



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

March 28, 2025

Mr. Joseph Whitt
Sr. Director of Operating Practices
CSX Transportation, Inc.
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Dear Mr. Whitt:

This letter serves as notice of the Federal Railroad Administration's (FRA) approval of the material modifications to CSX Transportation, Inc.'s (CSXT) conductor certification program required under 49 C.F.R. part 242 that were submitted to FRA on January 5, 2024. FRA has reviewed the material modifications, as well as the comments it received from the International Association of Sheet Metal, Air, Rail, and Transportation Workers – Transportation Division (SMART-TD), the labor organization representing CSXT's conductor employees. In accordance with appendix B to 49 C.F.R. part 242, FRA approves the material modifications to CSXT's certification program, noting FRA's recommendations. Further details regarding these recommendations are provided in Attachment 1 to this letter, including further context concerning FRA's review and approval of CSXT's certification program.

FRA has reviewed each of the points raised in the comments submitted by SMART-TD relating to CSXT's material modifications. In evaluating CSXT's program in light of the comments from SMART-TD, FRA considered the agency's published guidance, including appendix B to part 242:

Rather than establish rigid requirements for each element of the program, FRA has given railroads discretion to select the design of their individual programs within a specified context for each element. The rule, however, provides a good guide to the considerations that should be addressed in designing a program that will meet the performance standards of this rule.

In reviewing program submissions, FRA will focus on the degree to which a particular program deviates from the norms identified in its rule.

49 C.F.R. part 242, app. B ("FRA Review").

As described in this letter, FRA is approving the conductor certification program because CSXT's certification program complies with FRA's regulations in 49 C.F.R. part 242. FRA

strongly recommends that CSXT further discuss its training methodologies, training duration, the standardization of testing, and other training or evaluation processes with representatives from SMART-TD, as explained in more detail within this letter. Please refer to Attachment 1.

FRA will monitor CSXT's implementation of its modified certification program through audits, investigations, and other enforcement activities. Further, the agency will continue to consider SMART-TD's comments and any additional comments or complaints FRA receives during CSXT's execution of its conductor certification program, and whether additional program modifications are necessary to effectuate program improvements and regulatory compliance.

If you have any questions regarding this letter, please contact Mr. Christian Holt, Staff Director Operating Practices Division at 202-366-0978 or christian.holt@dot.gov.

Sincerely,



Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer

Attachments:

1. Summary of SMART-TD's Comments on CSXT'S PART 242 Certification Program and FRA'S Responses
2. Letter from Jared Cassity, SMART-TD's Alternate National Legislative Director & Chief of Safety, to Kevin Lewis, FRA Program Manager, dated February 27, 2024

ATTACHMENT 1

**SUMMARY OF SMART-TD's COMMENTS ON
CSXT'S PART 242 CERTIFICATION PROGRAM AND FRA'S RESPONSES**

The following comments, attributed to SMART-TD, are either direct quotes or summaries taken from a letter Jared Cassity, SMART-TD's Alternate National Legislative Director & Chief of Safety, sent to Kevin Lewis, FRA Program Manager, on February 27, 2024. A copy of SMART-TD's comment letter is included as Attachment 2.

Disclaimer: The recommendations contained in this summary of comments are considered guidance pursuant to DOT Order 2100.6A (June 7, 2021). Except when referencing laws, regulations, policies, or orders, the information in this summary of comments does not have the force and effect of law and is not meant to bind the public in any way. This document does not revise or replace any previously issued guidance.

SMART-TD's Comments on Sec. 2: Training Persons Previously Certified

"In accordance with 49 CFR Section 242.119(l), CSXT will provide for continuing education of certified conductors in the following manner:

SMART-TD is greatly disappointed and quite concerned by CSXT's desire to offer only the bare minimum as it relates to the frequency of training for its previously certified conductors. We are also troubled by the lack of consideration or detail as to how it will determine the use or selection of a particular method of instruction. This program should clarify and present how CSXT intends to train its previously certified workers with certainty. Unfortunately, it creates more questions than it answers, which is disingenuous to the program and the intent of the regulation.

