

# STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH  
TOPEKA, KS 66612



PHONE: (785) 296-3232  
GOVERNOR.KANSAS.GOV

**GOVERNOR LAURA KELLY**

September 1, 2022

U.S. Department of Transportation  
Federal Railroad Administration  
1200 New Jersey Ave., SE  
Washington, K.C. 20590

Dear Federal Railroad Administration,

I am writing to inform you that I strongly support the Federal Railroad Administration's ("FRA") proposed rule to "Enhance Train Safety, Codify Train Crew Size Requirements."

As Governor of the state of Kansas, I directed my Department of Transportation to submit a proposed regulation requiring railroads that operate in the state to maintain a two-person crew in the controlling cab of the lead locomotive unit of each train. I believed that this was a needed step to preserve safe operation of the rail industry in Kansas. Having one person responsible for an 18,000+ ton train hauling hazardous materials jeopardizes the safety of our crews and the public at large.

Kansas has had 225 derailments since 2018.<sup>1</sup> In June alone, we had two derailments. One spilled 20 cars worth of coal in Lawrence,<sup>2</sup> while the other had 25 cars derail, nine of which were carrying hazardous materials in Bonner Springs.<sup>3</sup> We were lucky that the nine cars were not punctured, and no hazardous materials leaked. In many cases, quick action by crew members to cut the train in cases of hazardous material spills or render lifesaving procedures in the case of medical emergencies is the difference between life and death. By the time emergency personnel arrive at the scene, it may already be too late to save the life of not only the engineer, but the lives of community members as well.

Nearly all railroads in Kansas are currently operating two-person crews and will have no increased labor costs from implementation. Operating two-person crews nationwide will eliminate the existing patchwork of State laws regarding crew size and create a uniform national standard. Establishing consistent safety requirements will minimize potential safety risks and reduce operating costs. It is likely to increase employee retention by maintaining a safer work environment. Further, it will likely enhance business growth and activities by avoiding the substantial costs of property damage, injuries, or loss of life.

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<sup>1</sup> <https://railroads.dot.gov/accident-and-incident-reporting/train-accident-reports/train-accidents-type>

<sup>2</sup> <https://www2.ljworld.com/news/public-safety/2022/jun/17/train-derailment-reported-in-north-lawrence/>

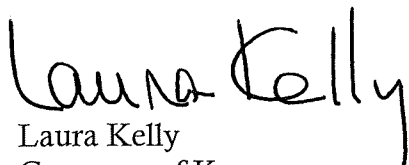
<sup>3</sup> <https://www.kansascity.com/article262878798.html>

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This proposed rule comes at a critical time as the nation is facing increased pressure on the supply chain. Ensuring rail lines stay clear and crews are retained will help further secure some of the nation's most critical supply chain routes. There is no question that a national two-person crew requirement is vital to ensure the safety of both the workforce and the numerous communities they pass through every day. It will also continue to grow business activities while avoiding increased labor costs.

The FRA has my complete support on this proposed rulemaking.

Respectfully,

  
Laura Kelly  
Governor of Kansas