



BEFORE THE U.S. DEPARTMENT OF TRANSPORTATION

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FEDERAL RAILROAD ADMINISTRATION

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DOCKET NO's FRA-2010-0039, -2010-0045, -2010-0051, -2010-0056, and -2010-0060

August 19, 2024

These comments are on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD), an organization representing approximately 100,000 transportation employees and retirees with active rail members working in all operating crafts, including engineers, conductors, trainmen, hostlers, switchmen and yardmasters.

SMART-TD is happy to comment on this very important safety issue. Changes to Positive Train Control Safety Plans (PTCSP) must be based on the ability to prove that they bring about a higher level of safety or, at minimum, maintain the current level of safety.

The Request for Amendment (RFA) proposed by this collection of five railroads does not pass this proverbial sniff test. Wholesale allowances for carriers to bypass safety protocol cannot be deemed acceptable by FRA, the applicable federal regulator. Not only does it directly weaken rail safety, but it also sets a dangerous precedent for rail safety culture going forward.

Within this RFA, we are expected to accept that the unintended outage of PTC on a single engine powering a single train is equivalent to the outage of PTC on all the engines of an entire carrier. This is a false equivalency, and SMART-TD does not see a reason for our members' safety to be easily discarded when it proves inconvenient to their employers.

If a conductor or engineer is charged with the infraction of tampering with a safety device, that railroader stands to be fired. This applies to any and all equipment or software our members encounter in their daily work. As FRA has required the installation and mandatory use of PTC and looks at this program as perhaps the most-valuable of all safety tools in our industry, it would be hypocritical to create a method making it easier for a carrier to do away with it en masse.

Not only are these five rail carriers proposing this RFA subverting common sense, granting this waiver would also remove the incentive for a carrier to expedite a fix for whatever caused the "emergency scenario." As has been demonstrated by rail carriers throughout history, if a problem prevents them from running trains, it gets addressed quickly. If it does not delay their ability to maximize their profitability, the preventive maintenance or the needed fix is delayed. SMART-TD firmly believes granting this waiver will result in deferred maintenance when PTC is compromised, prolonged outages and exponentially increase the odds of a related rail accident.

This RFA amounts to five corporations seeking FRA's to defend, justify and abet the shirking of rail carriers' absolute obligation to abide by federal regulations concerning the mandatory use of PTC.

SMART-TD also would like to express that the requested change in this RFA far exceeds the scope of the waiver process, in our opinion. A large-scale FRA policy change on PTC is worthy of an independent rulemaking process. It should be argued on its merits and subject to the highest level of examination by FRA and the public given the formation of a new final ruling.

For the reasons listed, the Transportation Division of the Sheet Metal, Air, and Rail Transportation Workers strongly objects to the granting of this waiver or any subsequent waivers of this sort.

We thank the FRA, and we appreciate the opportunity to comment on behalf of our membership.

A handwritten signature in blue ink, appearing to read "Greg Hynes", with a stylized flourish extending to the right.

Greg Hynes  
National Legislative Director  
SMART Transportation Division