



U.S. Department
of Transportation
**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 12 2011

Mr. R. Stephen Strachan
Chief Transportation Officer
National Railroad Passenger Corporation
946 Justison Street
Wilmington, Delaware 19801

Re: Docket Number FRA-2010-0152

Dear Mr. Strachan:

This letter is in response to National Railroad Passenger Corporation's (Amtrak) petition to the Federal Railroad Administration (FRA) for a modification of the regulatory relief previously granted in Docket Number FRA-2010-0152. Specifically, through a letter dated January 31, 2011, FRA granted Amtrak limited, conditional relief from the requirements of Title 49 Code of Federal Regulations (CFR) Sections 240.117(e)(1)–(4), 240.305(a)(1)–(4), 240.305(a)(6), and 240.307 as applicable to a proposed Confidential Close Call Reporting System (C3RS) pilot project. As proposed by Amtrak in its initial waiver request and approved by FRA, the boundaries of the C3RS pilot project were defined to include certain portions of Amtrak's facilities at the following nine locations: (1) South Hampton Street, Boston, MA; (2) New Haven Parcel G, New Haven, CT; (3) Sunnyside Yard, Long Island City, NY; (4) Penn Coach Yard and Race Street Engine House, Philadelphia, PA; (5) Washington, DC; (6) Miami, FL; (7) Los Angeles, CA; (8) Chicago, IL; and (9) Seattle, WA.

With a March 9, 2011, petition, Amtrak submitted to FRA "Amendment No. 1 to the Confidential Close Call Reporting System Implementing Memorandum of Understanding (C3RS/IMOU) dated May 11, 2010." That amendment to the C3RS/IMOU seeks to expand the boundaries of the C3RS project to include Amtrak's Oakland, CA, yard, including all yard tracks and mechanical facilities within limits to include the West Oakland Amtrak lead to the South Magnolia Amtrak lead.

On March 24, 2011, the FRA Safety Board approved the above amendment request. However, this approval is conditioned upon FRA's subsequent consideration of comments received in response to public notice of Amtrak's March 9, 2011, waiver request.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of rail operations or in the event of noncompliance with any condition of this waiver.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2010-0152.

Sincerely,

A handwritten signature in black ink, reading "Robert C. Lauby". The signature is written in a cursive style with a prominent initial "R".

Robert C. Lauby
Deputy Associate Administrator
for Regulatory and Legislative Operations

Amendment No. 1 to the Confidential Close Call Reporting System Implementing Memorandum of Understanding (C³RS/IMOU) dated May 11, 2010

Pursuant to the provision of Article 13 of the C³RS IMOU dated May 11, 2010 the Parties to the IMOU have approved the following modification:

Article 3. Boundaries: Modify to include one additional yard Oakland, California Yard and add additional trackage to reflect additional boundaries desired to be included in the Amtrak Confidential Close Calls Reporting System Demonstration pilot project. Please see modified Article 3., Item 10 below. The Parties to the Agreement have indicated their approval of these modifications by signing this document.

Parties also recognize that the FRA must review and take appropriate action on separate request to modify the waiver issued in support of this IMOU.

Article 1. PARTIES TO C³RS/IMOU (Parties)

- A. **Brotherhood of Locomotive Engineers and Trainmen (BLET):** the duly recognized collective bargaining representative of the craft of AMTRAK locomotive engineers working within the boundaries of the Confidential Close Calls Reporting System pilot demonstration project.
- B. **Federal Railroad Administration (FRA):** an administration in the Department of Transportation charged with carrying out all railroad safety laws of the United States per 49 U.S.C. Section 103 and 49 C.F.R. § 1.49.
- C. **National Railroad Passenger Corporation (AMTRAK):** a common carrier railroad.
- D. **United Transportation Union (UTU):** the duly recognized collective bargaining representative of the crafts of AMTRAK passenger conductors, assistant passenger conductors, and yardmasters working within the boundaries of the Confidential Close Calls Reporting System pilot demonstration project

Article 2. PURPOSE

The Parties are voluntarily entering into this C³RS/IMOU with the intent to improve the safety of railroad operations. The Parties have determined that based on over 20 years of experience of airlines' and foreign railroads' close call reporting systems, safety may be improved by implementing a system of voluntary, confidential, discipline-free reporting of close call events.

The objectives for close call reporting are:

- the accumulation of confidential data on currently unreported or underreported unsafe events;
- analysis of reported data by peer review teams (PRT);
- identification of corrective actions by the Parties to remedy identified safety hazards;
- provision of assistance by FRA in its safety oversight role; and
- publication of general trends and statistics by government agencies.

