



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

September 8, 2023

Mr. Jim Vena
Chief Executive Officer
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

Ms. Elizabeth F. Whited
President
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

Mr. Eric J. Gehringer
Executive Vice President-Operations
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

Dear Ms. Whited and Messrs. Vena and Gehringer:

I am writing this letter to express serious concern about specific and significant risk to rail safety on the Union Pacific Railroad (UP). The compliance of the rolling stock (freight cars and locomotives) on the UP network is poor and UP was unwilling or unable to take steps to improve the condition of their equipment.

In July and August, FRA performed a focused inspection of the UP mechanical operations and rolling stock. During the focused inspection, FRA identified a concerning number of locomotives and freight cars operating on the UP network with federal defects. Specifically, the defect ratio of freight cars was 19.93 percent and 72.69 percent for locomotives (which are both twice the national average). Additionally, it was clear throughout the focused inspection that UP did not take steps to improve the condition of their rolling stock as the defect ratio did not improve over time.

To exacerbate the poor condition of the rolling stock, FRA learned that UP recently furloughed 94 locomotive craft employees and 44 carmen across the system based on UP's claims of receding volumes and lack of demand for service. This begs the question – was UP's failure to act to improve the condition of their rolling stock during the FRA's focused inspection a result of not having the personnel to make the necessary repairs because of the recent furloughs?

To support the concern raised by this letter I offer the following examples. FRA focused on the East Departure Yard in North Platte. During FRA inspections, the car defect ratio was 22 percent. The FRA inspectors received numerous calls from UP managers requesting FRA leave the yard, including the UP MTOs, the Terminal Superintendent, and multiple car department managers in North Platte. UP's General Director for Mechanical called the District Specialist and Deputy Staff Director, requesting FRA to stop inspecting the East Departure Yard. The UP North Platte Terminal Superintendent stated due to our focused inspections, they have deadheaded four crews, called an extra crew to set out bad orders, and put on a third-shift additional trim crew to try to get some cars out of the bowl from being walled off with nowhere to trim.

The Director of Locomotive Maintenance, who oversees Hinkle, Albina, and Nampa, blatantly disregarded FRA findings and violations. They stated, "We haven't been able to get to them yet," when asked why train crews were still using locomotives with safety defects. UP has not displayed a sense of urgency to improve locomotive and car conditions.

With fewer qualified mechanical inspectors (QMI) to inspect locomotives and cars, FRA expresses a genuine and urgent concern that compliance with Federal Regulations will continue to decline. Please advise me of your plans to address these system-wide mechanical safety issues.

Sincerely,

Amit Bose
Administrator

cc:

The Honorable Martin J. Oberman, Chairman, Surface Transportation Board
Mr. Don Grissom, General President, Brotherhood of Railway Carmen (BRC)
Mr. Josh Hartford, Specials Assistant to the International President, International Association of Machinists and Aerospace Workers (IAMAW)
Mr. Al Russo, Director of Railroad Division, International Brotherhood of Electrical Workers (IBEW)
Mr. Arthur Maratea, National President, Transportation Communications Union (TCU)
Mr. Joe Fraley, International Representative, Sheet Metal, Air, Rail, and Transportation – Mechanical Division (SMART-MD)
Mr. Greg Regan, Transportation Trades Department, AFL-CIO (TTD)