



CONGRESS NEEDS TO PASS A COMPREHENSIVE RAIL SAFETY BILL

The horrific Norfolk Southern rail derailment in East Palestine, Ohio on the evening of February 3, 2023, highlighted a truth that rail labor unions have been vocal about for years: the freight rail industry has a fundamental disregard for the safety of workers and the general public. Congress must take decisive and comprehensive action to fix it. Rail workers have sounded the alarm for years about the deteriorating safety conditions in the freight rail industry. Actions taken by the Class I freight railroads both before and after the derailment demonstrate that they still have no interest in correcting their business practices that put lives and communities at risk every single day. Sadly, that is because they are driven by one thing, and one thing only: generating the most profit possible, regardless of anyone's wellbeing but their own. It does not matter to them who gets hurt in the process.

Unfortunately, the East Palestine derailment is not an anomaly. The wide-reaching breadth of safety failures in the freight rail industry contributes to more than 1,000 freight rail derailments a year—nearly three a day. And contrary to the railroads' rhetoric, the industry's safety record is getting worse, not better. In fact, the accident and incident rate has increased over the last decade at four of the biggest Class I railroads: BNSF Railway, Union Pacific, CSX, and Norfolk Southern.

Congress must pass a comprehensive rail safety bill addressing the serious, long-standing problems in the freight rail industry before more communities, workers, and people are hurt.

The scope and ambition of legislation from Congress must reflect the scope of the problem. Rail workers witness the effects of their employers' total disregard for safety every single day on the job. Here are the key safety reforms that rail workers need to see in a comprehensive rail safety bill in order to feel safe on the job and for the rail industry to improve its dismal safety performance:

- **Two-Person Crews** – Require a minimum of two-person crews on all passenger and freight trains.
- **Train Length and Consists** – Establish maximum train lengths; increase regulation of trains exceeding 7,500 feet; establish regulations related to train composition, including the placement of cars.
- **Defect Detection Technologies** – Define these technologies in law and require comprehensive regulations of these technologies, including wayside detectors, for critical elements like testing, maintenance, repair, trending data, alerts to crews, and maximum distances between wayside detectors.
- **Rail Car and Locomotive Inspections** – Address the lack of inspection time for rail car and locomotive inspections; crackdown on the abuse of abbreviated pre-departure rail car inspections; ensure that the workers carrying out locomotive inspections have the proper training, qualification, and proficiency to perform the inspections.

- **Brake Inspections** – Ensure that the workers carrying out brake inspections have the proper training, qualification, and proficiency to do the inspections; prohibit brake inspections while trains are in motion; prohibit placing trains on an adjacent track while train inspections are ongoing.
- **Locomotive and Rail Car Requirements** – Strengthen the Blue Card and Bad Order Tag systems that govern locomotive and railcar inspections and repairs respectively; penalize/disqualify railroad supervisors who ignore Blue Card and Bad Order Tag requirements.
- **Certification Requirements** – Require FRA to issue certifications for Train Dispatchers, Signalmen, and other crafts as necessary.
- **Safety Stand-downs** – Clarify existing federal law to ensure that rail workers or their unions can call a safety stand-down when conditions are unsafe or dangerous to work in.
- **Train Approach Warning (TAW)** – Either ban train approach warning as a method of protecting workers working in the rail right of way or ensure that the railroads are complying with existing federal regulations that require them to provide the necessary visual warning equipment to watchmen/lookouts.
- **Excepted Track** – Tighten excepted track designations and eliminate ability of trains carrying hazardous materials to operate on excepted track.
- **Track Inspections** – Double visual track inspection requirements on any route that carries high-hazard flammable trains.
- **Track Geometry** – Increase the use of qualifying track geometry measurement systems on train tracks to increase identification of track geometry defects.
- **Hours of Service** – Expand hours of service laws to cover yardmasters.
- **Track Workers** – Increase minimum protections for track workers.
- **Safety Inspectors** – Increase GS category of pay from GS-12 to GS-13 for inspectors; require a federal minimum number of inspectors; increase federal funding to hire more inspectors.
- **Safety Waivers** – Immediately phase out FRA granted safety waivers to Class I railroads; crackdown on any new granting of safety waivers and institute stringent policy that immediately revokes future waivers if railroads break the terms and conditions; and require that any and all data generated from safety waivers must be made publicly available for comment.
- **Safety Violations & Enforcement** – Tighten enforcement of existing FRA safety laws; Improve and increase imposition of civil penalties for railroads that violate existing FRA safety regulations; require greater transparency when railroads settle fines for safety violations.
- **Safety Reporting System** – Require freight and passenger railroads to participate in the FRA's Confidential Close Call Reporting System (C3RS) and require that confidentiality and anti-retaliation protections be in place for workers who use the C3RS system.

Even in the wake of a high-profile disaster, the railroads are attempting to weaken rail safety standards in federal legislation pending before Congress. For example, the railroads have sought to gut proposed safety requirements on items such as rail inspections and defect detectors. They also have attempted to decrease safety by making it easier to get waivers from federal safety regulations and prohibiting the Federal Railroad Administration from issuing much-needed minimum crew size requirements.

The railroads' actions following the East Palestine derailment reflect the industry's complete disregard for safety. They continue to lay off workers across most rail crafts; apply for numerous waivers from federal rail safety laws; try to redeploy conductors from the cab of a locomotive to ground-based trucks; close rail yards to avoid inspections by carmen, electricians, and machinists; and replace human beings with technology that doesn't come close to replicating what workers can do. In pursuit of the highest profits, rail corporations are determined to cut corners on safety just to make a few more dollars.

While rail corporations are decreasing investments in their workers and infrastructure, they are certainly rewarding their shareholders. Since 2015, the Class I railroads have collectively spent more than \$165 billion to buy back their own stock. That's at least \$46 billion more than they invested in safety. The priority of the rail companies is clear: returning as much money to their shareholders as possible, not running a safe rail system. That's why we launched a [public safety campaign](#) demanding that rail corporations halt all stock buybacks until they properly invest in safety.

These safety issues directly stem from the Wall Street operating model that the railroads have adopted in the last few years: so-called "Precision Scheduled Railroading (PSR)". PSR prioritizes making the most profit over every other goal, including rail safety. [TTD has previously highlighted](#) the harmful effects of the PSR operating model and the workforce and infrastructure cuts the railroads have made in recent years.

Absent federal action, rail corporations will keep choosing Wall Street over Main Street and rail safety will further deteriorate. If Congress doesn't take action and require the railroads to change their ways, there will only be more derailments like East Palestine and more traumatized communities across the country. We cannot afford to wait any longer. Congress needs to listen to the rail workers who see the safety problems that are happening every single day. Congress must act and pass a comprehensive rail safety bill that makes meaningful safety improvements before further disasters occur.

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