Lateral discretion, as permitted in appendix B to part 242, should not result in *less than* educational situations for railroad workers, yet this is exactly what can result from this section. By omitting language defining how determinations are to be made, CSXT is permitting itself the ability to seek the fastest course rather than the safest one. This means that subsequent changes to operations or management from within CSXT can result in less-than-ideal situations for employee training because the carrier fails to provide the criteria for its determination on how or when to utilize a certain method of instruction or how or when it will determine the distribution of written material, the type of written material, or when it will choose one over the other.

As written, there is nothing to prevent the program from removing the classroom element from the process in its entirety. This would be absolutely detrimental to safety. Likewise, it would be permissible for CSXT to utilize only quick-reference cards on what could be some of the most significant technological or procedural changes, which, again, would be detrimental to safety.

Rationale is needed to ensure the appropriateness of the instructional method or resource selected, not just for a commenter to weigh in accordingly but also for a worker to understand how they are to be trained when presented with new technologies, new procedures, and/or

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new policies. CSXT must provide a matrix to exhibit its decision-making tree of how or when a particular method will be selected. This is not to take away from the latitude granted in the regulation but rather to ensure that an appropriate level of safety is maintained and not squandered at some point in the future, whether intentionally or not.

Additionally, not all employees should be treated the same. Newer employees may need refresher training sooner than 36 months. Under this program, there is no established procedure to offer them that opportunity. Similarly, more seasoned workers may also desire to have refresher training sooner than triennially. CSXT needs to address how it intends to educate employees seeking further instructional opportunities. Not all employees are the same, so a one-size-fits-all approach to safety does not make much sense, which is all this section offers.

FRA's Response

FRA finds that CSXT's conductor classroom training program description aligns with the requirements outlined in part 242. The program allows CSXT some flexibility to integrate new or enhanced instructional methods within a framework of classroom training, which is recognized as one of several valid forms of formal conductor training, as per 49 C.F.R. § 242.119(d)(1). Part 242 also acknowledges other acceptable training delivery methods, such as simulator, computer-based, correspondence, on-the-job, and other formal training methods. It is crucial to differentiate the regulatory flexibility from CSXT's internal training and education standards. This flexibility allows training methods and materials to be tailored to the changing needs of the workforce and operational conditions rather than compromising safety. The assertion that this discretion could lead to less-than-ideal training scenarios presupposes a lack of oversight.

Although FRA's conductor certification regulation does not mandate that CSXT adopt specific instructional methods or resources, FRA recommends that CSXT collaborate with SMART-TD on effectively addressing the diverse learning preferences and needs of various types of employees. For instance, while some learners might favor traditional classroom training with a live instructor for knowledge-based training, others may prefer computer-based learning. A collaborative approach between SMART-TD and CSXT could provide a structured framework to guide instructors in making informed decisions about the most suitable instructional methods under varying circumstances.

FRA acknowledges the varying training needs of conductors and supports accommodating those needs, including for experienced conductors seeking more frequent training. This can be achieved through proactive communication with supervisors and ongoing updates to training strategies, ensuring alignment with best practices and regulatory standards. It is important to note that part 242 does not require railroads to provide refresher training more frequently than the regulatory minimum of 36 months, which coincides with the recertification requirements. For reference, see 49 C.F.R. § 242.201(c).

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SMART-TD's Comments on Sec. 2.B: Requalifying Conductors Absent from a Territory for Two or More Years

The program sets the floor at the absolute bare minimum possible. Rather than contemplating the complexity of the territory or the changes it may have undergone since last worked, CSXT abandons concern for an employee's comprehension and retention by prioritizing their ability to memorize five answers over their actual grasp for the subdivision(s) in which they are instructed to traverse.

More context is needed to ascertain that an appropriate degree of safety is being met. While some subdivisions are quite simple and possess little to no significant nuances, others are extremely complex. This section needs to identify how the carrier is going to address these discrepancies. In its current form, it is perfectly acceptable for CSXT to provide only one qualification trip to a worker on the most complex of territories. This is inconsistent with safety and the mission of the certification process. CSXT needs to provide more information about its decision-making and how it intends to ascertain that an employee comprehends the complexities of the territory over which they are assigned to operate.

