

October 12, 2023

The Honorable Amit Bose  
Administrator  
Federal Railroad Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

Administrator Bose,

I write in response to the October 9, 2023, letter from the Brotherhood of Locomotive Engineers and Trainmen (BLET) urging the Federal Railroad Administration (FRA) to issue an emergency order addressing train lengths that exceed 7,500 feet. Respectfully, there is no emergency. Railroads have safely operated millions of trains in excess of 7,500 feet over the last eight decades. Experience shows that these trains are safe. As such, there is absolutely no safety justification for the extraordinary step of an emergency order.

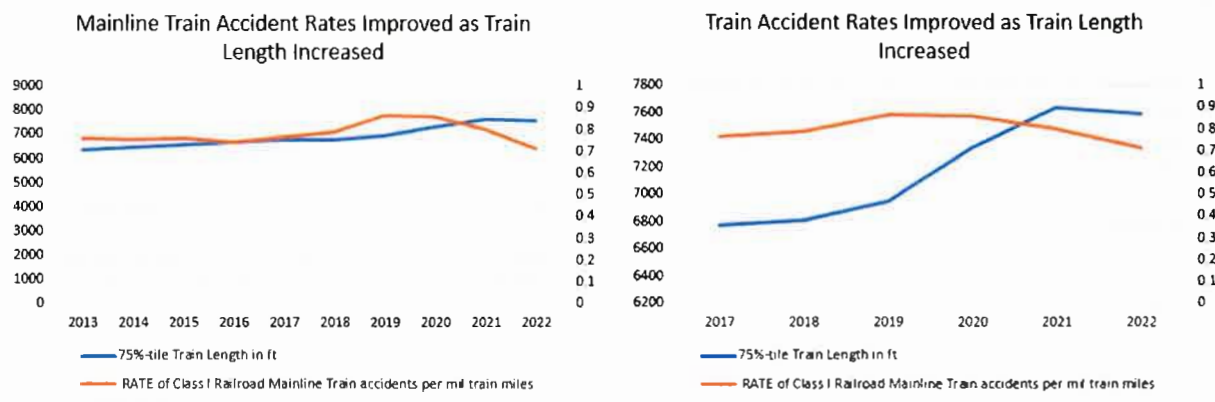
Train Longer than 7,500 feet Have Been Operated Safely for Decades, Over Which Time Railroad Safety has Improved.

Railroads employ a variety of strategies to ensure safe train operations, including train marshalling rules that guide train build and the use of distributed power to manage in-train forces, taking into account factors such as the grades on terrain. The use of distributed power in particular enables quicker train brake sets and releases than a conventional (non-DP) train and allows locomotive engineers to better control the train and reduce in-train forces. These benefits have led Class I railroads to invest millions of dollars to update legacy distributed power systems with the most advanced technology available to improve operations, reliability, and safety. Sophisticated modeling tools predict and optimize train performance and manage train makeup for all trains, including those in excess of 7,500 feet.

These strategies are supplemented by rigorous on-the-job training, including using simulator technology, that requires locomotive engineers to demonstrate proficiency in operating trains in the most demanding class and type of service before becoming qualified on a territory. As an example of the type of advanced, scenario-specific simulation training Class I railroads provide their train crews, simulations offered by one Class I include a variety of trains in excess of 7,500 feet (several exceeding 14,000 feet) and with various tonnages, including

mixed freight, double-stack and intermodal trains (all with distributed power), grain and coal trains operating in unusual conditions, and mixed consist trains. Also offered are numerous territory-specific simulations for distributed power coal trains, all exceeding 12,000 feet and with tonnages ranging from under 5,000 tons to over 35,000 tons. Other Class I offer similar simulations involving trains in excess of 7,500 feet. Combined, these and other strategies help ensure that our trains are safely operated, no matter their length.

Employee training, industry investments, and the strategic use of technological enhancements have driven down the frequency and severity of railroad accidents and incidents over time. FRA's Class I accident data for mainline accidents shows that over the last decade and across the system, accident rates have *decreased* as train length has *increased*.<sup>1</sup>



Recent studies that have examined train length specifically have not found a relationship with safety. In a 2019 study, the U.S. Government Accountability Office (GAO) was unable to find a relationship between train length and safety. *Freight Trains Are Getting Longer, and Additional Information Is Needed to Assess Their Impact*, GAO-19-443 (2019). And as recently as December 2022, FRA acknowledged in a GAO report that there is no data to show a decrease in safety due to recent operational changes impacting train length. *Information on Precision-Scheduled Railroading*, GAO-23-105420 (2022). Decades of experience overwhelmingly supports the conclusion that trains in excess of 7,500 feet are operated safely and are an indispensable tool to keep pace with the nation's growing freight demands.

