

Brotherhood of Locomotive Engineers
Washington State Legislative Board

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January 10, 2003

Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Drive, S.W.
Olympia, WA. 98504-7250

Re: DOCKET #TR-021465

Dear members of the Commission:

I write this letter in support of state codification of Federal Railroad Administration (FRA) Notice of Safety Advisory 2001-01 (Recommended minimal guidelines for the operation of remote control locomotives). To date, there have been numerous incidents, collisions, spills, derailments, and a runaway remote control locomotive wreck (Shelton, WA.). Clearly, regulations are warranted

The FRA has done very little in terms of overseeing the implementation of this dubious technology in Washington State or anywhere else. I personally spoke with an FRA inspector about some of the safety concerns associated with remote control locomotive (RCL) operations and he indicated the five major railroad carriers have moved so quickly to implement, the FRA cannot, with current resources, oversee implementation of RCL technology at all the various locations involved. Please find enclosed an FRA letter from Mr. George Gavalla, Associate Administrator for Safety to Mr. Charles R. Dettman (Charles E. Dettmann), EVP-Operations, Research, and Technology (Executive Vice President, Safety and Operations), Association of American Railroads. Mr. Gavalla's October 10, 2002 letter outlines FRA's understanding of the issues as discussed during an October 4, 2002 conference call. Mr. Gavalla clearly states FRA continues to believe that the guidelines contained in the RCL Safety Advisory (Notice of Safety Advisory 2001-01) provide the best means of ensuring the safety of RCL operations---yet the FRA was failed to move forward with regulatory rulemaking. Rather, the FRA continues to allow the railroads to decide the level of safety the public and railroad workers require. The Puget Sound and Pacific (RailAmerica) remote control runaway wreck at Shelton on August 6, 2002, is a glaring example of why the railroads must not be allowed to self regulate. There will always be a conflict of interest between public safety and business' desire to reduce operating costs.

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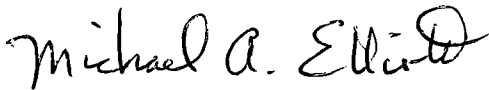
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The FRA Notice of Safety Advisory 2001-01 is a sensible starting point and should be codified into state regulation. This will ensure, at least, a bare minimum safety standard for RCL operations conducted in Washington State by the railroad industry.

Thank you for your time and consideration on this important public safety issue.

Sincerely,



Michael A. Elliott



OCT 10 2002

Mr. Charles R. Detman
EVP - Operations, Research, and Technology
Association of American Railroads
50 F Street, NW
Washington, D.C. 20001

Dear Mr. Detman:

This is in reference to a telephone conference call that was held on October 4, 2002, between the Federal Railroad Administration (FRA) and the Association of American Railroads (AAR). In addition to the AAR, the following railroads participated in the call: Burlington Northern Santa Fe Railway; CSX Transportation; Union Pacific; Kansas City Southern; and Norfolk Southern. The purpose of the conference call was to address FRA concerns about the implementation of remote control locomotive (RCL) operations.

As was discussed during the call, there are many issues involving RCL that are new to all of us. As the development and implementation of this technology continues to evolve, it is imperative that all the stakeholders work together to ensure the safety and reliability of RCL operations. As long as the cooperative efforts remain successful in maintaining a high level of safety for RCL operations, it will obviate the need for regulations.

The following is FRA's understanding of the issues discussed during the call:

- AAR will establish a committee to work closely with FRA on issues that arise from the application of RCL technology. FRA hopes that the individuals on this committee will serve as points-of-contact who can expeditiously address RCL concerns identified by FRA on their respective railroads.
- Except for minimal light freight movements within the immediate vicinity of yard areas, FRA does not believe that the current state of RCL technology or the current state of RCL operator training programs are suitable to support RCL operations on main tracks. Some examples of main track operations would be: intra-yard transfer movements; local freight service; relieving outlawed trains, etc. Of course FRA will continue to work with the railroad industry to further explore this issue

- Blue signal protection for RCL operations should be provided according to the Safety Advisory recommendations, i. e., the RCL locomotive placed in "manual" mode and the appropriate blue signal protection then provided. It was noted that the railroads represented on the conference call already utilize this procedure when applying blue signal protection.
- Railroads should review special instructions pertaining to the securement of RCLs left unattended. "Unattended" in FRA's view means that the RCL operator is out of the immediate vicinity of the RCL and cannot respond immediately to an unauthorized movement regardless of whether or not that individual is wearing an active remote transmitter.
- FRA's interpretation of the procedures used to conduct a transfer train brake test with RCL equipment (remote transmitter without gages) will be sent to the AAR. However, FRA anticipates that there will be only limited need for transfer trains since RCL operations are currently poorly suited for main line operations.
- Remote cameras should not be relied upon to protect RCL movements over highway-railroad grade crossings until it can be determined that the same level of safety can be maintained as is currently afforded using conventional methods of protection and that the operations are in accordance with applicable railroad safety regulations.
- All railroad supervisors who instruct student RCL operators when performing revenue switching operations are considered actively involved with train movements under the Hours of Service Laws in the same manner as certified RCL operators. Since these individuals are performing "covered service, both the RCL operators and the RCL supervisor/instructors must maintain hours of duty records and must be covered under their railroad's drug testing program, including pre-employment, reasonable cause, reasonable suspicion and random drug testing.
- FRA continues to believe that the guidelines contained in the RCL Safety Advisory provide the best means of ensuring the safety of RCL operations. We urge railroads to continue to adhere to those guidelines, especially the provision regarding the importance of protecting the point of the move. In those locations where a carrier protects RCL operations through the use of remote control zones and elects to conduct RCL operations with single operator crews, FRA request that the railroads provide notice to FRA.

I appreciate the spirit of cooperation exhibited by AAR and its members in addressing the RCL issues raised by FRA and look forward to working with you as this technology continues to emerge.

Sincerely,



George Gavalla
Associate Administrator
for Safety

cc: Michael Rush