



January 11, 2021

Office of Chief Counsel
Federal Railroad Administration
1200 New Jersey Ave., SE
Washington, DC 20590

RE: PETITION FOR EMERGENCY ORDER

To the Office of Chief Counsel,

As you are aware, due to the very real risk and potential for additional violence and riots after the attack on the Capitol on January 6, 2021, Washington, DC, is currently on high alert. Passenger rail has proven vulnerable to current domestic terrorists at large, as crews experienced escalated interactions and attacks from insurrectionists departing the city last Wednesday. Therefore, it is imperative that FRA act now to protect Amtrak, MARC (Maryland Area Regional Commuter), and Virginia Rail Express employees, including the travelling and non-travelling public, as current media reports suggest that more seditious action is likely imminent and could occur as soon as this week.

Unfortunately, safety in the passenger rail industry has not been given the same priority as that in aviation. That must change post haste. On January 10, 2021, FAA Administrator Steve Dickson issued a statement that his agency is willing to take "strong enforcement action" against anyone who obstructs or refuses to adhere to crew instructions. His agency has proven its capability to do so by issuing approximately 1,300 enforcement actions against unruly passengers over the past decade. This stands in stark contrast to FRA.

Given that passenger rail lacks any significant safety statutes or regulations and/or FRA enforcement, our members need help. This is especially true now before next week's inauguration activities begin. Therefore, we request the following be issued immediately via Emergency Order:

- **Penalties in line with aviation statute and regulation for interference with a train crew, including monetary fines and imprisonment. (This shall include unruly behavior and/or failure to comply.)¹**
 - **Mandatory publication of the new penalties throughout train stations and coaches.**


¹ 49 U.S.C. § 46504

- **Regulation requiring conductors, or assistant conductors, per number of passengers (in line with aviation flight attendant rules)².** This is needed not only to increase the conductors' ability to secure and police the train, but also to assist in evacuation or sheltering (en route) should an emergency arise.
 - **<50 = 1 conductor; 51 – 100 = 2 conductors; 101 – 150 = 3 conductors; and so on (Collective Bargaining Agreements must not be violated, only added to)**
- **Collaborate with the Transportation Security Administration (TSA) to make the No Fly List³ applicable to rail.⁴**
 - **Prohibit any passenger listed on the No Fly List from riding Amtrak, MARC, or the Virginia Railway Express.**
- **To the extent practicable, require and provide pre-screening security prior to boarding.**
- **Coordinate with Amtrak, MARC, Virginia Railway Express, Transportation Security Administration (TSA), Department of Homeland Security (DHS), and the Department of Justice to ensure the presence of law enforcement at all stations and platforms, and on trains inbound for the Washington, DC, metro area.**

A threat is omnipresent within our nation. The President's seditious mob has made that clear. Before more lives are lost, priority must be given to the safety of all passenger rail crews and passengers. To date, the FRA has failed that mark. The lackadaisical approach to rail safety must end today so that another needless tragedy can be avoided.

We stand willing and ready to work with the applicable agencies to ensure the safety of America's travelling public.

Respectfully submitted,



Jeremy R. Ferguson, President
SMART Transportation Division



Dennis R. Pierce, National President
Brotherhood of Locomotive Engineers & Trainmen

cc: Senate Majority Leader Mitch McConnell
Senate Minority Leader Chuck Schumer
Senate Transportation Commerce, Science, and Transportation Chair Maria Cantwell
House Majority Leader Nancy Pelosi
House Minority Leader Kevin McCarthy
House Transportation and Infrastructure Chair Peter DeFazio

² 14 CFR § 91.533

³ 49 U.S.C. § 114(h)

⁴ A separate TSA Petition for Emergency Order regarding this issue has also been requested.

Department of Transportation Deputy Secretary Steven Bradbury
Federal Railroad Administration Administrator Ron Batory
Transportation Security Administration Administrator David Pekoske
Department Homeland Security Secretary (acting) Chad Wolf