



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

Balto. (410) 269-1940 • Fax (410) 280-2956

President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

**HB 352 - Railroad Company - Movement of Freight - Required Crew
House Environment and Transportation Committee
February 16, 2023**

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 352. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

As union representatives, we all take pride in representing our members to provide them with good wages, health care benefits, safe working conditions and the ability to retire with a pension and dignity. Our members know their contribution to the labor force is valuable and appreciated. In the work environment, the safety and well-being of our members is of the utmost importance. None of the collectively bargained wages, benefits and working conditions are worth anything if our members do not make it to retirement due to being injured or killed on the job.

The thought of a two-mile long freight train operating through our communities should be frightening to each and every one of you. I am from Cumberland, which has always been a railroad town and has many freight trains that operate on a daily basis, and commuter trains operating twice daily. I cannot imagine an accident like those highlighted today happening in my hometown, or in nearby mountain communities. Common sense dictates that, for public safety reasons, two persons on the job are better than one.

None of us in this room want to be asked why we did not support this commonsense safety legislation if a tragic accident happened and a second crew member could have prevented it or mitigated the damages from it.

All of organized labor stands in solidarity with our rail worker brothers and sisters. We, in the labor movement, know that worker safety cannot be taken for granted, compromised, or given away through the collective bargaining process. As law makers we know that you recognize where the collective bargaining process ends and public policy begins – especially when the safety of the public, the environment, and workers are at stake. To further prove the point that all of labor stands in solidarity with our brothers and sisters who work in rail transportation, I have attached to this testimony the

resolution from our 32nd Biennial Convention, reaffirming Labor's unanimous support for the veto override of this previously passed rail safety legislation. It was unfortunate that the override was never passed, but we have an opportunity in this Session, with the passage of HB 352, to finally make rail safety a priority.

The legislature has recognized the importance of this legislation, which was evident with the Senate passing it 33-13 and the House passing it 102-30, during the 2019 Legislative Session. This safety bill is extremely popular and has already been shown to receive wide support in the Maryland General Assembly.

We ask for a favorable report on HB 352.

Resolution #12: In Support of a Veto Override of HB 66 & SB 252 – Required Crew

WHEREAS the safety of the public in regard to the risks associated with the transportation of freight by rail is best served by BOTH implementing new safety technology AND assuring that freight trains continue to be operated by a crew of at least two professionals; and

WHEREAS to this end, the Maryland State Legislative Board of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation (SMART), fought for and successfully got passed by an overwhelming and bipartisan vote legislation in the State of Maryland during the 2018 and 2019 sessions of the Maryland Legislature requiring freight train crews of at least two persons; and

WHEREAS the success in achieving this legislation involved the outstanding support of the Maryland State and District of Columbia AFL-CIO and its affiliates; and

WHEREAS this 2018 and 2019 legislation was vetoed by the Governor of Maryland; and

WHEREAS the Maryland Constitution prohibited the legislature from overriding the Governor's veto in 2018, but does not prevent the legislature from overriding the 2019 vetoes; now

THEREFORE, BE IT RESOLVED that the Maryland State & District of Columbia AFL-CIO and its affiliates hereby commit to support the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation (SMART) and urge the entire Maryland General Assembly to override the Governor's vetoes of HB 66 & SB 252 respectively; and

BE IT FURTHER RESOLVED that the Maryland State and District of Columbia AFL-CIO will provide the entire Maryland General Assembly with a copy of this resolution, upon passage, on the first day of the 2020 session of the Maryland General Assembly.

Submitted by: *Larry Kasecamp*

Committee: Industrial Safety
Delegate, SMART-TD Local 632

Convention Action: Unanimously passed



A Union of Professionals
AFT-Maryland

5800 Metro Drive, Suite 100 • Baltimore, MD 21215-3226
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md.aft.org

Kenya Campbell
PRESIDENT

LaBrina Hopkins
SECRETARY-TREASURER

**Written Testimony Submitted for the Record to the
Maryland Environment and Transportation Committee
HB 352 – Railroad Company - Movement of Freight -
Required Crew -
February 16, 2023
SUPPORT**

Chair Barve and members of the House Environment and Transportation committee, we ask a favorable report on HB 352 Movement of Freight – Required Crew, as a safety measure for all citizens.

