

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 15

Introduced by Business and Labor Committee: Cornett, 45,
Chairperson; McGill, 26; Rogert, 16; Wallman,
30;

PURPOSE: To examine the impact of a waiver filed by Union Pacific before the Federal Railroad Administration on public safety in the State of Nebraska. Such waiver, if granted, would exempt Union Pacific from compliance with safety and inspection requirements for trains entering the United States from Mexico. Such trains may travel up to 1,500 miles in the United States prior to being inspected by skilled United States railroad inspectors or regulators. Union Pacific claims that the trains, after being inspected in Mexico, will travel only twelve miles into the United States from the border and then be available for a United States safety inspection. But existing federal safety regulations do not require a second test until the train travels 1,500 miles.

Specifically, Union Pacific is seeking a waiver from existing federal safety regulations which require a brake system check and other mechanical safety checks on trains originating in Mexico and interchanged with Union Pacific at Laredo, Texas. Currently, such mechanical safety checks must be performed on United States soil by American workers who have been trained with United States Government Standards under the observation of the Federal Railroad Administration.

A similar waiver application by Union Pacific was filed in 2004, and subsequently denied by the Federal Railroad Administration, but a subsequent application for the same waiver leniency has been filed, again, with the Federal Railroad Administration, by Union Pacific.

Issues to be considered as part of this study include, but are not limited to:

(1) The government of Mexico has not adopted inspection and testing regulations that are compatible with United States standards. Furthermore, the Federal Railroad Administration cannot impose sanctions on the Mexican railroad for violations of safety regulations because there is no enforcement agreement between Mexico and the administration;

(2) Available data and analysis regarding the nature and extent of implications on security vulnerabilities of the rail system of the United States if a waiver is granted that will weaken border inspections;

(3) A review of the safety record of the company requesting the waiver regarding derailments and fatalities;

(4) An examination of trains carrying rail cars of deadly hazardous material, many of which originate in Mexico, and allegedly have content inspections at the United States border with Mexico; and

(5) The political unrest in Mexico and the likelihood that the unrest may cause Mexico to become a sanctuary for terrorists.

Union Pacific is a Nebraska-based corporation which operates thousands of trains per year through the State of

Nebraska. It is critically important to national security, the safety of Nebraskans, and all Americans that such trains which travel on the United States rail infrastructure are inspected by American professionals following United States Inspection Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.