



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 26, 2025

Mr. John Samuelson
President
Transport Workers Union of America, AFL-CIO
1220 19th Street Northwest, Suite 600
Washington, DC 20036

Dear Mr. Samuelson:

Thank you for your letter to the United States Department of Transportation (DOT) regarding Brightline Florida. United States Secretary of Transportation Sean Duffy has asked that the Federal Railroad Administration (FRA) respond to your letter on his behalf.

DOT and FRA in recent years have awarded significant grant funding to improve infrastructure which is shared or exclusively operated over by Brightline Florida. This grant funding has helped fuel Brightline Florida's success and the growth of intercity passenger rail transportation in Florida. However, in receiving Federal financial assistance, Brightline must meet its obligations as a grant recipient.

Recipients of FRA grants are subject to the conditions set forth at 49 U.S.C. 22905(b), which states, in part, that "a person that conducts rail operations over rail infrastructure constructed or improved with funding" provided by FRA is "considered a rail carrier as defined in section 10102(5)" for purposes of the Railroad Retirement Act of 1974 (RRA), the Railway Labor Act (RLA), and the Railroad Unemployment Insurance Act (RUIA). FRA interprets 49 U.S.C. 22905(b) to operate as a matter of law and expects the agencies that administer the RRA, RLA, and RUIA, including Railroad Retirement Board and the National Mediation Board (NMB), to determine their jurisdiction under those laws.

To that end, on November 12, 2024, the NMB found Brightline and its on-board attendants are subject to the RLA consistent with 49 U.S.C. 22905(b).¹ In reaching this conclusion, NMB determined that Brightline is a carrier that conducts rail operations over infrastructure improved by FRA grant funding.² NMB held that Congress expressly intended to impose obligations of the RLA and other laws on recipients of Consolidated Rail Infrastructure and Safety Improvement (CRISI) grants through 49 U.S.C. 22905(b).³ FRA takes no exception to NMB's decision and analysis of Brightline's position. NMB also rejected Brightline's argument that

¹ Brightline Trains Florida LLC, 52 N.M.B. 9, 44 (Nov. 12, 2024).

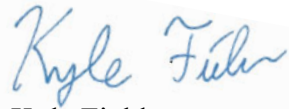
² *Id.* at 47.

³ *Id.* at 48-49.

it was not subject to the terms of section 22905(b) due to a 2012 Surface Transportation Board (STB) decision finding Brightline Florida was not subject to STB jurisdiction.⁴

FRA expects that Brightline Florida understands its obligations under Federal law and FRA's grant agreements, and that the railroad acts accordingly. Thank you again for your letter and for your members' hard work supporting the Nation's railroad industry.

Respectfully,



Kyle Fields
Chief Counsel

cc:

Chairman Patrick Fuchs, Surface Transportation Board
Member Robert Primus, Surface Transportation Board
Member Karen Hedlund, Surface Transportation Board
Member Michelle Schultz, Surface Transportation Board
Cynthia Bergmann, Chief Legal Officer, Brightline Florida

⁴ Id. at 47-49.