A two-person train crew is a vital component of rail safety and sound public policy. In 2013, Transport Canada established a government mandate requiring two-person crews in response to the Lac-Mégantic oil train disaster when a freight train carrying 72 tank cars of crude oil derailed and exploded, killing 47 people after its single crew member left the train unattended.

The United States has yet to follow suit with a federally promulgated rule or law, and only five states have implemented a two-person train crew requirement.

The Federal Railroad Administration has signaled plans to require two-man crews on trains carrying oil and freight trains, which is the industry's standard practice, but its proposed rule hasn't been issued.

Again, we ask for a favorable report on Hb 352. Thank you for your time.



Maryland House of Delegates - Environment & Transportation Committee

Chair: Kumar P. Barve

Vice Chair: Dana Stein

House Bill 352 – Railroad Company - Movement of Freight - Required Crew

Position: Support

Electrical Workers

Insulators

Boilermakers

United Association

Roofers

Cement Masons

Teamsters

Laborers

Bricklayers

Ironworkers

Sheet Metal Workers

Elevator Constructors

Painters

Operating Engineers

Carpenters

The Baltimore DC Building Trades and its affiliated local Unions SUPPORT House Bill 352 Freight transportation demand is projected to nearly double by 2035--if present market trends continue, railroads will be expected to handle an 88% increase in tonnage during that same period (source: DOT Strategic Plan 2010-2015.) Amtrak, with ridership at record levels of 31.2 million passengers for fiscal year 2012, predicts those numbers could increase to 60 million by 2050. Most people are surprised to hear that in America, a person or vehicle is hit by a train about every three hours. A critical component to keeping them safe around an increasing number of trains on railroad-rights-of-way and rail property is to adopt the two-man crew legislation before you today. If one person goes down the other must act quickly to save lives. Safety can never be an afterthought, when time is of the essence. The goal of zero incidents begins with instituting a safety culture in every aspect of working lives.

We urge the Committee for a favorable report. Thank you.

Sincerely,

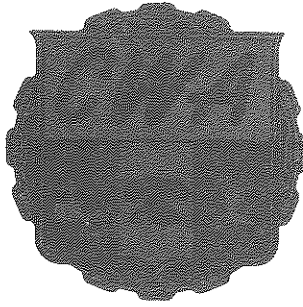
Jeffry Guido

(E) consultingbyjlg@gmail.com (C) 240-687-5195

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CWA MARYLAND STATE COUNCIL
“EFFECTING CHANGE THROUGH POLITICAL ACTION”

TESTIMONY IN SUPPORT OF HB 352
Movement of Freight-Required Crew
February 14, 2023

To: Hon. Kumar Barve, Chair, and members of the House Environment and Transportation Committee
From: Shannon Opfer, President CWA Maryland State Council, President CWA Local 2107

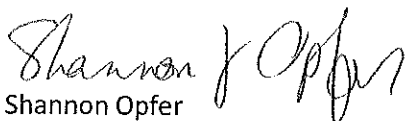
Chair Barve and members of the House Environment and Transportation Committee,

As Union members, we must look out for the safety and health of all workers in union jobs and those not covered by unions. The Movement of Freight –Required Crew bill is nothing more than a safety necessity. Currently when emergency situations occur, a two member train crew is needed to ensure the safety of the train, passengers, and the public.

When dealing with train-vehicle and train-pedestrian incidents, the lone crew member could not go back to assess the situation, assist the injured, “cut” (make a train separation to open up) a road crossing etc. without first securing the train, which may take an hour or more.

If a single person crew member suddenly becomes ill, has a heart attack, or stroke, there would be no one to assist him. For lone crew members, simple things can be distracting. Getting lunch from the refrigerator, retrieving a pen from the floor, grabbing a coat, looking up a rule, all of this is a huge distraction to a lone crew member than if he had a partner to lend some assistance.

