

## **PETITION FOR EMERGENCY ORDER**

The Transportation Division<sup>1</sup> of SMART<sup>2</sup> and the Brotherhood of Locomotive Engineers and Trainmen (BLET)<sup>3</sup> hereby petitions the Federal Railroad Administration (FRA) for an Emergency Order to address safety conditions arising from the novel coronavirus (COVID-19) emergency.

As you know, President Trump has declared a national emergency due to the virus, and the FRA has recognized the fact that an emergency exists by its activation of the Agency's Emergency Relief Docket to provide expedited consideration of requests for waiver of railroad safety regulations during the virus pandemic. See <https://railroads.dot.gov/newsroom/press-releases/fra-administrators-declaration-emergency-situation-novel-coronavirus-2019>. The employees we represent are essential to the health, safety, and security of the nation.

Therefore, it is necessary that the railroads take immediate and appropriate precautions to mitigate against the spread of the virus amongst their workforces, to minimize the exposure of their employees to the virus during the performance of their duties, and that Class I railroads maintain sufficient staffing levels to compensate for reduced headcounts caused by sick employees and family members, as well as to seamlessly handle predicted increases in volume once the virus begins to subside.

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<sup>1</sup> SMART TD – SMART TD represents employees on every Class I railroad, Amtrak, and on many regional and shortline railroads. Membership is drawn primarily from the operating crafts conductors, brakemen, switchmen, ground service personnel, locomotive engineers, hostlers and workers in associated crafts.

<sup>2</sup> SMART – The International Association of Sheet Metal, Air, Rail, and Transportation workers.

<sup>3</sup> BLET represents locomotive engineers on every Class I railroad, Amtrak, and on nearly all commuter railroads; it also represents operating and other employees on many regional and shortline railroads.

In order to standardize and define the best protocols across the industry for the mitigation of the spread of the virus and the protection of employees, there exists a number of safety precautions that need to be immediately ordered by FRA, including:

## **1. LOCOMOTIVE SANITATION**

- a. Require that every lead locomotive and hostler locomotive, road and yard, be cleaned and disinfected after every tour of duty, prior to it being staffed by a subsequent crew.
  - i. Per the Center for Disease Control (CDC), *Cleaning* - shall remove dirt and impurities, including germs, from surfaces.
  - ii. Per the CDC, *Disinfecting* – CDC approved chemicals shall be used to kill germs on surfaces, including the wipe down of all controls, desks, chairs, windows, lavatories, door handles, switches, and any surface that the employee is likely to touch during his/her tour of duty. Additionally, a disinfectant spray shall be used at the end of cleaning in order to broadly disinfect the cab of the locomotive.
- b. Require the provisions of 1(a)(i)(ii) of this petition to also apply to trailing locomotives to be used in the transport of employees in addition to the originating crew (e.g. deadheads, stranded crews en route, etc.).
- c. Removal of trash shall only be performed by the specified craft designated to clean and disinfect locomotive cabs.

- i. Exposed crews shall not handle discarded items unprotected by the above safety procedures.
- d. The craft designated to clean and disinfect locomotives, as well as remove trash from them, shall be equipped with CDC recommended personal protective equipment (PPE) (such as gowns, gloves, and protective masks) and be trained on how to properly apply and remove the PPE to best prevent contamination.
- e. All lead locomotives shall have hand sanitizer (of at least 60% alcohol) readily available for all crew members.
- f. Prior to going on duty, each operating crew member shall be provided no less than three (3) crew packs (standard to the particular carrier).
  - i. In the event of an emergency and locomotive sanitation is not performed in compliance with this request, each onboarding crew member must be provided a mask capable of shielding the employee from contamination of the virus including instructions for the proper handling and use of such mask; three (3) sets of protective, medical type gloves; CDC approved disinfectant spray; and no less than twelve (12) disinfecting wipes.

## **2. COMMON ROOM SANITATION**

- a. Common rooms (e.g. crew rooms, locker rooms, etc.) occupied by employees shall be cleaned and disinfected at least once every shift, or every eight (8) hours, whichever is sooner.



- e. The practice of having crews sit idle in common rooms, while on-duty, to protect service that may arise (e.g. hostling, hours of service relief, etc.) shall be limited to the greatest extent practicable.

### **3. EMPLOYEE TEMPERATURE OBSERVATION**

- a. Crews coming on-duty shall be scanned for fever at the beginning of each tour of duty.
- b. Employees identified as having an elevated temperature shall be immediately isolated, provided CDC approved PPE, and sent home or to a medical facility, at the employee's discretion, for treatment and self-quarantine per CDC guidelines.

### **4. EMPLOYEES AT THE AWAY FROM HOME TERMINAL**

- a. Train and Engine (T & E) employees at the *away from home terminal* (AFHT), after completing the mandatory hours of service report, shall be permitted to stop between the terminal and the lodging facility for food at the request of the crew.
  - i. Excessive waits at the dining facility, as a result of restaurant closures due to the virus, shall permit resetting of the mandatory ten (10) hours undisturbed rest at the affected employee's request.
- b. Prior to going on-duty, T & E crews at the AFHT shall be provided an additional thirty (30) minutes call to work, in addition to current Collective Bargaining

Agreement call to duty time, to allow for crews to secure food for the upcoming trip.

- c. Carriers shall require that contracted lodging facilities clean and sanitize their rooms, per the CDC recommendations listed under “Locomotive Sanitation” of this request, prior to its being occupied by a T&E employee.

## **5. CREW TRANSPORTATION**

- a. Transportation vehicles provided for operating crews shall be cleaned with a CDC approved disinfectant before and after each crew member occupies the vehicle.
  - i. This includes transportation to/from locomotives, crew rooms, lodging facilities, etc.
- b. Transportation shall be made readily available for crews to be transported to eating establishments while at the AFHT facility. (Note, it is not permissible for an individual to walk through restaurant drive-thru operations.)

## **6. EMPLOYEE DEVELOPS SYMPTOMS**

- a. In the event an employee experiences symptoms similar to the virus while on-duty or at the AFHT, he/she shall be immediately isolated until CDC approved PPE can be provided.

- b. Once the employee has received the proper PPE, he/she shall be picked up by properly disinfected company approved transportation and taken home or to a medical facility, at the election of the employee.
- c. An employee experiencing COVID-19 like symptoms while on duty or at the AFHT shall be on-duty until he/she has been safely delivered home or to a medical facility.
- d. Other crewmembers or employees known to have been in direct contact with the symptomatic employee must self-quarantine in accordance with CDC recommendations.

## **7. FURLOUGH RECALL**

- a. In anticipation of workforce shortages and subsequent staffing needs, and consistent with the President's invocation of the Defense Production Act, Class I railroad carriers must immediately call back to service 25% of its furloughed T&E workforce in preparation for the anticipated spread of the virus.
  - i. The recall shall include the necessary training and qualification requirements per 49 CFR §240 and §242 to have crews readily available as soon as practicable.
  - ii. The increased emergency staffing level shall remain in place until the virus has been deemed to no longer pose a threat by the CDC.