

Oppose Legislative Efforts to Mandate Train Crew Size, Including H.R. 1748, S.1979

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, short line 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 are no data showing two-person crews are safer than one-person crews.

Solution

The Federal Railroad Administration (FRA) — the nation's rail safety agency — recently decided there is no need for a federal crew size regulation as there are no data to show operations with two people in the locomotive are any safer than those with one. After five years of analysis, the FRA decided that such policy would "impede the future of rail innovation and automation." The ruling "is an affirmative decision not to regulate with the intention to preempt state laws."

Therefore, 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 negotiations on issues — including the implementation of new technologies and train operations that maximize safety benefits and efficiencies — with their employees in the forum in which those issues have historically been resolved.

Key Points

- **There are 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 short line railroads and passenger trains in the U.S. The safety record of these railroads is comparable 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.

Federal Railroad Administration

"[We] do not have information that suggests that there have been any previous accidents involving one-person crew operations that could have been avoided by adding a second crewmember."

(2019 Ruling)

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)

- **The industry will have fully implemented anti-crash technology called Positive Train Control (PTC) across the rail network by the end of 2020:** PTC will monitor speed restrictions, communications, and track signals to prevent certain train-to-train collisions and derailments caused by human error. Single-person crews would only be present where PTC has already been enabled and where it makes sense to have it.
- **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](#))
- **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, Vice President of Policy, TechFreedom**
"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"](#))