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FRA Issues Proposed Rule to Enhance Train Safety, Codify Train Crew Size Requirements

WASHINGTON – To enhance safety, the U.S. Department of Transportation’s Federal Railroad Administration (FRA) today announced a proposed rule requiring a minimum of two train crewmembers for over-the-road railroad operations, with some exceptions for certain low risk operations and circumstances where mitigating measures are in place to protect railroad employees, the public, and the environment.

“For the past few years, our rail workers have worked hard to keep people and goods moving on our nation’s railroads, despite a global pandemic and supply chain challenges,” said U.S. Transportation Secretary Pete Buttigieg. “This proposed rule will improve safety for America’s rail passengers—and rail workers—across the country.”

This proposal would also enhance safety nationwide by replacing the existing patchwork of State laws regarding crew size with a uniform national standard. Without consistent guidelines, railroads may be subjected to disparate requirements in every State in which they operate, resulting in potential safety risks, operational inefficiencies, and significant costs. The NPRM also proposes requirements for the location of crewmembers on a moving train, and would prohibit the operation of some trains with fewer than two crewmembers from transporting large amounts of certain hazardous materials. The risk assessment and annual oversight requirements in the NPRM are intended to ensure that railroads fully consider and address all relevant safety factors associated with using less than two person crews.

“We are committed to data-driven decision making,” said FRA Administrator Amit Bose. “In cases where railroads wish to operate with fewer than two crewmembers, we are proposing that they perform a rigorous, thorough, and transparent risk assessment and hazard analysis, and FRA will provide an opportunity for public comment on these submissions.”

Historically, major technological breakthroughs led to gradual reductions in train crew sizes, from about five in the 1960s to two by the end of the 1990s. Current industry practice is to have two-person crews consisting of a locomotive engineer and conductor. Under the Notice of Proposed Rulemaking (NPRM), a special approval procedure would allow railroads to petition FRA: (1) to continue legacy operations with one-person train crews; and (2) for approval to initiate a new train operation with fewer than two crewmembers. FRA would carefully evaluate each request for fewer than two crewmembers and supporting documentation submitted by a railroad, as well as the input of employees, communities, and the public.

This proposed rule is complementary to, rather than duplicative of, other recent regulatory initiatives FRA has issued or is in the process of developing. Those initiatives include railroad safety risk reduction programs and the development of fatigue risk management programs. Further, this rule is consistent with safety analysis required by other FRA regulations, including positive train control (PTC).

Comments on the proposed rule can be submitted to the docket FRA-2021-0032 via www.regulations.gov and must be received by September 26. The NRPM is published in the *Federal Register* [here](#).

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