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<b>BILL</b> A.3383 Eachus
<b>SUBJECT</b> Establishes the freight rail safety task force to review the state of freight rail safety in the state and make policy and budgetary recommendations related thereto.
<b>DATE</b> February 06, 2025
<b>OPPOSE</b>

The Business Council of New York State strongly opposes this bill establishing a freight rail task force to review the state of freight rail safety in the state and make policy and budgetary recommendations related thereto. Ensuring the safety of freight rail operations is critical, but this legislation is redundant, inefficient, and lacks proper industry representation. Freight rail safety is already comprehensively regulated at the federal level by the Federal Railroad Administration (FRA) under the U.S. Department of Transportation. The FRA enforces stringent safety standards, including inspection protocols, equipment requirements, and operational procedures to ensure secure freight movement. Additionally, state and local agencies already coordinate with federal regulators when necessary. Creating a new task force duplicates existing oversight mechanisms and introduces unnecessary bureaucracy.

A glaring flaw in this legislation is the absence of any representation from the freight rail industry on the task force. A body intended to examine freight rail safety must include industry professionals who possess firsthand expertise, operational knowledge, and practical insight into rail safety. Without direct input from the industry itself, the task force risks making recommendations that are impractical, uninformed, or disconnected from the realities of freight rail operations. Any effort to improve rail safety should engage those who have extensive experience in managing rail operations and implementing safety measures.

The proposed legislation suggests examining state regulatory measures regarding freight rail safety; however, federal law significantly preempts state authority in this area under the Interstate Commerce Clause and various federal statutes. The FRA's jurisdiction over freight rail safety limits the extent to which states can impose additional regulations, potentially rendering the task force's efforts redundant or legally

nonviable. Instead of creating a separate task force, the state should focus on working collaboratively with federal agencies and industry stakeholders to enhance existing safety measures where necessary.

New York's freight rail network plays a critical role in economic development, connecting businesses to markets and supporting supply chain efficiency. The creation of a state-specific task force could lead to inconsistent or burdensome recommendations that disrupt freight operations. Such disruptions could discourage investment in rail infrastructure, increase costs for businesses relying on freight transport, and hinder economic competitiveness. Policymakers must consider the economic consequences of unnecessary regulatory measures.

The task force is expected to conduct a comprehensive review of freight rail safety, including federal regulations, training protocols, and potential safety measures, within one year. Given the complexity of rail safety oversight, this timeline is unrealistic and unlikely to yield actionable, substantive improvements beyond what existing agencies already address. Instead of forming an unnecessary bureaucratic entity, the state should prioritize meaningful engagement with industry professionals and regulatory bodies that are already working on these issues.

While safety remains a priority, this legislation is unnecessary and an inefficient use of state resources. More concerning is the omission of industry expertise in a discussion that directly impacts the freight rail sector. A task force on freight rail safety that does not include freight rail representation is fundamentally flawed. New York should focus on leveraging existing federal partnerships, supporting technological advancements in freight safety, and working with industry stakeholders to enhance best practices without creating additional layers of bureaucracy. For these reasons, the Business Council of New York State strongly opposes this legislation.