



Brotherhood Railway Carmen Division

Transportation Communications Union/IAM

Richard A. Johnson
General President

October 9, 2013

Via facsimile

Docket Clerk
Docket Operations Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE., W12-140
Washington, DC 20590

RE: Docket FRA-2013-0080 – Request for Hearing

Dear Docket Clerk:

Pursuant to 49 CFR part 211, the Brotherhood Railway Carmen Division, TCU/IAM (BRC) hereby requests that the Federal Railroad Administration (FRA) schedule a public hearing in the above referenced docket. The Association of American Railroads (AAR) has petitioned FRA to allow the Union Pacific Railroad (UP) in the Powder River Basin to not perform Class IA brake tests on designated trains due to the use of wayside detection technology. This is the second time the Carriers have attempted to substitute the heat sensing scans of wayside detectors in place of the hands on, visual inspections currently performed under Class IA brake tests on designated UP trains in the Powder River Basin. See Docket No. FRA-2006-25564.

Comprehensive brake inspections, involving the use of both Class I and Class IA tests, have a long history of safety in the railroad industry and their use must continue. As noted by FRA in its denial of UP's first petition, wayside detectors are clearly a supplement - not a replacement - to Class IA brake tests. See Docket No. FRA-2006-25564-0012. Indeed, FRA specifically noted that wayside detectors serve a complimentary, but distinct function. While wayside detectors use wheel temperature to identify which brakes are clearly ineffective, "a visual inspection may also identify incipient conditions in the foundation of the brake rigging that can cause the brake to become ineffective." Accordingly, FRA denied the petition because wayside detection technology is not "an appropriate substitute for Class IA tests and inspections with respect to the determination of whether individual cars have effective air brakes for the purposes of the law and regulations." Id.



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Our understanding is that wayside detectors and the manner in which they are used have changed very little since the first petition for waiver filed by UP in Docket No. FRA-2006-25564. As such, we request that FRA schedule a public hearing in order to allow testimony to be presented on the matter.

If you need further assistance on this matter, please feel free to contact me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read "Raj Johnson". The signature is written in a cursive, flowing style.

General President

RAJ/sjm