



Train Crew Size

February 7, 2024

Crew size is a collective bargaining issue.

- Railroads cannot change crew size unilaterally. Crew size on Class I railroads has always been set via collective bargaining agreements, as the industry reduced the typical train crew from 5 to 2 people.
- Reductions in the size of the typical train crew from 5 to 2 people have coincided with technological improvements that have enhanced safety.
- FRA declined to regulate crew size in 2009 and 2019.
- In 2019, FRA withdrew a crew size NPRM after RSAC and the rulemaking proceeding failed to yield justification for regulating crew size.

Railroads safely operate with one person in the cab.



Most Passenger



Some Short Lines



Ubiquitous Foreign Operations

The rule lacks supporting data.

- **“FRA 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.”** *(March 2016 FRA Crew Staffing NPRM – 81 Fed. Reg. at 13,919)*
- **“[A]ccident/incident data does not support a train crew staffing regulation.”** *(May 2019 FRA NPRM Withdrawal – 84 Fed. Reg. at 24,739)*
- **“FRA does 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.”** *(May 2019 FAR NPRM Withdrawal – 84 Fed. Reg. at 24,738)*
- **“[T]here is insufficient data to demonstrate that accidents are avoided by having a second qualified person in the cab. In fact, the NTSB has investigated numerous accidents in which both qualified individuals in a two-person crew made mistakes and failed to avoid an accident.”** *(NTSB Railroad Accident Report 16/02 (Derailment of Amtrak Passenger Train 188).*

The conductor's role.

- **Positive Train Control (PTC) is a Congressionally-mandated technology system that performs the in-cab functions of a conductor, preventing:**
 - Train-to-train collisions.
 - Over-speed derailments.
 - Unauthorized incursions into work zones.
 - Movement over a switch in the wrong position.
- **Recent arguments that conductors can perform as first responders do not reflect how railroads respond to accidents:**
 - They are trained to move away from danger or hazmat releases after any accident.
 - Conductors are not intended to be first responders and, indeed, FRA-approved **conductor** training programs do not provide first responder training.

Rule fails the cost-benefit test.

- No benefits.
- RRs prevented from reducing operational costs. In 2016 comments, AAR estimated \$265 million in cost savings from a gradual implementation of one-person crews over ten years. Money that could be used to improve safety/efficiency.
 - Inconsistent with Circular No. A-4 (Nov. 9, 2023 version) to forego analysis on the basis of uncertainty.
- Traffic would be diverted to highways, negatively impacting public safety, increasing highway GHG emissions and worsening highway congestion, leading to increased road infrastructure costs.
 - 2023 Circular No. A-4 requires the consideration of such indirect effects.
 - NPRM inconsistent with government approach to automation/efficiency on the highways, worsening railroads' competitive position.

Special approval process is a mirage.

- Approval process is designed to prevent approvals.
- Statistically impossible to meet the risk thresholds.
 - For example, under the NPRM BNSF would have to demonstrate it would not have a trespasser fatality in the next 134 years.
 - A 24/7 railroad that would be expected to have more than one blocked crossing every 41 days would be disqualified.
- Current operations could not meet the risk thresholds.