

## **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, security, and transport of the nation's citizens. Therefore, it is necessary that Amtrak and all railroads providing passenger and commuter rail service take immediate and appropriate precautions to mitigate against the spread of the virus amongst their workforces and passengers, to minimize the exposure of their employees to the virus during the performance of their duties, and to maintain sufficient staffing levels to compensate for reduced headcounts caused by sick employees and family members until the virus begins to subside.

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<sup>1</sup> 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 mitigation of the spread of the virus and the protection of both passengers and 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. 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.

- c. 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.
- d. All lead locomotives shall have hand sanitizer (of at least 60% alcohol) readily available for all crew members.
- e. 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; three (3) sets of protective, medical type gloves; CDC approved disinfectant spray; and no less than twelve (12) disinfecting wipes.

## **2. COACH / PASSENGER CAR SANITATION**

- a. Require that each coach or passenger car be cleaned and disinfected at the train's origination and final destination.
  - i. Per the Center for Disease Control (CDC), *Cleaning* - shall remove dirt and impurities, including germs, from surfaces.



(6) foot social distancing recommendations established by the CDC and President Trump.

### **3. SLEEPER CARS**

- a. Require that all sleeper car rooms, or roomettes be cleaned and disinfected after a passenger has arrived at his/her destination, or prior to it being occupied by another passenger or employee.
  - 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 an employee or passenger is likely to touch. Additionally, a disinfectant spray shall be used at the end of cleaning in order to broadly disinfect the coach or passenger car.
- b. Cleaning and sanitation of the rooms shall only be performed by the specified craft designated to clean and disinfect passenger rail rooms or roomettes.
- c. Removal of trash shall only be performed by the specified craft designated to clean and disinfect the applicable coach or passenger car.
  - i. Exposed crews shall not handle discarded items unprotected by the above safety procedures.

- d. The craft designated to clean and disinfect the applicable rooms and roomettes, 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 trained on how to properly apply and remove the PPE to best prevent contamination.
- e. All coach or passenger cars shall have hand sanitizer (of at least 60% alcohol) marked and readily available for both passenger and employee use.

#### **4. 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.
  - 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, keyboards, computer accessories, windows, lavatories, door handles, switches, and any surface that the employee is likely to touch during his/her time occupying the facility. Additionally, a disinfectant spray shall be used at the end of cleaning in order to broadly disinfect the rooms being occupied.

- b. Removal of trash shall only be performed by the specified craft designated to clean and disinfect facilities.
  - i. Exposed employees shall not handle discarded items unprotected by the above safety procedures.
- c. The craft designated to perform the cleaning and disinfection of the rooms, 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.
- d. Require that all common rooms have hand sanitizer (of at least 60% alcohol) stations readily available and marked.
- e. The practice of having crews sit idle in common rooms, while on-duty, to protect service that may arise shall be limited to the greatest extent practicable.

## **5. 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.

## **6. 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.
- b. Likewise, crews at the AFHT shall be permitted to stop between the lodging facility and the terminal for food at the request of the crew.
- 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.

## **7. 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 wall through restaurant drive-thru operations)

## **8. 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. The crew assigned with the sick employee shall self-quarantine per CDC recommendations.

## **9. PASSENGER DEVELOPS SYMPTOMS**

- a. In the event a passenger begins to feel ill and expresses he/she is experiencing symptoms similar to the virus, he/she shall then be immediately provided PPE and isolated per paragraph (b.) of this subpart.
- b. Provide a mechanism for at least one coach or passenger car in every train to have a temporary means of isolating a passenger to protect other passengers from being exposed until the sick passenger can depart the train. (A shield or blocking device that would protect other passengers from exposure shall suffice.)

- c. The crew exposed to the ill passenger shall immediately apply PPE and isolate him/her/themselves as much as practicable. Isolation shall not adversely affect the safety of the train or its passengers. Should a task be required of the isolated employee, it shall be performed with PPE in place.
- d. The area where the sick passenger was located shall be sprayed with CDC approved disinfectant.
- e. Cleaning and disinfection of the train shall be performed as soon as it is practicable to do so.
- f. Upon arriving at the crew's final destination, or the earliest point the exposed crew can be recrewed, the exposed crew shall place themselves into self-quarantine per CDC recommendations.

## **10. FURLOUGH RECALL**

- a. In anticipation of workforce shortages and subsequent staffing needs, and consistent with the President's invocation of the Defense Production Act, railroad carriers with furloughed T&E personnel 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.