

SURFACE REAUTHORIZATION OVERARCHING PRINCIPLES

- Restore a user-funded HTF and streamline grants and permitting to boost safety and supply chain flow.
- Support flexible, tech-forward rail safety regulations instead of rigid mandates.
- Oppose policies that increase truck sizes, weaken private rights-of-way, or disrupt safety standards.

Freight railroads already move 1.5 billion tons of goods each year across a nationwide network—cutting emissions, reducing highway congestion, and operating on privately funded infrastructure. With strong safety records and competitive pricing, freight rail plays a central role in America’s supply chain.

With smart policy, railroads are poised to do even more to power a competitive, sustainable, and connected America. These priorities should guide action:

1. Restore the Highway Trust Fund (HTF) to a true user-based system.

Congress should require that the Federal Highway Administration finalize the cost allocation study required in the last reauthorization. This will provide needed insight into the damage to our nation’s roadways caused by each user class. Furthermore, Congress should devise and implement a user fee for the HTF that: Accounts for proportional damages caused by different weights of vehicles; Is self-sustaining; Does not increase taxes or fees on unrelated modes, like railroads; and Creates a competitive tax environment for the private sector.

2. Provide robust funding for and streamline safety-enhancing grant programs.

With the elimination of highway rail grade crossings yielding the greatest safety benefit, the Railroad Crossing Elimination Program should be given increased funding. Similarly, funding for the Section 130 Railway-Highway Crossings Program should continue to come from the Highway Trust Fund. The level of funding should be maintained or increased.

3. Support funding public entities partnering with host freight railroads.

The freight railroad industry supports funding for grant programs that enable the public sector, including state and local governments, to partner with freight railroads and other modes. This collaboration aims to improve the overall fluidity of the supply chain. The following programs should continue to be authorized at existing or increased levels: INFRA, Mega, and Rural discretionary grant programs; and CRISI discretionary grants.

4. Improve safety by allowing railroads to innovate and deploy safety technologies.

Freight railroads require a [modern regulatory approach](#) that allows them to incorporate new technologies and processes. This will create an even safer, more efficient rail network. Safety and efficiency improvements should be encouraged by the FRA. Moreover, the process to widely deploy these technologies should be streamlined.

5. Streamline the environmental permitting process.

While efforts to cut red tape associated with infrastructure project approval and construction have been successful in recent years, more can still be done. Specifically, efforts should focus on fast-tracking routine maintenance and replacement construction projects. However, this should not ignore environmental or historical preservation concerns. Key [environmental permitting reforms](#) under consideration include:

- Codifying that a categorical exclusion and a Finding of No Significant Impact are the only NEPA documentation necessary. This applies to projects where replace of infrastructure on existing operating railroad right-of-way is the purpose;
- Converting select executive orders on streamlining the permitting process, such as timeclocks, intermediate deadlines, and One Decision for large projects to statute; and
- Continuing to streamline the Section 106 historic preservation process, especially for projects needed to enhance or maintain.

6. Oppose policies that harm railroads' ability to operate safely and efficiently.

- Until Congress is better able to account for the damage caused by heavier trucks to our nation's roadways, Congress should not increase the truck size and weight restrictions.
- A two-person crew mandate would disrupt ongoing collective bargaining efforts between the railroads and labor unions. It would also fail to improve safety.
- Technology mandates, such as spacing requirements for wayside detectors, threaten to stifle innovation that could yield tremendous safety benefits.
- Any new operational restrictions must be science-based and data-driven, designed to correct a specific problem, and incorporate solutions to address the deficiency. Otherwise, they could threaten the nation's freight supply chain.
- Attaching a Surface Transportation Board reauthorization to the next reauthorization could interfere with private contracts. Moreover, it could expand government control, which would make it harder for railroads to make the private network investments that Americans rely on.
- Any legislative effort to give third parties access to railroads' right-of-way must be done with the following principles in mind: Safety must be the top priority; Railroads must have sufficient time and information to process applications; Railroads should be given fair and complete reimbursement, including reimbursement of any out-of-pocket costs to facilitate the work; The laws governing access to the right-of-way must be uniform across the country; and DOT must be the primary regulator of these agreements.
- As the Drug Enforcement Agency continues to analyze a proposal to reschedule marijuana from a Schedule I to a Schedule III drug, Congress should ensure that employers whose employees conduct safety-sensitive activities each day, like the railroads, maintain the ability to drug test employees for marijuana usage.