



Transportation Division

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JEREMY R. FERGUSON
President

December 18, 2020

Brothers and Sisters:

As we find ourselves amid what is historically the most dangerous season of the year, I must unfortunately caution you of new additional intensified dangers borne from the Federal Railroad Administration's (FRA) most recent Final Rulemaking. On Friday, December 11, 2020, the FRA granted an extensive and exhaustive list of regulation changes, the vast majority of which served to lower the bar of safety and increase the profit margin for this nation's rail carriers. This is evidenced in the no less than two dozen references of cost savings to the carriers as a result of this rulemaking. Not only has the FRA once again vacated its role as the country's chief safety regulator, but it has also failed in its own mission statement, vision, and purpose.

As you are aware, a known unsafe condition exists with the DB-10 brake valves in cold weather conditions. In fact your Union, on December 15, 2019, petitioned the FRA to issue an Emergency Order that would prioritize safety over productivity by requiring the replacement of the defective valves and disallow the railroads' attempts to apply stopgap procedures that only camouflage and exacerbate the seriousness of the situation. That petition was unfortunately denied by the FRA muzzling our request for the safest course of action.

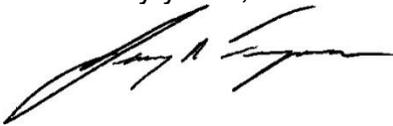
Due to the FRA's reckless action, rolling stock is now permitted to be off-air for 24 hours before requiring a new brake inspection. This means that the only true method of identifying the faulty brake valves has been reduced immeasurably, if not eliminated altogether on certain properties. As a result, the regularity of brake inspections has now been reduced to a fraction of the previous standard, and, thus defective brake valves will be permitted to remain in service longer and be more apt to adversely affect a train's braking capabilities. Given the consequence of these faulty valves remaining in place is that they render a train's emergency brake feature inoperative, I am asking all to please remain diligent in your daily duties and to take nothing for granted. This includes railroad workarounds designed to mask flawed brake valves like drawing the brake pipe pressure down to zero before making a separation. Should a carrier official ask you to perform such a task, please notify my office as soon as it is safe and proper to do so, so that we may address it with the carrier and applicable government agencies.

The railroads have historically had trouble maintaining an accurate record of when a train or car(s) initiates its "off air" status (and that was with the four-hour limit). I highly anticipate major complications regarding the determination of actual time off air when going on-duty or making a pick-up. If you feel as though you are being instructed to move equipment that has been off air greater than twenty-four hours, please report it to your supervisor and to my office. Do not be insubordinate, but also do not allow the instance to go unreported or undocumented. We will progress the report accordingly.

In addition to the time off-air regulation, the FRA has also made changes to regulations regarding single-car air brake tests, end-of-train devices, helper service, brake maintenance, additional brake-related items, utility employee duties, and various other rules and/or processes.

It is clear the intent of these changes was not to improve safety, but rather to widen the avenue in which railroads can operate without oversight or guidance - a devastating scenario we just experienced with the Boeing 737 Max. As such, please rest assured that our legal department is currently in the process of filing a formal appeal and petition of reconsideration to overturn this extremely dangerous and egregious action. However, until a recourse can be achieved, it is on all of us to have our brothers' and sisters' backs. It is clear that the FRA and carriers do not.

Fraternally yours,

A handwritten signature in black ink, appearing to read "Jeremy R. Ferguson", written in a cursive style.

Jeremy R. Ferguson
President - Transportation Division