

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

## NATIONAL DIVISION

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## VIA ELECTRONIC MAIL ONLY

March 22, 2019

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Re: Emergency Relief from Federal Railroad Administration Safety Regulations

Dear Sirs and Brothers:

This follows up on my March 21, 2019 letter pertaining to the above-referenced subject, and our March 22, 2019 conference call. Per your request for single-source information to guide the membership, this letter summarizes the status regarding a couple of particularly serious safety concerns and how members should address them. Feel free to distribute this letter as broadly as you wish, and we also will circulate a copy via the mobilization network on your property.

As you know, the Carrier has requested waivers from a variety to Federal Railroad Administration ("FRA") regulations as part of its efforts to maintain service in Midwestern areas affected by ongoing flooding. Of great concern are requests for relief from Hours of Service provisions, and FRA regulations governing requirements for territorial qualification, signal system suspensions, and Class 3 and extended haul brake tests.

I want to be clear that, as of this writing, FRA has not acted upon the Carrier's waiver requests. In the interim, I have personally discussed the waivers with FRA Administrator Batory and Union Pacific CEO Fritz. Both have agreed that as of today, no carte blanche waiver allowing operating crews to exceed the hours of service for any set length of time has been authorized.

**Mr. B. P. Carr**  
**Mr. R. E. Crow**  
**Mr. D. L. Geisler**  
**Mr. S. A. Leyshon**  
**Mr. D. L. Marlow**  
**Mr. R. E. Rhodes**

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**March 22, 2019**

Furthermore, and as we discussed, a true emergency must exist on a case by case before any operating crew may legally be instructed to exceed the Hours of Service.

That being said, it should be expected that some level of formal response will be made by FRA within the coming days. Rather than speculate what relief FRA may or may not grant, members should be governed by the following general rules:

- If a crew is ordered to exceed their permissible Hours of Service, they should avoid putting themselves in a position where they could be subject to charges of insubordination. Rather, the date and time the order was received, and the identity of the Carrier official giving the order, should be documented. All suspected Hours of Service violations should be reported, in writing, to the member's Division Legislative Representative, who will forward the reports to the applicable State Legislative Board Chairman for handling with FRA. The SLBCs for the states identified in the Carrier's initial waiver request are copied hereon for their information.
- The same process should be used in the following circumstances:
  - when ordered to operate beyond their territorial qualifications;
  - when working with a pilot who is operating beyond their territorial qualifications; and
  - whenever ordered to omit a required brake test, or ordered to perform an alternate, less detailed brake test.

It is our expectation that we will create fill-in PDF forms by the middle of next week to facilitate reporting by the membership and handling by our State Chairmen. Trusting this is responsive to your request, and with warmest personal regards, I remain

Fraternally yours,



National President

cc: E. L. Pruitt, First Vice President  
S. J. Bruno, National Secretary-Treasurer  
J. P. Tolman, Vice President and National Legislative Representative  
M. L. Wallace, Vice President  
K. J. Bagby, Vice Chairman, UP-CR GCA  
D. K. Brown, Chairman, Minnesota SLB  
C. L. Groose, Chairman, Missouri SLB

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**March 22, 2019**

K. A. Hansen, Chairman, Iowa SLB  
T. G. Jones, Chairman, Kansas SLB  
P. S. Pfeifer, Chairman, Nebraska SLB  
P. S. Piekarski, Chairman, Illinois SLB  
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