

February 5, 2024

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
West Building –
1200 New Jersey Ave. SE
Washington, DC 20590

Secretary Buttigieg:

As you know, this country depends on freight rail to transport all manner of goods and commodities, from mattresses and TVs, to grain to feed people and animals here and abroad, to fuels used to generate the electricity that powers our lives, and to hazardous materials essential to our domestic industries. And as you also know, freight rail is absolutely the safest mode of freight transport (in addition to having the lowest environmental impact) and is consistently getting safer. We are driving every day to find ways to continue to reduce injuries and accidents. We will not relent on this core mission.

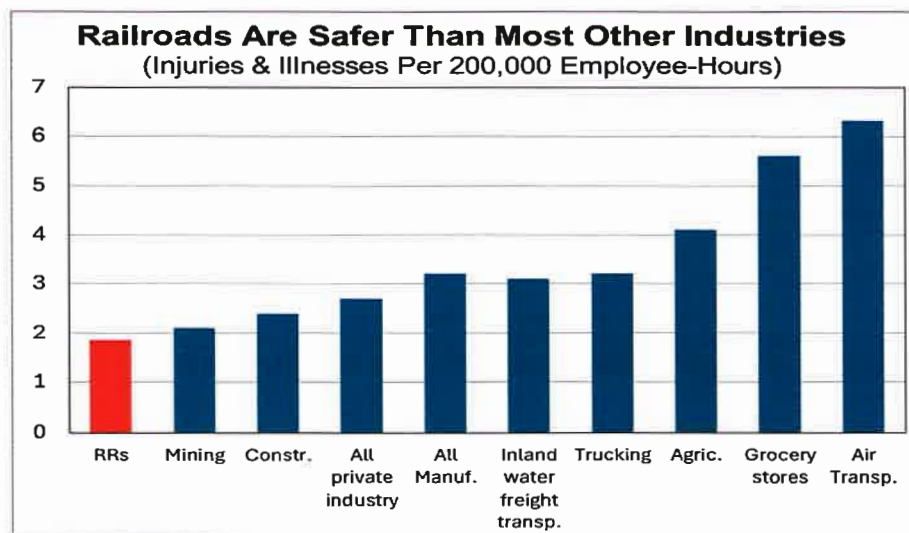
That is why it is so disheartening to hear those who know better misrepresent the industry's safety record – and its continuing efforts to become even safer – in furtherance of their own agendas. Allowing misunderstandings about freight rail safety to go uncorrected undercuts public confidence, not only in the safety of one key component of our nation's critical infrastructure, but also in your Department, which has worked hard to contribute to the record of continual safety improvement we have today. The rail industry knows that you recognize our commitment to rail safety and our longstanding safety record. That is why I am asking for your assistance in making sure those facts are understood by all, so that we and the Department can move forward focused on real, meaningful opportunities for continued safety improvement.

In particular, February 3rd marked the one-year anniversary of the train derailment in East Palestine, and the anniversary has triggered renewed public interest in the event and in freight rail safety more broadly. This is an opportunity to correct partial truths and misinformation as well as to educate the country about how important and safe freight rail is, and how committed the railroads are to enhancing safety even further. The anniversary should not be used as a political opportunity to promote distrust. To that end, I've summarized in this letter some information which I hope you agree is important for the public to understand about an industry they depend on. It behooves all those sincerely dedicated to making freight rail even safer to set the record straight and maintain public trust in one of the nation's essential and oldest industries, and in government agencies like DOT.

Safety is the top priority for Class I railroads.

The last decade was the safest on record for railroads. The train accident rate per million train-miles has dropped 23% since 2000. Over the same time frame, the hazardous materials train accident rate has fallen 73%. More on the significance of the often mischaracterized “derailment” data below. But it must not go without reiterating that driving to zero is our safety mission, and we are 100% committed to it until we achieve it.

Railroads have also reduced employee casualty rates by 46% since 2000. For 2023, employee on-duty fatalities reached an all-time low of 7. However, even one fatality is one too many on our network, so the hard work continues. But importantly, according to the Bureau of Labor Statistics, railroads have lower employee injury rates than other modes of transportation and railroad employee safety is among the best across a broad swath of industries.



Data for 2022. Source: Bureau of Labor Statistics and FRA Safety Data Website

Contrary to the impression created by some recently, freight rail is the safe, responsible way to move the hazardous materials America requires. This point was reinforced in a recent House hearing during which the Chair of the National Transportation Safety Board noted that “rail transportation is not only cleaner and more fuel efficient than transportation on our roadways, it is also far, far safer.” We are proud of that, and the Department of Transportation should be, too. But safest is not good enough; our mission is to continually identify and implement new safety advancements.

