

Ms. Tracy Robinson  
President and Chief Executive Officer  
Canadian National Railway Company  
935 de La Gauchetière Street West  
Montreal, Quebec, Canada  
H3B 2M9

February 3, 2025

Dear Ms. Robinson:

This Monday, February 3rd marks the two-year anniversary of the toxic train derailment in East Palestine, Ohio. In the aftermath of the derailment, all seven Class I railroads made a public pledge to join the Federal Railroad Administration's (FRA) Confidential Close Call Reporting System (C3RS).<sup>1</sup> Recognizing the immense transparency and safety benefits of this system, the railroad industry touted its firm commitment to establishing effective mechanisms to deter future incidents like the derailment in East Palestine. Rail labor remains united and ready to immediately sign a permanent C3RS agreement with the Canadian National Railway Company (CN) based on the long-standing FRA Implementing Memorandum of Understanding (IMOU). **Today, we strongly urge you to improve safety on your railroad by signing the C3RS IMOU with us.**

The FRA's C3RS is a long-standing program which allows workers to confidentially report "close call" safety incidents that provide valuable information which can be used to prevent future catastrophic incidents, without fear of discipline or retaliation. Every three hours, there is a reportable injury in the freight rail industry, according to federal data.<sup>2</sup> Approximately every eight hours, there is a derailment that reaches the FRA's reporting threshold of \$12,400 in damages.<sup>3</sup> Given the frequency of concerning incidents in the industry, C3RS presents a unique opportunity that will allow railroads to understand safety trends and take action to implement remedies.

The FRA established a C3RS demonstration project in 2003 in collaboration with the Bureau of Transportation Statistics. Today, more than 31 railroads participate in C3RS. Dozens of IMOUs have been signed, including ones with Amtrak, commuter railroads, and several short lines which have utilized the program successfully.<sup>4</sup> According to the FRA, railroads participating in C3RS have seen significant safety improvements, demonstrating an approximate 20% reduction in total train accidents/incidents per million train miles after joining C3RS. To our disappointment, no Class I railroad has joined as a full participant, though two Class I railroads have initiated three one-year pilot programs covering a small number of workers.

The East Palestine derailment two years ago scarred the town and its surrounding communities and brought renewed attention to the severe and long-standing safety issues in the Class I freight rail industry. Rail workers had been highlighting these deficiencies for years. 2022 and 2023 were the two worst years in the last decade for safety across the Class I railroads, according to the FRA, and 2024's rate of incidents and derailments is higher than the rate of derailments for the same

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<sup>1</sup> [https://www.aar.org/wp-content/uploads/2023/03/Response-Letter-on-C3RS-FINAL\\_.pdf](https://www.aar.org/wp-content/uploads/2023/03/Response-Letter-on-C3RS-FINAL_.pdf)

<sup>2</sup> <https://data.transportation.gov/stories/s/dsuf-xcni>

<sup>3</sup> <https://data.transportation.gov/stories/s/dsuf-xcni>

<sup>4</sup> <https://railroads.dot.gov/railroad-safety/divisions/safety-partnerships/c3rs/participating-railroads>

period over a decade ago, where data is available.<sup>5</sup> The data is unequivocal: safety in the rail industry has gotten worse over the last decade.

C3RS will help the Class I railroads improve safety, which is something that you tout as a priority for CN. Our members see dangerous things every day that could be reported through C3RS that would benefit CN. Existing internal programs do not provide the same benefit and are not an adequate substitute given that our members are disciplined for reporting that information and therefore are strongly discouraged from using such programs.

The East Palestine community, other rail communities across the country, and your workers deserve to have the peace of mind that the industry is truly doing everything possible to avoid another East Palestine. Right now, CN is falling short. We firmly believe that full participation in the C3RS program will create a safer freight rail system and identify potential safety issues before they lead to additional dangerous derailments and traumatize additional communities.

The railroaders in every craft and class that we are proud to represent intimately understand the risks inherent in railroad work. Nobody has a more vested interest in the safety of our freight rail network, and improving conditions for themselves, their colleagues, and the communities in which they operate. The continued refusal by Class I railroads to participate in C3RS for the vast majority of their workforce is doing nothing more than robbing the industry of valuable data that will improve safety, increase consumer and community confidence, and help the industry grow.

We call on you to live up to your commitment from March 2023 and sign a permanent C3RS agreement based on the FRA's existing IMOU with us immediately.

Sincerely,

American Train Dispatchers Association (ATDA)  
Brotherhood of Locomotive Engineers and Trainmen-IBT (BLET)  
Brotherhood of Maintenance of Way Employes Division-IBT (BMWED)  
Brotherhood Railway Carmen (BRC)  
Brotherhood of Railroad Signalmen (BRS)  
International Association of Machinists and Aerospace Workers (IAM)  
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers (IBB)  
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)  
Sheet Metal, Air, Rail and Transportation Workers (SMART)  
SMART-Transportation Division  
Transportation Communications Union (TCU)  
Transport Workers Union of America (TWU)

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<sup>5</sup> <https://safetydata.fra.dot.gov/officeofsafety/publicsite/query/TenYearAccidentIncidentOverview.aspx>