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The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of House Bill 492
Railroad Company – Movement of Freight – Required Crew**

Chairman Barve and Committee members:

House Bill 492—also known as the two-man crew or two-person crew bill—is a bill this committee and the House have passed three times – in 2017, 2018, and 2019. With that in mind, and in the interest of time and for the benefit of the new members on the committee, I submitted written testimony to be part of the record that includes a Power Point presentation with more detail that can be reviewed. I will give only brief remarks.

This legislation would require that each freight train operating in Maryland and sharing tracks with passenger and commuter-rail trains have a minimum crew size of two persons. The impetus for this legislation was a train disaster that happened several years ago in Canada, when a freight train operated with a single-person crew derailed and killed 47 people and destroyed a large portion of a town. After the accident, the Canadian government mandated two-person crews on their freight trains. Since then, ten states have also mandated two-person crews.

Accidents known as grade-crossing accidents—which are basically accidents where railroad tracks and automobile roads cross—are not a rare occurrence. In 2019, the last year for which we have data, there were 2,216 grade crossing accidents across the country, with 807 injuries and 293 deaths. So as the data shows, freight train accidents can be very deadly. And that’s because freight trains are very big. Anyone who has sat at a train crossing knows they can be very long, often over two miles long, and they can carry hazardous cargo.

Operating one of these trains is not an easy task. A single crew member cannot perform all of the required tasks while maintaining the highest level of safety and respond to an emergency. That’s why nearly every freight train operating in America today is operated by two crew members: a licensed conductor and engineer.

Having a two-person crew is particularly important when there’s an emergency such as at a grade crossing. A single crew member cannot properly assess the accident, secure the train, and notify all necessary emergency responders in a timely manner. An engineer is required to stay on board to communicate with dispatchers and other trains and make sure the locomotive is secure. Only if there is a second crew member can that person get off the train, assess the situation, and address any injuries or life-threatening issues.

DFM Research of Minnesota conducted a poll of Marylanders to gauge the level of public support for this legislation in 2019. The survey is included in the Power Point with my written testimony. I will just point out that overall, 88% of Marylanders surveyed supported a minimum two-person crew requirement on freight trains in Maryland.

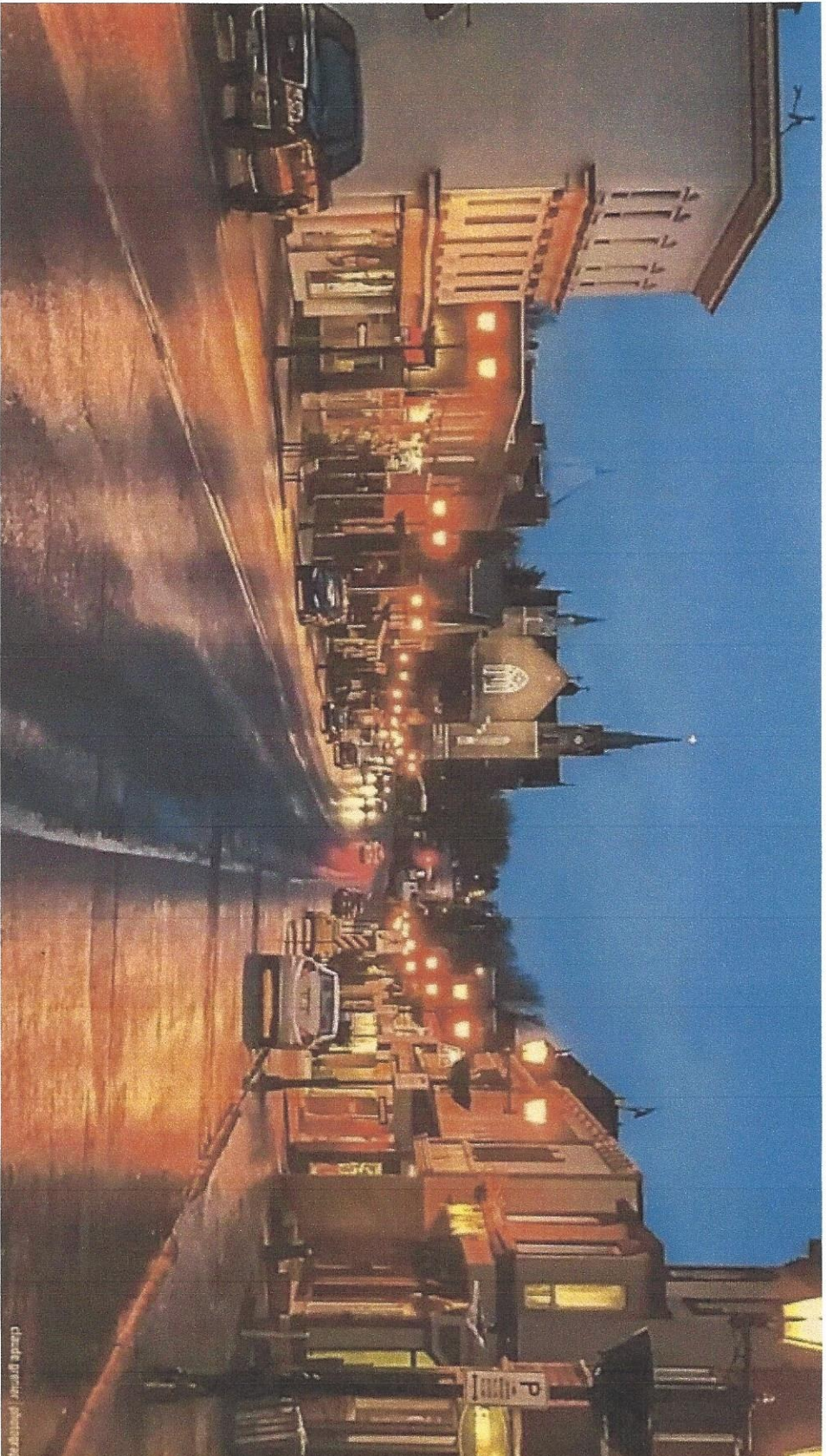
President Biden also supports this requirement nationwide, which is revealed on a video at the end of the Power Point.

