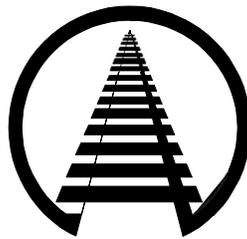


**WRITTEN TESTIMONY**

**IAN JEFFERIES**

**PRESIDENT & CHIEF EXECUTIVE OFFICER**

**ASSOCIATION OF AMERICAN RAILROADS**



**TO THE**

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**SUBCOMMITTEE ON RAILROADS, PIPELINES,  
AND HAZARDOUS MATERIALS**

**HEARING ON**

**OVERSIGHT AND EXAMINATION OF RAILROAD GRADE CROSSING  
ELIMINATION AND SAFETY**

**JANUARY 18, 2024**

**Association of American Railroads  
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## Introduction

On behalf of the members of the Association of American Railroads (AAR), thank you for the opportunity to testify on the challenges and opportunities of grade crossing safety.

AAR's members account for the vast majority of America's freight railroad mileage, employees, and traffic. Together with their Mexican and Canadian counterparts, U.S. freight railroads form an integrated, continent-wide network that provides safe, reliable, and efficient rail service.

Most problems associated with highway-rail crossings occur at public grade crossings—where a railroad crosses a public roadway at road level. These problems can range from blocked crossings that cause congestion and safety concerns in communities, to motorist and pedestrian collisions that can result in loss of life or serious injury, but railroads are committed to addressing these concerns by working with federal, state, and local stakeholders and continue to see progress. Fatalities at grade crossings have declined over the last few decades as railroads have worked in collaboration with the Department of Transportation (DOT) and states to reduce the number of crossings and install safety devices across the country; with Congress to increase awareness by ensuring grade crossings are marked on GPS platforms and to create the Grade Crossing Elimination Program; and with public and private entities to address grade crossings safety and fund projects to close and separate grade crossings. Even with these collaborative efforts, railroads recognize more must be done to improve safety at grade crossings, support the communities in which they operate, and keep the rail network moving as safely and efficiently as possible.



## **Railroads are Addressing Safety for Motorists and Pedestrians**

Because trains often require a mile or more to stop and can't deviate from their course, vehicle collisions and pedestrian accidents at grade crossings can occur, often with tragic results. These two categories—accidents at grade crossings and trespassing on railroad rights-of-way—typically account for approximately 95 percent of rail-related fatalities and have a serious, often-unseen, impact on the railroad engineers who witness but can do nothing to stop the accident. For these reasons, railroads diligently work to improve motorist and pedestrian safety at grade crossings.

All grade crossings are equipped either with train-activated “active warning devices” (such as gates, flashing lights, and stop lights) or “passive warning devices” (such as crossbucks, stop signs, and yield signs). States, not railroads, are responsible for evaluating grade crossing risks and prioritizing grade crossings for improvement. The decision to install a specific type of warning device at a particular public grade crossing is typically made by the state highway authority and approved by the Federal Highway Administration (FHWA), not by railroads. The characteristics of a crossing determine the appropriate type of warning devices. Factors that help predict the number and severity of accidents at a particular crossing include highway volumes, train traffic, maximum train speed, number of main tracks, number of highway lanes, and whether the crossing is rural or urban. Once installed, the maintenance of grade crossings and their warning devices is generally the responsibility of railroads.

Over time, states are transitioning away from passive devices to active warning devices. For example, the number of gates at public crossings has grown by 40 percent since 2005. Because it is so difficult for freight trains to stop, these devices are designed for motorist safety. However, the deliberate violation of traffic laws is a major problem at grade crossings, including those with

active warning devices. In 2022, 66 percent of all highway-rail crossing incidents, and 82 percent of crossing fatalities, occurred at crossings equipped with active warning devices. Motorists too often drive around lowered gates, ignore flashing lights and ringing bells, proceed through red traffic lights, or misjudge a train's speed and stopping capabilities, often with tragic results. Data from the Federal Railroad Administration (FRA) suggest that over the past 20 years, at least 1,500 lives would have been saved at public highway-rail crossings if motorists had obeyed traffic laws when an active signal warned them a train was present or approaching. Although crossing incidents usually arise from factors largely outside railroad control, railroads are committed to reducing the frequency of crossing incidents.

