

Freight Rail & Operational Regulation

Freight Rail Policy Stance: In the 21st Century, freight railroads require a modernized approach to federal regulations that allow them to innovate with new technologies and processes for an even safer and more efficient rail network. The current regulatory approach is largely prescriptive and does not easily allow for the incorporation of the best technologies to improve safety and performance.

An increasingly technological freight rail industry is innovating to improve safety and efficiency.

Through private investment in future-focused solutions, the rail sector continues to set new safety benchmarks, including increasing employee safety and decreasing train accident rates and overall fatalities. Ensuring continued progress requires sensible operational regulations that do not impede industry transformation and innovation.

Policymakers should embrace performance-based regulations that hold railroads accountable for safety performance while also enabling and incentivizing railroads to develop safer, more efficient practices and technology. Lawmakers should also avoid one-size-fits-all policies that hinder modernization, including policies that mandate specific operating models, such as measures that mandate two people be in a locomotive cab at all times in the future. There is simply no safety justification for a crew size mandate, and these decisions are best handled through collective bargaining.

- **Crew Size:** A proposed federal rule would require at least [two crew members](#) for most train operations. The FRA concedes that it has no data to suggest that two-person crews are associated with higher levels of safety than one-person crews. The freight rail industry believes the government should not mandate the requirement of two crew members in the cab in a highly prescriptive manner because it would freeze the evolution of railroad operations that might affect crew size, removing the incentive for future innovation.
- **Performance-based Regulations:** To allow new technologies that enhance safety, the government should specify [performance objectives](#) rather than mandate specific manners of compliance that railroads must adopt. Antiquated federal rules and non-transparent processes stifle innovation and growth throughout the freight rail industry.
- **Hazardous Materials/Tank Cars:** Today, more than 99.999% of all [hazmat moved by rail](#) reaches their destination without incident. To continue this safety success, freight railroads support making those responsible for producing and selling highly hazardous materials, as well as those who benefit from their use, share in the added liability and costs associated with transporting them.