SHEET METAL | AIR | RAIL | TRANSPORTATION
SMART
Washington Legislative Office

1750 NEW YORK AVE. NW, SIXTH FLOOR
WASHINGTON, DC 20006
PHONE: 202-543-7714
www.smart-union.org

JEREMY R. FERGUSON
President

JARED CASSITY
National Safety
& Legislative Director

312837

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November 12, 2026
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November 11, 2026

Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: Docket No. FD 36818 — Central Oregon & Pacific Railroad, Inc.—Lease and Operation Exemption Including Interchange Commitment—Union Pacific Railroad Company

Request for Board Review of Post-Transfer Safety-Related Operating Conditions and Their Effect on Rail Service, Network Fluidity, and Common Carrier Obligations

Dear Chairman Fuchs and Members of the Board:

On behalf of the International Association of Sheet Metal, Air, Rail and Transportation Workers, Transportation Division ("SMART-TD"), we respectfully request that the Surface Transportation Board ("Board" or "STB") examine concerns regarding Central Oregon & Pacific Railroad, Inc.'s ("CORP") operations following its assumption of certain Union Pacific Railroad Company ("UP") rail lines in and around Eugene, Oregon, in Docket No. FD 36818.

Although the Federal Railroad Administration ("FRA") has primary responsibility for enforcing federal railroad safety requirements, the concerns raised herein also implicate matters within this Board's statutory responsibilities. Specifically, reported deficiencies in operating practices, employee training, equipment condition, and required inspections may affect CORP's ability to provide safe, efficient, and reliable rail service. Accordingly, this request is consistent with the national rail transportation policy that Congress has directed the Board to administer. Among other objectives, 49 U.S.C. § 10101 establishes a federal policy "to promote a safe and efficient rail transportation system," "to operate transportation facilities and equipment without detriment to the public health and safety," and "to encourage fair wages and safe and suitable working conditions in the railroad industry." 49 U.S.C. § 10101(3), (8), (11). Indeed, a railroad cannot provide reliable common-carrier service if trains cannot safely depart, equipment cannot reliably be operated, crews are inadequately trained or coordinated, inspections and required testing are not reliably performed, or operating incidents result in equipment outages, delays, investigations, restrictions, or disruptions to the movement of freight.

I. Background and Reported Operating Concerns

On April 8, 2025, the Board granted CORP's notice of exemption to lease and operate approximately 27.58 miles of rail line from UP, including the Brooklyn Subdivision, certain Springfield and Marcola Industrial Leads, and the Coos Bay Industrial Lead in Eugene. The Board

stated that the transaction "may increase efficiency and reduce costs" and that CORP's operation of the lines "may result in better local service." *See Central Oregon & Pacific Railroad, Inc.—Lease and Operation Exemption Including Interchange Commitment—Union Pacific Railroad Company*, Docket No. FD 36818 (STB served Apr. 8, 2025). However, CORP's operations to date have raised concerns regarding whether the anticipated improvements in efficiency and local service are being realized. Indeed, SMART-TD has received reports regarding several aspects of CORP's post-transfer operations, including:

- Communication failures and deficiencies reportedly resulting in a near-collision involving two trains;
- Allegations that required air-brake tests have not consistently been performed or accurately documented;
- Concerns regarding the adequacy, quality, or completeness of training and qualification;
- Reports of improper or expedited securement of equipment, including the alleged use of "bottling" air intended to expedite departure;
- Reports of track entry without an adequate job briefing, followed by a locomotive collision; and
- Concerns regarding locomotive condition and braking performance.

These reports are particularly concerning when viewed collectively, and if substantiated, they potentially implicate several interrelated components of railroad operations: communications, employee training, operating rules, job briefings, equipment inspection, brake testing, recordkeeping, supervision, and operational decision-making. These matters are directly relevant to the Board's responsibilities, as safety failures can become service failures. A communication failure that nearly results in a collision can also delay trains. An improperly performed air test can result in a train being held or removed from service. A locomotive defect can reduce available power, and delay train starts. Inadequate training can result in operational errors, recrews, delays, equipment damage, or service interruptions. An accident involving locomotives can remove equipment from service, require an investigation, restrict track availability, and disrupt customer service. Inaccurate operational records can make it more difficult for management, regulators, shippers, and the Board to understand the actual condition of the railroad.

II. The Board's Interest in Reliable Rail Service

The Board has previously recognized the relationship between operating resources, safety, communications, and reliable rail service. On August 24, 2020, the STB and FRA jointly issued letters to Class I railroads concerning rail-service reliability during the COVID-19 pandemic, emphasizing the importance of crew availability, safety, equipment resources, and communication between rail carriers and shippers. *See* STB & FRA, Joint Letters to Class I Railroads Regarding Rail Service Reliability (Aug. 24, 2020), *available at* https://www.stb.gov/news-communications/non-docketed-public-correspondence/; STB Press Release No. 20-08 (Aug. 24, 2020). Similarly, on May 27, 2021, the Board requested information

from Class I railroads concerning the sufficiency of operating personnel and equipment resources necessary to provide safe, reliable, and efficient service as rail demand recovered. *See* Letters from Chairman Martin J. Oberman to Class I Railroads Regarding Rail Service (May 27, 2021), *available at* https://www.stb.gov/news-communications/non-docketed-public-correspondence/; STB Press Release No. 21-24 (May 27, 2021).

