

Oct. 21, 2004

Grady C. Cothen, Jr.  
Deputy Associate Administrator for Safety  
Federal Railroad Administration  
1120 Vermont Av. NW  
Washington, DC 20590

Dear Sir:

Re: **Comments on CPR Request for Waiver from 49 CFR Part 218, Subpart B  
Docket # FRA-2004-17989**

This letter is a follow up to the hearings held in Washington DC on October 13, 2004.

Canadian Pacific Railway Company (CPR) wants to reinforce the fact that this waiver is only intended to allow operating craft utility employees to change batteries on end of train devices without the unsafe requirement of removing the EOT from the rear of the train prior to changing batteries.

This waiver is not about blue flag protection, as argued by some union officials at the hearing. The current regulations permit the removal and application of the EOT by train crews and utility employees without blue flag protection. CPR is not requesting a waiver from the requirement for blue flag protection for mechanical employees performing these functions.

Contrary to another argument put forth by union officials, the requested waiver is not about convenience or economics. The 10 minutes or so saved by occasionally changing batteries while an EOT is mounted on equipment, when spread out over multiple locations and shifts, generates no net employee reductions and results in no hard savings.

As stated in our application and at our hearing presentation, the waiver provides an opportunity to improve safety by:

- 1) reducing the amount of time that employees are at risk when foul of equipment,
- 2) avoiding possible exposure to train operations on adjacent tracks, and
- 3) eliminating the physical stress of handling heavy EOT units (twice) only for the simple task of changing batteries.

During the October 13 hearings CPR was requested by the FRA to provide additional information regarding the CPR practice of providing 3-point protection for operating employees, including utility employees, when working foul of tracks or equipment. Attached to this letter we have included several related documents currently in place on CPR.

It should be noted that changing of EOT batteries with the unit attached to equipment is permitted by our Canadian operating practices without a reportable injury to date.

It should be further noted that use of 3-point protection is also imbedded in CPR Field Operations training programs for both new hires and periodic refresher training. The use of 3-point protection was an outcome of the joint SOFA recommendations, adopted by CPR on all of our properties in both the U.S. and Canada.

CPR has a variety of Efficiency Tests to monitor compliance with these 3-point protection requirements.

As stated at the hearings, there are no tools required when changing batteries on CPR end of train devices. And CPR is continuing to expand its use of air-powered ATX EOTs, further diminishing the need to change out batteries in the field.

We trust that this additional information will be considered in the approval of this waiver request.

Sincerely,

James W. Kienzler  
Director, Regulatory Affairs

cc: FRA Docket Clerk  
Jim Wilson, FRA  
Rod McCorkle, CPR

att:

## **Operating Bulletin issued Aug. 1, 2002**

### **UNQUOTE**

#### **Subject: ESTABLISHING THREE POINT PROTECTION**

On February 1998, a Switching Operations Fatalities Analysis (SOFA) Working Group, with representatives from the Federal Railroad (FRA), Association of American Railroads (AAR), BLE, American Short Line and Regional Railroad Association and the UTU, was formed at the request of the FRA to review recent fatal incidents and develop recommendations for reducing fatalities in switching operations.

Canadian Pacific Railway participated in this exercise. A BLE and UTU representative sat on this committee.

The Working Group developed a database of standardized information, referred to as the SOFA matrix, looking at 76 fatal running trade accident cases between January 1992 and July 1998. In addition the group reviewed limited data obtained from files concerning employee fatalities from 1975 to 1991.

The group compiled their information and made these following conclusions.

1. The occurrence of fatalities in switching yards has not decreased over the period under investigation. These remain a serious problem today.
2. Fatalities are not often the result of a single cause. Almost always they are a result of multiple factors.

The working group made 5 findings and 5 recommendations. This operating bulletin focuses on the 1<sup>st</sup> finding and 1<sup>st</sup> recommendation made by the SOFA Working Group.

#### **Major Finding #1**

Eleven of the seventy-six employee fatalities occurred while the employee was adjusting knuckles, adjusting drawbars, or installing EOT devices.

#### **Recommendation #1**

Any crewmember intending to foul track or equipment must ensure equipment is secured before action is taken.

Crews must be governed by the 3-Point Protection instructions as provided in GOI Section 7, Item 2.3 (now item 15.1) "When coupling cars", and GOI Section 6, Item 20.0 "Proper Protection Required When Testing, Installing or Removing an SBU or an SBU Battery". The following matrix provides further guidance to when 3-Point Protection must be used.