In 2019, the General Assembly passed this bill with bipartisan support only for it to be vetoed by the Governor. That is why I am back asking for your support. I urge a favorable report on HB492.

Testimony

Delegate Dana Stein in Support of House Bill 492

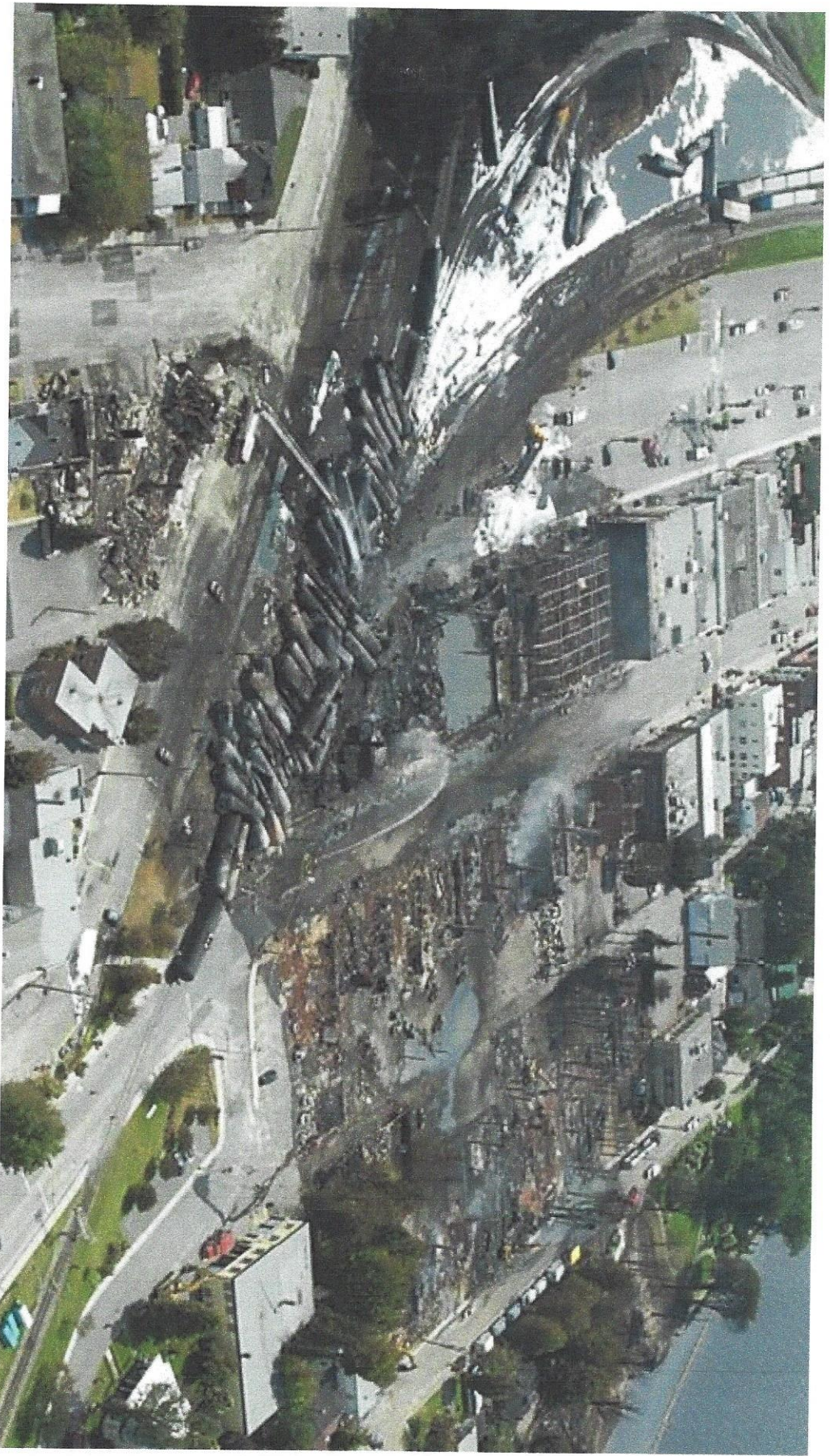
Railroad Company - Movement of Freight – Required Crew