Article 3. BOUNDARIES

The boundaries of the C³RS pilot demonstration project are defined as:

1. South Hampton Street, Boston, MA, from the eastern fouling point of the diamond at the east end of the yard to the western limits of the yard including the “Chute” track, including Loop tracks.
2. New Haven Parcel G, New Haven, CT, from the westbound home signal on the Lead track east into all yard tracks.
3. Sunnyside Yard, Long Island City, NY, all tracks in Sunnyside Yard east of “F” Interlocking, including Loop tracks.
4. Penn Coach Yard and Race Street Engine House, Philadelphia, PA, between South Street to Spring Garden Street, to also include 1 and 2 lead tracks, excluding main tracks.
5. Washington, DC., all non-signal tracks that may be accessed between New York Avenue and Virginia Avenue, exclusive of station tracks 7 through 30.
6. Miami, FL, The Amtrak Miami Station tracks 1 thru 4; All Hialeah Yard tracks 1 thru 6, Rip 1 thru 3, the North and South Coach Yard Leads. The Amtrak Lead and Loop track from a point south of the Amtrak Hold Out Signal, located at MP SX1033.1, which is the southern end of TCS territory, on the CSXT Jacksonville Div. Miami Sub.
7. Los Angeles, CA, Roundhouse Lead from CP San Diego Jct. south including all tracks in the North Yard, 8th Street S&I and adjacent tracks, The 90’s Yard, Redondo Locomotive Shop and the PM Line/Wheel Pit tracks. It would not include the Back Way track within the limits of CP Olympic.

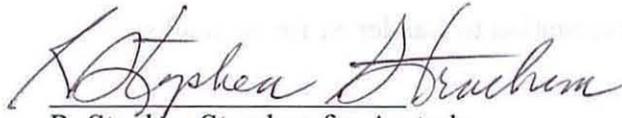
8. Chicago, IL, Central Division Limits of Brighton Park Mechanical Facility; Chicago Terminal from and including 21st Street; Interlocking, to and including CP Canal. The Chicago Terminal also includes all station tracks in Chicago Union Station and all tracks in the Amtrak Chicago yard and mechanical facilities.
9. Seattle, WA, Seattle King Street Station to Lander St for all tracks other than BNSF main line.
10. **Oakland, CA, Oakland Amtrak yard to include all yard tracks and mechanical facilities within. Limits to include the West Oakland Amtrak lead to the South Magnolia Amtrak lead.**

The Parties have determined that based on over 30 years of experience of airlines' and foreign railroads' close call reporting systems, safety may be improved by implementing a system of voluntary, confidential, discipline-free reporting of close call events.

The purposes of this reporting are the accumulation of data on currently unreported or underreported unsafe events, analysis of reported data by peer review teams, identification of corrective actions by the Parties to remedy identified safety hazards, provision of assistance by FRA in its safety oversight role, and publication of general trends and statistics by government agencies.

C³RS/IMOU SIGNATURES

The parties below support the requested modifications to the Confidential Close Call Reporting System Implementing Memorandum of Understanding (C³RS/IMOU) dated May 11, 2010 and the principles of a Confidential Close Call Reporting System.


R. Stephen Strachan for Amtrak

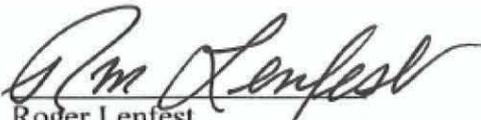
2/21/11
Date


Jo Strang for the FRA

2/22/11
Date


Mark B. Kenny
General Chairman - BLET

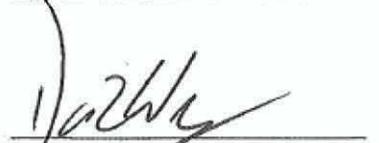
2-9-11
Date


Roger Lenfest
General Chairman - UTU

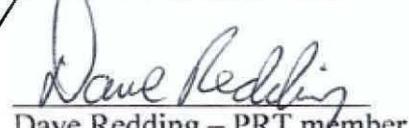
2/25/11
Date


Ray Belluomini - PRT member
Local Chairman - UTU Local 1732 - 769z

3/8/2011
Date


Dave Wright - PRT member
Division Chairman - BLET

3/1/11
Date


Dave Redding - PRT member
Senior Safety Coordinator

2/28/11
Date