

September 29, 2026

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

RE: Qualification and Certification of Locomotive Engineers and Conductors; English Language Proficiency and Other Requirements
Docket No. FRA-2026-2014

Administrator Fink:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am responding to the Federal Railroad Administration's (FRA) notice of proposed rulemaking (NPRM) regarding amendments to its regulations governing the qualification of locomotive engineers and conductors to establish English language proficiency as a requirement for certification and recertification, and other provisions. By way of background, TTD consists of 39 affiliated unions, including those representing locomotive engineers and conductors, signal employees, train dispatchers, locomotive inspectors, and many others. We support the FRA's efforts to address the safety concerns associated with communication challenges and potential skills gaps present with foreign-domiciled train crews.

Background

Under current regulations in 49 CFR parts 240 and 242, railroad carriers are required to certify that locomotive engineers and conductors possess the knowledge, skills, and abilities necessary to perform their duties safely. We support the FRA's assertion that English language proficiency is an essential skill with regard to the duties and responsibilities of locomotive engineers and conductors. In the United States, railroad communications are conducted in English. Locomotive engineers and conductors operating in the United States, whether they are domiciled in the United States or otherwise, must be able to communicate with other railroad personnel and understand and execute directives.

English Language Proficiency

The proposed rule would confirm that the use of English is mandatory and will be used at all stages of the training and testing certification process. By doing so, FRA is proposing to eliminate any potential loophole a railroad carrier may have created for a non-English speaking

or proficient locomotive engineer or conductor to negatively impact safe rail operations. We support the FRA's effort to ensure crews are able to effectively communicate with one another, dispatchers, and others working on the railroad. It is essential that crews immediately understand and are able to clearly respond to critical safety communications.

Geographic Limitations

For more than 30 years, the railroads have complained about inefficiencies related to their cross-border operations, and their attendant compliance with FRA regulations. Of great concern to rail labor, this has included ongoing efforts to operate freight trains across the border and into the United States using Mexican-domiciled crewmembers. TTD and our affiliates have repeatedly called on the FRA to formally limit the operation of Mexican-domiciled train crews within the United States.¹ We appreciate the FRA's proposal within this NPRM to establish a 10 route-mile geographic limit for Mexican-based crews.

As noted in the NPRM, the FRA has no safety jurisdiction over Mexican train crews or train operations in Mexico. We have been given little reason to place our trust in the nascent Mexican regulatory body, the Agencia Reguladora del Transporte Ferroviario (ARTF), to promulgate and enforce rail safety regulations. This body's regulatory framework, given its track record as a fairly new regulatory body, does not oversee safety standards comparable to the standards in the U.S. and Canada. For example, Mexico has not established qualification requirements for locomotive engineers or conductors.² Mexican train crews are also not subject to the drug and alcohol testing requirements as American train crews. As such, we strongly support establishing a 10 route-mile geographic limit for Mexican-based crews.

Qualification Standards

In addition, the rule would strengthen how railroaders are trained, tested, and qualified, reinforce meaningful territorial qualification standards, and ensure that engineers demonstrate their own operating skills, not those of automated train-handling systems.

One of the proposal's most significant provisions would prohibit railroads from using Energy Management Systems (EMS) during the FRA-Certification skills examination and annual operational monitoring used to evaluate locomotive engineers. These systems can be valuable tools but should never substitute for demonstrating the manual skills required to operate a train safely. Ensuring that operators are capable of demonstrating these skills during examinations is an important safeguard against de-skilling, and we support the FRA's proposed codification of this requirement.

Conclusion

¹ <https://ttd.org/policy/policy-statements/transportation-labor-opposes-the-outsourcing-of-american-train-crews/>

² <https://www.gob.mx/attrapi/articulos/normas-oficiales-mexicanas-nom-412958>

We appreciate the FRA's efforts to improve rail safety through this NPRM. Establishing English language proficiency requirements and a geographic limit for Mexican-based train crews are important steps toward closing gaps in the rail regulatory system.

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

Sincerely,

A small, square, black-and-white image of a handwritten signature. The signature is cursive and appears to read "Greg Regan".

Greg Regan
President