

Oppose Efforts to Mandate Train Crew Size

Efforts to require at least two-person crews, including via regulation, lack a safety justification; ignore the decades of safe and successful use of single-person crews at some U.S. freight railroads and in passenger and freight rail systems throughout the world; upend meaningful collective bargaining, and undermine the rail industry's ability to compete against less climate-friendly forms of transportation.

No safety justification.

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. And 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."

POLICY POSITION

The Federal Railroad Administration (FRA) should not impose minimum crew size mandates on railroad operations. A mandate is unsupported by any clear safety justification.

Opposition to crew size regulation is broad and diverse.

Policymakers and the public should join the current widespread opposition to indefinitely require at least two people in a locomotive cab and instead encourage innovation.

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 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."

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."

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.

Recent technological advancements present a new opportunity for railroads to safely and effectively manage railroad operations while deploying conductors from ground-based positions. This change is expected to improve efficiencies in railroad operations, but it also has the potential to improve scheduling predictability because ground-based conductors would typically work regular shifts and be able to return home at the end of their shifts.

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 deployed on high-volume freight lines and passenger lines.

[Positive Train Control \(PTC\)](#) 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 safety.

Ground-based conductors will meet will ground service duties.

Ground-based conductors will be staffed and deployed to meet all planned ground service duties, such as servicing a train at a scheduled stop and promptly responding to unplanned events. Unplanned work makes up only a small portion of the conductor's job. A full-time conductor can expect to leave the cab for an unplanned event only infrequently. In those rare instances when unplanned ground service may be required — typically just a mechanical issue with a rail car or an alert from a wayside detector — a conductor would inspect the issue and possibly set out the affected rail car.

Rather than be required to staff every single through freight train with an on-board conductor, the railroads will instead dispatch ground-based conductors who are strategically located along the network to respond to unplanned events. Instead of having to get out of the locomotive cab and walk up to two miles behind a train to where service is needed, ground-based conductors could use a truck to drive on railroad tracks directly to a train's location.

Crew size mandates threaten competition and the environment.

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. 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.

The FRA underestimates the potential impact on 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.