

Freight Rail Operational Regulations

Key Takeaway: The current regulatory approach is largely prescriptive and does not easily allow for the incorporation of the best technologies to improve safety and performance. 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.

Today's technologically advanced freight railroads require a modernized approach to federal regulations that allows them to innovate with new technologies and processes for an even safer and more efficient rail network. Through investment in future-focused solutions, the rail sector continues to set new safety benchmarks, including increasing employee safety and decreasing train accident rates. Ensuring continued progress requires sensible operational regulations that do not impede industry transformation and innovation.

Key Issues

- **Crew Size:** A proposed federal rule would require at least two crew members for most train operations even though the FRA says there are no data to suggest that two-person crews are safer than one-person crews. The FRA should not impose minimum crew size mandates on railroad operations since the mandate is unsupported by any clear safety justification.
- **Automated Track Inspections:** Data show that the blended use of automated track inspections with visual track inspections increases rail safety. The FRA should permit railroads that have utilized expanded ATI inspections in conjunction with a reduced level of visual inspections to continue and expand their programs. FRA should modernize its regulations to account for ATI and other future technologies that are proving to enhance safety. It is unconscionable for a safety regulator to impede safety gains.
- **Highly Autonomous Vehicles:** Autonomous vehicles and highly automated tech can make our society safer and the movement of freight more efficient. A regulatory environment that incentivizes the industry to develop new technologies will help meet tomorrow's transportation needs. It is essential that Congress and the DOT facilitate the development and incorporation of these technologies with a focus on both of these goals.
- **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 freight rail innovation.

- **Hazmat & Tanks Cars:** More than 99.9% of all hazardous materials moved by rail reach their destination without a release caused by a train accident. Freight railroads support making those responsible for producing and selling hazmat, as well as those who benefit from their use, share in the added liability and costs associated with transporting them.
- **Mexican Crew Interchange:** Congress should not enact H.R. 3896 because it would prohibit Mexican crews from delivering trains into U.S. rail yards, which would harm the ongoing safety, security, and efficiency of the U.S. rail network.