## GUIDELINES FOR THREE POINT PROTECTION

	YES	NO
COUPLING AIR HOSES	X	
CHANGING OUT AIRHOSE GASKET	X	
TYING UP AIR HOSES	X	
OPERATING RETAINERS - UNDER CAR	X	
OPERATING RETAINERS - END OF CAR	X	
ADJUSTING KNUCKLE/DRAWBAR	X	
REPLACING KNUCKLE/DRAWBAR	X	
SBU - INSTALL or REMOVE	X	
CROSSING OVER TO OTHER SIDE OF CARS	X	
OPENING OR CLOSING ANGLE COCK	X	
OPERATING CUTOUT COCK ON CAR (CONTROL VALVE)	X	
REPAIRING EQUIPMENT ON CAR	X	
REPLACING KNUCKLE PIN	X	
OPERATING UNCOUPLING LEVER (Pin Lifter)		X
OPERATING RETAINERS-SIDE OF CAR		X
APPLYING & RELEASING HANDBRAKES		X

## UNQUOTE

## Transportation/Field Operations Safety Rules and Work Procedures

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### 13.0 3-Point Protection

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#### *Safety Requirements*

Rules and procedures involving 3-Point Protection must be complied with. For further information on compliance to 3-point protection, please refer to Safe Work Procedure #3, Page 39 of this Manual.

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### 3.0 3-Point Protection

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Establish 3-Point Protection when working from the ground on equipment.

- Wait for movement to come to a complete stop and for the slack to adjust and settle;
- Notify the locomotive engineer/operator to establish 3-Point Protection, and
- If necessary, apply the required amount of handbrakes to prevent car movement.

#### **3-Point Protection is required when:**

- coupling air hoses;
- changing out air hose gasket;
- operating retainers-under car;
- tying up air hoses
- adjusting knuckle/drawbar;
- replacing knuckle;
- applying and releasing handbrakes on standing equipment;
- operating cutout cock on car (Control Valve);
- replacing knuckle pin;
- EOT/SBU–Install or Remove
- removing track skates;
- repairing equipment on car;
- opening/closing angle cocks;
- repairing equipment on car;
- crossing over to other side of car
- arming two-way EOT device.

#### **3-point protection is NOT required when:**

- operating retainers - side of car;
- operating pin lifter;
- crossing over to other side of cars.

### ***Locomotive attached to equipment applying 3-Point Protection***

#### **Engineer of locomotive will:**

1. fully apply locomotive independent brake, and if train line air is cut-in, make a 10 lb reduction,
2. center the reverser,
3. open the generator field switch, and
4. Engineer must notify the employee requesting protection that 3 point is applied.

*NOTE: Train Brakes do not need to be applied when necessary to have train brakes released for Air Brake tests*

#### **Releasing 3-Point Protection**

When 3-Point Protection is no longer required, crew member(s) must advise the locomotive engineer. The locomotive engineer must confirm that 3-Point Protection will be removed.

#### **In addition to 3-Point Protection, when it is necessary to have equipment separated to perform work or adjustments between equipment, employee will:**

- obtain a minimum of 50 feet between equipment, and
- make sure cars not attached to controlling unit are stopped, and if necessary, secure them with a sufficient number of hand brakes to prevent movement.

3-Point Protection as described above is not necessary when such equipment is under blue flag protection.

## Efficiency Tests – 3-Point Protection

### TEST S03 THREE POINT PROTECTION - REQUESTING

Evaluates an employee's ability to request three point protection before fouling a track or going between equipment attached to a locomotive.

REQUIREMENTS: Compliance with Safety Instruction 247.1 Establishing Three Point Protection

PROCEDURE: When conducting this test, actual operating conditions are to be observed. Monitoring will be done from a position that will enable observation of an employee requesting or providing 3-point protection.

#### Observation of Employee Requesting Protection

Conducting Officer must be in a position to monitor employee requesting 3-point protection. Employee requesting 3-point protection must remain clear of track to be fouled and not get between equipment until three point protection is requested and provided by acknowledgment from the engineer or operator of controlling unit that protection has been provided.

Additional requirement - if necessary to have equipment separated to perform work or adjustment, employee must will:

- \* obtain a minimum of 50 feet between equipment
- \* make sure cars not attached to locomotive are stopped and if necessary secure them with handbrakes.

Exception: The above test will not apply to employees fouling the track or going between equipment protected by blue signal protection or when the operating lever (pin lifter) is being used.

TEST FAILURE: Non-compliance with any of the above requirements constitutes a failure. The additional requirement for the 50 foot and securing cars apply before three point protection is requested, if distance or other cars are not stopped before three point protection is requested this will constitute a failure.

## **Test S04 THREE POINT PROTECTION - ESTABLISHMENT**

**PURPOSE:** Evaluates an employee's ability to establish three point protection when an employee requests it, when locomotive or other controlling unit is attached to equipment.

**REQUIREMENTS:** Compliance with Safety Instruction 247.1 Establishing Three Point Protection

**PROCEDURE:** When conducting the test, actual operating conditions are to be observed. Three point protection is required any time an employee may foul a track, go between equipment, or apply or remove an end of train device attached to a locomotive or other controlling unit. Conducting Officer must be in a position to monitor employee providing three point protection.