In that vein, it is not sensible to permit physical characteristics tests to be administered with the same number of questions for territories with varying degrees of complexity. However, this section permits just that. The vagueness of the language allows the carrier to opt for the least demanding test without any contemplation of the scope or need for additional questions to better assure comprehension. As written, it would be permissible for CSXT to give a five-question test to an employee assigned to operate over the most complicated of territories. This is unacceptable.

As previously stated, a rationale must be inserted to portray how physical characteristics tests will be structured. The number of questions should coincide with the complexities of a particular territory. This program should require that the test relates directly to the number of physical characteristics specific to the territory, not just some low-balled number that has been painted by a broad brush.

While SMART-TD agrees that latitude should be granted to the carrier in the administration of its training program, that latitude should not result in an inability to determine that comprehension has been achieved, which is exactly what this section does or could do.

FRA's Response

A railroad's conductor certification program must include procedures for qualifying or requalifying individuals on the physical characteristics of the territory, as mandated by 49 C.F.R. § 242.119(k). The term "territorial qualifications" is defined in 49 C.F.R. § 242.7, requiring that a person have comprehensive knowledge of a railroad's operating rules and thorough familiarity with the tracks and physical characteristics of the territory to ensure safe locomotive or train operations within that specific area. Each railroad's certification program outlines the process by

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which a conductor becomes territorially qualified, including how previously certified conductors who have been absent from a territory can regain their qualifications. According to appendix B to 49 C.F.R. part 242, Sec. 2 of the Submission: Training Persons Previously Certified, the program must specify how often a conductor must “regularly traverse” a territory annually to maintain territorial qualification status. Given the varying complexities of territories, railroads are afforded discretion in determining the necessary frequency for a conductor to travel over a territory. FRA recognizes that a single round trip could suffice for a conductor’s territorial qualification ride under current regulations, and therefore, this is not a reason to disapprove of CSXT’s program.

The standardized approach to testing physical characteristics, including using a consistent number of questions, is designed to maintain a baseline minimum level of competency and safety across all territories, ensuring that every employee possesses a fundamental understanding of critical operational procedures.

Furthermore, the perceived vagueness of the language in the testing guidelines is actually a measure of flexibility, allowing for the incorporation of additional, more detailed assessments tailored to the specific needs of each territory as necessary. This flexibility should not be construed as a means to make minimal effort. Instead, it should be seen as an opportunity for CSXT to adapt and refine its testing procedures to ensure comprehensive understanding and safety across its diverse operations. FRA has communicated concerns to CSXT and other Class I railroads about ensuring conductor certification standards adequately reflect the complexity of each territory. FRA recommends that CSXT consult with SMART-TD on these types of issues to establish appropriate criteria for qualification rides in complex territories, thus enhancing safety and compliance.

SMART-TD's Comments Sec. 2.C: Qualifying Conductors on New Territories

SMART-TD wholly objects to this section for all of the reasons previously mentioned in its comments to Sec. 2.B. Simply put, one qualification trip does not suffice. CSXT needs to show how comprehension will be realized, which is omitted from this language. At no point does the carrier reveal its intent to ascertain that an employee has encountered or experienced all of the physical characteristics of a territory. Its focus, seemingly, is simply on setting an absurdly low floor for the qualification process.

Once again, the one-size-fits-all approach does not work here. Context is needed for how the railroad will ensure that no worker is shorted in their qualification efforts and how the railroad will construct its physical characteristics tests as they relate to the applicable territories.

FRA's Response

SMART-TD’s concerns about the sufficiency of a single qualification trip are noted, but it is essential to understand that CSXT’s training approach, which complies with FRA regulations, is designed to provide a foundational framework for more comprehensive and tailored training.

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The assertion that one trip does not ensure thorough comprehension overlooks the training strategy employed by CSXT. CSXT's certification program is adaptive, allowing for additional training as needed based on territorial complexity and individual performance. Physical characteristics tests and other training components must be customized to address each territory's specific demands, ensuring that no conductor is inadequately prepared. FRA recommends that CSXT consult with SMART-TD to ensure safety and operational efficiency while meeting regulatory expectations.

