



HF 1272 Minimum Train Crew Size

To speak about train crew size, we must first address the elephant in the room, Federal Preemption.

Several states have enacted train crew staffing laws and only a few have found their laws preempted federally. The specific language used in Minnesota HF 1272 is a result of court cases and lessons learned in other states. This language was carefully crafted to avoid anything that could be federally preempted.

Perhaps most recently, *Ind. Rail Rd. Co. v. Ill. Commerce Comm'n*, 576 F. Supp. 3d 571 (N.D. Ill. 2021), reversed an Illinois Minimum Crew Size Law on the basis of geographic language in the Regional Rail Reorganization or “3R” Act. (ConRail)

Fortunately for Minnesota, the 3R act and Illinois court case clearly define the “region” of 17 states by name, and **do NOT include Minnesota**. This exclusion is great news for both public safety and worker safety in our state.

The Federal Railroad Safety Act (FRSA) of 1970 gives states the authority to regulate railroad safety in areas the federal government has not covered. **There currently is not a federal law or regulation on train crew size.** FRSA is separate from the Surface Transportation Board, which is limited to economic legislation only.

A great deal of research and expertise has gone into the careful crafting of HF 1272 so it can be the strongest state law possible, while staying within the bounds of Minnesota’s authority under the FRSA.



Ask us about Minimum Train Crew Size!



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