

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

NATIONAL DIVISION

7061 East Pleasant Valley Road
Independence, Ohio 44131

MARK L. WALLACE

National President



Phone: 216. 241.2630

Fax: 216.241.6516

www.ble-t.org

310990

ENTERED
Office of Chief Counsel
March 10, 2026
Part of
Public Record

VIA ELECTRONIC MAIL

March 10, 2026

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Attn: Docket No. EP 788 Eliminating Regulatory Barriers to Competition: Review of Part 1144

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. Locomotive engineers and trainmen are directly involved in train movements and decisions regarding through rates, joint rates, and reciprocal switching affects them. Changes in regulations concerning through rates, joint rates, and reciprocal switching affect locomotive engineers and trainmen because they perform the switches; and BLET's collective bargaining agreements with the railroads govern the rates of pay, rules and working conditions of employees who perform switches, including which employees can do the work for a particular railroad. BLET, and its individual and collective members, also have a direct safety interest in the outcome of this proposed elimination of regulations on "Intermodal Rail Competition."

The BLET commends the Surface Transportation Board (STB) for its focus on improving rail service and increasing rail volume. During a series of hearings in 2022 and 2024, the Board heard from shippers and customers. The STB's 2024 and 2022 hearings on "Growth in the Freight Rail Industry," "Oversight Hearing Pertaining to Union Pacific Railroad Company's Embargoes," "Urgent Issues in Freight Rail Service," and "Reciprocal Switching" highlighted the rail customers' frustrations and experiences with poor rail service and service interruptions. Improving rail service and growing rail volume are goals the BLET shares with the STB.

The BLET has commented on a number of rulemakings the STB has initiated regarding service improvements, such as Reciprocal Switching (NPRM), EP 711 (Sub-No. 1), in 2016, and Proposed Changes to Rules regarding Reciprocal Switching, EP 711 (Sub-No. 1), in 2023. The comments reflected the BLET's concerns with reciprocal switching, including issues between the controlling railroad and guest railroad.

The BLET understands the STB is trying to solve a problem by eliminating Part 1144, but strongly believes there are other solutions available, including holding rail carriers accountable for their common carrier obligations, proper interchange schedules, and enforcement measures. The BLET

believes the Board could define minimum adequate service standards consistent with the railroads' common carrier obligation, and create a mechanism for regulatory enforcement that shippers, particularly small shippers, can access at a reasonable cost. Effective enforcement of service standards is a better way to achieve regular, reliable and affordable service. These efforts would be similar to those of Senator Tammy Baldwin and Senator Roger Marshall's Reliable Rail Service Act. Their effort has support from a wide range of customers, such as the agricultural industry, energy producers, chemical industry, and manufacturers.

The Class Is have not addressed traffic issues in yards and terminals, which affects customer service. These issues have been exacerbated by long trains which cause congestion and have difficulty navigating infrastructure not designed for trains of such size and length. The Board could examine and address these ongoing and unresolved issues and not allow Class Is to sell off these yards and terminals as a means to avoid addressing poor customer service that is the hallmark of the profits above all else mentality of those carriers. The Board could also examine the effect of long trains on operations and infrastructure.

The BLET opposes any solution that would add complexity to the railroad environment by increasing the probability of poor communication and confusion over prevailing operating rules. New switching requirements can lead to communication problems due to differing radio frequencies crews of different carriers need to use for coordinating movements with multiple dispatchers in different territories controlled by different carriers. The BLET notes the U.S. Department of Transportation and Federal Railroad Administration's comments in Reciprocal Switching for Inadequate Service, EP 711 (Sub-No. 2) explicitly stated, "safety remains FRA and DOT's primary concern; any new or revised switching requirements must ensure that switching operations are safely executed."

The BLET opposes any solution that would hurt railroad workers. The BLET reiterates that the performance of work by railroad workers is governed by different contracts with the railroads which establish their collectively bargained rights over certain railroads' lines, including which employees have the right to perform such work. Allowing other railroads to use their own employees to perform work on the lines of a railroad covered by a different contract would infringe on these current rights and could cause or allow the railroads to provide service based upon who pays the lowest wages to their workers, rather than on who provides the best or most expedited service. No matter who has trackage rights in a given location, the infrastructure of that location cannot change and will not change as the result of any prescriptions such as "reciprocal switching" rights.

Additionally, Part 1144 provides a number of useful tools for industry and the STB. Part 1144 includes language regarding consideration of reliance and evidentiary standards. It also provides general expectations for remedies that may be granted. Without the procedures and principles in Part 1144, there would likely be confusion within the industry regarding consideration of arguments and issues brought before the STB. Industry parties, including labor, would also have concern that – without specific remedy options being provided – the STB may inadvertently apply a remedy that was intended to narrowly address an issue but instead affects broader parts of the

industry. By specifying which remedies are available, there is clarity and expectations set, and parties not involved in the issue being raised are assured that there will not be unintended industry consequences.

Based on the reasons stated above and easily available alternatives with far less pitfalls to achieve the STB's goals, the BLET opposes eliminating Part 1144. The BLET believes holding the carriers responsible for regular, reliable service is a better solution than imposing something more convoluted. The STB has existing remedies available to address these longstanding issues in an appropriate and proportional manner and should utilize these remedies.

Sincerely,

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

National President

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