Observation of Engineer Providing Protection

Engineer providing three point protection must provide protection as follows:

- \* Apply engine brakes and or train brakes
- \* Center the reverser
- \* Open the generator field switch

Observation of Operator of Other Controlling Equipment

Operator providing three point protection must provide protection as follows:

- \* Apply brakes to equipment
- \* Set the independent and/or emergency brake
- \* Put the transmission or reverser in neutral position

Once the above is accomplished the engineer/operator will inform the employee requesting that three point protection is provided. Engineer or Operator must continue to maintain three point protection until employee requesting states that protection is no longer necessary.

**Exception:** The above test will not apply to employees fouling the track or going between equipment protected by blue signal protection or when the operating lever (pin lifter) is being used.

**TEST FAILURE:** Non-compliance with any of the above requirements constitutes a failure.

## Canadian General Operating Instructions, Section 6

### 20.0 Proper Protection Required When Testing, Installing or Removing an SBU or an SBU Battery

**Note:** This instruction applies to running trade employees or running trade supervisors.

#### 20.1 Equipment which is coupled to a locomotive:

##### IF YOU

1. have personally notified the locomotive engineer of your intentions AND
2. have received confirmation that the locomotive engineer has provided 3 point protection as follows:
  - a) Fully applied locomotive brakes and if the air is cut in, made at least a minimum reduction.
  - b) Centered the reverser.
  - c) Opened the generator field switch.

3. install or remove the SBU or
4. install or remove the SBU batteries or
5. couple the train brake pipe hose to the SBU or
6. press the SBU test button.

Advise the locomotive engineer when you have completed work on the SBU and are safely in the clear.

#### 20.2 Equipment which is NOT coupled to a locomotive:

##### IF YOU

1. have personally notified the yardmaster or other employee in charge and
2. have received confirmation that:
  - no movement will occur on or into that particular track

##### THEN YOU MAY

3. install or remove the SBU or
4. install or remove the SBU batteries or
5. couple the train brake pipe hose to the SBU or
6. press the SBU test button.

Advise the supervisor or other employee in charge when you have completed work on the SBU and are safely in the clear.

#### 20.3 **CAUTION:** In the application of items 20.1 and 20.2, the employee requesting protection must:

- check for other movements on the track on which he is working,
- insure that those movements (if any) are stopped, and if necessary,
- secure with a sufficient number of hand brakes to prevent movement.

## General Operating Instructions, Section 7

### 15.1 Coupling Cars Safely

**Maximum coupling speed is 4 MPH** (unless further restricted elsewhere). To prevent damage to equipment and lading, couple while moving at the slowest speed possible.

Do not attempt to couple a car or locomotive to another piece of equipment, unless the couplers are in line with each other. When it is necessary to adjust a mismatched coupler, follow this procedure.

(See also Transportation Field Operation Safety Rules and Work Procedures.)

Step	Action
1	Stop the movement.
2	Allow a safe distance, <b>not less than 50 feet</b> , for working room between equipment. (Whenever necessary, signal locomotive engineer to reverse the movement and stop a set time to obtain a safe amount of room).
3	Wait for: <ul style="list-style-type: none"> <li>• the movement to come to a complete stop, and</li> <li>• the slack to adjust and settle.</li> </ul> (Do not overlook unexpected movements resulting from liquids sloshing in tank cars.)
4	<p>Before fouling the track or making a movement between equipment to adjust knuckles, ac drawbars, or couple brake pipe hoses, request the locomotive engineer establish three point protection.</p> <p><b>Three Point Protection – Locomotive Engineer:</b></p> <p>To <b>establish</b> 3 point protection, complete the following steps in sequence.</p> <ol style="list-style-type: none"> <li>1. Fully apply locomotive brakes and if the air is cut in, make at least a minimum reduction.</li> <li>2. Centre the reverser.</li> <li>3. Open the generator field switch.</li> </ol> <p>Then the locomotive engineer will:</p> <ol style="list-style-type: none"> <li>4. Notify the requesting employee that three point protection is provided.</li> <li>5. Maintain three point protection until the employee requesting it advises that he is clear that protection is no longer necessary.</li> </ol> <p>To <b>remove</b> 3 point protection, complete the following steps in sequence.</p> <ol style="list-style-type: none"> <li>1. Close the generator field switch.</li> <li>2. Move the reverser out of neutral.</li> <li>3. Release the locomotive brakes.</li> </ol> <p>Then the locomotive engineer will:</p> <ol style="list-style-type: none"> <li>4. Confirm that three point protection is removed.</li> </ol>
5	Inspect cars not attached to the locomotive to ensure that they are stopped, and if necessary secure with a sufficient number of hand brakes to prevent movement.
6	Check for other movements on the track on which you are working.
7	Make the necessary adjustments (to drawbars/couplers) following safe work procedures.
8	Step clear of the equipment. (Do not foul adjacent track.) Notify the locomotive engineer to continue with the coupling.
9	After coupling, slack must be taken or be seen to run out, to ensure a proper coupling has been made.
<b>Note</b>	When switching using RCLS (Remote Control Locomotive System), refer to RCLS Job Air RailTown or the Internet.