

August 13, 2026

David A. Fink
Administrator
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington DC, 20590

RE: Certification of Dispatchers
Docket No. FRA-2022-0019

Administrator Fink:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am responding to the Federal Railroad Administration's (FRA) proposal to rescind the final rule establishing certification program requirements for train dispatchers. By way of background, TTD consists of 39 affiliated unions, including those representing train dispatchers, and all other rail crafts. The certification of train dispatchers is an important step forward for rail safety, and the rescission of this final rule would strip federal oversight from a critical, safety-sensitive craft. As such, we strongly urge the FRA to withdraw this proposal. Additionally, we endorse the comments of our affiliates, the American Train Dispatchers Association (ATDA), the International Brotherhood of Electrical Workers (IBEW), and the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD).

Background

First, we must remind the FRA that the 2008 Rail Safety Improvement Act directed the agency to submit a report to Congress addressing whether certification of certain crafts or classes of employees, including dispatchers, was necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.¹ In response to Congress's mandate, the Secretary of Transportation submitted a report to Congress on November 4, 2015, stating that based on FRA's preliminary research, dispatchers and signal employees were potentially the most viable candidate railroad crafts for certification. The FRA subsequently issued a task to the Rail Safety Advisory Committee (RSAC) in 2017, which was presented again and accepted in 2019, to consider whether rail safety would be enhanced by developing guidance, voluntary standards, and/or draft regulatory

¹ Public Law 110-432, sec. 402, 122 Stat. 4884 (Oct. 16, 2008)

language for the certification of train dispatchers.² The FRA rightly recognized the need for dispatchers to be certified when it promulgated the final rule in this docket.

As TTD has previously commented, certification requirements reflect the basic principle that certain railroad crafts must have minimum training and proficiency requirements given the safety-critical nature of that work. Train dispatchers are essential to the safe movement of trains, the protection of roadway workers, the handling of emergencies, and the safe management of increasingly complex railroad technologies. As technology continues to advance, the train dispatcher's role in facilitating a safe freight rail system will only increase. Part 245 is critical in ensuring that train dispatchers are adequately trained, qualified, and prepared by their employers to perform their duties to the highest standards. Removing Part 245 will remove enforcement, accountability, and consistency with regard to train dispatcher qualifications and training. This is an unnecessary step backward for rail safety.

Industry Petitions for Reconsideration Do Not Justify Rescission

The basis of the FRA's proposed rescission of Part 245 rests heavily on petitions for reconsideration filed by industry stakeholders, including the Association of American Railroads (AAR), and the American Short Line and Regional Railroad Association (ASLRRA). As the ATDA notes in its comments responding to this notice, those petitions raised implementation issues, which is not a valid basis for eliminating dispatcher certification. Furthermore, the FRA in January of 2025 published a letter in this docket addressing a number of the industry concerns on which it now proposes to rescind the final rule.³ Rather than moving forward with rescinding Part 245, we strongly urge the FRA to revisit the solutions it proposed in its January 2025 letter and work toward addressing implementation concerns through separate rulemaking. Adjustments like those previously proposed by the FRA will maintain the benefits of Part 245, address industry concerns, without compromising safety and consistency.

In addition to implementation questions, industry groups raised concerns about the cost of compliance with Part 245. We remind the FRA that the cost of compliance with Part 245 is significantly less than a rail accident or incident that could have been prevented through the training, accountability, and enforcement this regulation provides. Railroad safety should not be judged only by short-term cost calculations. The FRA has acknowledged that many of the most important benefits are difficult to calculate, including reductions in accident cleanup costs, environmental damage, property loss, service disruptions, train delays, and broader economic harm caused by rail accidents.

The proposal to rescind Part 245 also does not adequately justify the rejection of the FRA's assertion in the 2024 final rule that Part 245 indeed will meaningfully improve safety. In the 2024

² <https://rsac.fra.dot.gov/radcms.rsac/task/GetDocument/62>

³ <https://www.regulations.gov/document/FRA-2022-0019-0055>

final rule, the FRA explained that certification provides tangible safety benefits by requiring train dispatchers to be adequately trained and qualified, documenting performance, and preventing job hopping without disclosure of prior safety performance.⁴ FRA described its work of reviewing tasks performed by train dispatchers and considering whether they were critical to safety, explaining that (emphasis added):

“As part of FRA's outreach, a list of tasks performed by dispatchers was developed. These tasks generally involved: track authorities; mandatory directives; track worker protection; emergency response coordination; or incident management. FRA reviewed each task to determine whether correctly performing the task was critical to railroad safety; what were the potential consequences if errors were made while performing the task; and whether there were any recent examples of issues or concerns with respect to the task. After performing this analysis, **FRA concluded that the vast majority of tasks performed by dispatchers (80-90% of the listed tasks) were critical to railroad safety with potentially catastrophic consequences, such as accidents, injuries, and/or deaths, if the tasks were not performed properly.** In addition, because dispatchers provide incident management and emergency response coordination, FRA concluded that by properly performing their tasks, dispatchers can help reduce the consequences of accidents and mitigate injuries.”

The FRA also wrote in the final rule its conclusion that, based on its stakeholder outreach, “... requiring certification for dispatchers would be an important tool to ensure dispatchers are adequately trained and qualified; have a documented record of performance; and are not able to job hop without a new employer having knowledge of the dispatcher's safety performance record.” And as explained to the agency by individuals from the ATDA and IBEW, and recounted in the 2024 final rule, “the agency needs to ensure that comprehensive training is provided to dispatchers as the current training is inadequate. FRA also heard that railroads are not providing enough training on new technology and, “in some cases, training only consists of a PowerPoint presentation or watching a video. It was also noted that dispatchers are often told to ask their managers if they have questions, but managers are not always knowledgeable about the craft and often do not have sufficient expertise to answer such questions.” We encourage the FRA to conduct a similar process for public input prior to rescission of the 2024 rule.

This NPRM offers no discussion about whether its view of the tasks required of dispatchers has changed, given its previously held perspective that 80%-90% of these tasks are critical. Nor does the agency offer a reasoned explanation as to how safety will be advanced by abandoning its previous conclusion that certification is an important tool to ensure employees performing such safety-sensitive tasks are adequately trained and qualified.

⁴ <https://www.regulations.gov/document/FRA-2022-0020-0038>

Conclusion

Again, we urge the FRA to support maintaining and strengthening train dispatcher certification standards while working with labor organizations and railroads to address reasonable implementation concerns. Keeping these protections in place would promote consistent national training standards, improve workforce professionalism, strengthen accountability, and help ensure the continued safe operation of the nation's freight, passenger, and commuter rail systems.

We appreciate the opportunity to comment on this proposal and look forward to working with the FRA in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Greg Regan", enclosed within a faint rectangular border.

Greg Regan
President