

BEFORE THE  
UNITED STATES DEPARTMENT OF TRANSPORTATION

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FEDERAL RAILROAD ADMINISTRATION

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FRA WAIVER PETITION DOCKET No. FRA-2020-0008

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

February 11, 2020

STATEMENT OF RICHARD A. JOHNSON, GENERAL PRESIDENT,  
BROTHERHOOD OF 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 49 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 CSX Transportation, Inc. (CSX) petitioned 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, CSX proposes to use proprietary software technology to implement a virtual three-dimensional simulation as an alternative to satisfy the "hands-on" portion of periodic refresher training required by 49 CFR 232.203(b)(8). Refresher training is required at intervals not to exceed three (3) years, and must consist of classroom and "hands-on" training, as well as testing. For the reasons discussed below, BRC requests FRA deny the CSX petition for waiver.

## ***II. Discussion.***

The CSX petition for waiver should be denied because the carrier has failed to show that the requested relief will afford the same level of safety to both railroad workers and the general public that 49 CFR 232.203(b)(8) currently provides. According to CSX, the simulation is based on performance of a Class I freight air brake test and is designed to place the user in a virtual realistic scenario. The user is required to perform a variety of inspection and remediation tasks relating to preprogrammed defects including, but not limited to, closed cut-out cocks, uncoupled air hoses, closed angle cocks, improperly positioned retainer valves, and fouled brake rigging. Users are required to successfully complete all tasks in the scenario. CSX proposes to apply this waiver system-wide to all CSX conductors and supervisors responsible for performing Class I freight air brakes tests.

It is the position of BRC that simulated testing should be used only as a supplement to, and not a replacement for, the "hands on" training currently required by 49 CFR 232.203(b)(8). While a 3-D simulation described by CSX is beneficial, it cannot replace the "hands on" training that railroad employees currently receive in the field. For instance, training in the field provides varying challenges such as weather or incidents where an inspector's olfactory senses are useful in conducting inspections. These are factors that a computer cannot simulate.

Moreover, should the relief be granted, CSX's proposal will have far reaching implications not only to its own operations but to possibly all rail carriers operating in the U.S. as

well. First, CSX will be implementing the computer simulations system wide to all CSX supervisors and conductors. However, the carrier maintains that it does not intend to replace the “hands-on” training it conducts for its mechanical carmen, though it may use 3-D simulations to supplement its “hands-on” training. Even so, the requested relief would still allow a significant amount of CSX personnel to use 3-D simulations for refresher training at a time when we know little about the technology’s efficacy. In addition, other carriers could also request the same or similar relief creating more of the same safety issues. Changing the training requirements currently provided for in 49 CFR 232.203(b)(8) is a serious endeavor and the upmost precautions and transparency should be taken when evaluating such a request for relief. Accordingly, based on the information provided above, BRC requests FRA deny the CSX 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 CSX petition for waiver.