

FRA Publishes Proposed Rule on Two-Person Train Crews

Promising Rule That Appears to Outlaw Single Employee Train Crews May be Fatally Flawed

Railroad workers and our allies were excited to learn the news that the Federal Railroad Administration (FRA), the agency that regulates rail transportation in the U.S. had finally promulgated and published a *Notice of Proposed Rule Making* (NPRM) on the question of single employee train crew operations on March 15th. The Proposed Rule immediately won the support of the unions of the operating crafts - the Brotherhood of Locomotive Engineers & Trainmen (BLET) and the SMART-TD, former United Transportation Union.

The second sentence of the Proposed Rule Summary appears so promising to those train and engine crews and others who had worked so long and so hard for such a Rule: *"A minimum requirement of two crew members is proposed for all railroad operations with exceptions proposed for those operations that FRA believes do not pose significant safety risks to railroad employees, the general public, and the environment by using fewer than two-person crews."*

Upon further reading and consideration of the Proposed Rule, one can only conclude that the FRA wants to please all the people all the time. It is quite disingenuous for an agency to declare right up front that a "minimum requirement of two crew members is proposed for all railroad operations..." to then simply contradict itself and make it clear that any and all railroad operations *could* however *be exempt* from this stipulation if and when the railroad in question simply meets some yet undisclosed guidelines that the FRA has apparently yet to determine which would then allow the operation to be performed "safely" with fewer than two members on the crew.