

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

FRA WAIVER PETITION DOCKET No. FRA-2013-0007

Brake System Safety Standards for Freight and Other Non-passenger
Trains and Equipment, End-Of-Train Devices
(49 C.F.R. Part 232)

June 21, 2013

STATEMENT OF RICHARD A. JOHNSON, GENERAL PRESIDENT,
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I. Introduction.

My name is Richard A. Johnson. I am the General President, Brotherhood Railway Carmen Division, Transportation Communications Union (BRC) and a National Vice President of the Transportation Communications Union (TCU/IAM). I have been a Carman for 42 years, beginning in 1971 on the former Milwaukee Road at Bensonville, Illinois, and I am personally familiar with the Federal Railroad Administration's (FRA) regulations that set forth safety standards for rail equipment.

BRC appreciates this opportunity to participate in the regulatory process, and brings to that process an enormous wealth of experience and practical knowledge in the area of railroad safety. Our experience has taught us that full compliance with FRA's safety regulations is the surest way to improve railroad safety and, to that end, BRC will address the safety and other issues raised by this petition for waiver.

The Illinois Central Railroad (CN) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. Specifically, CN seeks a waiver of compliance from 49 CFR 232.207, Class IA brake tests—1,000-mile inspection and to create a hybrid of the different millage requirements for cycle trains and extended haul trains. For the reasons provided below, BRC opposes the requested relief.

II. BRC opposes the relief requested by CN.

BRC opposes the relief requested by CN because the Carrier has not provided sufficient assurance that the waiver will not compromise railroad safety. CN currently operates a total of five (5) extended haul trains where the distance between any two (2) inspections can be 1,500 miles. CN requests that the Class IA requirement which governs cycle trains apply instead, which requires that the trains receive a Class IA brake test at 1,000 miles. However, CN also requests that the 1,000 mile Class IA requirement be extended to 1,323 miles. The Carrier then provides that a Class I brake test will occur once every 2,646 miles. All of these tests and inspections will be performed in Memphis, TN, while the trains are empty by a Qualified Mechanical Inspector (QMI). For the reasons provided below, BRC opposes this hybrid standard proposed by CN.

First, this sort of regulatory cherry picking by CN is reckless. Granting CN's petition for waiver could have implications throughout the industry. The relief could lead to the watering down of regulations and complication of FRA's oversight of cycle and extended haul trains. Moreover, the relief could also encourage other Class I Carriers to seek the same type of waiver. The provisions regulating extended haul trains are not the same as those used to govern cycle trains and CN should not be allowed to create a hybrid standard simply for the sake of operational convenience.

Second, these trains should have a Class I brake inspection performed at either Mobile, AL, or Convent, LA. Mobile, AL, and Convent, LA, are destinations and departure points. The trains should have a Class I brake inspection and Class I train inspection prior to departing these

locations. CN could easily send a QMI from Geismer, LA, to Convent, LA, to perform a Class I brake test prior to departure since Geismer is only 30 miles from Covent, LA. In addition, CN has Carmen in Mobile, AL, who can perform the necessary tests and inspections as well.

Third, CN's claim that its proposal may offer additional safety because a QMI will perform the tests and inspections in Memphis, TN, is also misleading. CN wants the inspections done in Memphis, TN, because these trains are yarded in Memphis, TN, and there are approximately 90 BRC represented Carmen at that yard. Having both the Class I and Class IA tests and inspections performed only at Memphis, TN, is simply a matter of convenience for the Carrier and not an increased safety measure.

Indeed, if CN performed a Class I brake test at Mobile, AL or Convent, LA, the Carrier wouldn't even need to stop in Memphis, TN. The Carrier could then send a QMI from Centralia, IL, to Dial, IL, Sugar Camp, IL and Galatia, IL, to perform a Class IA brake inspection when the trains are loaded in Illinois prior to departure. All of these locations are less than 100 miles from Centralia, IL, from where the Carrier frequently sends a road truck to numerous locations to handle such matters. CN could alternatively perform the Class I brake test in Illinois and the Class IA brake tests in Mobile, AL, and Convent, LA. Either way, there is no need or justification for the requested relief.

Simply put, CN can have QMIs at every location in question within hours but would rather create a new standard to foster its operational efficiency. However, the safety of railroad employees and the general public should not be put at risk so that CN can move these five (5) trains faster.

III. Conclusion.

The Brotherhood of Railway Carmen always welcomes the opportunity to participate in the regulatory process. Safety issues addressed in this process are among the primary concerns to the Carmen. In accordance with our commitment to maintaining safety on the nation's railroads, the BRC suggests that FRA deny the CN petition for waiver.