



## American Short Line and Regional Railroad Association

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### **ASLRRRA DISAPPOINTED WITH FRA'S TRAIN CREW SIZE SAFETY REQUIREMENTS NPRM**

*Calls Proposal Ill-conceived, Ill-timed and Unnecessary*

**WASHINGTON, July 27, 2022** - ASLRRRA is disappointed with the [Train Crew Size Safety Requirements Notice of Proposed Rulemaking](#) (NPRM) released by the Federal Railroad Administration (FRA) today.

With no safety data to support its proposal, the FRA has proposed an ill-conceived, ill-timed, and unnecessary crew size mandate that would hinder the efficient operations of some small business railroads, snarl the supply chain, and stifle innovation well into the future. ASLRRRA looks forward to formally responding to the proposal and outlining the many negative impacts it will impose on the short line freight industry.

As ASLRRRA has stated in past public testimony – which remains as true today as ever – there is no safety justification for advancing the proposed rule. The FRA itself, [first in 2016](#) and [again in 2019](#), acknowledged that no data exists to indicate that two-person crews are any safer than one-person crews. Short lines operate safely today with a variety of crew sizes, including single-person crews in

some instances, that suit the work being performed. Broadly, safety in the freight rail industry has improved over the decades, even as crew sizes have dropped. The proposed rule remains a solution in search of a problem.

This proposed rulemaking comes at an inopportune time, with a supply chain stretched thin throughout the country and labor in limited supply. Short lines and our many partners in the freight industry are working around the clock to rebound from pandemic-induced economic disruption and global gridlock. Being forced by regulatory fiat to operate less efficiently in any circumstances than would otherwise be possible will only make existing problems worse.

Across the freight rail network, satisfactorily serving and responding to customers with even current staffing practices has been problematic, a situation that has garnered significant attention in the press and with the Surface Transportation Board. Mandating additional crewmembers on some short lines, or preventing any railroad from transitioning to smaller crews in the future, with no concurrent safety benefit, would 1) increase costs throughout the supply chain which will be passed along to consumers, 2) decrease flexibility, creativity and speed in serving shippers and 3) possibly result in the reduction or elimination of efficient and inexpensive freight rail service for many short line-served small shippers across rural and small-town America.

This proposal, if finalized, would prevent some short line railroads from putting scarce capital where it may best be used, like making improvements to track and structures that ensure the efficient movement of goods and freight. Further, the rulemaking would require some railroads to hire more workers than necessary for this specific operating function – whether there are any workers to be found or whether the job requires those personnel doesn't seem to register.

While some exceptions to this proposed mandate are provided for certain types of operations, and some short line railroads would be excepted based on the size of their business, the speed and length of their trains, the type of cargo they carry, and the grade of the territory they traverse, many short lines would not be excepted, and the mandate would unnecessarily limit the flexibility of those short lines for no compelling safety reason.

The opportunity to file a special approval petition to operate with fewer than two crewmembers in some circumstances is of cold comfort and is fraught with uncertainty. This ad hoc permission-based approach would inhibit short lines' ability to respond to changing business conditions in a timely fashion as they would not know if approval of their petition would be forthcoming and when. Short lines operate on thin margins and are often easily supplanted by nearby and less safe trucking options. As there is considerable risk of ongoing viability for most short lines should they lose even one customer, short lines need to be able to move at the speed of business and not have their operations be dependent on the unpredictable approval of the federal government when there is no compelling safety justification for such a regime.

Finally, we are concerned with the backwards momentum that this rule would surely generate in the rail industry. While USDOT is encouraging other transportation modes to develop driverless or remote guidance options to increase safety, improve environmental impact, and drive marketplace efficiencies, and it [even announced a new Federal Advisory Committee just last week on innovation and automation in transportation](#), this rule threatens to saddle freight railroads with a rule that does the exact opposite – adding arbitrary personnel requirements and financial burdens.

**About ASLRRRA** - The American Short Line and Regional Railroad Association (ASLRRRA) is a non-profit trade association representing the interests of the nation's 603 short line and regional railroads and railroad supply company members in legislative and regulatory matters. Short lines operate 47,500 miles of track in 49 states, or approximately 29% of the national railroad network, touching in origination or termination one out of every five cars moving on the national railroad system, serving customers who otherwise would be cut off from the national railroad network. [www.aslrra.org](http://www.aslrra.org)