

# Congress of the United States

Washington, DC 20515

April 9, 2024

The Honorable Pete Buttigieg  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Secretary Buttigieg and Administrator Regan,

Both the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) play an important role in developing and promoting clean locomotive technology and its supporting infrastructure, critical elements in tackling the climate crisis and protecting public health. As DOT and EPA support low- and zero-emission trains and distribute federal funds that will help transform the rail sector, we urge you to ensure that recipients of those federal dollars have strong labor protections in place. Our country's transition to environmentally friendly rail transportation must not come at the expense of the workers who will make it happen. DOT and EPA should work with labor unions to make certain that public funds do not go to non-unionized, low-wage contractors, undercutting the existing skilled and unionized rail workforce.

Clean locomotives help fight climate change, protect communities, and grow our economy. In 2020, fossil-fuel-powered locomotives produced more than 5 percent of total nitrogen oxide emissions and 11 percent of mobile-source emissions of nitrogen oxide—emissions that create smog, contribute to acid rain, and harm public health.<sup>1</sup> Diesel emissions from trains are a known carcinogen, increasing cancer risk for rail workers while exacerbating lung and heart problems for the residents that live in communities near railroads.<sup>2</sup> In one study conducted at the BNSF Hobart Railyard in Los Angeles, the California Environmental Protection Agency estimated that residents living closest to the railyard experience a 100-times greater cancer risk than those who live more than four miles away from its boundaries.<sup>3</sup>

Clean locomotives offer economic advantages over their fossil-fueled counterparts through reduced fuel and operating costs. One study demonstrated that powering a train with electricity through catenary rail would cost 50-percent less than running it on diesel.<sup>4</sup> In addition to cost savings, the transition to cleaner locomotives will create thousands of jobs for workers involved in the construction of train components and the installation of catenary rail systems, as well as workers on railroad crews.<sup>5</sup> For example, a study from the University of

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<sup>1</sup> Air Emissions Inventories, 2020 NEI Supporting Data and Summaries, U.S. Environmental Protection Agency <https://www.epa.gov/air-emissions-inventories/2020-nei-supporting-data-and-summaries> (last updated Nov. 1, 2023).

<sup>2</sup> Press Release, IARC: Diesel Engine Exhaust Carcinogenic, International Agency for Research on Cancer, World Health Organization (June 12, 2012), [https://www.iarc.who.int/wp-content/uploads/2018/07/pr213\\_E.pdf](https://www.iarc.who.int/wp-content/uploads/2018/07/pr213_E.pdf).

<sup>3</sup> Health Risk Assessment for the BNSF Railway Hobart Railyard, California Environmental Protection Agency Air Resources Board (Nov. 2, 2007), [https://ww2.arb.ca.gov/sites/default/files/classic/railyard/hra/bnsf\\_hobart\\_hra.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/railyard/hra/bnsf_hobart_hra.pdf).

<sup>4</sup> Richard Nunno, *Electrification of U.S. Railways: Pie in the Sky, or Realistic Goal?*, Environmental and Energy Study Institute (May 30, 2018), <https://www.eesi.org/articles/view/electrification-of-u.s.-rail-ways-pie-in-the-sky-or-realistic-goal>.

<sup>5</sup> Gregor Semieniuk et al, *Employment Creation through Green Locomotive Manufacturing at Wabtec's Erie, Pennsylvania Facility*, Political Economy Research Institute (Apr. 23, 2023), <https://peri.umass.edu/component/k2/item/1719-job-creation-through->

Massachusetts Amherst found that expanding production of green locomotives to 1,000 annually at Wabtec's Erie, Pennsylvania facility would increase net employment by 2,600 to 4,300 workers, while downstream economic effects would create between almost 10,000 to 15,000 jobs across the United States.<sup>6</sup>