Lac Megantic, Quebec - Before



Lac Megantic, Quebec - During



Lac Megantic, Quebec - After

The Lac Megantic Rail Disaster Took Place - July 13, 2013

- Operator: Montreal, Maine and Atlantic Railway (MMA).
- Cargo: 77 Loads of North Dakota Crude Oil.
- Crew of One, Significant Factor of Disaster.
- 47 Killed and Half of Downtown Destroyed.

Impetus for Two-Person Crew Legislation

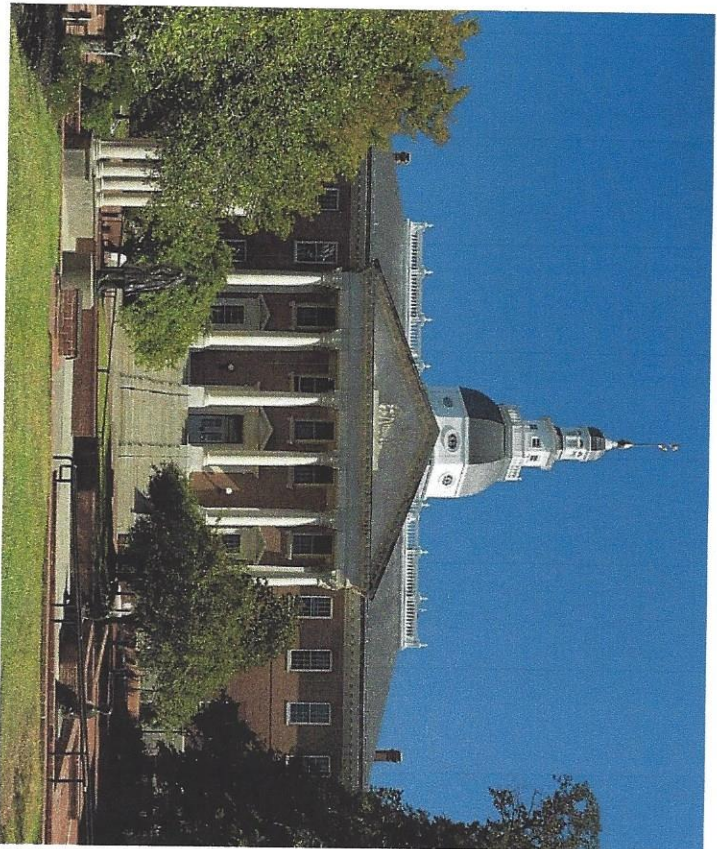
Nationwide Railroad Crossing Accidents



Railroad Crossing Accidents 2018 and 2019

- **2018:** 2,227 collisions with 845 injuries and 260 deaths.
- **2019:** 2,216 grade crossings accidents with 807 injuries and 293 deaths.

2019 Two-Person Crew Legislation Effort in the Maryland General Assembly



2019 Two-Person Crew Legislation - HB-66

Maryland General Assembly on April 2, 2019,
passed two-person crew legislation by a vote of:

- 102-30 in House of Delegates
- 32-13 in State Senate

Governor Hogan **Vetoed** HB-66 on May 24th.

To gauge public support, the Maryland State
Legislative Board of SMART Transportation
Division commissioned a survey on this
important rail safety legislation.

