

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

## NATIONAL DIVISION

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## MARK L. WALLACE

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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 Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices Regulations  
Docket No. FRA-2025-0099

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if meaningful adverse comments are received, the Direct Final rule is withdrawn, but if no adverse comments are received, the rule can go into effect in as little as thirty days.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 center around moving reporting requirements from the Associate Administrator for Safety to the Motive Power and Equipment (“MP&E”) Division. Specifically, when it comes to something as important as brake inspections, we are concerned that this will reduce accountability and efficiency. If information were to become siloed within the MP&E Division and not shared quickly with the Associate Administrator for Safety and overall Office of Safety, this could pose operational inefficiencies that could delay enforcement and the safe movement of trains.

There are a number of benefits to keeping this information flowing through the Associate Administrator for Safety, as that individual is a member of the FRA Safety Board and therefore has more awareness of overall FRA initiatives and railroad industry trends. It is also the responsibility of the Associate Administrator for Safety to exercise oversight over railroad safety, and delegating information reporting to a subordinate position (not a safety professional) would possibly dilute this responsibility. Additionally, the Associate Administrator for Safety has a direct line of authority and oversight through the FRA Administrator, and delegating this authority further down the chain of bureaucracy would increase the chances critical information is not shared and dilute responsibility, potentially endangering safety.

We also have concerns specifically with the MP&E Division. This division has not always strictly enforced railroad safety rules or waiver conditions, sometimes knowingly letting railroads operate on expired waivers for months. For this reason, we are skeptical that the MP&E Division, without oversight, will effectively enforce railroad safety rules and act on information reported in a timely manner to protect our members.

Maintaining the reporting structure prior to July 1, 2025, would also provide clearer oversight in the case that there is any failure of enforcement on the part of the FRA. The Office of Safety has not always effectively ensured that the MP&E Division is exercising appropriate enforcement, but the FRA Administrator or Congress can much more easily direct inquiries to the Associate Administrator for Safety. This ensures that both the Executive Branch and the Legislative Branch can obtain information about the safety enforcement conducted by the FRA, thereby ensuring that all rules are followed and that workers and communities are kept as safe as possible.

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.

Mr. Kyle Fields

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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.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark L. Wallan".

National President

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