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Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference-International Brotherhood of Teamsters

NATIONAL DIVISION

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FRA-99-6439-3569

DON M. HAHS
National President

April 19, 2004

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Via Courier

RE: FRA—1999—6439, Notice No. 12

Dear Docket Clerk:

The Brotherhood of Locomotive Engineers and Trainmen (BLET) represents locomotive engineers on all Class 1 railroads in the United States. BLET members will be impacted significantly by the Federal Railroad Administration's (FRA) Interim Final Rule (IFR), published in the Federal Register/ Vol. 68, No 243/Thursday, December 18, 2003. The BLET has given careful consideration to the IFR as we did for the Proposed Rule published in the Federal Register on January 13, 2000. In a letter that included a summary of the IFR circulated by BLET to our General Chairmen and State Legislative Board Chairmen the undersigned requested comments and concerns. There were no negative comments received from these representatives. Therefore, the BLET believes the IFR should be accepted as written. BLET takes that position, based on our view, that the IFR has met the objectives of preserving safety at railroad crossings while providing reasonable approaches that will reduce noise from train horns in our communities.

The IFR offers many options for local jurisdictions to retain whistle bans and extend them if they so choose. It also requires that a minimum sound level of 96 dB(A) and a maximum sound level of 110 dB(A) be maintained for locomotive horns (§229.129(a)). There is a requirement for limiting the time which a horn can be blown prior to occupying the crossing (§222.21). These two measures will have a very positive effect on the reduction of noise in all communities, not just those that may have or are considering train horn bans.

With respect to these aspects of the rule, BLET requests that FRA work with the railroad industry and locomotive engineers to ensure that a good faith effort is made by all parties to honor the requirements, recognizing that there will be occasional failures to both maintain locomotive horns within prescribed limits and for locomotive engineers to comply with the time limitations envisioned in the rule. It is important that railroads retain the whistle posts or crossing warning signs in their present fixed location. This will permit locomotive engineers to determine distance from the crossing based on measurement using an End of Train Device head end unit. Over time, other landmarks will serve a similar purpose and as long as the engineer knows the speed of their train, and time in seconds by using their watch, a predictable time interval can be achieved.

In closing, BLET looks forward to working with FRA, the railroads and the communities we serve to make the IFR a success.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Hahs", written in a cursive style.

Don M. Hahs,
President