SMART-TD's Comments on Sec. 3.A.3: Testing Conductors Knowledge at Recertification

“As stated previously in its comments on Sec. 2., SMART-TD is deeply concerned by the cookie-cutter approach to the frequency of training and the prolonging of this refresher education to the absolute bare minimum permitted by regulation. There are a multitude of operational changes that occur in any given year, whether internal or by government oversight. It would behoove the carrier to consider a higher frequency of training for the safety of its employees or, at the very least, a structured outlet that would permit conductors the opportunity to receive more training when they feel it is warranted.

While a certain level of freedom should be granted to CSXT in its administration of this program, employees, too, should be granted some latitude in their professional development and when additional training is necessary to protect their own health and welfare. This program lacks any formal opportunity or process for them to do just that.”

FRA's Response

The training framework meets the baseline standards set by regulation. CSXT has set the frequency of training at the minimum requirement of three years, coinciding with recertification under 49 C.F.R. § 242.201(c); FRA cannot disapprove the program on this basis. FRA recommends that CSXT consult with SMART-TD to address any refresher training concerns.

SMART-TD's Comments on Sec. 4.A: Training, Testing, and Evaluating Persons Not Previously Certified; Phase I Conductor Training

“CSXT needs to refine the duration of the training. As written, there is too much ambiguity in the timeline. For example, there is nothing preventing the railroad from operating reduced days in the five-week period. In other words, should the railroad desire to shorten the daily length of training at any time during the five-week period for any reason, it would be free to do so. Four-hour days (assuming a five-day work week) for the entirety of the five-week training window would meet the criteria of this subsection. This would be detrimental to the intent of training. To that point, the sentence should read with an ‘and’ instead of an ‘or’: a minimum of 5 weeks and 200 hours for Conductor Trainees seeking certification.

With that being said, the statement should not be open-ended or subject to change. For the sake of fairness and an ability to ascertain that an appropriate level of safety is being met, CSXT

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needs to commit to its timeline. SMART-TD objects to the railroad's blanket ability to make significant, unilateral modifications to the duration of its training program. As a matter of policy, we do not take exception to the notion of more. Frankly, we believe a five-week program is scraping the bottom of acceptable as is, but what we do take exception to is the possibility of inconsistent training durations. The phase I training environment should not be subject to change. Operational whims and external pressures could improperly influence the carrier's decision-making process on training. Again, as an example, in the event the carrier decides to extend its training program in the interest of safety (which it would be entitled to do per the subsection) but then later subsequently decides to change it back, the unchecked, unmeasured shift would most likely not be conducive with safety. Therefore, CSXT needs to fully commit to its timeline so that an appropriate determination can be made on whether or not the timing is appropriate."

Additionally, Section 4.A. states,

"Classroom activities, which are developed for clarity and accuracy by CSXT's training team. This includes multimedia presentations, classroom props, mockups, training simulators, and periodic computer-based training exercises covering areas such as basic operating procedures, air brake inspection and tests, authorities for movement, speed rules, flagging duties, train movement, understanding special instructions, signal aspects and signal compliance, and proper train documentation."

The first sentence is unintelligible. It needs to be rewritten.

Additionally, "simulators" need to be defined. What is a simulator for a conductor? Is it time on a computer? Is it virtual reality? Is it a simulation constructed with physical apparatuses and actors? CSXT needs to define what a simulator actually is and how it functions to determine whether it is appropriate in the training environment and whether or not it is in the interest of safety.

FRA's Response

FRA finds CSXT's descriptive overview of classroom training and structured field training, along with the anticipated hours for training on various topics, such as operating rules, hazardous materials, railroad safety rules, and on-the-job training, meets the requirements of part 242 for a conductor certification program. See 49 C.F.R. § 242.119 and app. B. FRA expects formal training to have a structure and defined curriculum and expects all railroads to implement effective training and achieve measured results. FRA recommends that CSXT and SMART-TD discuss any aspect of the conductor program that SMART-TD finds problematic. To the extent CSXT or SMART-TD is unsure if a training practice is permitted or prohibited, a question can be brought to FRA.