Industry Actions After East Palestine Demonstrate Railroads' Commitment To Safety.

The East Palestine derailment thrust freight rail, and in particular, the transport of hazardous materials by rail, into the public consciousness. America's freight railroads acted decisively, quickly committing to several actions to help prevent similar accidents from occurring in the future. In the past 12 months, the Class I railroads have kept, and in some cases exceeded, their promises, clearly demonstrating the industry's commitment to implement safety solutions without waiting for mandates from Congress or regulators. These actions include:

- **Increasing the frequency of hot bearing detectors (HBDs) across key routes.** HBDs are essential technology for identifying roller bearing defects because roller bearings cannot be visually inspected without being taken apart. HBDs solve this problem by measuring the temperature of the bearings during operation to help identify potential defects that need to be addressed. Class I railroads have purchased and installed hundreds of additional HBDs across their key routes, with more to come online in 2024. These HBDs are complemented by additional existing and evolving technologies targeted at effectively identifying bearing defects.
- **Establishing a new definition of "overheated roller bearing" by reducing the temperature threshold.** Effective July 1, 2023, AAR rules lowered the temperature threshold from 200°F to 170°F when measured with an approved handheld device. The revised AAR rules align with existing requirements for railroads to treat a roller bearing as overheated if the temperature is measured by a wayside HBD to be at least 170°F above the ambient temperature, in combination with other technical considerations, to reduce risk.
- **Developing uniform recommendations for proactively identifying bearings that may become problematic.** Railroads use trending analysis to assess temperature measurements and identify potential problems with roller bearings that can trigger an alert to a train crew to stop and inspect the train. Use of trending analysis means that the railroad can send an alert to the train crew even if a railroad's absolute temperature thresholds have not been crossed. On Nov. 29, 2023, railroads established a new, industry-wide trending analysis rule, informed by Railinc's comprehensive analysis of 150 algorithms used by the Class I carriers to pinpoint the most effective algorithm for detecting problematic bearings.¹
- **Training emergency responders.** Class I railroads trained about 35,500 first responders in 2023, and the Security and Emergency Response Training Center (SERTC) in Pueblo, CO, provided specialized training to 1,800 responders.² Additionally, Class I railroads and SERTC have

¹ Railinc is the industry's leading technology and data solutions partner. <https://public.railinc.com/about-railinc>.

² SERTC is an industry leader in providing full-scale training related to transportation emergency preparedness and response. <https://sertc.org/about-us/>.

developed online training programs to provide accessible resources to first responders across the nation.

- **Increasing access to AskRail.** AAR has exponentially increased the number of first responders with access to AskRail, which provides real-time information on railcar contents and the safe handling of those materials. AskRail information is now available to more than 2.3 million first responders across the U.S. and Canada through our work with dispatchers in Emergency Communications Centers (ECCs), CHEMTREC, and CANUTEC.³ Railroads have also contacted each of the nation's ECCs about integrating AskRail into their systems. Approximately 128 ECCs are fully onboarded and another 74 ECCs are currently in the onboarding process. In addition to expanding the availability of AskRail, this new approach enhances the continuity of access to information and streamlines communications to allow for more efficient response.
- **Identifying ways to improve the fire performance of tank cars and other service equipment.** Based on information learned from the East Palestine derailment, in July 2023 AAR's Tank Car Committee issued new recommendations for bottom valve protection requirements to increase safety. The Tank Car Committee is a voluntary industry standard-setting organization and includes representatives of the railroads, as well as car owners and manufacturers. As DOT is aware, railroads, tank car manufacturers, and tank car owners have been collaborating and cooperating on developing safer tank cars for decades, both as part of the Tank Car Committee's work as well as in a separate collaboration with hazmat shippers. These efforts have resulted in numerous improvements in tank car design and safety over the years, as reflected in the overwhelmingly safe hazmat transport data noted above. And as DOT is also well aware, the industry's voluntary interchange standard system has resulted in improvements being implemented on the network far more quickly than DOT can regulate. In fact, DOT often subsequently incorporates AAR standards into its regulations. This is another example of our industry leading in safety, and the regulator following.
- **Supplementing railroads' existing confidential reporting programs by agreeing to join FRA's voluntary C3RS program.** Class I railroads remain committed to joining FRA's C3RS program, as demonstrated by Norfolk Southern's recent agreement to implement a new C3RS pilot program in Atlanta, GA; Elkhart, IN; and Roanoke, VA. Moreover, all Class I railroads have participated in several FRA Railroad Safety Advisory Committee (RSAC) meetings to find a path forward that prioritizes the safety, confidentiality, transparency and accountability necessary for C3RS to operate properly. While this process has not moved as quickly as everyone wants, railroads remain ready and willing to continue discussion at the FRA-led RSAC to find a resolution.

