

September 29, 2026

The Honorable Shelley Moore Capito  
Chairman  
Environment and Public Works Committee  
U.S. Senate

The Honorable Sheldon Whitehouse  
Ranking Member  
Environment and Public Works Committee  
U.S. Senate

The Honorable Ted Cruz  
Chairman  
Commerce, Science, and Transportation  
Committee  
U.S. Senate

The Honorable Maria Cantwell  
Ranking Member  
Commerce, Science, and Transportation  
Committee  
U.S. Senate

The Honorable Tim Scott  
Chairman  
Banking, Housing, and Urban Affairs  
Committee  
U.S. Senate

The Honorable Elizabeth Warren  
Ranking Member  
Banking, Housing, and Urban Affairs  
Committee  
U.S. Senate

Dear Chairmen Capito, Cruz, Scott and Ranking Members Whitehouse, Cantwell, and Warren:

We write to express our concerns over the current administration's proposal to include the Railway Safety Act of 2025 (H.R. 928) as part of the surface transportation reauthorization. The act would establish that no freight train may be operated without a two-person crew consisting of a conductor and an engineer. The act is unnecessary and will instead serve as a drag on the railway industry's efforts to modernize its operations, something that needs to be encouraged given the demonstrated vulnerability of our nation's supply chain.

We live in a time when automated taxi services are being introduced in major cities and warfare by aerial drones is now commonplace on battlefields. There is no reason why the rail industry should not be at the cutting edge of transportation automation. After all, freight trains run on dedicated tracks rather than utilizing public roads, airways or waterways and do not carry passengers. They have an inherent safety edge over other forms of transportation.

The administration nevertheless argues that the Railway Safety Act is necessary to prevent any future incidents like the 2023 train derailment in East Palestine, Ohio. But a minimum crew size requirement would confer no additional safety advantage given the current level of technology.

A two-person crew minimum would certainly not have prevented the East Palestine crash. We know this because at the time of the incident, the train had a three-person crew: an engineer, a

conductor, and a trainee. The crash was primarily a mechanical failure. The National Transportation Safety Board's June 25, 2024 report on the incident did not cite crew size as a factor and did not recommend minimum crew sizes to prevent future such incidents.

Nor was that the first time the issue of train crew size and its relation to safety was examined. The Department of Transportation's Federal Railroad Administration examined the question in 2016 and again in 2019. No correlation was found. "FRA cannot provide reliable or conclusive statistical data to suggest whether one-person crew operations are generally safer or less safe than multiple-person crew operations," the agency's 2016 report found. The FRA's 2019 investigation echoed that result.

The impulse to establish a minimum just for the sake of being extra cautious should be resisted too. A crew size mandate would ripple throughout the economy. Shipping is an input cost to just about every household good. Increasing those costs will increase household costs at a time when everyone is worried about persistent inflation and squeezed pocketbooks. We saw in the supply chain shock of 2021 how fragile the interstate commerce system can be and how urgently it needs modernization. Congress should be lifting the barriers to that, not layering additional unnecessary requirements on top of them.

Beyond imposing unnecessary costs, the RSA would lock today's technology into tomorrow's law. The FRA has already addressed train crew size through rulemaking, which at least allows future administrations to revisit the issue as technology and operational practices evolve.

By codifying a two-person crew mandate in statute, Congress would make it far more difficult to adapt to future innovations that could maintain or improve safety while increasing efficiency.

The bill likewise mandates the deployment of wayside bearing detectors, which prescribes a specific technological approach as opposed to encouraging better safety outcomes. Congress should avoid freezing current practices into statute and instead preserve the flexibility needed to adopt emerging technologies that can further improve both safety and productivity.

For these reasons, we urge you to reject inclusion of the Railway Safety Act in the surface transportation reauthorization. It would not make railways any safer but would serve as a drag on efforts to modernize our nation's supply chain.

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