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SMART-TD's Comments on Sec. 4.A, Continued

Who is CSXT's training team, and does it include representatives for the employees? This team needs further definition, and it needs to include labor (in the event that it does not) to ascertain that the goals and purpose of the training are in line with the needs of the newly hired candidates and adequate to address their experiences in the field. By having labor as an active participant, the program will be better scrutinized and adjudicated appropriately.

If labor is not present or an active participant, CSXT needs to provide to what degree these devices will be used in lieu of an actual human presenter so that a determination can be made on their appropriateness. Currently, there is nothing preventing them from being used to present the vast majority of the instruction, which is quite problematic. Similarly, there need to be guardrails to prevent overuse of these auxiliary methods, which could contribute to the detriment of the training process.

FRA's Response

If SMART-TD has ongoing concerns regarding the training team's composition or the instructional methods used, FRA encourages direct involvement and dialogue with CSXT. This collaboration is crucial for continuous improvement and ensuring that the training program meets the high standards expected by all parties. Engaging actively with CSXT will provide SMART-TD the opportunity to inform and examine the training processes to ensure they remain robust and effective.

SMART-TD's Comments on Section 4.A, Continued

Section 4.A contains many individualized topics that are not marked by an indicator other than bold and underlined emphasis. As such, comments on each individual topic will be identified by listing the emphasized topic.

"The description provided herein is woefully insufficient. CSXT needs to provide an actual breakdown of the timeline of the topics in focus. As written, the carrier could spend 23 hours of planned training on computer systems and only an hour on the other remaining items and it would be in compliance with this program. That is unacceptable.

All of these training basics are critical to a trainee's learning process and fundamental to developing a foundation rooted in safety. They should not be shorted. Accordingly, this program should not allow for the possibility of these types of gaps to happen, much less be acceptable. CSXT needs to identify and list the anticipated timeframe for each of the topics contained within this item's description. Likewise, the learning approach needs to be defined so that the merits of the instructional method can be scrutinized appropriately.

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It will be repeated throughout, but an overreliance on instructional methods other than by a classroom instructor can be and has proven to be detrimental to the training and learning process.”

FRA's Response

CSXT's conductor certification program encompasses both knowledge-based and task-based training to prepare conductor trainees for their roles. CSXT's approach effectively addresses the essential knowledge and skills required for certification. Consequently, FRA does not believe that criticisms of this approach provide grounds for disapproval of CSXT's program. According to appendix B to part 242, there is no mandated duration for each specific topic taught to trainees. Therefore, FRA concludes that CSXT's program descriptions are sufficiently detailed to enable effective review. However, FRA recommends that CSXT consult with SMART-TD to consider incorporating additional training topics related to conductor certification.

SMART-TD's Comments with Section 4.A, Continued

“SMART-TD is troubled by the omission of repetitions as a task requirement, such as switch position, mounting and dismounting equipment, crossing protection, air brake testing, etc. CSXT needs to detail its plans to ascertain how a trainee will receive adequate exposure to learning these tasks. The ability for one to exhibit some knowledge after immediately being walked through a scenario is not a difficult task. CSXT needs to reflect in this program how it intends to guarantee retention of that knowledge, which requires as much repetition as it does classroom training. It is not enough for a candidate to pass a test; exposure/repetition is desperately needed for the retention of these safety-critical elements.

Concerns about simulation are also echoed here. What is a simulator or simulation in this instance? How will it be used, and what can it do? Specification is needed for the program to be critiqued appropriately.

Also, what is the timeline for each subject in this topic? Guardrails need to be present in order to prevent undereducation of one or more of these focuses.”

FRA's Response

CSXT's program is not required by appendix B to part 242 to specify the number of repetitions per task for adequate training. The retention of knowledge is assessed through quizzes, tests, observations by training staff, and final examinations covering topics such as operating rules, signal systems, hazardous materials, and safety rules. FRA recommends that CSXT and SMART-TD discuss any aspect of the conductor program that SMART-TD finds problematic. To the extent CSXT or SMART-TD is unsure if a training practice is permitted or prohibited, a question can be brought to FRA.