³ CHEMTREC is a public service hotline for emergency responders that operates as "the world's premier call center for hazmat emergency response coordination." <https://www.chemtrec.com/about-chemtrec>. CANUTEC is the Canadian Transport Emergency Centre. It is operated by the Transportation of Dangerous Goods (TDG) Directorate of Transport Canada. CANUTEC operates a free, 24-hour emergency telephone number Canadian consignors' dangerous goods shipping documents. <https://tc.canada.ca/en/dangerous-goods/canutec>.

Technology driven solutions are the key to improving railroad safety.

Even as rail remains by far the safest way to move freight on land, work remains to reduce incident rates. Preliminary government data indicates that accidents on the mainline rail network ticked up slightly in the first 10 months of 2023. This data is subject to change, but regardless, context is essential. For instance, some like to cite figures such as “1,000 derailments per year” because it sounds alarming. But the reality – which you well know – is that more than three-quarters of those derailments are in rail yards or other low-speed tracks – akin to fender benders – not on the main rail lines that carry freight around the country. It is hard to see how the public interest is served by allowing the false notion that there are 1,000 East Palestine type derailments a year to pervade public understanding.

As you also know, railroads invest *billions* each year to reduce accidents. One of the industry’s biggest areas of focus is track-caused incidents, and a large portion of annual capital spending goes to repair and upgrade infrastructure. Another key area is reducing human error – the source of nearly 50 percent of incidents – by constantly innovating to aid employees with new technologies. The industry has invested \$15 billion to date in Positive Train Control, which prevents accidents caused by speeding or head-to-head collisions, and continues to work on developing enhancements that technology can enable. Another example is Automated Track Inspection, or ATI, which railroads have used to make more frequent assessments of infrastructure health and provide more detailed readings than are possible by manual visual inspections alone. ATI systems increase detection of rail defects by up to 90 percent.

Railroads also continue to invest in detection technology to assess the health and safety of its rolling stock. This technology is essential to reducing accidents and incidents because it is uniquely capable of assessing equipment while it is in use, which allows railroads to develop a more accurate picture of the equipment in real-time. While some who should know better have recently suggested that a large percentage of wayside detectors are out of service on any particular day, independent analysis by FRA proves the opposite. FRA’s Summary Report on the “High-Hazard Flammable Train Route Assessment & Legacy Tank Car Focused Inspection Program,” which was published in January 2024, “found that generally railroads closely monitored the performance of the detector network. This includes oversight and monitoring of trending alarms, failed communication issues, and overall detector health.”⁴ As part of its focused inspection, FRA inspected more than 2600 wayside detectors on 28 different railroads across the nation’s rail network and found less than 5% of detectors deviated from the railroad’s standards among those inspected.

It is a sad commentary on today’s public discourse that this technology, which railroads developed, paid for, installed, and maintain 100% voluntarily is now being held up by some as evidence that the rail industry is “under-regulated.” As the Secretary of Transportation, you more than anyone understand the error in that thinking and are in a unique position to correct it: wayside detection is an example of a responsible industry identifying a way to mitigate a safety risk and implementing it, without waiting for

⁴ Pg. 10. https://railroads.fra.dot.gov/sites/fra.dot.gov/files/2024-01/HRA%20Final%20Report_01.22.24.pdf.

The Honorable Pete Buttigieg

February 5, 2024

Page 6

regulators or legislators to require it. Flawless it is not, and capable of improvement it certainly is. But that is the way all industries are supposed to conduct business, and the railroads should be recognized for doing it.

* * *

Railroads are wholeheartedly dedicated to advancing safety through our own initiatives *and* collaborative efforts with DOT. We hope you will take advantage of future opportunities to make sure the public understands that freight rail is essential to our nation and already very safe, and that the railroads are 100% onboard in our shared enterprise to make freight rail as safe as it can be.

Respectfully,

A handwritten signature in black ink, appearing to read "Ian N. Jefferies". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ian N. Jefferies