

**Remarks As Prepared For
FRA Administrator Amit Bose
Railroad Safety Advisory Committee (RSAC) Meeting
Thursday, October 26, 2023**

Thank you all for attending this meeting.

Thank you to the FRA safety office for organizing today's meeting and all the work leading to it.

Since 1996, the longstanding partnerships formed through RSAC have helped inform critical rules while improving railroad safety.

Your willingness to engage with each other and on safety topics of great significance remains as important as ever.

Rail safety and how the rail industry operates remain in the news and on the nation's mind, and rightfully so. We still experience an average of more than one derailment a day. Incidents continue to impact communities and workers in real and unacceptable ways.

As a federal regulator, FRA has taken several actions to make freight rail safer, and we continue ongoing efforts to advance our agency's number one priority: safety.

I'll talk about several of these actions today.

Earlier this month, I was in Pueblo, Colorado, at the site of a BNSF Railway coal train derailment. Before that, there was a concerning explosion at Bailey Yard in North Platte, Nebraska.

This year, we've had three rail-related employee-on-duty deaths and 27 employee-on-duty major injuries.

FRA refuses to accept this moment as a time to defend the status quo. On the contrary, this is a moment to demonstrate our commitment to safety and to act on that commitment.

Our agency is using every resource at our disposal to ensure the highest levels of safety, but Secretary Buttigieg has insisted that America's major freight railroads do the same. And just as important, he has called on Congress to pass the bipartisan Railway Safety Act, because we are already doing everything we can as a Department and need elected leaders in Congress to do their part as well.

As part of the Biden-Harris Administration's response to the Norfolk Southern derailment in East Palestine last February, FRA conducted a safety culture assessment of Norfolk Southern, which we made public in August.

I appreciate NS setting the goal of becoming the "gold standard for safety in the rail industry" and its cooperation in addressing necessary improvements. FRA expects the railroad to take the recommendations in that assessment as well as previous ones seriously.

Right now, FRA is in the process of assessing BNSF's safety culture as we work to complete safety culture evaluations on all six Class I railroads. FRA appreciates BNSF's recent communication to the workforce, encouraging participation in this important work.

On March 1, FRA also announced focused inspections on routes that carry large volumes of hazardous materials, starting with targeted inspections in and around East Palestine.

These inspections expanded to communities across the country, and we've made information on our progress public on FRA's website. Our agency aims to release a full summary soon.

As I mentioned earlier, Secretary Buttigieg has called on major railroads to do more following the East Palestine derailment. In February, he introduced a three-part push to ensure freight rail safety and accountability.

In that push, Secretary Buttigieg called upon the Class Is to join FRA's Confidential Close Call Reporting System so rail workers can report close calls without fear of retribution. And some railroads and their unions have begun negotiations toward this goal.

In August, I spoke with each Class I CEO to encourage their railroad's participation in C3RS. FRA has sent letters to each Class I CEO, where, among other vital calls for increased safety, I reiterated this point.

C3RS can play an important role in reducing risk across the railroad operating environment, and we expect the Class Is to make good on their commitment to join the program.

Tomorrow, the C3RS RSAC Working Group will gather again.

FRA has had a decade and a half of experience with this program and its success, and just last week our agency added two more railroads – a commuter operator and a shortline – and their unions to the program. Like the others before them, these new participants agreed to confidential reporting, incentivized through protection for both workers and the employing railroad from discipline and enforcement.

FRA also has over a decade of experience partnering with NASA as the third party, providing the critical confidentiality piece of C3RS, for not only the reporter, but for railroads as well. During this time, NASA has processed just under 30,000 close call reports and published numerous safety alerts and newsletters to the entire railroad industry.

The Secretary also called on the Class Is to provide their workers with what so many of us take for granted: paid sick days. And I'm happy to say that as of today, more than 80 percent of Class I employees have some amount of paid sick days – a significant improvement.

This Administration continues to urge the remaining railroads to provide all their workers coverage, as the remaining workers are no more immune to illness than the others and deserve to take a day off sick when needed without losing pay.

Later this morning, we'll receive updates from Working Groups focused on the use of wayside detectors and modernizing train brake equipment and related processes.

RSAC's Track Standards Working Group met this week and will shortly conclude its work. We request that any member of that Working Group who wishes to comment on BMWED's report on autonomous track geometry measurement system data do so no later than November 17, 2023.

USDOT's Pipelines and Hazardous Materials Safety Administration (PHMSA) is also doing their part.

Deputy Administrator Brown is here with us this morning and will speak about his agency's actions in coordination with FRA to improve safety.

These efforts are all part of a comprehensive enforcement approach, which can include new regulations, refinements to existing regulations, and other forms of direct engagement on these elements to make freight rail transportation safer. FRA has taken several steps this year to advance these items, most prominently through the work of RSAC.

We've called attention to a host of issues to prevent future incidents and increase safety.

In March, we issued a safety advisory urging railroads using hot bearing detectors (HBDs) to evaluate their inspection process and prioritize the proper training and qualification of personnel working with HBDs. We followed this up with a supplemental advisory in June.

Earlier this year, we raised awareness about the hazards relating to switching cars, emphasizing the importance of ensuring safe operations of hand-operated main track switches and more.

