



Washington Legislative Office

# Transportation Division

304 PENNSYLVANIA AVE. S.E., WASHINGTON, DC 20003-1147  
PHONE: 202-543-7714 • FAX: 202-544-3024 • www.utu.org

JOHN PREVISICH  
President

JOHN RISCH  
National Legislative Director

January 21, 2016

Mr. Robert Lauby  
Associate Administrator for Safety  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Mr. Lauby:

I am writing on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers to express our concerns about the use of auto control systems such as Union Pacific Railroad's use of Locomotive Engineer Assist/Display & Event Recorder (LEADER) and BNSF's use of Trip Optimizer. It is our view that these technologies are dangerous distractions to operating crews and should be regulated by the Federal Railroad Administration (FRA), just as the use of cell phones and interaction with Positive Train Control (PTC) systems currently are. I respectfully ask that you issue an emergency order prohibiting the use of these technologies until they are further examined to ensure that they do not pose risks to the safe operations of freight railroads.

One needs to look no further than the FRA final rule found at 49 CFR Part 220 – originally FRA Emergency Order 26 issued in October of 2008 – which governs the use of cell phones and other personal electronic devices by operating employees, to find justifications for why an emergency order should be issued. The rule states that “a railroad operating employee shall not use an electronic device if that use would interfere with the employee's or another railroad operating employee's performance of safety-related duties.” We believe that this same standard is violated by LEADER and Trip Optimizer systems. One would be hard pressed to find a more critical safety-related duty than operating a 12,000 ton train – potentially containing hazardous materials – at 70 mph. A computer screen that repeatedly beeps and flashes, distracting a crew member's attention from the road ahead, poses serious risks.

The rule defines an *electronic device* as “an electronic or electrical device used to conduct an oral, written, or visual communication; place or receive a telephone call; send or read an electronic mail message or text message; play a game; navigate the Internet; navigate the physical world; play, view, or listen to a television broadcast; play or listen to a radio broadcast other than a radio broadcast by a railroad; play or listen to music; execute a computational function; or, to perform any other function that is not necessary for the health or safety of the person and that entails the risk of distracting the employee or another railroad operating employee from a safety-related task.”

While the rule states that the definition of *electronic device* does not include “electronic control systems and information displays within the locomotive cab,” we strongly believe that it should. Interacting with LEADER and Trip Optimizer systems is not principally a safety-related task for an operating crew member, but rather a mechanism to reduce fuel and operating costs through increased efficiency. Interacting with these systems certainly does entail the risk of distracting the engineer from the safety related-task of operating a locomotive.

Furthermore, we believe that monitoring auto control systems like LEADER is at least as intrusive and distracting as requiring the engineer to interact with Positive Train Control (PTC) systems, which the FRA’s finale rule on PTC implementation specifically prohibits (49 CFR 236.1006). We have heard from many of our members that these systems are often positioned directly to the left of the engineer, such that he is facing the conductor while responding to the system’s prompts. This interferes with the engineer looking out the window to observe proper whistling of crossings, track defects, trespassers, unannounced yellow boards, red boards, red/yellow boards, diverging route signals, etc. If such systems were only advisory programs, we might be able to excuse their use, but railroads, such as Union Pacific and BNSF, mandate that engineers follow prompts under the threat of discipline.

If the safety risks of directing the engineer’s attention away from the track ahead, and instead toward the automatic control system, were not already clear enough, the situation becomes even more dire when you consider that railroads require – again under the threat of discipline – that the engineer record and report all exceptions to the operation of systems like LEADER upon tie-up. For example, if a system’s prompts are suspended, the engineer must record when it was suspended, how long it was suspended and when it resumed. Since it is unreasonable to expect the engineer to remember the mile pole locations, speed and other particulars of each occasion in which the system is suspended, it is necessary to write these facts down as the train is moving. However, as you know current rules and regulations prohibit an engineer from copying mandatory directives on moving locomotives.

Based on the experience of our members, suspension of these systems is common. For example, ATC restrictions, which are encountered numerous times on every trip, require these systems to be suspended; when trains are sorted and sent on diverging routes, the system must be suspended; when special speed restrictions are issued by the foreman in charge of a Form B work order, the system must be suspended; and when these systems require train handling instructions contradictory to how the engineer feels the train should be properly handled, he or she must decide whether to follow its directives or suspend the system and run the train the way they think is safest. In all of these instances, the specifics of each suspension must be reported upon tie-up.

January 21, 2016  
Page 3

Once again, in the interest of safety, I respectfully ask that the FRA issue an emergency stop order of LEADER, Trip Optimizer and other similar auto control or advisory control locomotive operating systems. The order should remain in place until railroads that require their use can prove that these systems have been properly vetted and are no more distracting than PTC systems, which engineers currently cannot be required to interact with while a train is moving.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Risch". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Risch  
National Legislative Director