

# Memorandum

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Date: March 4, 2026

To: Federal Railroad Administration (FRA)  
Office of Safety

From: Dan Chancellor, National Representative  
Brotherhood of Railway Carmen Division (BRC-TCU)

Subject: **Follow-Up Information Regarding Proposed Brakes III NPRM & Existing Issues with Extended Mileage Trains**

The below is further context/follow-up from rail labor's on why Brakes III should not be approved at this time:

- With regards to mileage extension to 2,500 miles (when trains receive QMI inspection), the only reference we have for trains operating at these distances (other than cycle trains) are those involved with the BHE waiver at BNSF (FRA- 2018-0049). This waiver has – and continues to be - plagued with problems:
  - Trains operating under the waiver have been audited by FRA and found they have not been making complete trips without issues and much-needed repairs (see audit from Amarillo, TX).
  - Every month, several violations to the waiver have been well-documented by the FRA.
  - The Executive Test Committee, of which we are a part, has had more “special committee meetings” to discuss imminent issues with operations under the waiver than we do general meetings to discuss results. This indicates that there are already compliance issues and distance concerns which proves that until we can control the compliance issues and fuller data can be gathered these changes are not in the interest of public safety.
- Extending the mileage for Qualified Persons (QP) (i.e. conductor or utility persons inspections)
  - With current allowances under Part 215.13 (“Pre-departure Inspections”) and the “Appendix D” exceptions, almost all 1000-mile trains are only receiving this abbreviated inspection, and do not get a real Class 1 test or inspection.
  - When audited by the FRA, these trains very often do not currently meet inspection requirements. This would suggest that the FRA should have even more reluctance towards extending mileages with QP inspections.
- Block swapping and/or Electronic Air-Brake Slips (eABS) Systems
  - The tracking of inspections, including brake tests at the car level (to which this eABS proposal applies) is currently unachievable. The railroads do not have equipment or processes in place to perform (and comply) with proposed changes in the NPRM.
  - Block swapping would necessitate implementing an eABS system that currently does not exist, not to mention the ability of the FRA to be able to verify this process for compliance.
  - This method is not proven to work to even justify consideration.

All of the things requested by the Brakes III are pre-emptive requests, seemingly to incentivize railroads to progress into something in which they haven't properly proven is workable or even practical. Nor have they proven it to be effective in their own limited analyzing. To provide the Class 1s railroads with an advanced regulatory relief without properly investigating whether the Class 1s are even capable of achieving accurately seems to be putting the “cart before the horse.”

The BRC does not approach this as even in the realm of public safety.

Lastly, the current iterations of the Railway Safety Act (RSA) would require FRA to drastically roll back these changes, cause regulatory confusion and uncertainty, and make rewriting regulations an unnecessary burden on the rank-and-file railroaders who – at the end of the day – are the end-users of these regulatory changes.