The Board subsequently established enhanced service reporting requirements in *Urgent Issues in Freight Rail Service,* Docket No. EP 770 (Sub-No. 1) (STB served May 6, 2022). Those requirements included information concerning terminal dwell, train starts, unplanned recrews, local train cancellations, causes of cancellations—including crew and locomotive power—and industry spot-and-pull performance. *Id.* In subsequently extending those reporting requirements, the Board further recognized that the national rail system is an interconnected network and that service problems in one geographic area can quickly spread elsewhere. *See* Surface Transportation Board, STB Extends Temporary Reporting Period for Class I Carriers, Press Release No. 22-47 (Oct. 28, 2022), *available at* https://www.stb.gov/news-communications/latest-news/pr-22-47/.

Importantly, these concerns have not gone unnoticed by federal regulators. FRA is already aware of safety and compliance issues involving CORP's operations and has issued recommendations for violations across multiple areas of railroad safety. This is particularly significant because the issues are not confined to one isolated incident or area of regulatory oversight but span multiple aspects of railroad operations. FRA's involvement demonstrates that these concerns have already warranted regulatory scrutiny. While FRA is responsible for determining and enforcing federal railroad safety violations, the operational impact of these deficiencies is also relevant to the Board's responsibilities. Accordingly, the Board should take into consideration FRA's inspection findings, recommended violations, enforcement actions, and any required corrective measures when evaluating CORP's operating performance following the transfer.

Although CORP is a Class III carrier and those Class I reporting requirements do not directly apply to it, the Board's actions demonstrate that operating conditions involving personnel, equipment, communications, train starts, recrews, cancellations, and local service are relevant to the Board's assessment of rail-service fluidity and reliability. The issue presented here is not whether CORP has violated any particular FRA regulations, but whether the reported operating conditions are affecting, or present a material risk of affecting, the provision of reliable common-carrier service over the transferred lines.

III. Requested Board Action

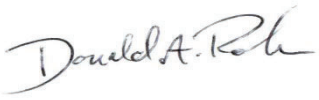
In light of the foregoing, SMART-TD respectfully requests that the Board review CORP’s post-transfer operations to determine whether the reported conditions are affecting the provision of efficient and reliable rail service. Specifically, we request that the Board examine whether the reported deficiencies have caused or contributed to train delays, cancellations, equipment unavailability, interchange disruptions, missed customer service, or other adverse effects on rail

operations. This review should consider whether actual service performance since CORP assumed operations is consistent with the improvements in efficiency and local service contemplated in FD 36818. We further request that the Board obtain relevant operational information from CORP, including information concerning train starts and cancellations, missed or delayed customer switches, unplanned recrews, locomotive availability, equipment outages, delays attributable to inspections or testing, delays attributable to crew availability or qualification, interchange delays, significant operating incidents, and customer service disruptions. To the extent practicable, this information should be compared with service performance before CORP assumed the affected operations. Such information would assist the Board in determining whether the reported conditions are isolated occurrences or indicative of broader operational difficulties affecting the reliability of service. We further request that the Board coordinate with the FRA, as appropriate, regarding reported safety deficiencies that may affect CORP's ability to provide reliable rail service. This review may include relevant FRA inspection findings, accident and incident reports, safety complaints, enforcement matters, or other safety information that could reveal conditions affecting rail-service reliability. If warranted by the findings, the Board should also consider appropriate continued monitoring of CORP's service performance. SMART-TD would welcome the opportunity to provide additional information or supporting documentation concerning the post-transfer operation.

IV. Conclusion

For the foregoing reasons, SMART-TD respectfully requests that the STB review CORP's post-transfer operations, obtain appropriate service-performance information, and coordinate with the FRA as necessary to evaluate operational conditions affecting rail service.

Respectfully submitted,



Donald A. Roach
Deputy National Safety & Legislative Director, SMART-TD
1750 New York Ave. NW, 6th Floor
Washington, D.C. 20006
202.543.7714
Droach@smart-union.org

cc: Jeremy R. Ferguson, President, SMART-TD
Jared Cassity, National Safety & Legislative Director, SMART-TD
Brent C. Leonard, Vice-President, SMART-TD
Erika A. Diehl-Gibbons, General Counsel, SMART-TD
Luke V. Edington, General Chairperson, SMART-TD
Daniel Garrison, Oregon Safety & Legislative Director, SMART-TD

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing SMART-TD's letter has been electronically filed with the Surface Transportation Board this 11th day of November, 2026, and served via email or regular mail upon all parties of record.

/s/ Erika A. Diehl-Gibbons
Erika A. Diehl-Gibbons