BEFORE THE U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

DOCKET NO. FRA-2025-0687

BNSF Railway Petition for Waiver of Compliance

February 11, 2026

These comments are on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Union (SMART-TD), an organization representing approximately 100,000 transportation employees with active rail members working in all operating crafts, including engineers, conductors, trainmen, switchmen, hostlers, and yardmasters.

SMART-TD submits this comment in strong and unequivocal opposition to BNSF Railway Company's petition for a waiver of compliance from the timing requirements of 49 CFR § 229.15(b)(4) governing conditioning runs for remote control locomotive (RCL) pullback protection systems.

SMART-TD represents the conductors, yard foremen, and brakemen who perform Remote Control Operations (RCO) every day in rail yards across this country. These are the employees whose lives, limbs, and livelihoods depend on the integrity of the pullback protection system and the discipline required to verify that it is functioning as intended before work begins. This waiver request is not a minor administrative adjustment. It is a direct assault on a foundational safety practice that prevents catastrophic failures in RCO service.

Running the Zone Is Not a Convenience — It Is the Safety System

The conditioning run required by § 229.15(b)(4) is not merely a test of electronics. It is the act that establishes the controlled zone of movement that makes remote control operations possible and safe.

When an RCO operator "runs the zone" at the beginning of a shift, they are doing far more than verifying that a transponder will stop a locomotive at a defined point. They are personally and deliberately:

- Establishing that the pullback protection system will slow and stop the locomotive as designed
- Verifying that switches are correctly aligned for the intended route
- Confirming that derails are properly positioned
- Ensuring that grade crossing protections within the zone are functioning as intended
- Identifying any unexpected changes to track conditions
- Locking switches so that no unauthorized movement or tampering can occur
- Taking full ownership and control of the zone

This single movement, taking a light engine to the edge of the zone, is what allows an RCO operator to later move equipment without maintaining continuous visual contact with the leading end of the movement. Without this verification, the entire safety logic of remote control operations collapses.

The Danger of "Hot Handoffs" and Assumptions

BNSF's proposal would allow conditioning runs to be delayed until the "first movement on the protected track," rather than requiring them at the beginning of each shift. On paper we could make a practical argument for the logic in this. In practice, this invites and institutionalizes three of the most dangerous habits in railroading: assumption, ambiguity, and complacency.

A "hot handoff" from one crew to another, or accepting a remote control belt pack and assuming the zone is unchanged, is reckless. Rail yards are dynamic environments. Switches are thrown. Equipment is moved unexpectedly. Maintenance activities occur. Grade crossing protections malfunction. Even the most conscientious crew can miss a detail at the end of a long, mentally and physically exhausting shift, which makes implicit trust in the integrity and thoroughness of a job brief between crews. This is an invitation for devastating outcomes that do not need to exist in our industry.

SMART-TD members can attest, from first-hand experience, that crews often begin a shift believing the zone will be exactly as they left it the day before, or "the way it always is," only to discover:

- A switch lined against the route due to an unexpected equipment move
- A derail improperly positioned
- A crossing gate or protective device not functioning
- A lock has been removed from a switch making it vulnerable to being thrown without the RCO crew knowing or accounting for it

These are not hypotheticals. These are routine, foreseeable conditions in active yards.

The existing regulations in 49 CFR § 229.15 force crews to eliminate ambiguity before it can kill someone. BNSF's waiver would replace certainty with assumption and discipline with convenience.

Catastrophic Consequences of Pullback Failure

If the pullback system is not functioning as intended, an RCL can leave the confines of their zone or of the yard entirely and foul main tracks or adjacent yard tracks where other trains and crews have no reason to expect it. The RCO operator, by design, will not have line of sight to the leading end of the movement. They have no way to see: switch positions, trains occupying their tracks, automobiles at malfunctioning crossings, or pedestrians and trackwork being done

When that happens, the consequences are immediate and violent. Derailments. Collisions. Serious injuries. Death.

The conditioning run is the last line of defense against sending a locomotive blindly into danger.

Rebuttal to Claim That the Requested Relief Will Promote Greater Utilization of Pullback Protection

The railroad's assertion that eliminating the conditioning run requirement will "promote greater utilization" of Remote Control Pullback Protection is speculative, unsupported by data, and inconsistent with established safety principles.

First, the railroad admits that pullback systems are not required for remote control operations and are merely an "overlay and redundancy." That admission undermines its core argument. If pullback protection is optional today, the railroad already has full discretion to deploy it wherever it believes it enhances safety. There is no regulatory prohibition or barrier preventing widespread use under the current rule. The conditioning run requirement is part of ensuring that the system functions as intended before being relied upon. Removing that verification step does not incentivize safety — it reduces assurance that the redundancy works when needed.

