



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 6, 2023

To: Rulemaking Docket No. FRA-2021-0032

From: Alan H. Nagler
Senior Attorney, Office of the Chief Counsel

Subject: Memorandum Re: Meetings with Norfolk Southern Corporation on Federal Railroad Administration's Notice of Proposed Rulemaking for Train Crew Size Safety Requirements

On November 2, 2022, officials from the U.S. Department of Transportation (DOT), the Federal Railroad Administration (FRA), and the Norfolk Southern Corporation (NS) met to discuss various shared transportation issues. In attendance were DOT Secretary Pete Buttigieg, FRA Administrator Amit Bose, FRA Deputy Administrator Jennifer Mitchell, NS President and Chief Executive Officer Alan Shaw, NS Chief Legal Officer Nabanita Nag, and NS Assistant Vice President, Regulatory Affairs Randal Noe.

During the meeting, NS raised the issue of the train crew size rulemaking and conveyed the following concerns:

- Labor costs are a significant cost driver for freight rail and trucking.
- The transportation industry is already advancing the development of autonomous trucks, thus reducing the costs to ship goods by truck.
- By allowing the introduction of advanced technologies and the flexibility for smaller crew sizes, rail transport can be more cost-competitive with moving freight by trucks.
- The overall demand for freight transportation is expected to grow in the future.
- Allowing more of that growth to be handled by rail will reduce future roadway emissions and help achieve the Administration's sustainability goals.

DOT/FRA did not specifically respond to these concerns with respect to the rulemaking but did remind the NS officials to file their concerns in the public docket for the rulemaking. NS did file a comment on December 21, 2022, found at:

<https://www.regulations.gov/comment/FRA-2021-0032-13045>.

On December 21, 2022, NS and DOT personnel had an additional meeting. A memorandum summarizing that meeting was placed in the rulemaking docket and can be found at: <https://www.regulations.gov/comment/FRA-2021-0032-13181>.