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SMART-TD's Comments on Sec. 4.B: Phase II Conductor Training

SMART-TD has expressed significant concerns about the ambiguity of the Phase II conductor training outlined by CSXT, particularly criticizing the provision that allows for as little as six weeks of training. Becoming a safe and competent conductor requires more time, repetition, and familiarity with the railroad environment, emphasizing that such a critical process should not be expedited or abbreviated. Additionally, SMART-TD has raised issues with the lack of clear definitions regarding the size of CSXT terminals, which introduces variability and discretion in how training durations are determined across different locations. This lack of standardized definitions could lead to inconsistencies in training experiences and preparedness among trainees.

Furthermore, SMART-TD insists that for the training program to be effective, it must be structured and consistent, free from the influence of operational pressures and ad hoc decisions. SMART-TD emphasizes the need for CSXT to establish defined training periods for each terminal to mitigate risks associated with training variability, which could compromise safety. Without these defined periods, it becomes difficult for trainees, commentators, and regulatory bodies like FRA to evaluate or trust the adequacy of the training provided. Ultimately, SMART-TD calls for a more regulated and transparent approach to ensure that all conductor trainees receive adequate preparation for their roles.

FRA's Response

The six-week timeframe for Phase II conductor training is sufficient to develop safe and competent conductors, provided the program is structured effectively. This timeframe allows for practical, hands-on experience in realistic operational settings, enabling trainees to grasp critical procedures efficiently. The training program is designed to provide a foundation of conductor competency without compromising safety and it incorporates assessments to ensure each trainee demonstrates satisfactory proficiency before taking on full responsibilities. Moreover, the six-week program is flexible enough to provide additional training if a trainee requires more time.

In response to the concerns raised by SMART-TD regarding Sec. 4.B of the Phase II conductor training program, FRA recognizes the importance of clarity and consistency in training requirements. However, it is important to emphasize that the training framework, as outlined, meets the existing regulatory standards set forth by FRA and is designed to be adaptive to the varying complexities and sizes of terminals. The flexibility in training duration is intended to address the diverse operational environments across different terminals. This approach allows qualified instructors and peer trainers, in conjunction with railroad operating managers, to tailor training based on each conductor trainee's specific needs and progress, enhancing both safety and efficiency.

FRA encourages further dialogue with SMART-TD to discuss these points and explore potential areas for enhancement in training procedures to better serve the needs of both the trainees and the operational demands of the railroad.

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SMART-TD's Comments with Sec. 4. B.1: Training by a Qualified Instructor

SMART-TD has voiced reservations about CSXT's approach to on-the-job training (OJT) for conductor trainees, highlighting a significant gap in the training framework. A primary concern is that CSXT does not provide formal training to Qualified Instructors who are the conductors responsible for effectively mentoring and training newcomers. In furtherance of that position, SMART-TD commented that conductors involved in OJT should receive specific training on how to teach and manage trainees. SMART-TD also advocates for a system that allows for the recording of trainees' experiences and repetitions, and for better communication among conductors who train the same individual. This would facilitate a more cohesive and informed training process, ensuring continuity and consistency in what is taught.

Moreover, SMART-TD criticizes the existing mechanisms for tracking training progress as inadequate. While CSXT uses a questionnaire to monitor a conductor's hours of service, there is no effective means to document or evaluate the depth and breadth of a trainee's OJT learning. This lack of structured feedback and record-keeping, according to SMART-TD, undermines the quality of the training program and fails to meet the necessary standards for ensuring that conductor trainees are fully and properly prepared for their roles.

FRA's Response

FRA's minimum requirements for qualified instructors in 49 C.F.R. § 242.7 do not include specific training requirements, although the agency encourages CSXT to consider adding some formal training as a best practice. Certified conductors selected for the qualified instructor position are required to have demonstrated adequate knowledge of the subjects under instruction as well as have the necessary operating experience to effectively instruct in the field. FRA has defined an appropriate selection process for qualified instructors which includes a selection role for the railroad and concurrence by a designated employee representative where present.

FRA encourages SMART-TD to engage in dialogue to explore ways that CSXT can exceed FRA's minimum requirements and further improve the recording and tracking of trainee progress.