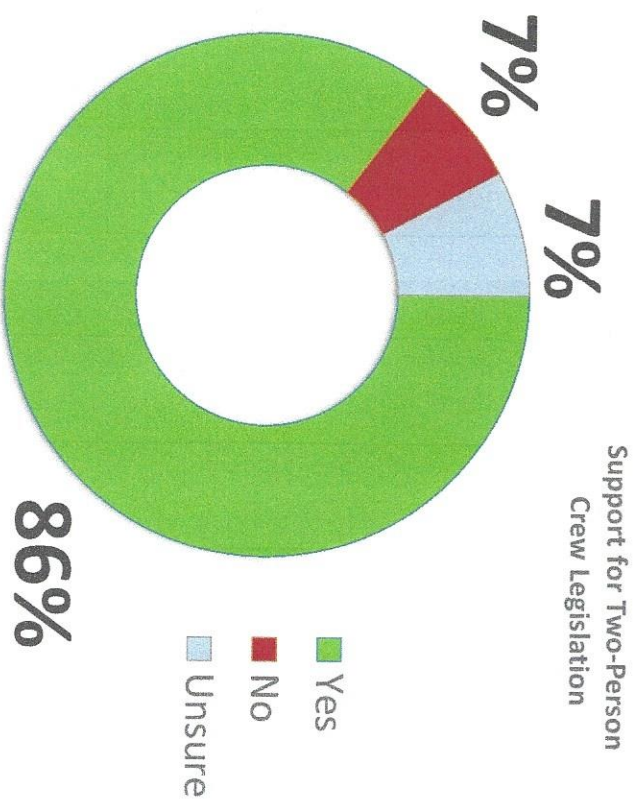
Survey Methodology



- 500 Maryland Residents, Randomly Selected
- Via Mobile Phone and Landline
- January 19-22, 2019
- Margin of Error; ± 4.4 Percentage Points
- Results Weighted By:
 - Gender
 - Age
 - Race
 - Education Level
 - Regions of State

Support Level for HB-66 Two-Person Crew Legislation

Q8: Some in Maryland want to enact a law, introduced as HB-66, which would require a crew of two individuals on freight trains that operate in Maryland. Suppose you could vote on HB-66; would you vote YES to pass a two-person crew state law or would you vote NO and reject a two-person crew state law?



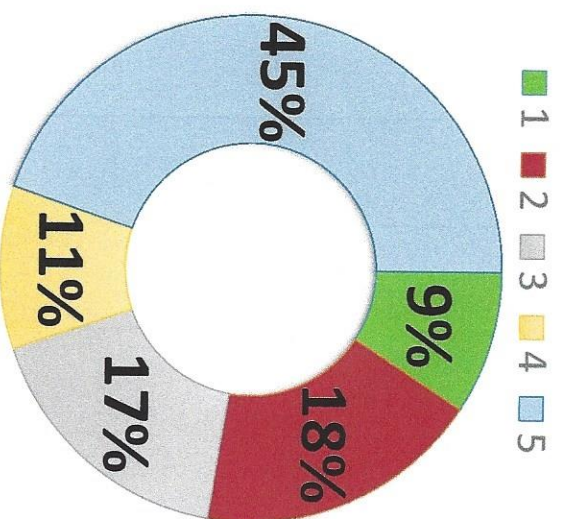
No Matter Your Gender, Age, or Where You Live - Marylanders Support Two-Person Crew Legislation

<u>Gender</u>	<u>Yes, Pass</u>	<u>No, Reject</u>	<u>Unsure</u>
Men	84	8	8
Women	88	6	6
<u>Age</u>			
18-34	84	6	10
35-49	87	6	7
50-64	85	9	5
65+	88	9	3
<u>Education</u>			
No College Degree	85	9	6
College Degree	87	5	8

<u>Gender</u>	<u>Yes, Pass</u>	<u>No, Reject</u>	<u>Unsure</u>
D.C. Suburbs	86	8	6
Baltimore City	84	9	7
Baltimore Suburbs / Central	85	7	9
Rural Maryland	91	4	4
<u>Party Identification</u>			
Democrat	90	5	5
Independent	81	10	9
Republican	85	8	8

Number of Crew Operating Freight Train Public Perception

Number of Crewmembers
believed to be on a
Freight Train



Q6: Based on what you know, how many people do you think operate a freight train that travels through Maryland?

Survey note, results do not include the 21% who volunteered the answer of 'unsure'.
N=381, MOE $\pm 5.0\%$ pts.

Approximately 3-in-4 Marylanders think freight trains operate with a crew of 3, 4 or even 5 workers.

Train Derailing in Community- How Worried?

Q7: Let's suppose freight trains in your area operated with only a crew of one; how worried would you be about a train derailling in your community?

