

## **SF4161 Is common sense legislation that protects Communities and workers**

### **Background**

Recent high profile derailments underscores the urgent necessity for the state to act on railroad safety in the face of Federal sluggishness and industry self-regulation. Since 2015 train lengths have increased to 15,000 feet in many cases. Trains of this size can exceed 30,000 tons.

### **Why is SF 4161 Needed**

- Longer trains are more difficult to operate due to complexities relating to weight and power distribution in the train that cause excessive forces within the train leading to equipment failures
- The Federal Railroad Administration has issued Safety Advisory 2023-03 highlighting these issues.
- Minnesota's rail infrastructure is not designed for long trains. This has led to congestion within the rail network causing supply chain issues. This Congestion has forced shippers to seek more expensive, less efficient modes of transportation.
- Long trains lead to more blocked crossings preventing first responder to getting to those in need.

### **Why 8,500 Feet Train Length Maximum**

- Does not impose radical restrictions on the industry and limits trains to the best operating practices in place today.
- Avoids congestion within Minnesota's rail network due to capacity and infrastructure limitations.
- Keeps Minnesota's rail network fluid avoiding supply chain issues.
- Reduces blocked crossings.

### **The Interstate Commerce Termination Act (ICCTA) does not apply here**

- Congress allowed states to regulate railroad safety through the Federal Railroad Safety Act of 1970, and took into consideration that a safety law will have an economic impact on railroads.
- The STB may consider safety, along with other issues under its jurisdiction, it cannot adopt safety rules and standards. That responsibility belongs to the Secretary of Transportation, or the states if the DOT has not adopted a regulation covering the subject matter involved.
- Since its inception the STB has not issued any railroad safety regulations.
- By contrast both the states and the FRA continue to issue numerous railroad safety regulations covering a broad range of safety issues. One example is right here in Minnesota, the last years passage of a Minimum Crew Size law (219.752)

### **Minnesota can act!**

Rail carriers often rely on the Supreme Court's *So. Pac. Co. vs. State of Arizona* 1945 decision to support their preemption argument. This is no longer controlling. That case preceded the Federal Railroad Safety Act. As stated earlier, that law gave the states broad authority to regulate railroad safety. To accept the carrier's argument in regards to SF4161 would not accomplish this goal. The *So. Pac.* case ruled against the State based upon an undue burden on interstate commerce. Pursuant to the Federal Railroad Safety Act, the issue of undue burden on interstate commerce is relevant only with regard to a state attempting to regulate a local safety hazard. This legislation (SF 4161) is state wide.

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