

**Remarks Prepared for FRA Administrator Amit Bose
Brotherhood of Maintenance of Way Employees Division of the International
Brotherhood of Teamsters (BMWED)
National Association Meeting
Cherokee, NC
Tuesday, June 25, 2024**

Good morning. Thank you for inviting me.

In April, I had the pleasure of attending the BMWED State Legislative Directors Meeting.

I am proud to be here again to talk about safety, my commitment to workers, and to acknowledge the dedication and hard work of each member of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED).

Let me start by thanking you for supporting my appointment and nomination to be Administrator.

So much has happened in the last couple years, and I want you to know that as long as I am the Administrator, the safety of workers will remain a high priority at FRA.

The Biden-Harris Administration has taken several actions to support workers, and I want to reaffirm my full commitment to you and to taking additional actions that further enhance safety.

FRA's work is far from over. On the contrary, it is as important as ever.

We cannot accept business as usual when it comes to rail safety.

FRA is not satisfied with stagnant safety trends, which, unfortunately, have been the norm over the last decade.

Rail related incidents nationwide continue to impact communities and workers in real and unacceptable ways.

FRA has taken several actions to make rail safer, and we will continue to use our authorities to do even more.

One of FRA's authorities we have been utilizing is our rulemaking authority, issuing multiple Final Rules and Notices of Proposed Rulemaking.

This April, FRA announced a final rule that sets minimum safety requirements for the size of train crews and generally requires a second crewmember.

Secretary Buttigieg and I were proud to announce this rule with nearly a dozen other rail unions at USDOT headquarters.

Last month, FRA announced two final rules requiring railroads to develop certification programs for dispatchers and signal employees.

These federal regulations support rail safety nationwide by ensuring these workers, whose responsibilities are integral to safe railroading, receive the preparation and training they need to meet the demands of their jobs.

FRA has also issued a final rule requiring railroads to provide emergency escape breathing apparatuses to train crews and other employees when transporting certain hazardous materials.

As well as a final rule requiring the installation of locomotive video recording devices on passenger trains, each in the last year.

In June 2022, FRA also issued a Final Rule on Fatigue Risk Management Programs, which had been collecting dust since Congress first mandated the rulemaking in 2008.

While others sat on this important issue, this Administration finalized a regulation requiring Class I's, Amtrak, commuters, and some Class II and III railroads to develop Fatigue Risk Management Programs. Those Programs must be designed to reduce the risk of railroad accidents, injuries, and fatalities where the contributing factor was fatigued employees.

These Programs systematically identify and evaluate fatigue-related hazards on a railroad's system, measures those risks, and then mitigates them.

Importantly, before submitting a Fatigue Risk Management Program to FRA for approval, the final rule requires railroads to consult with workers to identify fatigue hazards and actions to be taken to mitigate or eliminate them.

After all, who knows better than the workers themselves about what causes worker fatigue?

FRA expects consultation on Program plans to genuinely involve good faith and best efforts. At my direction, FRA issued guidance to set expectations on what we mean by that. We expect railroads to look to their directly affected employees as partners throughout the process rather than as reviewers of a finished product.

In other words, we expect your voice and input to be sought and reflected in the plans FRA receives.

Our agency is also being nimble and acting quickly to raise attention to safety concerns through Safety Advisories and Bulletins, issuing eight advisories and nine bulletins in less than a year and a half.

With summer in full swing, FRA's Safety Advisory regarding extreme weather, which includes practices to reduce accidents during such weather is very much on my mind.

As severe weather becomes more frequent, railroads need to proactively plan and examine procedures to ensure safety.

Additionally, FRA has called on freight railroads to prioritize proper train makeup and made clear that railroads need to take proactive measures to ensure the configuration of railcars and the loading of cargo is performed safely and railroad workers are supported and trained fully.

Our Safety Advisory was issued in response to a series of derailments that were found to have been caused by improper train makeup. These included Union Pacific Railroad derailments in Hampton, Iowa; Sibley, Iowa; and Rupert, Idaho; as well as a Norfolk Southern Railway derailment in Albers, Illinois.

