Union Pacific wants changes to rail crew rules linked to border crossings

North-American rail
Ari Ashe, Senior Editor | May 7, 2024, 5:07 PM EDT

Union Pacific Railroad (UP) wants regulators, customs officials and unions to allow Mexican train crews to operate in a limited area within the US in order to create faster transits and reduce the likelihood of migrants accessing trains along the border near Eagle Pass, Texas.

UP CEO Jim Vena believes the US border with Mexico should work similarly to the Canadian border. When a Canadian Pacific-Kansas City (CPKC) or Canadian National Railway (CN) train crosses into the US, the Canadian crew takes the freight to a designated point on the US side where a US crew assumes control.

“In Mexico, we need to get over this issue of stopping at the border and changing crews on bridges,” Vena said May 1 at the North American Rail Shippers Conference in Chicago. “It doesn’t make a particle of sense. There’s no reason that Mexican crews can’t be trained to the same level as the US crews to come to the first yard [in the US], where our crews take over.

“We do that and it changes the fluidity of the border and helps us move the traffic better,” he added.

At present, there are at least three different crews handling a single train between Rio Escondido in Mexico and Eagle Pass. US crews take control from a Mexican crew at the International Railroad Bridge in Piedras Negras on the border and then bring the train to a local BNSF Railway or UP yard near Eagle Pass, where yet another crew switch occurs.

The crew change at the border adds to the transit time, while the idle train allows a migrant who illegally boarded previously to disembark and walk to the border. But with continuous movement of the train, the person would have no opportunity to get off before customs officers perform X-ray imaging at the border designed to catch stowaways.

Rival CPKC does not have to go through the same crew-swap process. In 2022, CPKC predecessor Kansas City Southern began using Mexican crews to take trains between its terminals in Nuevo Laredo, Mexico, and Laredo, Texas, skipping any crew changes on the International Railway Bridge on the border.

According to US regulations, Mexican trucking companies can also operate within a limited “commercial zone” of no more than 25 miles inside the US. Mexican truckers take cargo to warehouses within the commercial zone and exchange freight with US truckers.

‘Commercial zone’ obstacles

There are several obstacles to creating rail commercial zones in Eagle Pass or El Paso.

Unlike in Laredo where Kansas City Southern kept freight within its network, the handoff in Eagle Pass or El Paso is between two different railroads. That requires coordination between customs and railway officials in both countries, as well as cameras, fencing and other technology on both sides of the border to prevent migrants or contraband from being loaded or unloaded at the last minute.

US rail unions, meanwhile, are reluctant to relinquish jurisdiction on transits within southern Texas. Unions backed a bill in Congress in 2019 that would have made it illegal for Mexican railroad crews to operate in the US, although the legislation never became law. Unions have also objected to exemptions permitting mechanical inspections in Texas rather than at the border.

Last December, Green Eagle Railroad petitioned the US Surface Transportation Board (STB) to build a short-line track using international crews between Rio Escondido and Eagle Pass to establish the “most efficient, cost-effective, and secure [border] crossing.” STB regulators have only begun to review the application and its environmental impact, but rail unions will likely push back against any impact that international crews may have on US jobs.