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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HARPER HELMS, MAJORITY STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

July 25, 2024

Beth Whited
President
Union Pacific Railroad
1400 Douglas St.
Omaha, NE 68179

Dear Ms. Whited:

On April 4, 2024, the Federal Railroad Administration (FRA) initiated a safety culture assessment of Union Pacific as part of a greater effort to conduct safety culture assessments of all Class I railroads operating in the United States. These assessments were done partially in response to facts uncovered as part of FRA's investigation into Norfolk Southern's East Palestine, Ohio derailment. FRA informed the Committee that two weeks into the agency's audit, the agency was forced to discontinue its assessment due to Union Pacific's actions to undermine the integrity of the assessment process. Specifically, FRA found that employees companywide – regardless of craft or employment location across 23 states – had been coached to provide specific responses to FRA safety inspector surveys and report the interactions they had with FRA inspectors to their supervisors. I am deeply concerned about these FRA findings and the chilling effect the Union Pacific actions have on employee reporting of safety issues.

In a written response to FRA about its findings, you attributed the interference to a single employee. While the findings appear to demonstrate otherwise, I remain concerned that even one Union Pacific employee would find it acceptable to manipulate the results of an audit conducted by federal safety inspectors. Furthermore, I worry this is an indication of a weak safety culture, especially in light of Union Pacific's derailment rate, which is the highest of any Class I railroad – 30 percent higher than the next highest Class I railroad's derailment rate, and 43 percent above average overall.¹

To assist the Committee in its oversight efforts related to rail safety, please respond to the following items:

1. Provide all email communication or documentation between Union Pacific executives, managers, and supervisors regarding the FRA's safety culture audit.
2. Provide all documents Union Pacific provided its employees regarding the FRA's safety culture audit.
3. Provide all policy or guidance documents from the past 5 years that Union Pacific provided to its employees regarding how to communicate with FRA employees, Pipeline and Hazardous Materials Safety Administration employees, and other federal agency

¹ Analysis using System Level data from the Federal Railroad Administration's Office of Safety Analysis dataset titled "2.09 - Train Accidents and Rates (2.09)," accessed July 2, 2024, <https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/Query/TrainAccidentsFYCYWithRates.aspx>

employees, including documents regarding steps employees should take after communicating with federal employees.

4. Identify the steps Union Pacific is taking to improve its safety culture in each category pertaining to the 10 Core Elements of a Strong Safety Culture, as identified by the U.S. Department of Transportation Safety Council for use by the Federal Railroad Administration.
5. In response to a number of incidents on their network, including the East Palestine derailment, Norfolk Southern hired an independent firm to conduct a review of their safety culture. Given Union Pacific's derailment rate is higher than Norfolk Southern's, will you commit to hiring a qualified, independent consultant to conduct a thorough review of Union Pacific's safety culture?
6. Provide the results of any safety culture audit performed since April 4, 2024, including who performed the audit, including the methodology, the steps taken to combat concerns of potential retaliation to ensure results are accurate, the number of unionized craft employees interviewed, the number of supervisors and managers interviewed, and the number of executives interviewed.
7. Provide an update on the commitment Union Pacific made to join FRA's Confidential Close Call Reporting System.
8. Union Pacific stated that a single employee was responsible for the interference with the FRA safety audit. What steps has Union Pacific taken to ensure employees at any level do not interfere with the work of FRA in the future?
9. FRA stated this coaching of employees spans the Union Pacific system and railroad crafts.
 - What company leadership ranking did this one employee have?
 - What corrective actions have been taken to ensure an action like this cannot and does not happen again?

Please provide the Committee with the requested information no later than August 9, 2024. Thank you in advance for your attention to this matter.

Sincerely,



Maria Cantwell
United States Senator
Chair, U.S. Senate Committee on Commerce, Science, and Transportation