INVEST in America Act Would Greatly Benefit Rail Workers and Rail Safety

Last Summer, the Chairman of the House Transportation and Infrastructure Committee, Peter DeFazio (D-OR), told a gathering of rail industry heads, testifying before Congress, that the federal regulatory agencies cannot stand idly by, "...while vultures on Wall Street destroy the precious asset that is rail transportation in the USA". He continued by saying, "We shouldn't let a bunch of jerks on Wall Street who are trying to increase short-term profits ruin it!"

DeFazio was speaking at hearings before the House Subcommittee on 'all things railroad' held to address issues surrounding the adoption of Precision Scheduled Railroading, (PSR) — the ghostly legacy of Hunter Harrison, the former head of CSX, as well as CP and CN before that. The Roundtable of Rail Shippers was held in July and was the latter of two hearings. The first, The State of the Rail Workforce, was held in June and entertained the complaints of rail union leaders.

The shipper's complaints to the committee were polite and careful not to hit the 'trip wire' of re-regulation, which they were quick to warn against. Nevertheless, the shippers complained that PSR had created a nightmare for them in predatory demurrage, reduced industry switching, and a lack of customer service. In one complaint, an over-charged shipper had managed, after some difficulty, to get the invoices reduced, only to find it resurface on a subsequent billing.

PSR became the newest rage among rail CEOs having been adopted by NS, UPRR and other railroads after 2017. Rail employment dropped 16%, railroad yards were closed, and trains got longer, adversely affecting the public, shippers and railroad employees. Then after several months, all one could hear were 'crickets', then followed by the pandemic and the rail carriers asking for a suspension of safety rules from the FRA.

Finally we have something to show for all of last Summer's testimony. DeFazio has unveiled the INVEST in America Act, that is a comprehensive $500 Billion effort, (as written in the preamble), "...to catapult our country into a new era of smarter, safer and more resilient infrastructure that fits our evolving economy and society." Investing in a New Vision for the Environment and Surface Transportation in America (HR-2) earmarks 60 Billion for "clean" rail as an alternative to burning more fossil fuels.

COVID-19 has partially cleared the skies above us and below, demonstrating how healthy and clean the world can be again. Rail is a solution when planned and invested in properly. So, before returning to the oil-guzzling economy of 2019, we can take a good hard look at the DeFazio bill and give it our support. Not only will we be finding an ally in putting railroaders back to work, but also those adversely-affected by the economic downturn.

HR-2 will undoubtedly be an uphill battle against the oil industry and deficit hawks in Congress. Nevertheless, in supporting this bill, we may corral the maverick corporate rail profiteers into a more scrutinized and regulated industry that is cleaner, safer, and serves shippers and communities more efficiently.

We just got it passed in the House. Now it is the Senate’s turn!

TRAIN Act Highlights for Rail Workers, Passengers, Communities and the Environment

A subset of the INVEST in America Act is the Train Act.

This is landmark legislation for rail workers. If signed into law, the bill would:

- Mandate a two-person minimum for all freight trains.
- Contain Hours-of-service regulations for yard masters.
- Address the current situation at the US border, providing job and safety protections for U.S. and Mexican rail workers.
- Address the issue of continually blocked grade crossing to stop the impeding of traffic.
- Call for an inquiry into the current railroad practice known as Precision Scheduled Railroading.
- Mandate length limits on many types of trains.
- Provide $29.3 billion over five years in grants to support Amtrak’s intercity passenger rail service on the Northeast Corridor (NEC) and the National Network.
- Reauthorize the FRA’s discretionary grant program, CRISI, at $7 billion over five years.
- Authorize grant funding of $19 billion over five years for state of good repair projects, service improvement projects, and rail expansion projects.
- Mandate that Amtrak must provide reliable national intercity passenger rail service now, and in the future, reflecting the needs of all passengers, and supporting rail workers.
- Clarify that Amtrak serves the public interest in providing reliable passenger rail service.
- Realign the makeup of Amtrak’s board of directors to better reflect the interests of passengers and Amtrak-served states.
- Provide a means for Amtrak to enforce its statutory right of preference directly in Federal court without intermediaries.
- Revise the Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier by establishing a process for the Board to determine whether the additional trains unreasonably impair freight transportation and initiate a proceeding to evaluate what additional investments are required. Commas?
- Require that any individual onboard a train who prepares onboard food and beverage service is an Amtrak employee.
- Amend current Amtrak contracting limitations to clarify that Amtrak cannot contract out the work performed by an employee if such employee has been laid off and has not been recalled to perform such work. It also clarifies that Amtrak is not authorized to contract out work if prohibited in a collective bargaining agreement.
- Prevent Amtrak from contracting out work performed at Amtrak call centers. The section also requires an Amtrak ticket agent to staff each station where there was more than an average of 40 Amtrak passengers boarding or deboarding per day in fiscal year 2019.