FRA has also called attention to the potential complexities associated with operating longer trains, and we have urged railroads to address these complexities to ensure safety. This came after Norfolk Southern derailments in Springfield and Ravenna, Ohio; and a Union Pacific derailment in Rockwell, Iowa.

With train length and the number of long trains increasing, FRA continues to pay close attention to this issue, and we will rigorously examine the safety and quality of life implications of long trains.

Last month, FRA has made available three new research reports examining air brakes on long trains. These reports were recently submitted to the National Academy of Sciences (NAS) to inform an ongoing NAS study mandated by Congress in President Biden's Bipartisan Infrastructure Law to examine the impact of trains longer than 7,500 feet.

For the first time, FRA-led efforts are also underway to gather more information on long trains at the federal level and improve incident data collection on train length.

In addition to safety regulations and advisories, FRA is in the process of conducting safety culture assessments of all six Class I railroads.

We have already completed an assessment of Norfolk Southern's safety culture and safety practices, which we made public in August 2023.

Right now, FRA is in the process of finalizing a report on BNSF's safety culture and expect the report on CSX's safety culture to follow.

As we press forward on rail safety, we consistently looking for input from and collaboration with workers. One place where I know that is happening is through FRA's Railroad Safety Advisory Committee.

FRA established RSAC in 1996 as a committee where representatives of labor, railroads, shippers, passenger rail advocates and others work together to find solutions.

For years the committee served as a useful tool. Though representation was being reduced and the committee was nearly dismantled in the years immediately prior to 2021. Under my watch, we renewed, grew, and revitalized RSAC.

Currently, RSAC has a Roadway Worker Protection Working Group, whose members dedicate their attention to the hazards roadway workers face and collaborate on proposed solutions.

BMWED represents your voice on this working group and regularly participates in the ongoing discussions. FRA benefits from BMWED's contributions to this working group.

On the topic of RSAC working groups, I shared with the full committee on March 21 that after meeting extensively over a number of years to consider track standards, the automated track inspection, or ATI, working group was unable to reach consensus, leading FRA to decide it was time to close out the task as we explore additional avenues and authorities on this topic.

The recent decision by the United States Court of Appeals for the Fifth Circuit in the BNSF vs FRA automated track inspection case is disappointing, and we are evaluating it closely to determine next steps. As the rail industry's primary safety regulator, FRA continues to leverage our expertise and use our authorities to ensure we do all we can to make our Nation's railroads safer. Visual inspections remain vitally important to railroad safety.

RSAC is not the only place BMWED is rightfully making their voice heard.

With BMWED's help, FAMES sends out monthly social media posts, alerts when roadway workers sadly lose their lives on the job, Safety Alerts when the group spots specific safety concerns, and reports that spotlight safety concerns based on full reviews of roadway worker fatalities.

FAMES – which stands for Fatality Analysis of Maintenance-of-way Employees and Signalmen – was created by FRA in collaboration with rail labor and management representatives. Much like the RSAC Working Group, FAMES benefits from having strong voices who can share the worker perspective and insights.

RSAC and FAMES are just a couple partnerships where workers are actively involved.

Your voice is vital to railroad safety, and we need other stakeholders to engage in important issues to continue moving the needle on safety.

In response to the East Palestine derailment last year, Secretary Buttigieg laid out a three-part push to increase freight rail safety and hold railroads accountable.

In that push, DOT and FRA committed to several important safety actions while calling on railroads and inviting Congress to work with us to do more.

As you may have seen, yesterday the National Transportation Safety Board held a board meeting where they discussed the findings of their investigation into Norfolk Southern's East Palestine derailment.

FRA is reviewing the executive summary from the board meeting closely as we await NTSB's final report.

But we also need Congress, through the passage of the bipartisan Railway Safety Act, and Class I freight railroads to do their part to change the status quo when it comes to freight rail safety in America.

But, make no mistake, USDOT, FRA and PHMSA have not waited when it comes to taking actions to increase safety. We are delivering on our commitments by:

Issuing final rules like the Train Crew Size Safety Requirements

Initiating and completing a safety inspection program on routes over which high-hazard flammable trains (HHFTs) and other trains carrying large volumes of hazardous material travel

Initiating and completing a focused inspection program of legacy tank cars and the entities that have chosen not to upgrade to the safer tank cars (DOT 117)

And, we will continue to deploy the resources from the Bipartisan Infrastructure Law to make rail safer, notably through FRA's CRISI and Railroad Crossing Elimination programs.

