

# Oppose Legislative Efforts to Mandate Train Crew Size, Including H.R. 1748

## Issue

Major U.S. freight trains on mainline tracks generally operate with two crew members in the locomotive cab — a conductor and an engineer. There are current legislative efforts to require at least two people in the crew on all freight railroads. Rail operators, which maintain a distinguished safety record, must continue to have the ability to innovate in the future to remain safe and efficient — including allowing operations with fewer than two people. Single-person crews have long been used on passenger, shortline and foreign freight rail systems.

## Problem

A legislative crew size mandate lacks justification, disregards the freight rail industry's strong safety record, would impede the sector's ability to compete and interferes with decades of collective bargaining between rail management and rail labor. There is no data showing two-person crews are safer than one-person crews.

## Solution

Congress must reject legislative efforts to require at least two people in the crew and instead encourage innovation. Privately owned freight railroads must be allowed to determine operating models most conducive to optimal safety and service performance. Federal prescriptions lacking empirical justification must not be made the law. Railroads are committed to good faith discussions with their employees, including the implementation of train operations that maximize safety benefits and efficiencies.

## Key Points

- **There is no data showing two-person crews are safer than one-person crews:** Single-person crews are widely used on rail systems around the world and on many shortline railroads and passenger trains in the U.S. The safety record of these railroads is equal to two-person operations.
- **Railroads are fully committed to safety and achieving a future with zero incidents and injuries:** Thanks in part to ongoing investments to modernize infrastructure and equipment, new technologies and the continued commitment to safety by employees, railroads maintain lower employee injury rates than most other major industries, including trucking, airlines, mining and manufacturing. Innovation will only further improve safety.
- **The industry has installed tens of thousands of miles of Positive Train Control (PTC) and is completing implementation:** PTC will stop a train before certain types of human-caused accidents can occur, including train-to-train collisions; derailments caused by excessive speed; unauthorized incursions by trains onto sections of track where maintenance is taking place; and the movement of a train through a track switch left in the wrong position.

### Federal Railroad Administration

"[We] cannot provide reliable or conclusive statistical data to suggest whether one-person crew operations are generally safer or less safe than multiple-person crew operations." (2016 NPRM)

### National Transportation Safety Board

"Based on our limited experience in this and other modes, we don't find that two-person [train] crews offer a safety benefit."  
(NTSB Chairman Christopher Hart  
2016 House T&I Testimony)

- **Rail staffing – specifically the number of persons in a train locomotive – has been a matter of collective bargaining and should remain that way:** Any changes to agreements regarding crew size are already subject to existing statutory collective bargaining process under the Railway Labor Act.
- **Crew size mandates would deter innovation and limit the competitive viability of freight railroads, which is contrary to national safety, economic and transportation interests:** Technology and modern staffing models can make freight railroads safer, more efficient and more productive. Crew size mandates would hinder these efficiencies and divert traffic from rail to highway-using trucks, which are less fuel efficient, create congestion and damage the nation's highway system.

## Experts Agree That Crew Size Mandates Are Bad Policy

- **Patrick McLaughlin, Policy Analytics Director,** *Mercatus Center at George Mason University*  
“While it may be tempting to assume that two is always better than one, a more careful analysis of the historical causes of safety improvements in rail transportation indicates that track and equipment expenditures are much more important to safety than crew size.” ([The Hill](#))
- **John D. Graham, Former Administrator,** *Office of Information & Regulatory Affairs*  
“Pre-market approval requirements like [crew size mandates] have been shown to deter innovation because they rob businesses of the incentive to invest in modernizing themselves.” ([The Hill](#))
- **Joe Kennedy, Senior Fellow,** *Information Technology & Innovation Foundation*  
“A primary motive for going to one-person lines is to reduce operating costs. But the automation needed to accomplish this could have the secondary effect of producing technologies that also improve safety. Looked at another way, companies have a continuous incentive to improve safety, but it may not be profitable to develop automation that increases safety unless companies are allowed to reduce other operating costs, including labor, as they become unnecessary.” ([ITIF.org](#))
- **Marc Scribner, Fellow,** *Competitive Enterprise Institute*  
“[Proposed crew size mandates force] a redundancy that won't improve safety and will add some nontrivial costs. It potentially limits the innovation in the railroad industry, which is moving towards automation like the auto industry is.” ([The Daily Caller](#))
- **Elliott Long, Economic Policy Analyst,** *Progressive Policy Institute*  
“Imposing crew size mandates on the freight rail industry would inefficiently divert resources from investing in safety, cutting costs for consumers, and improving and expanding America's rail infrastructure. Rather, it would unnecessarily increase labor costs in the safest era ever of rail travel.” ([ProgressivePolicy.org](#))
- **Ian Adams, Associate Vice President of Government Affairs,** *R Street Institute*  
“Crew size regulations in particular present a major barrier to the ready adoption of automated systems because they confuse and diminish the [Transportation] Department's unified approach to automated safety technologies. They also impose redundant costs without an attendant demonstrable safety benefit.” ([Comments on “Preparing for the Future of Transportation: Automated Vehicles 3.0”](#))