



FOR IMMEDIATE RELEASE

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WLF Urges Federal Railroad Administration To Withdraw Proposed Regulations That Would Raise Prices For All Americans

(In re Certification of Dispatchers and Signal Employees)

“The FRA needs to quit catering to unions and stop issuing regulations that have higher costs than benefits.”

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today warned the Federal Railroad Administration not to cater to the unions by ignoring normal regulatory practice. In formal comments filed with the FRA, WLF highlighted the problems with the agency’s cost-benefit analyses for two proposed regulations.

Since President Biden took office and appointed a new administrator, the FRA has gone on a run of proposing regulations whose costs far exceed their benefits. Overturning a decade of precedent from both Republican and Democratic administrations, the FRA has proposed a rule that imposes costs over 1,600 times greater than the benefit. It has continued this policy of proposing rules with costs exceeding benefits by proposing that all railroad dispatchers and signal employees be certified. These latest two proposals are the focus of WLF’s comments.

WLF’s comments explain how the Administrative Procedure Act and executive orders require agencies to conduct a thorough cost-benefit analysis before issuing a rule. Here, the FRA fell well short of what the APA and executive orders require. The analyses fail to consider many of the costs of certification programs, overestimate the proposed benefits, and ignore reasonable alternatives. When properly calculated, the costs of the proposed rules far outweigh any potential benefits. But even taking the cost-benefit analyses at face value, they both show that the costs of the certification programs outweigh the benefits. The FRA should not cater to the unions by issuing these regulations when they will increase prices for goods that all Americans buy. WLF therefore urges the FRA to withdraw the proposed rules.

Celebrating its 46th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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