

# US rail companies refuse to adopt improved safety policies, prompting FRA to dissolve safety working group formed after East Palestine disaster

**Alex Findijs**  
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American rail companies continue to refuse to follow or improve safety measures more than two years after the derailment disaster in East Palestine, Ohio. Following the disaster, which released over 115,000 gallons of toxic vinyl chloride into the environment, all six Class I rail companies agreed to join a federal program to improve safety on railroads. However, reporting by the Associated Press indicates that none of them has taken any real steps or fulfilled any promises to participate.

The program, called Confidential Close Call Reporting System, or C<sup>3</sup>RS, is designed to allow rail employees to report mistakes, close calls and unsafe actions by the rail companies without fear of reprisal. The reporting is conducted through the National Aeronautics and Space Administration (NASA) on behalf of the Federal Rail Administration (FRA) and provides protection against corporate disciplinary action if certain criteria, such as that no one was injured or that an employee did not break the law, are met.

Both BNSF and Norfolk Southern conducted partial trials of the system but never fully adopted it, while Amtrak and smaller freight railroads have officially joined and report a 20 percent decline in accidents. An additional study from 2022 by the Government Accountability Office (GAO) found an improvement in safety culture and the discovery of new safety issues under the program.

Despite the clear benefits, major rail companies insist that a punitive approach, in which rail employees are harshly punished and shoulder the blame for any and all safety issues, is preferable. They complained that C<sup>3</sup>RS was slow and ineffective compared to their own internal safety systems and argued that it would allow employees to become "repeat offenders" of safety violations by allowing them to take advantage of protections against retaliation.

The FRA formed a working group with the large carriers,

federal officials and union representatives to discuss implementing the system, but the meetings reportedly went nowhere. In March the FRA reportedly sent an email to participants saying that the group had "reached an impasse" and that it was being dissolved.

Jim Mathews, president and CEO of the advocacy organization the Rail Passengers Association, who was a member of the working group, told the AP that "They [the carriers] are absolutely convinced that the key to a safe railroad is to punish employees first. And we know, not just from the short lines and from Amtrak and from the commuter railroads but from half a century of aviation data, that that's not the right answer."

The importance of overturning the inadequate and punitive approach to safety currently employed by the rail corporations was highlighted by the recent case of Juan Garza, a 35-year veteran locomotive engineer at Union Pacific.

Garza was fired in March 2024 after reporting a minor workplace injury and seeking medical care. He filed a complaint with the Occupational Safety and Health Administration (OSHA), which concluded after a yearlong investigation this June that he had been wrongfully terminated. OSHA awarded Garza over \$300,000 in back pay and compensation, including \$150,000 in "punitive damages" for "reckless or callous disregard" for his rights as an employee.

A report on the case by the Department of Labor (DOL) noted that this was the third time since 2011 that Union Pacific had violated the Federal Railroad Safety Act at its yard in North Platte, Nebraska, by "disciplining employees who reported workplace injuries and sought medical attention." It further noted that Union Pacific has faced over 200 whistleblower complaints nationwide since 2001.

OSHA regional administrator, Marcia Drumm, said of the

case, “It is disheartening that this employee, a loyal railroad worker for 35 years, faced disciplinary action because he sought needed medical attention for a work-related injury. Union Pacific’s actions and the repeated complaints filed by their employees are indicative of a culture that doesn’t show that same loyalty to their workers or concern for their safety.”

The disregard for safety by the rail companies has serious consequences for the reliability of rail infrastructure across the country.

An investigation by the Howard Center for Investigative Journalism at Arizona State University found that just six inspectors from the FRA are responsible for overseeing 70,000 railroad bridges. Ten percent of railroads have not had their bridge management programs audited by the FRA in the past 15 years; major railroads have neglected critical safety features out of concern over costs; and government officials are even having difficulty accessing information about railroad bridge inspections.

Bridges are of particular concern because they can be a critical point of failure in rail infrastructure that lack consistent federal oversight. Data from the FRA shows that there have been 112 railroad accidents involving bridges since 1976. These incidents are often the product of improper maintenance resulting in structural failure and derailment.

The refusal of the rail companies to participate in adequate safety measures, and the failure of government regulatory bodies to force compliance with them, demonstrates the incompatibility of proper workplace and industrial safety with private profit. Major rail lines are multibillion-dollar enterprises with control over critical sections of the US economy and extensive influence over government policy.

Trump’s pick to run the FRA is David Fink, a former CEO of Pan Am Railway in New England, who is still awaiting Senate approval of his nomination. Fink has faced questions about safety issues at Pan Am Railway, including a worker death in 2021 and a serious injury to an employee in 2022.

The Trump administration also announced Thursday morning that it was firing Robert Primus from his position on the Surface Transportation Board, the regulatory body with the authority to approve or reject the proposed merger of Union Pacific and Norfolk Southern. Primus has been a supporter of the independence of regulatory bodies like the STB from direct White House control and is one of two Democratic appointees on the four-person board.

He was the only member to oppose the merger of Canadian Pacific and Kansas City Southern and is likely to be removed to clear the way for Union Pacific’s purchase of Norfolk Southern. The White House made its intentions clear by saying Primus “did not align with the President’s

America First agenda.”

Heavily integrated with Wall Street, the Class I railroads are seeking to funnel as much money from the working class to the banks and financial institutions as possible. Over several decades this has taken the form of neglect for basic safety practices and proper infrastructure maintenance and is now manifesting in an all-out push for one-person crews and the destruction of thousands of railroad jobs.

In the face of this historic attack on rail workers and their safety and those of working class communities, the response of the trade unions has been complicity. The union bureaucracy collaborated with management and the Biden administration to scuttle a 2022 rail strike before it could take place, as the union leaders sat on the working group committee for C<sup>3</sup>RS. Meanwhile, they have refused to mobilize workers when the rail companies rejected any responsibility to improve safety after East Palestine.

Instead, the union bureaucrats accept the so-called “right” of the rail companies to profit, and they serve as their faithful labor police, selling their ability to suppress workers’ outrage in exchange for the ability to extract dues money from the membership to fund their bloated salaries. The major rail unions are currently ramming through a series of sellout contracts with even worse wage increases than the one imposed by Congress three years ago.

The obvious purpose for this is to pre-empt another rank-and-file rebellion that nearly forced a strike in 2022 and to help clear the decks for the mega-merger between Union Pacific and Norfolk Southern. This would create the country’s first transcontinental railroad, threatening even more layoffs and giving the new entity a hegemonic position in the market.

Real safety on the railroads requires the mobilization of the rank and file against the corporate assault on jobs and working conditions, organized independently of the trade union bureaucrats through the formation of rank-and-file committees, new organizations of working class struggle built to organize workers across all crafts and countries in a common fight.

This movement must develop a socialist perspective that the railroads must be transformed into public utilities democratically controlled by workers who will prioritize their safety and the safety of their communities, instead of private enterprises dedicated to the generation of profit at the expense of workers’ lives and well-being.



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