America’s freight railroads are extremely disappointed in the INVEST in America Act and urge opposition to the bill. Congress should be looking towards commonsense solutions to fund America’s infrastructure, not partisan policy riders or unnecessary operational requirements.

A few examples of the detrimental provisions found in the INVEST in America Act are outlined below. Real, transformational infrastructure investment is within reach, and railroads implore the House Transportation and Infrastructure Committee to work together to create a product that all can support.

- **Two-Crew Mandate (Section 9506):** This anti-technology provision would prevent any freight railroad staffing modernization in perpetuity without providing any safety benefit. Staffing has historically been determined through collective bargaining.

- **Unfunded Mandate to Replace Locomotives (Section 9607):** The provision would require a wholesale replacement of the locomotive fleet manufactured before 2008. Because locomotives are long-lived assets, but zero-emission locomotives are not yet commercially available, this short-sighted mandate would force the freight rail industry into replacing their existing locomotives with more internal combustion engines that will be in service for decades, delaying the industry’s adoption of zero-emission locomotives and ultimately undermining the industry’s efforts to reduce greenhouse gas emissions and combat climate change.

- **Effective Prohibition on Movement of LNG by Rail (Section 8202):** The effective prohibition of the safe movement of LNG by rail is unnecessary as the Department of Transportation has already completed its rulemaking following extensive consideration, public comment, and research. This includes a real-world tank car test and the additional research being undertaken pursuant to the FY 2020 and FY 2021 THUD Appropriation bills.

- **Private Right of Action (Section 9204):** With the metrics and standards rulemaking complete, legally enforceable contracts already in existence, and two other options for legal recourse, this provision is unnecessary.

- **Commuter Rail Mediation (Sections 9402 & 9403):** Commuter railroads already have access to nonbinding mediation at the Surface Transportation Board. These proposed changes only add confusion and uncertainty to the existing process.

- **FRA Investigation Forms (Section 9502):** FRA already requires the reporting of all relevant factors in an investigation report form. These proposed changes are unnecessary.

- **Effective Prohibition on Certain Crew Operations (Section 9507):** The effective prohibition on the limited ability of certain Mexican trains’ crews to continue to operate in the U.S. will decrease safety and security of operations, reduce network fluidity, lead to increased blocked crossings in Laredo, Texas, and could negatively impact U.S. jobs.

- **Yardmaster Hours of Service (Section 9508):** Yardmasters are already required to abide by all hours-of-service laws when engaged in an activity that could affect the safe operation of a train. This provision is unnecessary.

- **10-Minute Blocked Crossing Standard (Section 9553):** Each of the nation’s 200,000 grade crossings are different. This proposed one-size-fits-all solution will lead to unintended consequences, including network congestion and reductions in service.

Oppose the INVEST in America Act