



# Brotherhood of Locomotive Engineers and Trainmen

*A Division of the Rail Conference—International Brotherhood of Teamsters*

**NATIONAL DIVISION**

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**DON M. HAHS**  
*National President*

June 15, 2005

Mr. Daniel Smith, Associate Administrator for Safety  
Federal Railroad Administration  
1120 Vermont Avenue, NW  
Washington, DC 20590

Dear Mr. Smith:

The Brotherhood of Locomotive Engineers and Trainmen (BLET) represents locomotive engineers on all Class 1 railroads and many trainmen throughout the United States. These individuals will be affected significantly by the Final Rule found in FR Vol. 70, No. 80/Wednesday April 27, 2005, on the "Use of Locomotive Horns at Highway-Rail Grade Crossings". This letter is written to FRA requesting consideration to specific changes that would allow an orderly implementation of the requirements stated in the rule while reducing a significant and adverse burden to our members and the railroad industry.

The BLET's concern lies within the provisions of 49 CFR Subpart B, §222.21(b) (1), wherein it states.

"Except as provided in paragraph (b) (2) of this section, the locomotive Horn shall begin to be sounded at least 15 seconds, but no more than 20 seconds, before the locomotive enters the crossing."

The nature of our concern results from the perception, now expressed by many of our locomotive engineers, that there will be an unreasonable expectation for precise adherence to the time interval. It has been stated by authorities (both FRA and railroad managers) that the failure to comply with this provision by exceeding the 20 seconds allowed for sounding the horn would be a violation of the regulation.

It is our opinion, that discipline and/or FRA enforcement against the individual or railroad under these circumstances would be unreasonable given the difficult environment in which locomotive engineers must perform service. Having said this, BLET does not believe that locomotive engineers are incapable of meeting the requirements of the rule, but they must be provided relief from a strict adherence thereto.

but need a whistle post location ¼ mile from the crossing from which they can measure their time; accurate/working speed recorders, and relief from unreasonable enforcement of discipline and/or regulatory enforcement.

BLET notes that the Association of American Railroads (AAR) has petitioned the FRA for reconsideration of the rule by adding the following language added to 49 CFR Subpart B, §222.21.

“(3) A good faith effort by the locomotive engineer to sound the horn in compliance with paragraphs (b)(1) or (b)(2) shall be deemed compliance with this subsection.”

BLET supports that addition and requests FRA to act affirmatively to the AAR request for this change. BLET believes the added language will facilitate implementation of the rule without creating a negative impact on safety or unnecessary noise impact on the communities.

Sincerely,



D. M. Hahs, President

CC: E.W. Rodzicz, 1<sup>st</sup> Vice President  
W.C. Walpert, National Secretary-Treasurer  
R.A. Holmes, Vice President and National Legislative Representative  
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