

## Comment on Proposed Train Crew Size Safety Requirements Rule

To Whom it May Concern,

As state organizations from across the nation representing individuals in 19 states, we are writing to express our concerns by commenting on the Federal Railroad Administration's (FRA) proposed Train Crew Size Safety Requirements Rule (Docket Number FRA-2021-0032;RIN 2130-AC88).

We are concerned that the rule lacks a sound safety justification and as such is arbitrary in construction. Additionally, we believe the proposed rule could have several unintended consequences that may negatively impact the supply chain, domestic competitiveness, the nation's infrastructure, and the environment.

We share the FRA's concern about rail safety. It is imperative that carrying cargo by rail be done safely, and we appreciate the important role that FRA plays in ensuring these standards are met. However, it appears there is no safety justification for requiring a two-person crew.

In fact, 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." And, in 2019, the [FRA concluded](#) that, "Accident/incident data does not support a train crew staffing regulation."

The proposed rule also ignores technological advances in rail safety made in recent years, including Positive Train Control (PTC). PTC is now operating on tens of thousands of miles of rail line across the country, tracking speed restrictions on a given portion of track, as well as signals and communications, while preventing human error. PTC's safety advances make it unnecessary for two crew members to be present in the cab of the train.

This proposed rule fails to account for these technological innovations, as well as the safety record of many railroads, including thousands of Amtrak and commuter passenger trains that operate with only one crew member in the train cab. The rule would also undermine the flexibility of railroads to deploy personnel in a manner congruent with maximizing both efficiency and safety.

We are concerned that removing this flexibility could have a direct impact on the competitiveness of the freight rail industry and – by extension – negatively impact their customers and the supply chain. By forcing railroads to include two crew members in the cab of a train, investment in further technology could be limited, and railroads may be less able to respond to the changing needs of customers. This could have a direct impact on railroads' ability to compete with other transportation options.

Seminal [research](#) from former FRA economist Patrick McLaughlin, now of the Mercatus Center at George Mason University, shows that increased regulation in railroading and costs deter needed investments that improve safety.

This brings us to our final concern. The environmental impact of putting freight rail at a competitive disadvantage when compared to other transportation options cannot be overlooked.

Shifting cargo away from trains could further clog our nation's already congested highways, hurt the quality of highways, and increase CO2 emissions, all consequences which seem to contradict the Biden Administration's sustainability goals. This would be detrimental to both the environment and our nation's roads.

We believe the proposed FRA rule would have far-reaching negative impacts, despite a lack of safety justification for its implementation. We respectfully request that you reconsider implementation of this rule, and instead, allow freight railroads to operate in the best interest of safety, competitiveness, efficiency, and the environment.

Thank you for your consideration.

Respectfully,

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