



## BUILD AMERICA 250 ACT – SURFACE REAUTHORIZATION

**What is this bill?** The BUILD America 250 Act (BA250) is the House's bipartisan, five-year surface transportation reauthorization covering highways, transit, freight, and passenger rail. The legislation, H.R. 8870, authorizes approximately \$580 billion through FY 2031 and was approved out of Committee after a 14-hour markup on May 22, 2026. The bill includes major passenger rail, Amtrak reform, and rail safety provisions that directly affect our members. **Our position is nuanced.** Several provisions represent genuine threats to worker protections and union jurisdiction, while a critical safety victory is also embedded in the bill.

### Sections We Oppose:

#### ***Sec.10301 – Intercity Passenger Rail Equipment Pools***

This section authorizes the FRA to contract with interstate rail compacts to establish and manage shared rolling stock pools outside of Amtrak's existing structure.

**Our concerns:** This is a **jurisdictional risk** as equipment pools operated outside Amtrak could create a parallel workforce not covered under the **Railway Labor Act (RLA)**. Additionally, the section does not require employees for pool operators or lessees to be covered under the Railroad Retirement Act or the Railroad Unemployment Insurance Act, threatening the benefits rail workers have relied on for generations.

**Our ask:** Any equipment pool entity established under Sec. 10301 and any lessee or operator utilizing that equipment must be expressly required to cover its employees under the RLA, RRA, and RUIA. These protections must be written into statute, not left to agency discretion.

#### ***Sec.10404 - Performance-Based Regulatory Framework***

This section introduces performance-based standards in place of prescriptive federal safety rules. Instead of clear, enforceable requirements, railroads could satisfy regulations through outcome metrics they help define.

**Our concerns:** Performance-based regulation shifts authority away from federal rulemakers and toward management, weakening the FRA's ability to enforce concrete safety standards.

**Our ask:** We urge Congress to strike or substantially modify Sec. 10404. Federal rail safety regulations must remain prescriptive and enforceable. Performance-based frameworks must not be used to undermine the FRA's rulemaking authority or reduce accountability for rail carriers.

#### ***Section 10606 – Bad Changes to Federal-State Partnership Grants***

Section 10606 revises the Federal-State Partnership for Intercity Passenger Rail grant program to allow private entities to compete directly against Amtrak and state partners for federal capital grants, and provides those private applicants with preferential treatment in the selection process.

**Our concerns:** Privatization of federally subsidized passenger rail infrastructure is a direct threat to Amtrak's national network mission and the good, union jobs that come with it as private operators are not subject to the same labor protections as Amtrak. Preferential treatment for private applicants over Amtrak and state rail programs creates a policy framework that incentivizes privatization of the passenger rail system, subsidized at the expense of the taxpayer.

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**Our ask:** Strike the preferential treatment for private entities from Sec. 10606. Federal-State Partnership grants should prioritize Amtrak and public-sector state partners. Any private entity receiving these grants must be required to extend RLA, RRA, and RUIA coverage to all employees performing traditional railroad work.

### **Key FIX to 49 USC 22905(b) is Needed to Protect Railroad Worker Benefits:**

The base text of the BUILD America 250 Act does not include a legislative correction to 49 U.S.C. 22905(b), a provision that has had unintended and harmful consequences for non-operating railroad workers since its adoption in 2008.

**Background:** Congress adopted statutory language in 2008 that created an unintended loophole: entities receiving federal funds can cause workers performing **traditional railroad work** (non-operating crafts) to lose coverage under the **RLA, RRA, and RUIA**. These laws have protected railroad workers for more than a century.

**Our ask:** Congress must include a targeted statutory correction to Sec. 22905(b) in the final surface reauthorization package. No worker performing traditional railroad work should lose RLA, RRA, or RUIA coverage because their employer receives federal transportation grants. Correcting the 2008 drafting error is a matter of basic fairness.

### **Sections We Support:**

#### ***Railway Safety Act — Adopted as Amendment During Markup***

During the May 21, 2026 markup, the House T&I Committee voted to incorporate the Railway Safety Act as an amendment to the BUILD America 250 Act. This is a landmark outcome. The Railway Safety Act has been a top legislative priority for our unions since the East Palestine, Ohio derailment in February 2023 and the years of organizing and advocacy that followed.

**Why this matters:** the bill ensures sound inspections by prohibiting arbitrary time-limits on safety inspections and ensures that the proper, qualified personnel are the ones tasked with performing those inspections.

**Our position:** Congress must keep the Railway Safety Act, as passed as an amendment in the 5/21 markup, in the Surface Reauthorization bill as it moves through the House and Senate to become law.

#### ***Confidential Close Call Reporting System***

Included in the bill is a section that makes the **Confidential Close Call Reporting System (C3RS)** mandatory for railroads — a long-sought labor priority. C3RS is a NASA/FRA partnership that allows railroad employees to report close calls, near-misses, and unsafe conditions **confidentially and without fear of discipline or enforcement action**. Reports are processed by NASA, de-identified, and shared with joint labor-management Peer Review Teams that recommend corrective actions.

Since its 2007 launch, C3RS has been voluntary — and voluntary has failed. Following East Palestine, the AAR publicly committed to Class I enrollment; however more than 3 years since the disaster, only one railroad is involved in C3RS, and their involvement is only a pilot program at that. Aviation's equivalent program cut fatality rates 83% in under a decade.

**Our position:** We strongly support this provision and will oppose any effort to weaken or remove it from the final package.