



Brotherhood of Locomotive Engineers and Trainmen Minnesota Legislative Board

A Division of the Rail Conference-International Brotherhood of Teamsters



SF 3943 Wayside Detector Systems

Why is SF 3943 needed?

Following the February 3rd 2023 Norfolk Southern derailment in East Palestine OH, which released toxic chemicals, creating hazards to health and the environment, railroad safety has increasingly been in the news. In Minnesota, the BNSF derailment in Raymond on March 30, 2023 shows that rail safety needs to be addressed and that it impacts our communities. Minnesota must have common sense regulations to ensure environmental, worker, and community safety as rail use expands.

Where's the Data?

It is important to note that the rail industry collects, controls, and distributes all of the data related to rail incidents, safety, and train length, often not releasing or publicizing key data due to proprietary concerns. Data reported does not include near misses, trains that break apart, derail, or roll away from crews with no one aboard. In order to address the lack of data on close calls, USDOT Secretary Pete Buttigieg called on all Class I freight railroads to join the Confidential Close Call Reporting System (C3RS). The companies responded with a letter in March of 2023 stating that they would join the system. As of January 2024, no Minnesota Class I Freight railroads have joined C3RS. The truth is, without accurate data, Minnesota is at a disadvantage at finding solutions to deadly and avoidable train incidents.

What does data from 2023 show?

- According to the FRA there were 1,106 reportable derailments by all the railroads in the United States in 2023.
- The five Class I freight railroads operating in the United States reported 256 accidents on their main lines last year through October, an 11 percent increase over the same period in 2022. Derailments, the most common accident, were up 13.5% last year. Union Pacific, the largest railroad in the United States as determined by miles of track, reported a 32% increase in accidents in the period. BNSF, the second-largest U.S. railroad, showed a 10% increase in accidents in the same period.

- In Minnesota the numbers are worse. Minnesota's two largest railroads BNSF and Union Pacific showed an increase in accidents in of 25% and 50% respectively in 2023.

- According to FRA data, injuries and fatalities are up. Railroad deaths totaled 954 in 2022, an 11% increase from the 2021 revised total of 859 and the highest since 2007. Nonfatal injuries totaled 6,252, a 6% increase from the 2021 revised total of 5,882. From 2021 to 2022, fatalities at highway-rail crossings increased 16%, while fatalities involving other types of incidents increased 9%.

Why does the bill require wayside detector systems every 10 miles?

Lack of hot bearing or dragging detectors leaves train crews (Locomotive Engineers and Conductors) without enough information on hot bearings, axles, or brakes. The train that derailed in East Palestine did not pass a detector for nearly 20 miles. An increase in detectors will allow crews to identify the change in temperature on hot bearings at more regular intervals, preventing incidents. The requirement to place a detector every 10 miles (15 miles between detectors if the physical characteristics of the terrain prevent the lesser distance) mirrors language in the Federal Railway Safety Act of 2023 that has stalled in Congress. Because freight railroads maintain their trains' cargo is proprietary, it is nearly impossible to determine which trains are carrying hazardous materials, detectors need to be spaced 10 miles apart on all mainlines in the state when practical. With over 4,400 miles of track in Minnesota, hazardous materials can travel on any train on any of these routes. This will allow the railroads to receive an alert when a car, axle, or wheel showed a rapid increase in temperature between detectors. Currently wayside defect detectors are set at a predetermined temperature, such as 170- or 200-degrees Fahrenheit above ambient temperature. This bill would prevent train derailments by detecting defects sooner and crews having the ability to act upon the defect with information reported directly to the crew, which is not always the practice now.

Is Minnesota able to act?

Yes! The Federal Railway Administration (FRA) does not regulate Wayside Defect Detectors. Courts have ruled numerous times that subject matter is not preempted when federal regulations merely touch upon that subject matter. The proposed requirements in this bill are not preempted by federal law, because neither Congress nor the Federal Railroad Administration have taken action on these items. Absent the potential for federal preemption or demonstrably harming interstate commerce, states are authorized to enact laws that protect their residents and environment from potential harm by entities including railroads. This is a common-sense solution that protects workers and the public. Minnesota can and should legislate on this rail safety issues.

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