted by FRA should not include relief from the testing requirements set forth in Section 236.586(a)–(b).

Respectfully submitted,



Vice President and National Legislative Representative

² Petitioner represents that the waiver will not be applicable to any of the non-microprocessor based equipment, which “will remain on 60-day inspection intervals until it has been replaced or retired.” Id.

³ We further note that the BLET General Committee with jurisdiction over the territory where these locomotives operate also will file comments, based on information it has developed.

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cc: Grady C. Cothen, Jr., Esquire, FRA Deputy Associate Administrator for Safety Standards
and Program Development
All CSXT General Chairmen
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