Significant progress has been made in improving grade crossing safety, as shown by FRA data, but more can be done. Grade crossing collisions in 2022 were down 37 percent from 2000, and the grade crossing collision rate was 22 percent lower in 2022 than in 2000.

Trespassing is another area of concern at grade crossings. It is an unfortunate reality that too many people inappropriately use railroad property for short cuts, recreation, or other purposes, sometimes with tragic results.

Most grade crossing and rail-related pedestrian accidents are preventable and can best be reduced through education, engineering, and enforcement. The average American does not realize the destructive force of a fast-moving, fully-loaded freight train. Operation Lifesaver, a non-profit whose central message is "look, listen, and live," deserves special commendation for its efforts to educate the public about the dangers of grade crossings and trespassing on railroad property. Operation Lifesaver started in Idaho in 1972 and today has chapters in nearly every state. Its educators, many of whom are current or retired rail industry employees, have provided free safety presentations to millions of Americans, including school children, driver's education

students, truck drivers, and bus drivers.

Railroads also spend hundreds of millions of dollars each year to improve grade crossing safety through:

- Cooperating with state agencies to install and upgrade warning devices and signals and maintain them in perpetuity;
- Coordinating with state and local governments to plan and fund grade crossing separation projects;
- Supporting Operation Lifesaver with financial and other resources;
- Providing resources to close unneeded crossings;
- Coordinating with law enforcement and others to address safety concerns;
- Installing signs at grade crossings with telephone numbers the public can use to alert railroads to unsafe conditions; and
- Supporting tough penalties for grade crossing traffic violations and the inclusion of grade crossing safety in drivers' education programs.

### **Dedicated Funding for Grade Crossing and Pedestrian Safety is Essential**

Railroads believe the safest grade crossing is no grade crossing at all and have supported efforts to separate crossings through tunnels and bridges and to close unnecessary grade crossings. Dedicated federal funding to improve grade crossing safety and separate grade crossings has been essential because these projects often don't receive the same funding priority as other infrastructure needs in broader competitive grant programs.

For example, the Section 130 program administered by the FHWA provides federal funding for states to improve safety at grade crossings. Most



recently, the Infrastructure Investment and Jobs Act (IIJA) allocated \$245 million in Section 130 funds each year through 2026 for installing new and upgraded warning devices and improving grade crossing surfaces.

In addition, the Railroad Crossing Elimination Grant Program, created by Section 22305 of the IIJA, provides more than \$500 million per year in competitive grants through 2026 for state and local governments to eliminate highway-rail grade crossings, which are often complex, expensive projects state and local governments could not fund on their own. The program is designed to create a pipeline of grade crossing elimination projects through smaller planning and engineering grants as well. On June 5, 2023, the FRA announced the first grant awards under the new program, providing \$570 million to improve grade crossing safety across 32 states.

These investments will have a major impact in states and communities around the country, and I am pleased to be testifying alongside Indiana's DOT Commissioner, Michael Smith, whose state has been at the forefront of addressing grade crossing safety. Indiana's Railroad Grade Crossing Fund and Grade Crossing Closing grants, which provide incentive funding for communities to close at-grade public crossings, served as a model on which IIJA's grade crossing program was built. Because of their focus on grade crossing safety, Indiana was well positioned to apply for the Grade Crossing Elimination Program and was awarded \$21 million in Fiscal Year 2023 to eliminate three crossings in the state. Their work is one example of how collaboration between the federal government, states, and railroads can lead to better safety outcomes.

Railroads commend this committee for addressing these critical public needs through these programs, which will save lives, prevent injuries, and keep people and freight moving

safely and reliably throughout the country. We fully support both programs and look forward to continuing to work with the Committee to provide robust funding in the years to come.

### **Causes of Blocked Crossings Are Varied**

Railroads understand blocked crossings impact communities and seek to minimize those impacts in all aspects of their operations. However, as communities near rail lines and rail facilities expand, new challenges related to grade crossings arise. Railroads hate stopped trains almost as much as the impacted communities, and it's in the best interest of railroads to keep trains moving safely and minimize these impacts. Because of the complexity of rail operations and the sometimes-competing demands of stakeholders, finding effective solutions can be challenging. Railroads are committed to working with local officials and other stakeholders.

