Oppose the Protection of American Jobs in Cross-Border Rail Operations with Mexico Act

For more than 25 years, Canadian crews have delivered trains to rail yards several miles into the United States where those crews have then handed over control to a U.S.-based crew and returned to Canada, often operating a northbound train back over the border. Similar operations have begun along the southern border using certified Mexican crews operating trains into rail yards in Laredo, Texas.

**The Problem**

If enacted, the Protection of American Jobs in Cross-Border Rail Operations with Mexico Act would prohibit Mexican crews from delivering trains into U.S. rail yards, harming the safety, security, and efficiency of the U.S. rail network and increasing blocked crossings and traffic congestion in Laredo. This bill would also undo many of the efficiencies achieved through collaboration between Kansas City Southern (KCS), Union Pacific (UP), the Federal Railroad Administration (FRA), U.S. Customs and Border Protection (CBP), and its Mexican counterpart, Servicio de Administración Tributaria (SAT).

**Key Facts**

- CBP and FRA have already authorized the use of these international crews and are working with KCS and UP to implement their Secure Corridor Strategy to improve the safety, security, and efficiency of cross-border trade.
- The introduction of international crews has not reduced hours, jobs, or compensation for U.S. rail workers. In fact, new jobs have been created in the United States to handle the additional trains utilizing the increased capacity across the Laredo International Rail Bridge.
- CBP has recently reiterated its support for permitting international crews to deliver trains across the border and into U.S. rail yards, noting that these procedures can limit trespassing and smuggling.
- A labor arbitration panel has ruled that the operation of trains by employees of KCSM—KCS’ Mexican affiliate—to rail yards in the United States for interchange purposes is permitted under applicable collective bargaining agreements.

**KCS’ International Train Crew Employees Are:**

- Trained and tested on U.S. operating rules and regulations and certified under FRA standards to operate in the U.S.
- Licensed by the Mexican government to operate trains and have, on average, more than 20 years of rail operating experience.
- Qualified under CBP’s Free and Secure Trade for Commercial Vehicles (FAST) program.
- Required to pass pre-employment, periodic, and random drug tests, with KCSM crews operating within the U.S. being subject to FRA drug and alcohol testing requirements for foreign crews.
- Required to comply with FRA hours of service laws.
The Laredo Rail Crossing

The rail crossing at Laredo is the busiest along the U.S.-Mexico border and North America’s largest international rail interchange point. Trains interchanged at this crossing were previously required to come to a complete stop on the single-track Laredo International Rail Bridge to change crews, a process that could take over an hour. This requirement had, at times, turned this border crossing into a bottleneck, resulting in security and public safety risks by leaving trains vulnerable to theft, vandalism, and trespassing while stopped and blocking multiple streets and highway crossings on both sides of the border.

Secure Corridor Cross-Border Rail Operations Strategy

To increase security and safety of operations and improve capacity on the Laredo International Rail Bridge, KCS and UP joined with FRA, CBP, and SAT to create the Secure Corridor Strategy. The goal of this strategy is to allow trains to cross the bridge without stopping; unify cargo processing through collaboration between railroad partners and U.S. and Mexican regulatory agencies; and enhance technological inspections.

Implementation of this strategy has mitigated delays on the Laredo International Rail Bridge and decreased train processing times. In fact, capacity across the bridge has also increased, allowing as many as eight additional train slots per day, supporting increased U.S. exports and further U.S. job growth. In total, an average of 26 trains now cross the Laredo International Rail Bridge each day, carrying 26 percent more of the products vital to the economic security and wellbeing of both countries than was possible prior to the implementation of this strategy. According to CBP, the new interchange procedure has reduced train idle time by about one-third as well, resulting in fewer blocked crossings in downtown Laredo and helping to reduce congestion and potential security risks. Reduction of train idling and motor vehicle congestion also improves air quality and lowers greenhouse gas emissions.

As recently as January 28, 2021, CBP reiterated its support for permitting international crews to deliver trains across the border and into U.S. rail yards, noting that these procedures can limit trespassing and smuggling. CBP data also confirms that there have been fewer individuals attempting unlawful border crossings by rail where international crews operate as compared to other crossings along the southern border.

KCS-Certified International Crews

As part of this Secure Corridor Strategy, KCSM obtained necessary certifications to allow its crews to travel roughly 10 miles into the United States to the Laredo rail yard and back to Mexico on southbound trains. In close consultation with FRA and CBP, these crews began operating in July 2018. Currently, fifteen fully vetted, well-qualified Mexican crews are authorized to operate trains entering the United States.