DOT and EPA play an important role in the transition to cleaner locomotives. Recently, the EPA revised its regulations governing locomotive emissions to address state and local preemption concerns, allowing California to adopt and enforce its own locomotive-emission standards.<sup>7</sup> To address emissions from diesel engines and invest in clean locomotive technologies, EPA also has at its disposal \$3 billion from the *Inflation Reduction Act* for the Clean Ports Program and funding authorized for the Diesel Emissions Reduction program.<sup>8</sup> DOT and EPA can take additional steps to reduce locomotive emissions, including having EPA update its 2008 emissions standards to promote electric trains over diesel. DOT and EPA can also support the transition to cleaner locomotives through the Consolidated Rail Infrastructure and Safety Improvements Program, which quadrupled in funding under the *Bipartisan Infrastructure Law*.<sup>9</sup>

As we work towards a clean locomotive future, labor protections must be in place to ensure that green train jobs are good-paying, union jobs. In both the *Infrastructure Investment and Jobs Act* and the *Inflation Reduction Act* and through federal standards, Congress and the Biden administration expressly recognized the importance of labor protections. Those laws include language that gives additional support to or preference for projects with apprenticeship positions, local hire provisions, project labor agreements, and prevailing wages.<sup>10</sup> Simultaneously, President Biden has demonstrated his support for protecting labor in a clean energy transition through the Investing in America agenda, which mobilizes private investments and re-shores manufacturing and clean energy industries.

Federal agencies also have an important role to play in protecting and promoting high-paying, union jobs through program implementation. The DOT's Low or No Emission Bus Program, a competitive grant program for clean transit buses, exemplifies how climate investments can be linked to workforce development training and registered apprenticeships to support good jobs for union workers—in this case, in the transit industry's transition from diesel to electric vehicles. To the maximum extent possible, DOT and EPA should ensure the Low or No Emission Bus Program model is applied to programs that do not currently have labor protections, such as the Diesel Emissions Reduction Program. The Department of Labor's Good Jobs Initiative similarly demonstrates how agencies can embed labor protections in federal funding opportunities by integrating job

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[producing-green-locomotives](#).

<sup>6</sup> *Id.*

<sup>7</sup> EPA Locomotives and Locomotive Engine Preemption of State and Local Regulations, 88 Fed. Reg. 77004 (Nov. 8, 2023) (to be codified at 40 C.F.R. 1074).

<sup>8</sup> Diesel Emissions Reduction Act of 2023, S. 2195, 118th Cong. (2023).

<sup>9</sup> Biden-Harris Administration Announces \$1.4 Billion in Infrastructure Funding for 70 Projects that will Improve Rail Safety, Strengthen Supply chains, and Add Passenger Rail Service, U.S. Department of Transportation (Sept. 25, 2023),

<https://www.transportation.gov/briefing-room/biden-harris-administration-announces-14-billion-infrastructure-funding-70-projects>.

<sup>10</sup> Inflation Reduction Act Resources, U.S. Dep't of Labor, ApprenticeshipUSA, <https://www.apprenticeship.gov/inflation-reduction-act-apprenticeship-resources> (last visited Jan. 30, 2024); Frequently asked questions about the prevailing wage and apprenticeship under the Inflation Reduction Act, U.S. Internal Revenue Service, <https://www.irs.gov/credits-deductions/frequently-asked-questions-about-the-prevailing-wage-and-apprenticeship-under-the-inflation-reduction-act> (last updated Oct. 24, 2023); Exec. Order 14063, Use of Project Labor Agreements for Federal Construction Projects, 87 Fed. Reg. 7363 (Feb. 9, 2022),

<https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/04/executive-order-on-use-of-project-labor-agreements-for-federal-construction-projects/>; FACT SHEET: The Bipartisan Infrastructure Investment and Jobs Act Creates Good-Paying Jobs and Supports Workers, The White House (Aug. 3, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/03/fact-sheet-the-bipartisan-infrastructure-investment-and-jobs-act-creates-good-paying-jobs-and-supports-workers/>; Creating a Local Construction Workforce: Assessment of Current Use of Local and Economic Hiring Provisions, United States Department of Transportation (April 2023),

