

Freight Rail & Crew Size

Key Takeaway: Efforts to require at least two-person crews in the freight rail industry lack a safety justification and ignore the successful use of single-person crews in the US and globally. Such regulations disrupt collective bargaining and hinder the rail industry's ability to compete with less climate-friendly transportation methods, while also impeding innovation and harming small businesses.

Existing FRA regulations do not mandate minimum crew staffing requirements. For Class I railroads, recent industry practice has been to have two-person crews (a certified locomotive engineer and a certified conductor) in the locomotive cab for most over-the-road mainline operations.

However, some non-Class I railroads have long operated with just one person in the locomotive cab, and thousands of Amtrak and commuter passenger trains, carrying hundreds of thousands of passengers, operate every day with just one person in the locomotive cab. As an Oliver Wyman study found, these railroads' safety records are comparable to two-person operations. Over the last 15 years, the FRA and other safety regulators have extensively evaluated the crew size issue. They have never found any data showing two-person crews are safer than one-person crews:

- In 2009, the FRA stated there was "no factual evidence to support [a] prohibition against one-person crew operations."
- In 2015, the National Transportation Safety Board (NTSB) found that "There is insufficient data to demonstrate that accidents are avoided by having a second qualified person in the cab. The NTSB has investigated numerous accidents in which both qualified individuals in a two-person crew made mistakes and failed to avoid an accident."
- In 2016, the FRA stated that it could not "provide reliable or conclusive statistical data to suggest whether one-person crew operations are generally safer or less safe than multiple-person crew operations."
- In 2019, the FRA concluded that "Accident/incident data does not support a train crew staffing regulation."

Collective bargaining maintains safety while allowing railroads to modernize.

Crew staffing — the number of persons in the cab of a locomotive — has always been established through [collective bargaining](#), a longstanding process used by railroads and rail labor organizations to negotiate wages, benefits and work rules. Railroads believe crew staffing issues should continue to be addressed in the collective bargaining process. Railroads are committed to good faith negotiations with the rail labor organizations. The railroads and unions are best positioned to balance the complex competing interests underlying the debate over crew size, including the purported safety concerns that the unions have routinely raised as a reason for resisting any railroad staffing changes prompted by improvements in technology.

Railroad safety has dramatically improved in recent decades due to freight rail's massive investments in infrastructure and technology. Freight railroad crew sizes have been reduced from five to three to two people pursuant to collective bargaining agreements with labor unions under the procedures outlined in the Railway Labor Act. These reductions have coincided with technological improvements that have improved safety and reduced incidents caused by human error.

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However, regulations that mandate crew size are blunt instruments that impede the ability of the railroads and unions to resolve the complex issues surrounding staffing and scheduling predictability in a way that is in the interest of the parties to the collective bargaining process.

PTC is fully operational.

[Positive Train Control](#) is fully operational on tens of thousands of miles of rail lines throughout the country. This system of technologies monitors speed restrictions, communications and track signals. It automatically stops a train to prevent certain train-to-train collisions and other accidents caused by human error.

Today, many freight train conductors are stationed on locomotives even though most of their work is "ground-based," such as inspecting the train and preparing it for a trip. Railroads seek the flexibility to continue working with rail labor under existing collective bargaining procedures to identify when the presence of PTC or other equivalent technologies could allow for a redeployment of crew members without jeopardizing rail

Ground-based conductors will have a better quality of life.

Freight railroad management is reimagining the role of conductors, aiming to improve their quality of life and overall effectiveness. Traditionally, conductors have been stationed within the locomotive cab, which often led to unpredictable work schedules and extended periods away from home. On average, conductors spent around 89 days away from home each year due to the nature of their work tied to train movements.

However, the industry looks to shift towards a ground-based conductor model. This transition would allow conductors to be strategically stationed at various locations within a region where their presence is most needed. As a result, they can respond promptly to unforeseen events, improving the quality of their work and personal life.

The ground-based conductors would primarily focus on planned ground service duties, such as servicing trains at scheduled stops and managing routine activities. Unplanned events, which constitute only a small portion of a conductor's responsibilities, will be addressed by ground-based conductors infrequently. In rare cases where unplanned ground service is required, such as addressing mechanical issues with railcars or responding to alerts from wayside detectors, these ground-based conductors would inspect and potentially address the issue, such as possibly setting out the affected railcar.

Rather than having an onboard conductor for every through freight train, railroads would dispatch strategically located ground-based conductors to respond to these rare unplanned events. This transition would not only enhance the conductor's efficiency but also eliminate the need for conductors to walk long distances behind trains to reach the location where service is needed.

This shift in the conductor's role is well-timed, as the industry is making efforts to attract more individuals to careers in freight railroads. By reimagining the conductor's role to provide better work-life balance and increased efficiency, the industry hopes to make it even more appealing to prospective employees. Ground-based conductors can use trucks to travel directly to a train's location, ensuring a faster response to service needs and improving their overall quality of life.

Crew size negatively impacts small businesses.

The U.S. Small Business Administration — an independent agency of the federal government that aids, counsels, assists and protects the interests of small business concerns — sent a letter to FRA Administrator Amit Bose in December 2022. In the letter, the SBA urged the FRA to revise and republish its initial regulatory flexibility analysis (IRFA) on its proposed two-person train crew rule because the agency “significantly understated” the potential impact on small businesses.

The SBA raised concerns that the FRA not only underestimated the cost to short line railroads, but also how many short lines the proposal would impact. According to the American Short Line and Regional Railroad Association (ASLRRA), there are 420 short lines operating with one crew member in the locomotive. The FRA estimated that there are only seven short line railroads with one crew member in the locomotive.

Crew size threatens rail competition.

Crew size mandates will harm the rail industry's ability to compete in a rapidly changing freight transportation sector and undermine our nation's efforts to address climate change. Technology and modern staffing models are making freight railroads safer, more efficient and more productive and receiving significant support from policymakers in doing so. A freeze on railroad innovation would hamstring railroads, making it especially hard for railroads to invest in new safety-enhancing technologies, adapt to changing customer needs and compete with commercial trucking, which is rapidly automating operations to reduce costs and receiving significant support from policymakers in doing so.

The resulting [competitive distortion](#) in the freight transportation sector will divert traffic from rail to trucks (which are less fuel-efficient), create additional highway congestion and further damage the nation's highway system. Railroads are the most fuel-efficient way to move freight over land, with trains being three to four times more fuel-efficient than trucks, on average.

Opposition to crew size is broad.

[Marc Scribner, Senior Transportation Policy Analyst at Reason Foundation](#): "If the trucking industry successfully automates its operations while railroads are saddled with inflexible crew-size regulations, rail's competitiveness will continue to fall relative to trucks... Disadvantaging rail relative to trucking through a train crew-size mandate would increase the transportation sector's emissions intensity."

Clifford Winston, Senior Fellow at the Brookings Institution: "Those rules would weaken an important cost advantage of autonomous rail operations without being based on any evidence that multi-person crews were safer than a single-person crew."

[John D. Graham, Former Administrator at the 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."

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[Robert D. Atkinson, Information Technology & Innovation Foundation](#): "As technology such as PTC systems has improved, and further advances in autonomous systems look promising, freight rail companies would like the flexibility of operating trains with less than two operators, not so they can raise profits, but so they can reduce prices to better compete with the trucking sector."