December 19, 2022

The Honorable Amit Bose
Administrator
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Opposition to Train Crew Size Safety Requirements NPRM – Docket No. FRA-2021-0032, RIN: 2130–AC88

Dear Administrator Bose:

On behalf of the Intermodal Association of North America (IANA), the only transportation trade association that represents the combined interests of intermodal freight providers and customers, I am writing to express our opposition to the Federal Railroad Administration's (FRA) Notice of Proposed Rulemaking (NPRM) on train crew size requirements, Docket No. FRA-2021-0032.

IANA represents more than 1,000 corporate members, including railroads (Class I, short line, and regional), ocean carriers, ports, intermodal truckers and over-the-road highway carriers, intermodal marketing and logistic companies, and suppliers to the industry. IANA's associate (non-voting) members include shippers (defined as the beneficial owners of the freight to be shipped), academic institutions, government entities, and non-profit trade associations.

Safety on our nation's railroads is, and always will be, a priority for the intermodal transportation industry. Current regulations – which do not mandate minimum crew size requirements or regulate the number of crew members located in the cab – have served the railroad industry well for many years. Without such burdensome requirements, railroads have upheld stringent safety standards and maintained strong safety records. Railroads engaged in intermodal transportation remain committed to enhancing supply chain productivity and moving goods as efficiently as possible, without undermining safety principles.

Despite lengthy evaluations by the FRA and other regulators, some of which have spanned over 15 years, there remains a lack of data or safety justification to support the requirements outlined in the NPRM. In fact, the FRA came to this same conclusion after a thorough assessment in 2019, stating 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." Given the absence of new safety data evaluated under the July 2022 NPRM, this determination remains true today.
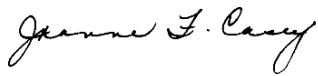
The widespread adoption of Positive Train Control has facilitated the use of various safety technologies to reduce hazards, accidents, and collisions due to human error. As these technologies have shifted the responsibilities of conductors located in the locomotive cab, railroads need the flexibility to adjust their operations accordingly. In its 2019 notice, the FRA further stated that minimum crew size regulations "would unnecessarily impede the future of rail innovation and automation." Crew size mandates would impose new burdens on the railroad industry, impacting its ability to make critical investments in safety technologies as well as other innovations to remain competitive and address customer needs. As a result, the proposed requirements could divert freight traffic to trucks, thereby increasing congestion and greenhouse gas emissions.

Given the recent rail labor negotiations, it is particularly important that crew staffing decisions be addressed – now and in the future – during the collective bargaining process, without regulatory interference.

We urge you to consider these wide-ranging adverse impacts of the proposed crew size mandate. Such requirements for all railroad operations with extremely limited exceptions are not supported by safety data and could disrupt industry modernization, competition, and efficiency. Moreover, federal crew size regulations would undermine meaningful components of collective bargaining.

For these reasons, IANA strongly encourages you to reconsider the proposed crew staffing requirements. We appreciate your consideration of our views as well as your leadership on this important issue.

Sincerely,

Joanne F. Casey

Joanne F. Casey
President and CEO
Intermodal Association of North America