

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

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MARK L. WALLACE
National President

VIA ELECTRONIC MAIL

June 29, 2026

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

Re: Notice of Petition for Waiver of Compliance
Docket No. FRA-2018-0100

Dear 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 over 31,000 active locomotive engineers and trainmen. As such, we have a vested interest in ensuring the safety of not only the locomotive engineers who operate trains, but also the safety of the nation's entire rail network on which our members operate.

On February 25, 2026, the NS petitioned the FRA to use virtual simulations using web-based or desktop software to satisfy the "hands-on" portion of periodic refresher training for transportation employees, including conductors and supervisors.

The BLET filed comments on June 22, 2026, explaining that the proper documentation had not been posted publicly to the docket. That has since been corrected, and we would now like to submit comments on the NS's request for waiver of compliance.

As we requested previously, we continue to request additional clarification about the NS's operations between 2024 when the previous waiver in this docket expired and the NS's current request.

In its submission, the NS claims that virtual training can recreate a wider variety of defects than real-world equipment can. While we do not dispute this in theory, the virtual training that we have encountered at various railroads typically includes static photographs that are recycled numerous times and are usually not changed from training to training. This has allowed individuals to anticipate what the defects will be based on the picture, simply because it has been shown to them numerous times, completely avoiding the purpose of the training.

We also dispute that "one-on-one" training is superior to group training. Having not been offered a chance to see NS's proposed training, we cannot say for certain, but from the description offered, we would not describe this as "one-on-one." We would describe this as self-guided computer-based training. Without a human instructor physically present with their sole attention devoted to an individual trainee, we cannot describe this training as one-on-one. We would also point out that in-person group training has many benefits, including being able to listen to questions asked by peers, noting errors that others make, and potentially recreating a more realistic environment with regards to noise and possible distractions. Further, later in its submission, the NS also says that this training simulation can be used in groups with a single instructor. We are not clear about which method of delivery the NS is applying for with this waiver. The NS also leaves it unclear if an instructor would even be available during this training if it is delivered via the web-based platform.

In a 2022 waiver expansion denial, the FRA requested additional data from the NS to support the expansion of this waiver. The NS claims to have provided such "data" by stating the following in its submission.

"However, in response to the request for additional safety data, NS notes that as a direct result of implementing the Test Simulation under the Initial Waiver, NS observed:

- Higher defect recognition rates among employees who completed Test Simulation training versus traditional hands-on training.
- More consistent training quality across locations, due to standardized evaluation conditions not dependent on varied rolling stock availability.
- Reduction in common brake inspection errors identified during post training efficiency testing.
- Improved capability to administer power brake training to employees."

While these claims may or may not be true, the NS has not provided any data to support these claims. There are no accompanying evaluation metrics, survey results, training frequency data, evaluation scores, equipment failure rates, or any other quantifiable data that would be relevant to this waiver. The "data" appears to consist entirely of these unsupported claims.

The NS claims to have reached out to multiple labor unions, but does not specify what that outreach entailed, if unions were given the opportunity to review the proposed training and provide feedback, and what the nature of that feedback was.

Without an opportunity to review this training, and without any data whatsoever to prove that this training provides an equivalent level of safety to in-person training, we maintain our position that this waiver should be denied. We encourage railroads to use alternate forms of training in addition to required in-person training. We support the use of technology as a supplement, not a replacement to traditional training methods. As the NS has clearly demonstrated here, there simply is no evidence to show that it provides an equivalent level of safety.

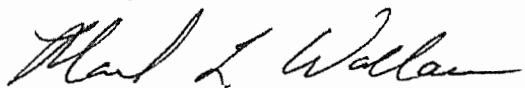
Mr. John Karl Alexy

(3)

June 29, 2026

We appreciate the opportunity to comment on this docket and look forward to working with the FRA on this and other issues in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Wallan". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

National President

cc: G. D. Best, First Vice President
D. P. Estes, National Secretary-Treasurer
V. G. Verna, Vice President and National Legislative Representative