



Brotherhood of Railroad Signalmen

917 Shenandoah Shores Road
Front Royal, VA 22630

Phone: (540) 622-6522
Fax: (540) 622-6532

Michael S. Baldwin
President

James M. Finnegan
Secretary-Treasurer

November 15, 2022
(via online at [regulations.gov](https://www.regulations.gov))

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

Re: Docket Number FRA-2022-0092, Long Island Rail Road (LIRR) Petition for Waiver of Compliance of Regulations Contained in 49 CFR §236.1005(c)

Comments of the Brotherhood of Railroad Signalmen

The Brotherhood of Railroad Signalmen (BRS) is filing comments concerning the above-referenced document that was printed in the October 21, 2022, Federal Register (Page No. 64130). The BRS is the duly recognized collective bargaining representative for roughly 10,000 signal employees who are responsible for inspection, installation, construction, repair, and maintenance of all signal systems and highway-rail grade crossings on all Class I railroads and various other Carriers in the United States. Our membership has a vested interest in the aforementioned petition for a waiver of compliance. The petition affects the safety of our members, local residents, railroad employees, equipment, and commodities, as well as the environment.

In its petition, LIRR requests a waiver of compliance from provisions of safety regulations contained in 49 CFR §236.1005(c), Hazard Detectors. Specifically, LIRR seeks relief from §236.1005(c) due to its inability to have the Tunnel Collision Avoidance (TCA) package completed before the commencement of its East Side Access passenger service of the Grand Central Madison Tunnel. LIRR advised it has existing hazard detection to protect against the misrouting of oversized trains.

Although we believe LIRR cab signal/ATC system for hazard protection of misrouting oversized trains is sufficient in providing train safety for the Grand Central Madison Tunnel, we are compelled to point out some very serious concerns we have with LIRR's request. First and foremost, it is imperative to point out that the cab signal/ATC system does not protect against an oversized Amtrak train being misrouted towards the tunnel entrance. Granted, the loss of power of an oversized train would definitely keep the train from entering the tunnel; however, it would create a logistical nightmare, clogging up an interlocker that 341 trains traverse daily. LIRR sees ridership upwards of a quarter million people a day, an inadvertent misrouted train would cause devastating delays that would take extensive time to recover from. This is simply too risky to burden customers with, and LIRR should rescind this plan and hold off until the project is completed in its entirety.

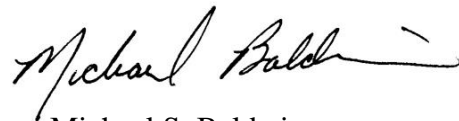
Another concern is the number of projects that are completed, yet are followed with weeks of troubleshooting, after a cutover. This practice must end, as it is not a practical operation for railroads transporting the public. There is absolutely no reason to streamline operations or new technology to circumvent safety practices. This is not an unsafe accusation, rather it's cautionary information

against advancing new technology or stations prior to ensuring it is completely operable. Granting the petition allows the can to be kicked down the road just to open a new station prior to having the entire project finished. There have been numerous occasions in which BRS membership has echoed these sentiments surrounding LIRR's rush for implementing new technology or a ribbon-cutting ceremony. In the interest of efficiency, BRS would find it useful for the Carrier to collaborate with the craft when considering operational changes that affect safety.

Finally, the BRS is perplexed with Exhibit C in LIRR's petition. Disregarding Amtrak's position on LIRR's waiver, the worry stems from Amtrak's position on implementing the TCA within its ACSES II software. This agency should have concerns when LIRR completes the TCA technology. The same scenario mentioned previously may be unavoidable if Amtrak is unwilling to implement the TCA software. In view of the foregoing, the BRS respectfully urges the FRA to deny the petition and require compliance with the regulations.

If you have any questions, please contact my office at 540.622.6525.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Baldwin", with a stylized flourish at the end.

Michael S. Baldwin
President