



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 19, 2025

Mr. David O'Hara
General Director Operating Practices
Union Pacific Railroad
1400 Douglas Street STOP 1180
Omaha, NE 68179

Dear Mr. O'Hara:

Upon learning that the Union Pacific Railroad Company (UP) commenced operations involving FerroMex (FXE) crews traveling a short distance into the United States, the Federal Railroad Administration (FRA) conducted a focused inspection of UP's operations at Eagle Pass, Texas. This inspection focused on the safety of cross-border rail operations and was carried out by personnel from FRA's Operating Practices discipline. This inspection raised safety concerns, including how UP is complying with the brake test and equipment inspection waiver conditions.

During the inspection, FRA personnel reviewed inbound train operations involving Mexican-domiciled FXE crews operating within the U.S. pursuant to UP'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 compliance with applicable waivers, crew interaction with General Track Bulletins (GTBs), crew familiarity with applicable U.S. operating rules, crew 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.

This focused inspection raised safety concerns relating to compliance with brake test and equipment inspection waiver conditions. FRA also identified inconsistencies between UP, FXE, and U.S. Customs and Border Protection (CBP) processes, as well as instances when the transfer of consist information at the border was incomplete. Though the operations observed included an interpreter to support the crew, FRA understands UP may seek to remove the interpreter in the future.¹

Though limited operations are permitted under FRA's approval of UP's locomotive and engineer certification programs pursuant to parts 240 and 242, FRA has significant safety concerns pertaining to these crews operating in the U.S. and is therefore clarifying its approval as further described below.

The train operations with FXE crews pose safety challenges that are not present in most U.S. rail operations. Specifically, all inbound crew members from Mexico may not have sufficient English language skills to comprehend important train documents and to communicate

¹ For the avoidance of doubt, an interpreter in these circumstances is providing a safety critical activity in support of a certified locomotive engineer or certified conductor, and, therefore, the interpreter must also be certified.

effectively for safe rail operations. 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 certification 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 especially since 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 UP'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, UP 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 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 UP.

FRA values its working relationship with UP and appreciates the railroad's continued cooperation as FRA works to support safe and compliant operations 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,



David A. Fink
Administrator

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 FXE crews to travel no further than 10 miles into the United States provides UP 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.). This restriction should not disrupt UP's existing operations as it is FRA's understanding that the FXE 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, which are currently less than 10 miles from the points of entry at the southern border.