



# Brotherhood of Locomotive Engineers and Trainmen

*A Division of the Rail Conference — International Brotherhood of Teamsters*

## NATIONAL LEGISLATIVE OFFICE

25 Louisiana Avenue, NW, Room A-704 • Washington, DC 20001  
Phone: (202) 624-8776 • Fax: (202) 624-3086 • [tolman@ble-t.org](mailto:tolman@ble-t.org)

### JOHN P. TOLMAN

*Vice President and  
National Legislative Representative*

August 3, 2007

Docket Clerk  
DOT Central Docket Management Facility  
West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue, Southeast  
Washington, DC 20590

Re: Docket No. FRA-2007-28306

Dear Docket Clerk:

On April 30, 2007, the American Public Transportation Association (“APTA” or “Petitioner”) — on behalf of its member passenger railroads — petitioned the Federal Railroad Administration (“FRA”) for a limited waiver from compliance with the requirements of 49 CFR Sections 238.309(c)(1) and 238.309(e)(2). *See* DOT DMS FRA-2007-28306-1 (“Petition”). On June 19, 2007, FRA published notice of the filing of APTA’s petition, soliciting comments thereon from interested parties. *See* FRA-2007-28306-3.

These comments are submitted by the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (“BLET”), which is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive Engineer employed on all passenger railroads on whose behalf APTA has petitioned. Consequently, the instant petition would have a significant impact upon our members. For the reasons set forth below, BLET respectfully requests that any relief granted include, at a minimum, the conditions proposed herein.

APTA seeks, on behalf of its member passenger railroads, a relaxation of the current 1,104 calendar day requirement for cleaning, repairing and testing type 26-L brake valves equipped with air dryers on passenger locomotives and control cars. Petition at p. 1. Specifically, APTA requests that the requirements be fulfilled on the basis of a 1,472 calendar day cycle. Petitioner accurately sets forth the prior history of waivers concerning 26-L brake valves equipped with air dryers on freight locomotives.

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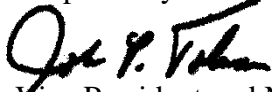
APTA proposes, in addition to being granted to move to a 1,472-day cycle, that “similar conditions as the waivers for freight locomotives” be attached to the waiver. Id. at p. 2. We strongly urge the Railroad Safety Board to attach the identical standards FRA imposed in the cited case, namely:

- The waiver shall apply only to locomotives equipped with 26-L type brake equipment and a functioning air dryer.
- Any locomotive operating under this waiver shall have the waiver properly noted on Form FRA F 6180-49A.
- All air brake filtering devices shall be cleaned or replaced annually.
- All systems for the discharge or removal of moisture, such as automatic drain valves and air dryers shall be maintained to function as intended.
- The air compressor must be maintained to perform as intended with emphasis on detection of oil contamination of the main reservoir air.
- FRA and each passenger railroad covered by the waiver shall work together and randomly select two locomotives, annually, for a tear down inspection of the brake equipment, to be witnessed by FRA and invited labor representatives. The number and frequency of this condition may be changed by FRA based on the performance of the brake equipment or the results of the inspections.

*See* FRA-2005-21325-4.

We appreciate the opportunity to participate in this matter.

Respectfully submitted,



Vice President and National Legislative Representative

cc: Grady C. Cothen, Jr., Esquire, FRA Deputy Associate Administrator for Safety Standards  
and Program Development  
All Passenger General Chairmen  
All Passenger State Legislative Board Chairmen  
Thomas A. Pontolillo, Director of Regulatory Affairs