

U.S. Department Of Transportation

Region 1

55 Broadway Room 1077 Cambridge, MA. 02142

Federal Railroad Administration

February 16, 2017

Mr. Stephen Burkert General Chairman – SMART-TD Local 60 sburkert@utulocal60.com

Dear Mr. Burkert:

This is in response to your email dated January 23, 2017 in which you expressed concerns related to a New Jersey Transit Rail Operations (NJTR) directive instructing conductors and trainmen to ride the eastern most vestibule of trains with engines leading into New York Penn Station. You asked the Federal Railroad Administration (FRA) to investigate your concerns.

FRA has completed its investigation which revealed that NJTR implemented Special Instruction (SI) NE-1000-10, effective January 23, 2017, as a result of FRA Safety Advisory 2016-03. This FRA safety advisory recommended that passenger railroads adopt procedures in which crew members can communicate when entering terminals with stub-ended tracks. NJTR's SI NE-1000-10 directed conductors of eastbound trains to occupy the head end of the equipment, prior to its arrival into Penn Station, adjacent to the engineer where effective communication could be conveyed between both crew members upon arrival into Tracks 1 - 4.

In addition, NJTR's special instruction instructed conductors on trains where a locomotive was leading east end out and not having access through the rear compartment to position themselves in the eastern most vestibule possible, from which they would use the communicating buzzer to communicate with the engine. The engineer would then be required to acknowledge by use of the buzzer as well. In the event the conductor's signals were not acknowledged by the engineer, the conductor would stop the train by using the emergency brake valve in the eastern most coach.

In response to concerns raised by you and FRA, NJTR revised the special instruction in its entirety and re-issued NE-1000-10, effective at 12:01 a.m., February 1, 2017. The new SI eliminates the use of the buzzer for communication and the conductor being in the eastern most vestibule of the first coach behind the engine. Instead, it instructs the conductor to detrain at the last station stop on his line and walk up to and board the locomotive prior to its arrival into New York Penn Station. By doing this, the conductor is now in the enclosed operating portion of the locomotive cab where he/she is safe from any debris that could be kicked up by the locomotive. In addition to being in a safer environment, the conductor is also able to visually observe the inbound route, concur signal aspects, and observe the actions of the engineer on the trains approach into the stub ended tracks in Penn Station.

As a result of the investigation into this complaint, NJTR took immediate and decisive action in addressing all safety concerns related to the issuance of the SI. FRA has determined that the

revised SI is fully compliant with the recommendations outlined in FRA Safety Advisory 2016-03.

Thank you for bringing this matter to our attention.

Sincerely,

Les Fiorenzo Regional Administrator