



INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS
DISTRICT LODGE 19

OFFICE OF GENERAL CHAIRMAN: KENNETH KRAUSE

March 9, 2022

Sent Via Email & Standard Mail

Mr. Karl Alexy
Chief Safety Officer
Federal Railroad Administration
1200 New Jersey Avenue, SE
RRD-10 Mail Stop 25
Washington, DC 20590

Subject: Union Pacific Railroad FRA Daily Mechanical Locomotive Inspection

Dear Karl Alexy

The International Association of Machinists and Aerospace Workers (known as the IAM) is a labor Organization that provides collective bargaining representation on behalf of the active and retired members. There are approximately 10,000 IAM members who are employed by railroad carriers that are subject to the oversight of the Federal Railroad Administration (FRA). IAM railroad members work as locomotive Machinists, facility maintenance, vehicle maintenance, and on track maintenance.

The IAM is contacting your office regarding a very serious safety concern with respect to Union Pacific's cost cutting measures of using unskilled, untrained, and unqualified National Conference of Fireman and Oilers (NCFO) to perform critical FRA Daily Mechanical Locomotive Inspection, Maintenance and Repair on their locomotives, otherwise recognized as the LMI9414 form. Under 49 CFR § 229.21, Union Pacific Railroad must do the following:

49 CFR § 229.21 Daily Inspection

- (a) *Except for MU locomotives, each locomotive in use shall be inspected at least once during each calendar day. A written report of the inspection shall be made. This report shall contain the name of the carrier; the initials and number of the locomotive; the place, date and time of the inspection; a description of the non-complying conditions disclosed by the inspection; and the signature of the employee making the inspection. Except as provided in § 229.9, 229.137, and 229.139, any conditions that constitute non-compliance with any requirement of this part shall be repaired before the locomotive is used. Except with respect to conditions that do not comply with § 229.137 or 229.139, a notation shall be made on the report indicating the nature of the repairs that have been made. Repairs made for conditions that do not comply with § 229.137 or § 229.139 may be noted on the report, or in electronic form. The person making the repairs shall sign the report. The report shall be filed and retained for at least 92 days in the office of the carrier at the terminal at which the*

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locomotive is cared for. A record shall be maintained on each locomotive showing the place, date and time of the previous inspection.

(b) Each MU locomotive in use shall be inspected at least once during each calendar day and a written report of the inspection shall be made. This report may be part of a single master report covering an entire group of MU's. If any non-complying conditions are found, a separate, individual report shall be made containing the name of the carrier; the initials and number of the locomotive; the place, date, and time of the inspection; the non-complying conditions found; and the signature of the inspector. Except as provided in § 229.9, 229.137, and 229.139, any conditions that constitute non-compliance with any requirement of this part shall be repaired before the locomotive is used. Except with respect to conditions that do not comply with § 229.137 or § 229.139, a notation shall be made on the report indicating the nature of the repairs that have been made. Repairs made for conditions that do not comply with § 229.137 or § 229.139 may be noted on the report, or in electronic form. A notation shall be made on the report indicating the nature of the repairs that have been made. The person making the repairs shall sign the report. The report shall be filed in the office of the carrier at the place where the inspection is made or at one central location and retained for at least 92 days.

(c) Each carrier shall designate qualified persons to make the inspections required by this section.

It has recently come to our attention that at the North Little Rock Arkansas Service Track facility, the Union Pacific Railroad abolished all of IAM represented Mechanical Federal Inspector positions whose work encompassed the Daily Mechanical Locomotive Inspection Maintenance (LMI9414). On January 24, 2022, Union Pacific readvertised the same positions and awarded them to NCFO Labors who are now assigned to perform the LMI9414 and other Machinist's work associated with this inspection/repair, at the Carrier's North Little Rock facility. Our understanding is that the Carrier intends to expand such practice to additional locomotive service locations throughout the Union Pacific system.

Unilaterally reassigning this work to the untrained NCFO Laborers is directly contrary to the Carrier's obligation under 49 CFR § 229.21 (C) to designate qualified persons to inspect the following: Locomotive handrails and grab-irons, steps & safety chains, platforms & walkways, Handbrake, Fire Extinguisher, Horn & Bell, Protective Guards & Covers, FRA Windows, Required Stencils, Water Leaks, Oil Leaks, Fuel Leaks, Exhaust Leaks, Governor Lube oil (if equipped), Air Compressor oil and function, Cooling System, Truck & Underframe Overall Condition, Main Reservoirs, Blowdown Drains, Mu Cut-out Cocks/Locks, Brake Shoe and Rigging, Air Dryer Function and Humidity Indicator, Traction Motors, and Journals & Wheels. These inspections have been conducted by the skilled and trained Machinist's workforce represented by the IAM for decades. Removing these supremely qualified individuals from the work of the FRA daily inspection and replacing them with others puts the workers and the public at risk, not to mention it is also contradicting the CFR § 229.5- Definitions as the NCFO are not and have never been a Qualified Mechanical Inspector:

Qualified mechanical inspector means a person who has received instruction and training that includes "hands-on" experience (under appropriate supervision or apprenticeship) in one or more of the following functions: troubleshooting, inspection, testing, maintenance or repair of the specific locomotive equipment for which the person is assigned responsibility. This person shall also possess a current understanding of what is required to properly repair and maintain the locomotive equipment for which the person is assigned responsibility. Further, the qualified mechanical inspector shall be a person whose primary responsibility includes work generally consistent with the functions listed in this definition.

As the FRA is aware, Union Pacific has joined all other Class I Railroads in the practice of furloughing thousands of its highly qualified employees across all crafts, including the IAM Machinists, who are skilled Mechanical mechanics. Union Pacific Railroad has irresponsibly opted to transfer the federal inspection work

to unqualified NCFO workers. Due to the freight sector's new business model Precision Scheduled Railroading, Union Pacific Railroad continues to cut and compress the workforce to do more with less, thus putting workers and the public safety at risk.

We share the FRA goal of the continued safe operations of this railroad. If Union Pacific is permitted to proceed with the reassignment of the Federal Inspection work at this facility and others, it will significantly undermine safety. Thank you for your consideration of this critical issue.

Sincerely,

Kenneth Krause

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Cc. File

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