There are many causes of blocked crossings. Some blocked crossings result from rail operating practices, including trains servicing rail customer facilities near a crossing, congestion on the tracks ahead or in a nearby rail yard, or mandatory safety tests or crew changes required by government regulations, among other issues. In many cases, blockages occur at crossings near customer facilities or rail facilities that were originally built in isolated areas but, because of community expansion, now find themselves adjacent to roadways or developed areas. Other blocked crossings result from events over which railroads have little or no control, including weather events and accidents or incidents on neighboring tracks. When these unpredictable events occur, railroads work very hard to return to normal operations and reduce impacts on nearby communities.

The need to keep the network moving safely and efficiently provides a major incentive for railroads to work diligently to prevent blocked crossings from occurring and address them as quickly as possible.

## **Railroads Are Working to Reduce Grade Crossing Blockages**

Railroads work closely with local officials, operating personnel, customers, and others to identify where and why blockages are occurring and to develop strategies to avoid future problems. Today, every public grade crossing has a 24/7 emergency phone number and an identification number to communicate crossing-related issues with the railroads. Railroads use this information, along with information from their operating teams and other sources, to identify workable solutions to blocked crossings. Some railroads are investing in new technology, including dynamic signs that let motorists and first responders know when a train is occupying an upcoming crossing or to display estimated wait times so community members can avoid the area if possible.

Sometimes site-specific adjustments to operating practices are feasible. For example, when blockages are caused by trains entering or exiting a customer facility, timing could be modified to minimize blockages. Additionally, railroads may be able to move crew change locations to lessen the impact on surrounding communities. However, changes to rail operating practices are not always feasible. Railroads must consider the impact on the national network and rail service when making operational decisions while also taking into account the impact on communities in which they operate.

Railroads also address blocked crossings through infrastructure investments, such as lengthening or building new sidings to accommodate current train lengths or, as mentioned above, working with state and local governments to eliminate and separate a crossing as appropriate.

## **Railroads Are Working to Improve the Safety of Their Operations**

For freight railroads, pursuing safe operations is not an option; it's an imperative. Railroads are proud of their current safety record. However, early last year, we all saw the impact a train derailment can have on a community. Every rail accident is one too many, and

railroads' ultimate goal is to eliminate accidents altogether. We remain focused on the three tenets of safety improvement: responding when accidents occur, improving mitigation efforts, and preventing future incidents.

While we don't have complete data for all of 2023, Federal Railroad Administration (FRA) data confirms that 2022, the most recent year for which complete data is available, was the safest year ever for incidents involving hazardous materials and for mainline derailments:

- The overall train accident rate was 23 percent lower in 2022 than in 2000. The accident rate for trains traveling on railroad mainlines—that is, outside of rail yards—was 42 percent lower in 2022 than in 2000. For Class I freight railroads, the mainline accident rate was down 47 percent from 2000 and set a record low in 2022.
- The overall train derailment rate fell 29 percent from 2000 to 2022.
- The rate of train accidents caused by track defects fell 53 percent from 2000 to 2022 and set a record low in 2022.
- The rate of accidents caused by equipment defects (mainly locomotives and freight cars) fell 19 percent from 2000 to 2022.
- The hazardous materials accident rate in 2022 was 73 percent lower than in 2000.
- From 2000 through 2022, the employee injury rate was down 46 percent, and preliminary data indicates 2023 will have a record low employee on duty fatality rate. According to data from the Department of Labor, railroads have lower employee injury rates than most other major industries, including trucking, airlines, agriculture, mining, manufacturing, and construction—even lower than grocery stores.

This data makes clear that our employees' strong safety culture, paired with the industry's sustained, disciplined investments in maintenance and technologies that target the primary causes of accidents, deliver meaningful safety results. Every train accident is one too many, and the need to make progress in the march to zero accidents is ever present.

## **Conclusion**

Freight railroads recognize the importance of continuing their commitment to the safety

of their employees, their customers, and the communities in which they operate. The rail industry will continue to work closely and cooperatively with Congress, individual states, the FRA, and others to reduce the frequency of accidents at highway-rail crossings and across the network. Railroads must keep improving in all aspects of rail safety, but the progress made demonstrates that the industry will do what it takes to meet that challenge.