

Transportation Labor Opposes the Brakes III Rulemaking and Calls on the FRA to Withdraw Its Proposal to Weaken Railcar Inspection Standards

Transportation labor strongly opposes the Federal Railroad Administration's (FRA) proposed rule in Docket No. FRA-2019-0072, commonly referred to as "Brakes III," which would extend required freight car brake inspection intervals from every 1,500 miles to every 2,500 miles for railroads that adopt an electronic air brake slip (eABS) system.¹ If finalized, this rule would undermine the safety of the nation's freight rail system.

Railroad Carmen, represented by the Brotherhood of Railway Carmen Division (BRC-TCU) and the Transport Workers Union (TWU), are the federally Qualified Mechanical Inspectors (QMIs) who perform hands-on inspections of freight cars at terminals and yards. Carmen physically examine brake systems, wheels, bearings, safety appliances, and other mechanical components to ensure equipment is safe and compliant with federal regulations. They are the last line of defense between a defective freight car and the communities through which it travels.

The most critical fact about Brakes III is what it does NOT require. In exchange for extending inspection intervals by 1,000 miles, the rule requires no technology that actually inspects brakes or detects defects – no sensors, no monitors, no automated systems. The only requirement is that railroads switch from a paper air brake slip to an electronic one: a paperwork format change. The eABS does not change the science behind brake system degradation and cannot detect the emerging defects that only a trained QMI Carman can identify through physical inspection.

The impact extends far beyond brakes. Federal regulations under 49 CFR Part 215, covering safety standards for wheels, bearings, and structural components, do not have their own mileage-based inspection requirement. The Part 232 brake inspection is the only regulatory trigger that puts the eyes of a qualified Carman on railcar. Extending that interval eliminates the only regular opportunity to inspect for the mechanical defects that cause approximately one third of all derailments – including defects like the wheel bearing that failed at East Palestine, Ohio.

Real-world data confirms QMI Carmen are irreplaceable. BNSF's Brake Health Effectiveness (BHE) test waiver trains are one of only two active programs operating at extended intervals – but critically, the BHE waiver for BNSF requires the railroad to install and maintain wheel temperature detector networks along the route, with data forwarded to QMI Carmen to better-improve their inspections and repair efforts. Even under these conditions – with detector infrastructure and Carmen still in the loop – the data shows that QMI Carmen find nearly eight times more brake defects than the automated systems alone (5,027 findings versus 654), and that is just for brakes, which cover only 10% of items inspected under Sections 215, 231, and 232.

Brakes III, by contrast, would require none of this. No detectors, no detector data forwarding to Carmen, no safety infrastructure of any kind – just a paperwork change. If the results are this concerning under a waiver that actually requires technology and Carmen involvement, extending these intervals to all freight trains with no requirements whatsoever is unconscionable and reckless.

At 2,500 miles, trains could travel coast to coast without a single hands-on inspection, enabling railroads to eliminate Carmen positions across the heartland of the country and jeopardize the safety and security

¹ <https://www.regulations.gov/document/FRA-2019-0072-0005>

of countless communities. Rail labor stands in unison vehemently opposing the adoption of this rule because – unsurprisingly – locomotive engineers and conductors have significant and justified safety concerns when asked to operate trains in Ohio that were last inspected in Los Angeles.

We therefore call on the FRA to take no further action on the Brakes III rule. Technology should assist QMI Carmen to improve rail safety and prevent derailments. To do otherwise is a disservice to the communities that host railroad tracks and the workers who keep those railroads safe.

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