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SMART-TD's Comments on Section 4.B.2: Use of Regulatory Qualification System

SMART-TD has raised several concerns regarding the use of the Regulatory Qualification System (RQS) within CSXT's Phase II training for conductor trainees. RQS is referenced in the training documentation without a proper introduction or explanation, creating ambiguity about its role and function. SMART-TD questions the lack of detailed description of the tasks that are to be evaluated within this system, as well as the criteria for determining whether a trainee has passed or failed these evaluations.

Additionally, there is concern about how the Operations Field Trainer will utilize the RQS to enhance the training experience. SMART-TD seeks clarification on whether the RQS will be applied uniformly across all trainees or if its use will be subject to the discretion of individual instructors. SMART-TD is also seeking information on how an RQS will actively support and track a trainee's progression throughout the training phase, ensuring that it contributes meaningfully to the development of their skills and competencies. SMART-TD believes its questions highlight the need for greater transparency and consistency in implementing the RQS to ensure it effectively supports the training objectives.

FRA's Response

FRA hears the concerns raised by SMART-TD regarding the clarity and application of the RQS in the conductor training program outlined by CSXT. The RQS is simply an in-house electronic checklist designed to track a conductor trainee's progress throughout their training. FRA suggests that SMART-TD and CSXT collaborate to ensure that all training components, including the RQS, are clearly defined and integrated into the training framework. However, this level of RQS review is not a requirement under appendix B to part 242.

SMART-TD's Comments on Sec. 4.B.3: Description of Tasks and Related Steps

“By CSXT developing a checklist only requiring one observation to determine adequacy, they are washing their hands of the need to do more to ensure that a trainee is indeed ready for promotion. This is unacceptable, and it sets a trainee up for failure.

Trainees should be required to track their experiences, much like pilots in training log their hours. Conductors performing on-the-job training should ensure that trainees are properly recording their experiences. And CSXT, absolutely, should be doing more to ensure repetitions than the ridiculously minimum effort they've exhibited in this program and Appendix A”

FRA's Response

FRA understands the concerns raised by SMART-TD regarding the RQS system, an in-house electronic checklist designed to monitor a trainee's progress. These concerns may suggest the need for improvements to ensure the system better tracks and evaluates a trainee's development. Although this level of RQS review is not a requirement of part 242, FRA recommends that

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CSXT engage in discussions with SMART-TD to explore potential enhancements to training protocols and implement a more rigorous tracking mechanism.

However, it is essential to clarify that while FRA acknowledges the suggestion that the checklist could be more comprehensive, this issue alone does not provide grounds for disapproving the training program. The certification program presented meets the necessary regulatory requirements. FRA does not have the authority to reject the program solely on the basis of this recommendation. Instead, FRA urges continued dialogue and collaboration to refine and strengthen the program to meet both operational standards and labor's concerns.

SMART-TD's Comments on Sec. 5: Monitoring Operational Performance by Certified Conductors

The number sequence of this section needs to be corrected.

FRA's Response

FRA agrees with SMART-TD that CSXT should correct this formatting issue, but it is non-substantive and does not constitute a basis for disapproving the program.

SMART-TD's Comments on Sec. 6.K: Requirements for Territorial Qualifications in Joint Operations-242.301

SMART-TD has expressed concerns regarding various aspects of the current training and qualification protocols as outlined by CSXT. SMART-TD specifically requests that all "reciprocated agreements" be included as appendices in the training program documentation, stating that without such transparency, there is no way to effectively assess the merit or thoroughness of these agreements.

Furthermore, SMART-TD criticizes the brevity of lines 3 and 4 in the training materials, describing them as severely insufficient. Line 3 states, "Pass a physical characteristics exam on the joint operation territory. The exam will be 5 questions and a required passing score of 80%." Line 4 states, "Minimum of one documented round trip prior to becoming qualified over the specific territory." SMART-TD states that instead of taking a minimalist approach, CSXT should focus on enhancing safety by exploring the differences in operating rules between carriers more thoroughly, particularly in joint operations. SMART-TD suggests the emphasis should be on addressing what is unfamiliar about these joint operations rather than the minimalistic approach currently adopted.