Last year, FRA announced more than \$1.4 billion in CRISI grants for 70 projects around the country—projects that will improve the safety, efficiency, or reliability of freight and passenger rail.

In March, FRA opened a new round of funding for the CRISI program—making more than \$2.4 billion available to invest in even more projects.

FRA also awarded over \$570 million in Railroad Crossing Elimination grants for another 63 projects nationwide to prevent deadly collisions with cars and pedestrians.

President Biden's Bipartisan Infrastructure Law makes funding available to advance traditional and high-speed passenger rail projects as well. Last year, FRA announced \$8.2 billion for ten passenger rail projects through our Fed-State Partnership grant program.

This includes funding to help deliver two high-speed rail projects, including the Brightline West High-Speed Intercity Passenger Rail System Project, which will run between Las Vegas, Nevada, and Rancho Cucamonga, California. The new 218-mile high-speed rail project is expected to serve more than 11 million passengers annually, and it will create 35,000 jobs supporting construction and support 1,000 permanent jobs in operations and maintenance once in service.

Secretary Buttigieg and FRA were in Las Vegas on April 22 to break ground on this transformational project.

FRA also announced \$16.4 billion in funding for 25 passenger projects along the Northeast Corridor. These projects will replace or upgrade major bridges and tunnels, and improve tracks, power systems, signals, stations, and more, which translates to new work opportunities for railroad workers.

In May, we made more than \$2 billion in new funding available for the Fed State – NEC Program to continue improving America's busiest rail corridor.

In total, FRA has advanced nearly 170 rail projects nationwide, and we have identified 69 corridor selections across 44 states for future development with funding from President Biden's Bipartisan Infrastructure Law.

These grants are investments in our infrastructure, and an investment in America's workforce, both the workers delivering projects and those who keep services running safely and efficiently.

This year, FRA will make billions more in funding available and we will announce even more projects that improve, expand, or create passenger rail service.

The infrastructure law will mean significantly more money will flow from FRA grant programs into even more new projects. And thanks to strong labor protections built into the programs, they will support good-paying jobs.

Your role in new projects as they move forward will prove as important as ever.

You can be assured that you will have FRA's backing as we embark on projects that will generate and support good-paying, union jobs, strengthen the existing workforce, and greatly benefit the daily lives of Americans across the country.

Still, while USDOT and FRA are doing all we can, we need railroads and Congress to help us.

On April 10, Secretary Buttigieg wrote an op-ed for TIME magazine, continuing to advocate for rail safety and urging railroads to do more to improve it.

The Biden Administration continues calling on the Class I freight railroads to provide workers with what so many of us take for granted: paid sick days.

After much progress, approximately 90% of all Class I freight workers nationwide now have paid sick days.

The Biden Administration has made it a priority to support labor's work by pushing the railroads to do better. I personally have raised this issue with railroad CEOs, and I hope to see additional progress to ensure coverage for the remaining workers.

This Administration issued guidance to make clear that FRA will not simply rubber stamp railroads' waiver requests. The guidance sets expectations to ensure that requests relying on economic, or business considerations show that existing levels of safety will be maintained or improved and provide transparency to the process.

This includes encouraging petitioners to consult and coordinate with potentially affected stakeholders – like railroad workers – before filing a request with FRA.

FRA is also paying close attention to the furloughing of workers by some of the Class I freights.

Furloughing workers puts a strain on other workers across a railroad, leading to fatigue and potential errors that could have severe ramifications for both workers and the public.

FRA posts Class I employment data on our website, I communicate my concerns to CEOs when we see disturbing trends, and we are going to keep paying attention to this topic.

As FRA Administrator, I will continue to prioritize your safety and good working conditions.

There is more work to do, and FRA will continue to use every resource we have to advance safety and invest in building the modern and safe rail network workers and riders deserve.

Thank you again for all you do and for inviting me.