Very Worried **49%**
 Fairly Worried **15**
 Just Somewhat Worried **20**
 Not that Worried **15**

When informed some railroads want to go to a crew of one, approximately 2-in-3 Marylanders said they would be very or fairly worried about a train derailling in their community.

Gender	Very	Fairly	Somewhat	Not That
Men	42	13	23	21
Women	56	16	18	10
Age				
18-34	42	16	23	20
35-49	51	13	18	19
50-64	49	18	24	8
65+	62	13	16	8
Region				
D.C. Suburbs	48	17	21	15
Baltimore City	56	15	20	9
Baltimore Suburbs / Central	51	14	18	17
Rural Maryland	45	13	23	18

Statements Tested Against HB-66

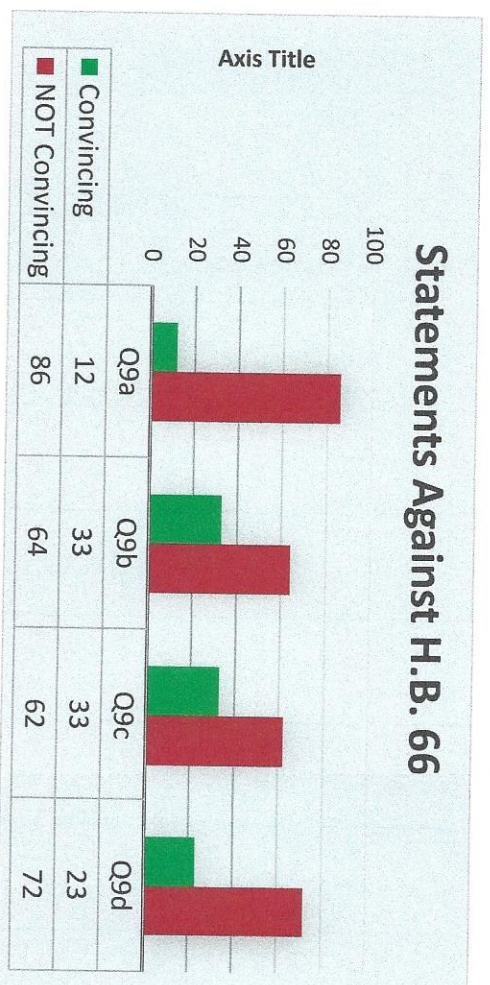
Q9a: Railroads say that two-person crew legislation undermines the sanctity of collective bargaining between rail management and rail labor regarding train crew size.

Q9b: Commuter rail operates thousands of trains a day with one person in the locomotive, and the data going back to the 1970s shows an excellent safety record.

Q9c: If two-person train crew legislation passes, it will deter investment and implementation of safe, cost-saving technology like Positive Train Control, which is advanced technology designed to automatically stop a train before certain types of accidents.

Q9d: Crew size mandates would hinder rail efficiencies and divert traffic from rail to highway-using trucks, which are less fuel efficient, create congestion and damage the nation's highway system.

Statements tested in opposition to HB-66 are direct from American Association of Railroads (AAR) from 2013 and updated in 2019.



Q: I now want to read you a few reasons why some people **oppose** House Bill 66, which would require a crew of two individuals on freight trains. For each reason, tell me if you find it a convincing reason or not a convincing reason to reject House Bill 66:

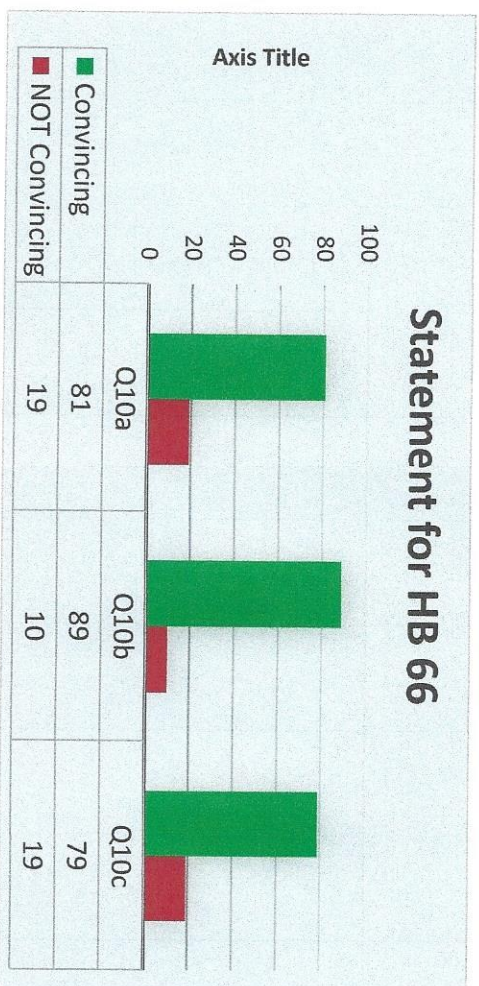
Statements Tested FOR HB-66

Q10a: Having two crew members on a train provides better monitoring of traffic at public road crossings.