In addition, SMART-TD is dissatisfied with the rule that physical characteristics exams consist of only five questions. SMART-TD believes that such exams should be tailored to the complexity and size of the territory, to ensure conductors are well-versed in the specifics of the areas they will operate in. The current approach increases the risk of conductors not being adequately familiar with crucial territorial details.

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Lastly, SMART-TD strongly opposes the policy that a single qualifying trip is sufficient for conductor qualification. SMART-TD advocates for a more structured approach to determining the number of necessary qualifying trips, suggesting the use of a decision tree or a thought matrix to better tailor the qualifying process to individual circumstances. According to SMART-TD, the current “one trip” policy is overly simplistic and could potentially lead to unsafe operating conditions.

FRA's Response

In response to SMART-TD's concerns about including “reciprocated agreements” in CSXT's training documentation, FRA emphasizes that these agreements are not required under federal conductor certification standards. FRA focuses on ensuring that conductor training programs meet federal safety and competency requirements, and the inclusion of labor agreements does not directly affect the program's regulatory compliance.

While including these agreements could enhance internal transparency, their absence does not hinder the program's ability to meet FRA's certification standards. Therefore, although FRA encourages collaboration between labor and management, requiring these agreements as part of the formal training documentation is beyond the scope of FRA's regulatory authority.

As for the criticism of the physical characteristics exams consisting of only five questions, this standard serves as a suggested minimum, ensuring that all conductor trainees receive a baseline level of testing on essential aspects of the territories they will operate in. The use of five questions is not an upper limit but a foundational starting point from which more detailed and specific testing can and often does occur.

Although a minimum of one documented round trip over a specific territory could be sufficient to meet regulatory requirements for qualification, the determination of the required number of trips is at the discretion of the railroad and encourage CSX to engage with labor organizations to understand operational realities that may influence training program.

SMART-TD's Comments on Sec. 6. O: Use of Pilots on Main Track-242.301

The term “locomotive conductor” needs to be corrected, as there is no such craft.

FRA's Response

FRA agrees with SMART-TD that CSXT should correct this single reference to “locomotive conductor.” But the term “conductor” is otherwise used in the section and can be understood contextually, and this is not a basis for disapproving the program.

**SUMMARY OF SMART-TD's COMMENTS ON
CSXT'S PART 242 CERTIFICATION PROGRAM AND FRA'S RESPONSES**

SMART-TD's Comments on Sec. 6. O. Continued

SMART-TD has expressed dissatisfaction with CSXT's approach to conductor training, critiquing it as merely adhering to the minimum regulatory standards without striving for a higher level of preparation and safety. SMART-TD states that the current training program, which often relies on a single trip for physical qualification, is insufficient for ensuring that conductors are fully capable of safely operating over new territories. SMART-TD emphasizes that such minimal compliance does not adequately prepare conductors for the responsibilities they will face, potentially compromising both their safety and that of the communities they serve.

The organization also criticizes CSXT for not aiming to exceed the basic requirements set by part 242, which SMART-TD views as a floor. SMART-TD advocates for a training regime that not only meets but surpasses regulatory benchmarks to achieve the highest levels of safety and competency.

SMART-TD calls for a more collaborative approach in developing training programs, urging CSXT to prioritize education and continuous improvement rather than treating training as a mere regulatory obligation. SMART-TD emphasizes the importance of involving labor representatives in the training process to ensure that programs are comprehensive and effectively prepare trainees for their roles, advocating for a shared commitment to safety and excellence in training practices.

FRA's Response

FRA recognizes the importance of robust training programs that both meet and often exceed the minimum regulatory requirements. For example, it is important to clarify that a single trip could meet certification requirements as outlined under part 242. However, FRA strongly supports and encourages ongoing collaboration between railroads like CSXT and labor organizations such as SMART-TD. Such partnerships are essential in continuously improving training programs and ensuring they are both comprehensive and reflective of the real-world challenges conductors face. FRA recommends collaborative efforts because they can lead to innovative practices that enhance conductor readiness and overall rail safety, and because they foster an environment of perpetual learning and improvement.

In this spirit, FRA again recommends that CSXT engage actively with SMART-TD and other stakeholders to explore opportunities to enhance the conductor training program, ensuring compliance with regulatory standards and striving for higher safety and performance outcomes.