

2916.

November 21, 2011

**Before the Pennsylvania Public Utility Commission
Review of Existing Railroad Transportation Regulations; 52 Pa.
Code Chapter 33; Docket No. M-2009-2140262**

**COMMENTS OF PENNSYLVANIA STATE LEGISLATIVE BOARD OF
THE UNITED TRANSPORTATION UNION, THE BROTHERHOOD OF
MAINTENANCE OF WAY EMPLOYEES DIVISION OF THE RAIL
CONFERENCE OF THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, AND THE BROTHERHOOD OF RAILROAD
SIGNALMEN TO THE COMMISSION'S PROPOSED RULEMAKINGS
DATED OCTOBER 22, 2011**

These comments are submitted on behalf of the above named railroad unions regarding the Commission's proposed rule issued on October 22, 2011 in the above referenced docket. In general, we consent to the Commission's proposals with the following exceptions:

1. The Commission did not address any of the substantive safety proposals we submitted to improve the conditions in the state. We hereby request that you treat each proposal as a petition for rulemaking so that these issues can be addressed.

2. Regarding the Commission's proposal covering camp cars at §33.65, the Federal Railroad Administration has issued a Final Rule covering a number of areas of camp car safety. *See*, 76 FR 67073 (October 31, 2011). However, it did not regulate the matter of standing water, drainage hazards or tripping

RECEIVED
IRRC

2011 NOV 21 P 3:33

hazards, and the discharge of grey water. Therefore, we request that the following language be included in the Commissions final rule on camp cars.

All camp car locations must be adequately drained, graded, and tendered free from depressions that pose a tripping hazard or allow water to collect. Camp car locations shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water. The discharge of "gray water" from camp car lavatories and showers shall be prohibited unless permitted by local laws and ordinances; however, in no case shall "gray water" from lavatories and showers be discharged closer than 200 feet of any camp car. Camp cars shall be located so the drainage from and through the location will not endanger any domestic or public water supply.

Since the above requirements were not substantially subsumed by the F1A regulation, we believe it is warranted here.

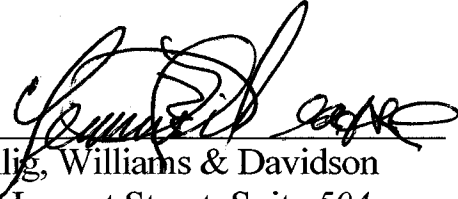
3. Regarding §33.61 covering track cars and four-wheel self-propelled maintenance of way cars, the rules of the FRA only cover such equipment manufactured after 1991. Therefore, we request that the Commissions requirements be retained for all such vehicles operated in the state which were manufactured prior to 1991.

Sincerely,


Lawrence M. Mann

Alper & Mann, P.C.
9205 Redwood Avenue
Bethesda, MD 20817
(202) 298-9191

Irwin W. Aronson



Willig, Williams & Davidson
212 Locust Street, Suite 504
Harrisburg, PA 17108

Attorneys for PSLB-UTU,
BMWED, and BRS

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2011, a copy of the aforesaid Comments were served by electronic mail to all parties of record.



Lawrence M. Mann