

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

## NATIONAL DIVISION

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## VIA ELECTRONIC MAIL

June 18, 2024

Mr. John Karl Alexy  
Associate Administrator for Railroad Safety / Chief Safety Officer  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590-9898

Re: Petition for Waiver of Compliance, Amtrak  
Docket No. FRA-2023-0095

Mr. Alexy:

These comments are submitted by the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (“BLET”), which is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive Engineer employed by Amtrak. Consequently, Amtrak’s petition would have a significant impact upon our members. For the reasons set forth below, BLET respectfully requests that the FRA deny Amtrak’s waiver request petition pending a full root cause analysis, exploration of alternative solutions, and publication of such findings in the Federal Register.

On October 17, 2023, Amtrak petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from requirements under 49 CFR 229.71, which requires, “No part or appliance of a locomotive except the wheels, flexible nonmetallic sand pipe extension tips, and trip cock arms may be less than 2 1/2 inches above the top of rail.” Citing loss of shunt incidents, Amtrak is requesting to utilize aftermarket solutions consisting of “...mechanical and electrical hardware of verified shunt enhancement solutions [that] either directly contact the rail or are truck mounted antenna devices that could protrude below 2.5” top of rail under the condition of worn wheels and dynamic profiles.”

After consulting with Amtrak locomotive engineers, we have heard extensive reports of loss of shunt incidents. BLET has received reports that many Amtrak engineers have experienced this issue at least once, and for many engineers, this is a routine issue. In discussions with members, we have attempted to isolate details concerning these issues to possibly point to a root cause. Many of the stories we heard involved adverse track conditions. For instance, we heard that loss of shunt occurs on track that Amtrak traverses exclusively, so the rails are not “polished” by heavy freight

trains. We also heard that loss of shunt occurs in extreme northern areas, coastal areas where salt content is higher, and where there is excessive vegetation along the track. However, we also learned that loss of shunt can occur when none of these factors are present.

When we asked locomotive engineers about the specifics of the Charger locomotives, many postulated that the profile of the wheel may be engineered differently to prevent sufficient contact with the rail. The profile of the rail may be uniquely incompatible with the wheel profile of the Charger locomotives. These potential explanations are not only plausible, but BLET believes they warrant further investigation. This is due to the environmental issues not offering a complete rationale for all the incidents described.

We are not convinced that the wheel or rail profile alone adequately explains the issue. While it seems the Charger locomotives are more prone to the issue, existing trainsets also experience loss of shunt. We asked our members if the incidents were limited to certain geography- for instance, if it was more common on curves or on straight track. We heard that loss of shunt occurs on both straightaways and on curves.

Another issue raised by Amtrak locomotive engineers was the interaction of Positive Train Control (PTC) and shunting. We received reports that upon receiving a slow order, if engineers decreased their speed by more than was required (e.g., decelerating to 18mph instead of 20mph) that loss of shunt may occur. This suggests there may be complications with the PTC system where the computer is not registering track circuits properly.

With such widespread loss of shunt issues, and such poor documentation provided by Amtrak to explain the cause of the problem, we have no reason to believe that the proposed antenna system would alleviate the concern. Further, Amtrak has not provided a safety study to indicate that the proposed technology would maintain or exceed safety. The current regulation exists for a reason. It is not safe to have rail equipment so close to the rail where it could catch debris or become damaged easily. Amtrak has not provided proof that the antenna will address the shunting problem, that there is a failsafe if the antenna were to fail, or that the antenna is safe.

We ask the FRA and Amtrak to examine the issues reported here by BLET locomotive engineers and investigate the root cause of loss of shunt incidents across the system. We also note that the BLET and other rail labor organizations have not been invited to participate in the industry Loss of Shunt committee that Amtrak cited, and we would like to see Amtrak and other carriers conduct better outreach to labor to learn about these and other safety concerns. Shunting is a core safety function of trainsets and allows for the operation of many other systems, including dispatch systems, signal protection, and PTC.

As FRA noted in the Federal Register notice, this issue has caused cases of false clear signals. This causes great concern, and we therefore ask the FRA to deny this waiver until a full root cause analysis is performed and multiple solutions are considered that comprehensively address the problem. We ask that the FRA remain actively involved during this process to immediately step in and

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prevent unsafe operations as soon as the cause is identified, while remedial solutions are considered and tested.

We appreciate the opportunity to comment on this issue and look forward to working with Amtrak and the FRA on this and other issues moving forward.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by a long, sweeping horizontal line that tapers to the right.

National President

cc: M. L. Wallace, First Vice President  
D. P. Estes, National Secretary-Treasurer