Rail Decarbonization Efforts Must Prioritize Workers' Well-Being

Transportation labor unions recognize the serious impacts of climate change and the severe consequences if we fail to reduce our carbon footprint. Discussions about reducing emissions in the rail sector often focus on potential benefits from new technologies, without looking at the entire picture and ensuring that the impacted rail and manufacturing workers and communities benefit from technological change.

In January 2023, the USDOT announced a national blueprint for transportation decarbonization that aims to decarbonize all modes of transportation, including rail.[1] The Biden Administration has demonstrated its commitment to not only responsible environmental policies, but also to working people. **Therefore, as we address the climate impact of rail transport, we expect that the U.S. Department of Transportation (USDOT), Environmental Protection Agency (EPA), U.S. Department of Labor (DOL), and Department of Energy (DOE) will retain and create union jobs for rail and manufacturing workers as they advance policy or regulations related to rail decarbonization. As we anticipate the release of a rail specific decarbonization strategy from the USDOT, EPA, and DOE later this year, the agencies must take steps to attach robust labor protections to any locomotive upgrade or acquisition projects funded by federal investments or grants.**

Passenger and freight rail are already some of the most environmentally friendly ways to move people and goods, accounting for approximately 2% of greenhouse gas emissions from the U.S. transportation sector.[2] Recent developments in both the public and private sector indicate a renewed focus on reducing carbon emissions in the rail sector. However, our country's transition to cleaner passenger and freight rail transportation must not come at the expense of the rail and manufacturing workers who will make it happen. Instead, the federal government must leverage the rail decarbonization transition to grow and strengthen workforce opportunities.

For example, the USDOT's Low or No Emission Bus Program, a competitive grant program for clean transit buses, exemplifies how federal clean energy investments can be linked to workforce development training and registered apprenticeships to support good jobs for union workers—in this case, in the transit industry's transition from diesel to electric vehicles. Under the program, funding recipients are required to spend 5% of their award on workforce development and training as outlined in their Zero-Emission Fleet Transition Plan. The DOL's Good Jobs Initiative similarly demonstrates how agencies can embed labor protections in federal funding opportunities by integrating job quality incentives into grant-making, procurement, and other processes.[3]

To the maximum extent possible, the USDOT and the EPA should ensure the Low or No Emission Bus Program model, including the workforce development and training requirement, is applied to federal programs being used to fund rail locomotives and trains that do not currently have labor protections, such as the Diesel Emissions Reduction Program (DERA). As it stands, DERA undermines the rail workforce by awarding federal dollars to recipients like the American Lung

---

[1] Ibid 1

[2] https://www.energy.gov/sites/default/files/2023-01/the-us-national-blueprint-for-transportation-decarbonization.pdf (page 13)

[3] https://www.dol.gov/general/good-jobs

Association or State Departments of Transportation to upgrade locomotives that often rely on non-union contractors.[4]

In the private sector, freight and passenger railroads have begun testing alternative technology to diesel locomotives, including battery and hydrogen locomotives. Caltrain is currently in the midst of a multi-year project to electrify their commuter rail service in the San Francisco Bay Area using overhead catenary. The Brightline West and California High-Speed Rail projects are proposing to utilize overhead catenary to be zero-emission and achieve high travel speeds upwards of 220 miles per hour. Additionally, California High-Speed Rail's zero-emission trains will be 100% powered by renewable energy.

While lower and zero emission battery and hydrogen locomotives and overhead catenary systems are strong tools for reducing carbon emissions in the passenger and freight rail sectors, steps need to be taken to ensure the deployment of these tools benefit workers, especially given recent trends in the industry. We must also ensure that the supply chain of these products support manufacturing workers. The Class I railroads have virtually eliminated all capital investments in retrofitting existing diesel locomotives to reduce emissions or purchasing new locomotives. Instead, the Class I railroads have chosen to operate outdated locomotives indefinitely. Rail workers have long played a key role in carrying out locomotive retrofits. The Class I railroads' disinvestment has eliminated much of this work and the good-paying union jobs associated with it. Because of the Class I industry's actions, there no longer exists a sufficient rail workforce to carry out the necessary locomotive retrofits in the timeframe necessary to meet proposed GHG reduction and zero emission goals.

The combination of the Class I railroads' drastic cuts to their in-house workforce that retrofits locomotives, federal funding that has not always supported the existing rail workforce, and an underinvestment in rail workforce training has left the incumbent rail workforce simultaneously overstrained and underprepared for the upcoming transition from diesel to lower and zero emission locomotives and greater deployment of technology like overhead catenary.

As the federal and state governments work towards a clean locomotive future, labor protections must be in place to ensure that these "clean train jobs" are good-paying, union jobs. In both the Infrastructure Investment and Jobs Act and the Inflation Reduction Act and through federal standards, Congress and the Biden Administration expressly recognized the importance of labor protections. Those laws include language that gives additional support to or preference for projects with apprenticeship positions, local hire provisions, project labor agreements, and prevailing wages.[5] Simultaneously, President Biden has demonstrated his support for protecting workers in a clean energy transition through the Investing in America agenda, which mobilizes private investments and re-shores manufacturing and clean energy industries.

To ensure that rail workers and manufacturing workers are protected during the transition to lower and zero emission locomotives and trains and the greater utilization of technology like overhead catenary, we urge the U.S. Department of Transportation, the Environmental Protection Agency, and the U.S. Department of Labor take the following steps:

[4] https://www.epa.gov/dera/national-dera-awarded-grants
[5] https://www.apprenticeship.gov/inflation-reduction-act-apprenticeship-resources

- Work with federal funding awardees to ensure they incorporate protective arrangements equivalent to and not less protective than those established under the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act)
- Prioritize grant applications and, to the maximum extent possible, require that workers covered under the Railway Labor Act, the Railroad Retirement Act, and the Railroad Unemployment Insurance Act are the ones that carry out any locomotive upgrade or acquisition projects funded by federal investments or grants
- Prioritize grant applications for federal funding that use the existing unionized rail workforce to upgrade existing locomotives or purchase new locomotives
- Require that any federal investments that could result in the elimination of rail or manufacturing worker jobs through the adoption of zero-emission technology should require grant awardees to identify how they will protect their existing workforce and transition current workers into changing or newly created jobs, including by granting the existing workforce right of first refusal on newly created jobs
- Require domestic sourcing for clean energy technology and production

For over 150 years, rail and manufacturing workers have adapted to the extraordinary technology changes in the railroad industry through an important combination of collective bargaining protections with employers, and federal and state laws and regulations that set minimum labor standards and protect rail workers. As the eyes and ears of our rail system, rail and manufacturing workers must be part of the solution to developing and implementing the transition to lower or zero emission locomotives. Protecting and creating additional well-paying, middle-class, union jobs must continue to be a focus as policymakers decarbonize the rail sector. Our country's clean transportation transition in the rail sector should be a race toward a fair workplace and creating more good paying union jobs. The USDOT, the EPA, and the DOL should work with labor unions to make certain that public funds do not go to non-unionized, low-wage contractors, undercutting the existing skilled and unionized rail workforce.

Policy Statement No. S24-03