

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

NATIONAL DIVISION

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VIA ELECTRONIC MAIL

August 11, 2025

Mr. Kyle Fields
Chief Counsel
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Administrative Updates to the Federal Railroad Administration's State Safety Participation Regulations
Docket No. FRA-2025-0080

Dear Mr. Fields:

These comments are submitted by the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters ("BLET"), which is the duly designated and recognized collective bargaining representative for over 31,000 active locomotive engineers and trainmen. As such, we have a vested interest in ensuring the safety of not only the locomotive engineers who operate trains, but also the safety of the nation's entire rail network on which our members operate.

On July 1, 2025, the FRA published a final rule in this docket without abiding by the standard Administrative Procedure Act ("APA") process of notice and comment rulemaking. The agency has claimed an exception under the APA, specifically 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(b)(B), stating that "...this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary."

The BLET objects to this interpretation and is hereby petitioning for repeal of this rule under 5 U.S.C. 553(e).

We have many concerns with this approach. We have substantive concerns with the content of the rule itself, which we will discuss below. We also have concerns with the APA exception. There already exists a process where agencies can expedite rulemakings that are non-controversial while still promoting transparency and public participation. That process is a Direct Final rule that is published simultaneously with a Proposed Rule. In this process, used by numerous administrations,

if meaningful adverse comments are received, the Direct Final rule is withdrawn, but if no adverse comments are received, the rule can go into effect in as little as thirty days. We are deeply concerned that the FRA is cutting corners on public participation and transparency to save a small amount of time.

Our substantive concerns with the rule largely concern utilizing specific terms and titles that are not defined within Part 212. These terms include: State Inspection Personnel, Track Inspector, Signal and train control (S&TC) Inspector, Apprentice S&TC Inspector, Motive power and equipment (MP&E) Inspector, Operating practices Inspector, Hazardous materials Inspector, Grade crossing and trespasser outreach Inspector, and Apprentice grade crossing and trespasser Inspector.

While we appreciate that this rule is defining the general qualifications for these roles, without clear definitions of what these roles do, particularly within the context of state safety participation, where there is high potential for similar titles and reporting structures, the BLET requests that this rule be withdrawn and re-introduced following a standard proposed rule process to include definitions for these terms within Part 212. At the Federal level, these roles will differ slightly in their authority and scope of work than their state counterparts, and it should be abundantly clear in the regulation what is the role of FRA inspectors and individual state inspectors to minimize confusion and maximize efficiency.

We are glad that the FRA is looking to partner with states to improve rail safety. However, to best facilitate this participation, it is necessary to delineate roles specifically. This information is necessary for public transparency in addition to it being vital for state officials to understand which personnel at FRA are in charge of each aspect of railroad safety. Any state wishing to create or expand a state rail safety program will need this understanding of the specific roles so that information can be shared appropriately and formal channels of communication can be established.

Such definitions will also be useful for railroads and employees so that it is clear which personnel have the authority to conduct specific activities. Without specific definitions of roles, too much ambiguity is left up for interpretation that may lead to miscommunications. The BLET wants to protect our members as much as possible, and we want to ensure that every inspector is properly trained and acting within the limits of their authority to minimize mistakes.

For these reasons, we substantively object to the rule. This rule is misguided and will not create any efficiencies. It will only obfuscate responsibility into the bureaucracy of the Federal Government instead of serving citizens and keeping them safe. Therefore, we are petitioning for the repeal of this rulemaking.

Further, we object to the claimed APA exception and ask for a formal review. We believe that, upon review, OMB, DOT, and the FRA will realize that this rule constitutes a substantive action that goes beyond the scope of the claimed APA exception and should therefore be withdrawn immediately.

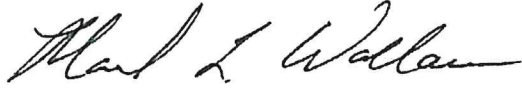
Mr. Kyle Fields

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We would be happy to discuss our concerns in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Wallam". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

National President

cc: G. D. Best, First Vice President
D. P. Estes, National Secretary-Treasurer
V. G. Verna, Vice President and National Legislative Representative