Q10b: Having two people on a train allows the crew members to supervise and communicate with each other to help avoid mistakes that may contribute to an accident.

Q10c: According to federal regulations, the engineer is not allowed to leave the locomotive cab while operating the train. A second crew member is necessary to investigate incidents such as derailment or a collision between a train and a motor vehicle at a crossing.

Q. I now want to read you a few reasons why some people support HB-66, which would require a crew of two individuals on freight trains. For each reason, tell me if you find it a convincing reason or not a convincing reason to pass HB-66?



Rail Crew Options

Q11: When it comes to train crew size, rail safety, and the latest rail technology, which option makes the most sense to you?

Only two-person crew, no advanced rail technology: **2%**

Two-person crew, using advanced rail technology: **68%**

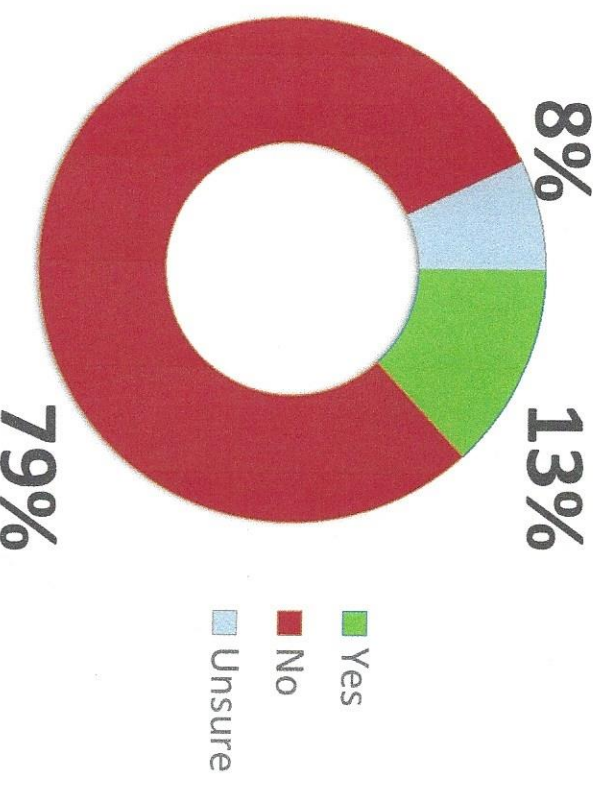
Advanced rail technology as replacement of a train crew member: **4%**

Let railroads and rail unions decide which option is safest: **21%**

(VOL) Unsure: **5%**

Marylanders want two-person crew **AND** rail technology.

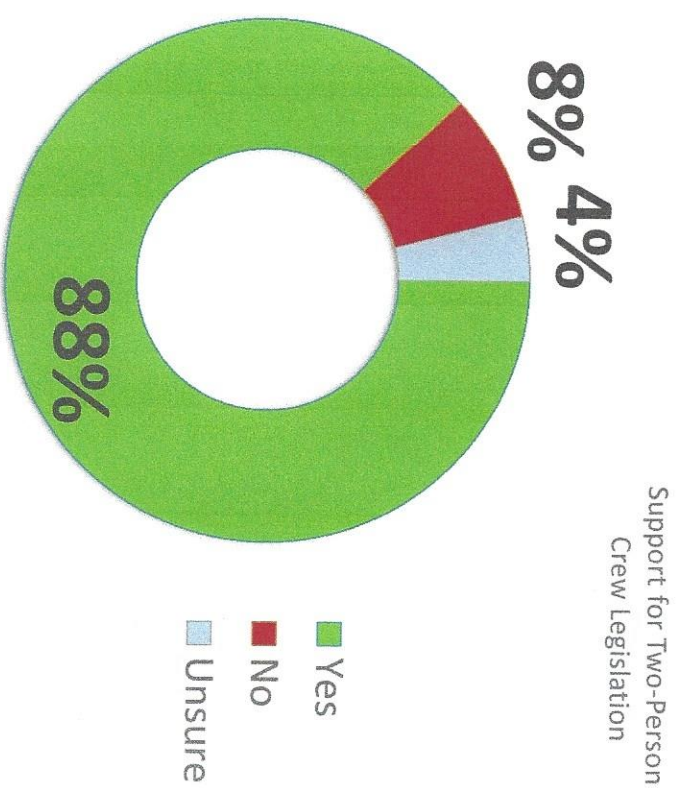
Q12: Do you trust advanced rail technology as a replacement of a train crew member?



