

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

FRA WAIVER PETITION DOCKET No. FRA-2019-0003

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

March 28, 2019

STATEMENT OF RICHARD A. JOHNSON, GENERAL PRESIDENT,
BROTHERHOOD RAILWAY CARMEN DIVISION
TRANSPORTATION COMMUNICATIONS UNION/IAM

3 Research Place
Rockville, Maryland 20850

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 48 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. In addition, BRC also joins and supports the other comments filed by rail labor regarding this matter as well.

Canadian National Railway Company (CN) petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 232.305, Single car air brake tests. Specifically, CN requests relief from part 232.305(b)(2), regarding the requirement to conduct a single car air brake test on a car when it is placed on a repair track for any reason, and the car has not had a single car air brake test in the previous 12 months. For the reasons discussed below, BRC requests FRA deny the CN petition for waiver.

II. Discussion.

CN's petition should be denied. CN seeks relief from part 232.305(b)(2) for its operation in Fulton, KY, a purpose-built facility that would utilize a drop table to replace defective wheelsets while keeping the train intact. CN maintains that its proposed in-train wheelset replacement program would identify and replace wheelsets with minor defects falling between Association of American Railroads' (AAR) standards and FRA requirements, which, CN argues, will assist in reducing the number of wheel, bearing, impact, and broken rail-caused derailments, as well as associated injuries. However, in order to accomplish this alternative program, CN argues that it needs relief from part 232.305(b)(2).

In 1998, FRA, the carriers and the unions took part in a rulemaking process which codified the various provisions of the AAR Field Manual of Interchange Rules. Part 232.305(b)(2) is the codified version of AAR Interchange Rule 3 which became effective in 2001.

Conducting single car air brake tests at least once every 12 months on shop or repair tracks is an integral part of the safe operation of trains. Among other things, these tests check for inoperative air brakes and evaluate the sensitivity of the valves. Tests and evaluations such as these increase the performance of the cars and prevent unintended emergency application of the brakes.

In addition, single car airbrake tests should be performed in the best possible environment. Under part 232.305(b)(2), these tests are performed in the repair shop or on the repair track. The repair shop and the repair track provide the best conditions for carmen inspectors to perform the required tests. These conditions include, but are not limited to, audible or visual warnings of movement of equipment on adjacent track.

Finally, should FRA grant CN the requested relief, then the conditions placed upon the Union Pacific Railroad (UP) by FRA in FRA-2007-28454 should apply to CN as well. This docket is substantially similar to CN's instant petition for waiver from part 232.305(b)(2). In fact, CN should be familiar with these conditions as the carrier references the UP docket in support of its own petition for waiver.

III. Conclusion.

The Brotherhood 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.