Notably, FRA has expressed growing concern related to train makeup and about complexities associated with operating longer trains. Our Safety Advisory on Long Trains, among other calls to action, urges railroads to address these complexities and mitigate the impacts of long trains on blocked crossings.

We're moving forward with an information collection request to get more data on long trains, too, which would require monthly reporting from major railroads to FRA.

More recently, we've issued Safety Advisories recommending railroads utilize Wheel Impact Load Detectors to identify and replace high-impact railcar wheels that could cause significant damage to rails and supporting track structures.

We've issued advisories on the potential failure of king pin assemblies in highway-rail grade crossing warning systems equipped with breakaway gates and on the safety of roadway workers who operate or work near roadway maintenance machines.

In total, FRA has issued five safety advisories and seven bulletins this year.

When it comes to rulemakings, earlier this year, FRA issued a Supplemental Notice of Proposed Rulemaking that would require railroads to provide emergency escape breathing apparatuses to train crews and other employees when transporting certain hazardous materials.

In May, we published Notices of Proposed Rulemaking regarding the certification of dispatchers and signal employees.

Just this month, FRA issued a final rule requiring the installation of locomotive video recording devices on passenger trains, implementing Congress's mandate from the FAST Act of 2015.

And we continue work to finalize a rule to require at least two crew members on trains.

In short, we are doing everything we can under current law to ensure that safety is central to every aspect of America's rail network and is top of mind at all times.

Beyond safety regulations, FRA is directly funding improvements in railroad safety with funds from President Biden's Bipartisan Infrastructure Law, which made historic investments in our passenger and freight rail network.

This includes \$1.4 billion in FRA CRISI grants for 70 projects and over \$570 million in Railroad Crossing Elimination grants for another 63 projects nationwide to prevent deadly collisions with cars and pedestrians. More than 40 short lines are being impacted by these projects, with nearly two-thirds of all CRISI funding going to rural communities this year.

FRA also awarded up to \$5 million to establish the National University Rail Center of Excellence, a first-of-its-kind initiative dedicated to developing the future workforce while advancing research and expansion that enhances the safety, efficiency, and reliability of both passenger and freight rail transportation.

In the case of CRISI funding, this is the largest amount ever, while Railroad Crossing Elimination and the Center of Excellence funding is new thanks to the President's Bipartisan Infrastructure Law.

FRA continues to pay close attention to grade crossing safety, blocked crossings, very long trains, and other topics affecting communities and quality of life. The first round of Railroad Crossing Elimination grants will improve over 400 at-grade crossings around the country, making our roads and our railways safer.

Still, there is more work to do, and railroads and communities need to work together to drive down an unacceptable status quo of 2,000 grade crossing collisions and more than 200 casualties

that occur at crossings each year. FRA invests significant resources in this issue, and we're committed to supporting these partnerships.

Beyond railroad crossings, there are other data sets FRA is monitoring closely.

As part of FRA's ongoing review of railroad employment and hiring trends and their impact on rail operations, we continue to look at several data points to learn more about the rail workforce and worker retention as well. We post this data on FRA's website.

We remain troubled by the number of instances of employees working beyond hours-of-service limitations. Excessive hours and other factors can contribute to fatigue, which we know can cause impaired performance and increased error and risk.

Fatigue is not a new issue; it's a perennial problem. In 2008, Congress called on the industry to assess and mitigate fatigue risks.

Last year, FRA published its Fatigue Risk Management Program regulation to tackle some of the causes and outcomes of incidents in which fatigue is a factor.

Currently, FRA is working with covered railroads to ensure their plans comply with the regulation, and we're reminding everyone that good faith and best efforts must be made to reach agreement with directly affected employees on the plan's contents.

Separately, we continue to see problematic PTC failures. Whether these be major freight railroads like Norfolk Southern or Amtrak, FRA will be evaluating these failures closely to determine the root cause of this issue.

The need to be vigilant remains clear.

Lastly, pursuing research and development is an important component of safety. Next month, the first annual TTC Conference and Tour will take place. These events will showcase what FRA is doing to advance safety technologies, something very important to this Administration, seek input from stakeholders on the best paths forward, and provide tours of TTC, the world's premier railroad research, testing, and training facility.

There is more work to do, and FRA will continue to use every resource we have to identify actions to make freight rail safer.

The expertise and diversity on this committee is a powerful tool to support this effort and advance even more progress.

This week, FRA renewed the committee's charter, allowing it to operate uninterrupted for another two years.

At its core, RSAC is an indispensable tool to:

Seek agreement on underlying safety problem,

Identify sound safety solutions based on the agreed-upon facts,

And, identify options, whether they be regulatory, guidance, or others, necessary to implement those solutions.

As I stated earlier, communities across the country are still very much paying attention to rail and rail safety right now.

I know the members of this committee have been paying attention to rail safety and supporting actions to increase it for years.

This is a moment to commit to results and double down on a shared commitment to safety.

I thank you for your efforts and look forward to achieving even more.

We need to examine issues thoroughly, address them fully, and work together to identify potential issues before they put workers and communities at risk.

Thank you for your active participation today and year-round.