



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 19, 2025

Mr. Jeffrey McInnis
Canadian Pacific Kansas City Limited
Assistant Director, Operating Rules & Practices, US
1010 Shop Road
St. Paul, MN 55106

Dear Mr. McInnis:

The Federal Railroad Administration (FRA) recently conducted a multi-disciplinary focused inspection of all U.S.-Mexico cross-border freight rail operations, including Canadian Pacific Kansas City's (CPKC) operations at Laredo, Texas. This inspection focused on the safety of cross-border rail operations and was carried out by personnel from FRA's Operating Practices, Motive Power & Equipment, and Hazardous Materials disciplines. The inspection raised significant safety concerns about these cross-border operations.

During the inspection, FRA personnel reviewed inbound train operations involving Mexican-domiciled crews operating within the U.S. pursuant to CPKC's locomotive engineer and conductor certification programs approved under 49 CFR parts 240 and 242 (parts 240 and 242). Among other things, FRA inspectors examined crew interaction with General Track Bulletins (GTBs), their familiarity with applicable U.S. operating rules, their communication associated with safety-sensitive tasks, and the processes by which inbound crews received the required operational information and mandatory directives upon entry into the United States.

The results of this focused inspection raise serious safety concerns about CPKC's operations in the U.S. by inbound crews. FRA observed numerous instances in which inbound crew members appeared to have difficulty interpreting the GTB (which was written in English) applicable to their assignment within the U.S. and responding to certain operational questions from FRA inspectors (in English) related to U.S. safety requirements. Under parts 240 and 242, a railroad may only certify those individuals who possess the knowledge, skills, and abilities necessary to perform covered service safely. Because operating rules, dispatcher communications, GTBs, and mandatory directives are in English for U.S. operations, comprehension of these documents and all associated safety processes are inherent and essential components of the qualification and certifications under parts 240 and 242. Further, the ability of operating crews to communicate

accurately with the dispatcher and emergency responders during an emergency is an essential safety critical function that must be performed by operating crews.¹

FRA also reviewed hazardous materials documentation associated with inbound trains and identified one train with discrepancies between shipping papers, emergency response information, and the consist. The accuracy and consistency of these documents are essential to compliance with U.S. safety regulations. Moreover, because hazardous materials documents and emergency response information are required to be maintained in English,² the ability of the operating crew to understand these materials is critical to ensuring accurate communication during an emergency response.

Due to these safety concerns and as part of its ongoing review of cross-border operations at the southern border, FRA is clarifying that its approval of CPKC's locomotive engineer and conductor certification programs requires that certified crews from Mexico operate no further than 10 miles into the U.S. from their point of entry.³

Though inbound crews may generally operate up to 10 miles within the United States, CPKC must ensure these crew members are capable of safe operations within the United States, which requires that crew members are capable of comprehending documents, instructions, and communications in English. Uncertified crews may not operate beyond the nearest crew exchange points as established by CBP. Any future occurrences of crews operating in the U.S. without a sufficient understanding of the English language to perform their duties safely may result in enforcement action against CPKC.

FRA will continue reviewing the information obtained during the focused inspection and may engage CPKC in additional discussions as part of this ongoing assessment. FRA values its working relationship with CPKC and appreciates the railroad's continued cooperation as FRA works to support safe and compliant operations at the southern border.

¹ For the avoidance of doubt, if CPKC decides to employ an interpreter to facilitate communications, that interpreter is conducting a safety critical activity in support of a certified locomotive engineer or certified conductor, and, therefore, must also be certified.

² *See, e.g.*, 49 CFR § 172.201(a)(2) ("The required shipping description on a shipping paper and all copies of the shipping paper used for transportation purposes must be legible and printed (manually or mechanically) in English."); 49 CFR § 172.602(b)(1) (requiring that emergency response information be printed in English).

³ Allowing Mexican-domiciled crews to travel no further than 10 miles into the United States provides CPKC with operational flexibility and is consistent with other FRA regulations. *See, e.g.*, 49 CFR § 219.3(d)(2)(i) (stating that certain alcohol and drug testing requirements do not apply to employees of foreign railroads whose primary reporting point is outside the U.S. and who do not perform train or dispatching service beyond 10 miles from the point of entry into the U.S.). Furthermore, this restriction should not disrupt CPKC's existing operations as it is FRA's understanding that these crews do not currently travel more than 10 miles into the United States. The limitation is also consistent with the current crew exchange points as established by U.S. Customs and Border Protection (CBP), which are currently less than 10 miles from the points of entry at the southern border.

If you have any questions regarding this letter, please contact Karl Alexy, Chief Safety Officer, at (202) 570-2175 or karl.alexey@dot.gov.

Sincerely,

A handwritten signature in blue ink that reads "David A. Fink". The signature is written in a cursive style with a large initial "D" and "F".

David A. Fink
Administrator