It is also critical to note that trains longer than 7,500 feet provide operational efficiencies that reduce the number of trains on the tracks, reducing risk at grade crossings where motorists or pedestrians cross railroad tracks. As FRA well appreciates, grade crossings are where a substantial percentage of fatalities occur. Recent AAR estimates suggest that a limitation of trains to less than 7,500 feet could result in a 17-18% increase in grade crossing

<sup>1</sup> Data indicates that the likelihood of being in an accident is lower for trains exceeding 7,500 feet in length.

collisions annually. This observation is not new. Indeed, it was noted by the U.S. Supreme Court in *Southern Pacific v. Arizona*, 25 U.S. 761 (1945), which struck down a state law limiting freight trains to 70 cars, stating that a reduction in train length “tends to increase the number of accidents because of the increased number of trains.” An unnecessary emergency order limiting train length to 7,500 feet could actually result in an *increase* in injuries and fatalities.

Use of Fewer, Higher Capacity Trains Reduces Environmental Impact.

An emergency order limiting train length also would immediately increase transportation-related greenhouse gas emissions. Use of higher capacity trains increases fuel efficiency, which reduces greenhouse gas emissions. AAR estimates that a 7,500-ft train length restriction would increase the U.S. mainline freight train fuel consumption by 13%, equating to an additional 423 million gallons of fuel annually (based on U.S. freight train fuel consumption in 2019). The impact on emissions would be even greater if (as is likely), a limit on train length were to cause a modal shift from rail to trucks, which have higher greenhouse gas emissions compared to rail. The transportation of freight by rail, on average, lowers GHG emissions by up to 75% compared to trucks.

There is No “Emergency” and There is No Data to Support an Emergency Order Under These Circumstances.

The assertion by some interests that trains in excess of 7,500 feet pose safety concerns is not new. The appropriate response has been to gather the relevant data. Two years ago, Congress tasked the National Academies to conduct a study on trains longer than 7,500 feet (in Sec. 22422 of the Infrastructure Investment and Jobs Act (IIJA). Pub. L. 117-58 (2021)). That study is ongoing. Congress also mandated that FRA gather accident and incident data on crew size and train length in Sec. 22421(b) of the IIJA. In response, FRA initiated an information collection request on April 21, 2023. The request is currently pending review at the Office of Information and Regulatory Affairs (OIRA). On July 21, 2023, FRA also initiated a separate information collection request notice that is focused on train length. This second information collection request would require Class I freight railroads to file monthly reports to FRA “with data regarding the total number of trains operated, the total number of cars in those trains, as well as the total trailing tonnage in specified train length categories (*e.g.*, less than or equal to 7,500 feet, greater than 7,500 feet),” as well as other data to help inform FRA of potential complexities and “safety concerns associate with operating longer trains.” 88 Fed. Reg. 47233, 47234. Relatedly, FRA has begun a detailed study of air brake performance in longer trains, including modeling, air brake rack experiments, a static test of 200 standing cars and (earlier this summer) an over-the-road test of a 230-car loaded grain train, but has not completed the report.

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FRA issued a safety advisory in May 2023 emphasizing that train length is an important factor in train marshalling. Since that time, nothing has happened to suddenly justify emergency action by FRA. None of the derailments cited in BLET's letter or FRA's Safety Advisory were determined to have been caused by excessive train length. With the exception of the derailment in East Palestine, which involved an overheated bearing, all involved train makeup or train handling issues. There is no legitimate basis for FRA to issue an emergency order, which requires the Secretary to determine that an unsafe condition or practice causes an emergency situation involving a hazard of death, personal injury or significant harm to the environment. Such an unsafe condition or practice does not exist with operating trains longer than 7,500 feet, and FRA simply cannot meet the standard required by 49 U.S.C. 20104 under these circumstances.

Decades of operating trains longer than 7,500 feet firmly support their safety. Taking emergency regulatory action would not improve safety. It would, however, create operational havoc and negatively impact existing customer arrangements. It would also immediately increase both the number of freight trains moving through public and private grade crossings (increasing safety risks) and the amount of greenhouse gas emissions from rail operations. Such an extraordinary action is unwarranted, unsupported by any actual data or research, and unwise.

Sincerely,



Ian Jefferies