Secondly, the railroad characterizes the conditioning run as an "unnecessary test" and a "disincentive." That framing improperly treats safety validation as a productivity burden. The conditioning run is not a redundant administrative exercise; it is a functional safety verification. Remote control pullback systems protect against serious hazards, including uncontrolled movement and loss of situational awareness. A safeguard that is not properly conditioned and tested before use cannot credibly be described as an effective redundancy.

Finally, the reference to Executive Order 14219 and "Department of Government Efficiency" principles is misplaced in this context. FRA's statutory mandate under 49 U.S.C. § 20101 is to promote safety in every area of railroad operations and reduce railroad-related accidents and incidents. Regulatory efficiency does not justify eliminating a functional safety validation requirement absent clear evidence that the requirement is unnecessary or counterproductive. No such evidence has been provided.

In sum:

- The railroad has presented no empirical evidence that conditioning runs deter deployment of pullback systems.
- The proposal weakens a pre-operational safety verification safeguard.
- The claimed safety benefit is speculative.
- The productivity rationale improperly subordinates safety validation to operational efficiency.

For these reasons, the requested relief does not demonstrate an equivalent or greater level of safety as required for waiver approval and is not consistent with the public interest.

FRA Has Already Rejected This Exact Leniency

This is not a novel issue before the FRA.

In Docket No. FRA-2017-0007, Union Pacific Railroad petitioned the FRA for a waiver seeking substantially the same relief BNSF now requests in Docket No. FRA-2025-0687. In 2017, UP asked for the same permission to delay or relax the timing requirements for conditioning runs associated with remote control locomotive pullback protection systems.

The FRA's Railroad Safety Board rejected that request.

In its decision letter dated October 23, 2017, the Board concluded that the requested waiver was "not in the public interest and not consistent with railroad safety."

That determination was made under the Federal Railroad Administration and Department of Transportation leadership during President Trump's first administration.

This is significant.

The rejection was not the product of a regulatory climate predisposed toward expanding oversight or denying carrier flexibility. It was a safety determination grounded in operational reality. The FRA examined the very question BNSF now presents and concluded that delaying required conditioning runs for remote control locomotive operations undermines railroad safety and does not serve the public interest.

The issue has already been studied.
The reasoning has already been articulated.
The precedent has already been set.

There has been no material technological revolution in pullback protection systems since 2017 that would justify a different conclusion. Rail yards remain dynamic, high-risk environments. Human error remains a factor. Equipment and infrastructure conditions remain subject to change.

To grant BNSF's petition would require FRA to reverse its own prior safety judgment without evidence of a materially changed circumstance.

Regulatory consistency matters. When the agency has already determined that weakening conditioning run requirements is unsafe, the burden on BNSF to demonstrate otherwise is extraordinarily high. BNSF has not met that burden.

This Waiver Trades Safety for Efficiency

BNSF asserts that this waiver would promote greater use of pullback protection and improve safety outcomes. That claim is unsupported by data and contradicted by lived experience. If a safety system can only be adopted by weakening the rules that ensure it works, then the problem is not the regulation. It is the carrier's operational priorities.

This waiver would permit crews to spend up to two hours making moves based on assumptions about track conditions and system functionality that they have no logical right to assume. That is not innovation. It is complacency masquerading as efficiency.

This petition is, in effect, a request for regulatory cover to avoid spending a handful of minutes at the beginning of each shift to eliminate uncertainty. The cost savings are trivial. The risks are enormous.

FRA Must Not Enable This Regression

SMART-TD urges FRA to recognize what this waiver truly represents: a step backward from time-certain, enforceable safety requirements toward discretionary, production-driven decision-making in one of the most hazardous operating environments in American industry.

If this waiver is granted, the predictable result will be an increase in derailments, injuries, disciplinary actions against employees, lost wages, and extensive rerailing and equipment damage costs.

Our members will be the ones riding the side of those cars when they tip over. They will be the ones held accountable for outcomes that were made inevitable by weakened safeguards.

Conclusion

SMART-TD cannot and will not support any action that undermines the core safety principles of remote control operations. The requirement to perform a conditioning run within a defined time at the beginning of each shift is essential, non-negotiable, and grounded in real-world operational reality.

FRA should deny this petition in its entirety.

Anything less would represent a profound failure to prioritize safety over speed, discipline over convenience, and human life over productivity metrics.

We appreciate the opportunity to comment on this important matter. We stand ready to provide additional information from our membership and our local leaders if it should be of service in the scope of this review.

For the safety of railroad workers and the public, we stand in firm opposition to this petition.

Sincerely,

Jared Cassity
National Safety & Legislative Director