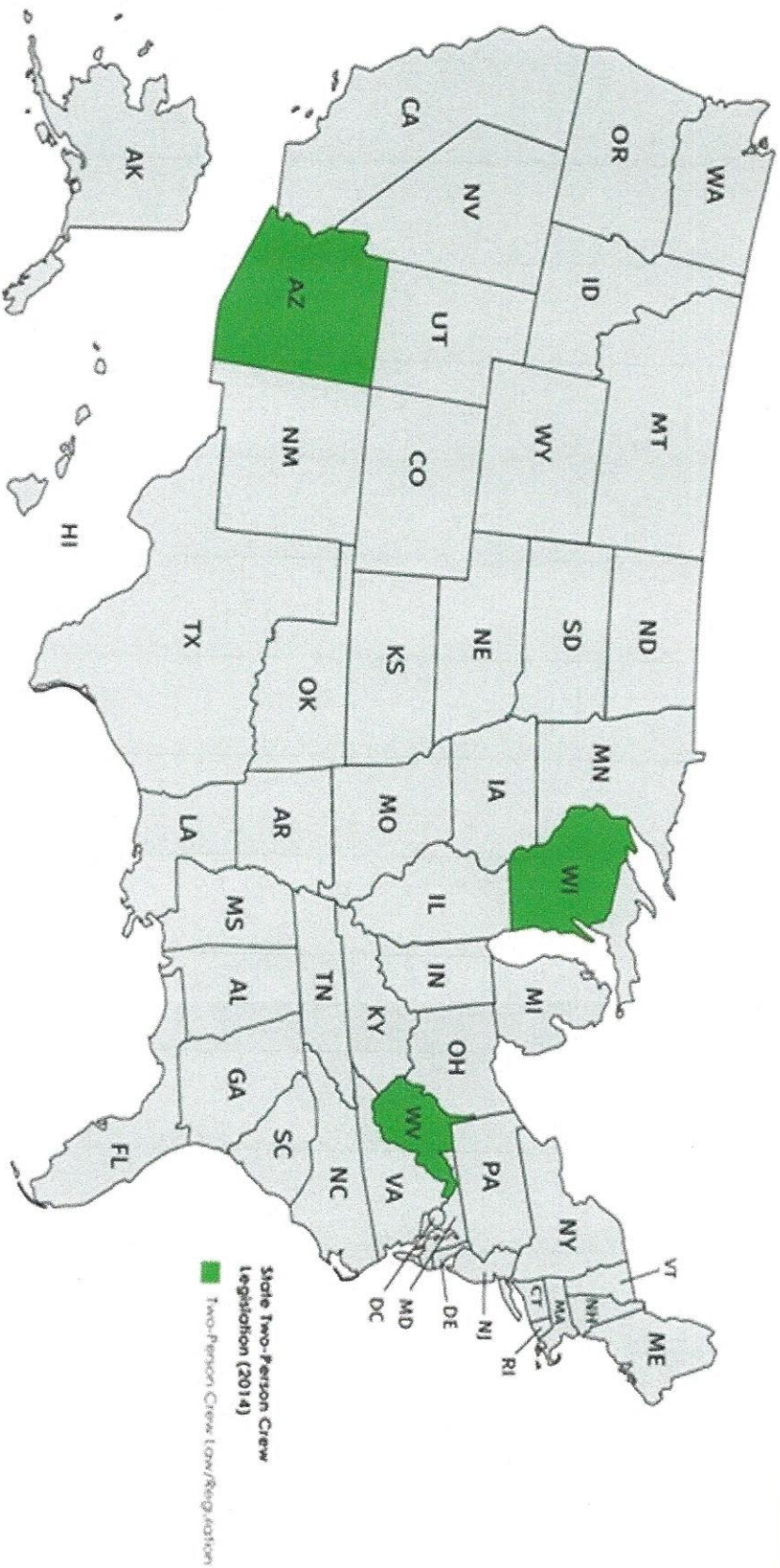
Support Level for HB-66 Two-Person Crew Legislation

Q13: Now considering everything you just heard about HB-66 that would require a crew of two individuals on freight trains. If you could vote again, would you vote YES to pass a two-person crew state law, or would you vote NO and reject a two-person crew state law?