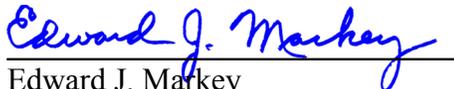
<https://www.transportation.gov/sites/dot.gov/files/2023-05/Creating-Local-Construction-Workforce.pdf>; Wage and Hour Division Fact Sheet #66A: Bipartisan Infrastructure Law, <https://www.dol.gov/agencies/whd/fact-sheets/66a#> (last visited Jan. 30, 2024).

quality incentives into grant-making, procurement, and other processes.<sup>11</sup> Without these protections, public funds are more likely to go to off the rails to non-unionized, lower wage contractors, undercutting the existing, skilled, unionized rail workforce.

Our country's green transportation transition should be a race toward a fair workplace and our zero-emission goals, not toward a low-wage bottom that undercuts qualified union labor. We ask that DOT and EPA work to prioritize and, to the maximum extent possible, require that workers covered under the Railway Labor Act, the Railroad Retirement Act, and the Railroad Unemployment Insurance Act carry out any railroad upgrade or acquisition projects funded by federal investments or grants. Any federal investments that could result in job cuts through adoption of zero-emission technology should require awardees to identify how they will protect their existing workforce and transition current workers into changing or newly created jobs, including by granting the existing workforce right of first refusal on newly created jobs. We ask that you work with federal funding awardees to ensure they incorporate protective arrangements equivalent to and not less protective than those established under the Railroad Revitalization and Regulatory Reform Act.<sup>12</sup> We also encourage DOT and EPA to prioritize applications for federal funding that use the existing unionized rail workforce to upgrade existing locomotives or purchase new locomotives.

While transitioning our trains to clean locomotives, we must ensure that all our federal investments protect workers and communities. We look forward to working with you on this important issue.

Sincerely,

  
Edward J. Markey  
United States Senator

  
Summer Lee  
Member of Congress

  
Jesus G. "Chuy" Garcia  
Member of Congress

  
Laphonza Butler  
United States Senator

  
Bernard Sanders  
United States Senator

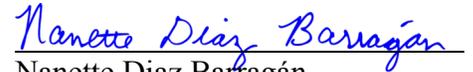
  
Shri Thanedar  
Member of Congress

<sup>11</sup> The Good Jobs Initiative, U.S. Dep't of Labor, <https://www.dol.gov/general/good-jobs> (last visited Jan. 30, 2024).

<sup>12</sup> Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 801 § 516 (1976).



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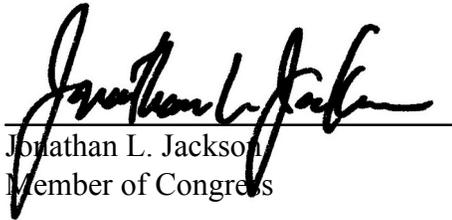
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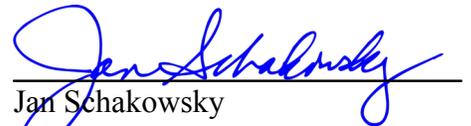
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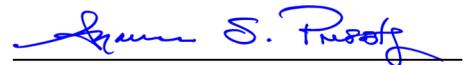
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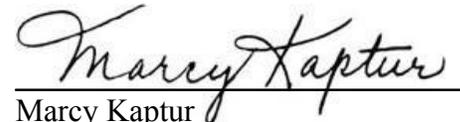
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Cory A. Booker  
United States Senator



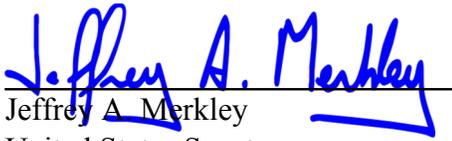
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