

March 22, 2022

Representative Luke Frederick
487 State Office Building
St. Paul, MN 55155

RE: HF4323 – requiring railroad crew size

Dear Representative Frederick:

Thank you for taking time to meet with Sarah Erickson, David Johnson and me, yesterday, to hear our concerns regarding HF 4323 which mandates minimum crew size for operation of trains in Minnesota. I am writing to follow-up with further information regarding several of the points we raised.

Collective Bargaining

In the rail industry, crew staffing — particularly the number of persons in the locomotive — has always been established at the bargaining table. Legislation requiring at least two-person crews upends decades of meaningful collective bargaining between rail management and rail labor. Changes to agreements regarding crew size are subject to existing statutory collective bargaining processes under the longstanding Railway Labor Act. Attempting to secure through legislation what was not agreed to at the bargaining table undermines the sanctity of the negotiation process, itself.

Safety

There are no data showing two-person crews are safer than one-person crews: Single-person crews are widely used on systems around the world and on many U.S. short line railroads and passenger trains. These railroads' safety record is comparable to two-person operations.

Previous decisions from the Federal Railroad Administration (FRA) have found that there was no basis to enact a regulation on train crew size. In fact, railroad safety has dramatically improved in recent decades due to operating and technological advances. Freight railroads have reduced crew sizes from five to three to two as new operating procedures and technologies have been adopted. These reductions have coincided with safety improvements throughout the industry, particularly for incidents caused by human error.

Positive Train Control

Life-saving technology called Positive Train Control (PTC) has been fully deployed on high-volume freight lines and on passenger lines. PTC which monitors speed restrictions, communications, and track signals to prevent train-to-train collisions and derailments caused by human error, renders the conductor's in-cab responsibilities redundant in many cases. As a result, conductors can be redeployed to support train operations from the ground. PTC is essential to modernizing train staffing operations.

The concern that PTC complicates the duties of engineers ignores the training required for operating a locomotive. Accidents caused by human factors constitute the largest category of train accidents, accounting for 41% in 2019. Rigorous employee training and fatigue

management programs are just a few of the initiatives that railroads apply to reduce these incidents. PTC provides a backup extra layer of protection to those efforts.

Interstate Commerce

The Class I railroads operating in Minnesota are connected to a national and international transportation network that is regulated at the federal level, primarily by the USDOT Federal Railroad Administration. Beyond collective bargaining, the issue of crew size as a safety is a question needs to be resolved at the federal level with applicability across all states where railroads operate. A patchwork of state-legislated restrictions will undermine the efficiency of rail operations without adding to their safety.

Technology & Innovation

The long-term viability of freight rail depends on the industry's ability to adapt and compete in a rapidly changing transportation sector. Technology and modern staffing models are making freight railroads safer, more efficient, and more productive. Crew size mandates would hinder these gains and divert traffic from rail to trucks, which are less fuel efficient, create congestion and further damage the nation's highway system. Further, a freeze on railroad innovations makes no sense at a time when autonomous trucks are receiving so much support from policymakers.

Safety is and always will be a top priority for railroads. There is no data showing that two-person crews are safer than one-person crews. Railroads are committed to good faith negotiations on issues — including the implementation of new technologies and train operations that maximize safety benefits and efficiencies — with their employees in the forum in which those issues have historically been resolved.

Freight railroads must be allowed, in partnership with rail labor under long-standing collective bargaining processes, to determine operating models most conducive to optimal safety and service performance.

We appreciate your time and consideration and remain available for further discussions.

With best regards,

John F. Apitz
Minnesota Regional Railroads Association
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