After hearing statements from both **opponents** and **supporters** of two-person crew legislation, support level increases from 86 percent yes to 88 percent YES.



Two-Person Crew State Law or Regulation (2014)



Two-Person Crew State Legislation 2019/2020 Outcomes

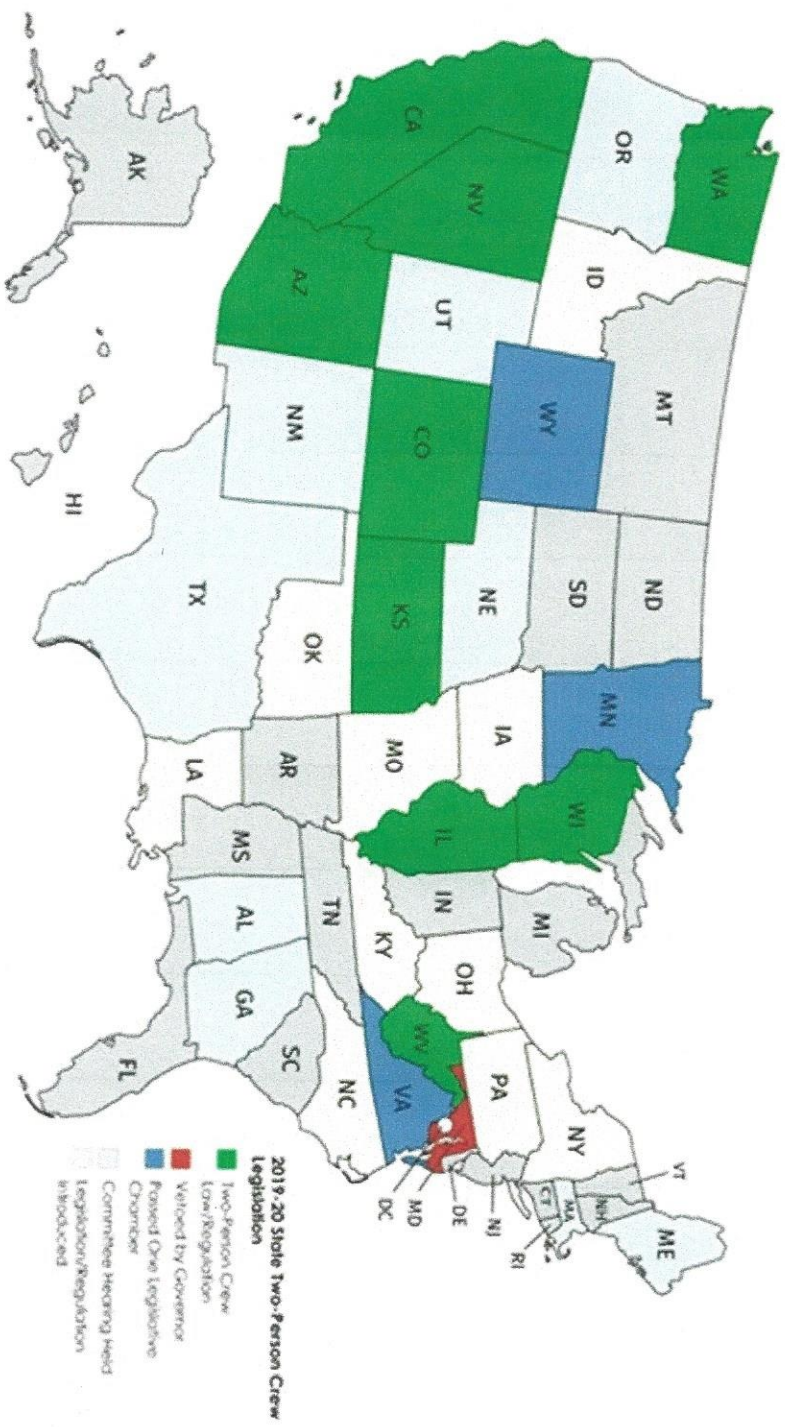
Floor Votes in 2019

Colorado House	39-23
Colorado Senate	19-15
Illinois Senate	36-19
Illinois House	77-36
Maryland House	102-30
Maryland Senate	32-13
Minnesota House ^a	74-52
Nevada House	29-12
Nevada Senate	13-08
Washington House	72-24
Wyoming House*	38-21

Floor Votes in 2020

Virginia House	61-37
Washington House	65-30
Washington Senate	34-15
Wyoming House*	37-22

* WV Bill defeated in Senate Transportation Committee on a 2-2-1 vote in 2019. In 2020, not assigned committee.
^a MN Bill not considered by Senate.



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Hey folks, thanks so much for a chance