The only safe train operation is one with a minimum of two persons in control. The Communications Workers of America is IN SUPPORT of the Movement of Freight-Required Crew bill.



Shannon Opfer

President CWA Local 2107

President Maryland State Council

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL UNION No. 24

AFFILIATED WITH:

Baltimore-D.C. Metro Building Trades Council — AFL-CIO
Baltimore Port Council
Baltimore Metro Council — AFL-CIO
Central MD Labor Council — AFL-CIO
Del-Mar-Va Labor Council — AFL-CIO
Maryland State - D.C. — AFL-CIO
National Safety Council



AFL-CIO-CLC

BALTIMORE, MARYLAND 21230

Written Testimony of

C. SAMUEL CURRERI, President
DAVID W. SPRINGHAM, JR., Recording Secretary
JEROME T. MILLER, Financial Secretary
MICHAEL J. McHALE, Business Manager

OFFICE:
2701 W. PATAPSCO AVE
SUITE 200

Phone: 410-247-5511
FAX: 410-536-4338

Rico Albacarys, Assistant Business Agent, IBEW LOCAL 24

Before the

House Environment and Transportation Committee on

HB 352 Railroad Company – Movement of Freight – Required Crew

SUPPORT

February 13, 2023

Dear Hon. Kumar Barve, Chair, and members of the House Environment and Transportation Committee,

Thank you for the opportunity to submit my testimony **supporting** House Bill 352.

My name is Rico Albacarys and I am a member and employee of IBEW Local 24 in Baltimore. In industries where workers are exposed to hazards, a buddy system is crucial for safety. This is seen in transportation industries like commercial airlines, military air transport, ferry operations, and ocean shipping. In construction, a buddy system also protects workers, customer property, employees, and the public.

The idea of one person operating a freight train that could be over a mile long and carry hazardous cargo is concerning. Working alone can lead to fatigue, distraction, or missing important signals, instructions, or changing conditions that affect train safety. Accidents on the rails can be fatal and have costly environmental consequences. It is crucial that train engineers have a second person with them to focus on safe rail operations.

For these reasons, I am asking you to give a **favorable** report on HB 352.

Sincerely,

Rico Albacarys

Assistant Business Agent IBEW Local 24



International Brotherhood of Electrical Workers
JOSEPH F. DABBS: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President
CHRISTOPHER M. CASH: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • PAULO C. HENRIQUES: Treasurer



TESTIMONY IN SUPPORT OF HB 352
RAILROAD COMPANY-MOVEMENT OF FREIGHT-REQUIRED CREW
February 16, 2023

TO: Kumar Barve, Chair, and members of the Environment and Transportation Committee
FROM: Tom Clark, Political Director, International Brotherhood of Electrical Workers Local 26

Mr. Chair and members of Committee, I ask that you look **favorable on HB 352**, a bill that promotes safety over profit. A piece of legislation that may save hundreds of lives from one accident. The railroad industry is one of our most dependable modes of transportation in a post 9-11 world. A Two-man crew is essential in keeping people, freight cars and property safe in this vital industry.

Do you realize that a person or vehicle is hit by a train every 3 hours. Now imagine that there is only one person at the helm of a long line of freight or passengers cars. Envision one car malfunctioning and the conductor not allowed to investigate because he is obligated to stay in the lead car. Think of the possibility of a medical emergency (heart attack or stroke) happening to the single person that is responsible for the lives of thousands of passengers. This practical, two-person crew legislation can alleviate such a horrible outcome.

Like all bills that come before this committee, there are two sides to this issue. Those that ask for anything less than a two- person crew, are putting profit over the safety of human beings. Money is the driving force for those that oppose this bill. Amtrak ridership is at an all time high of 31 million passengers, surely they can afford to pay two people to avoid a horrific accident. We hope that such a circumstance may never happen, but unfortunately it will. I would hate to put the lives of millions of passengers in danger because corporate greed. This piece of legislation is in no way a difficult choice.

In conclusion, I ask that you consider the only aspect of this bill that matters, **SAFETY!** I respectfully hope that you can see the human aspect of this bill, as opposed to those that consider the almighty dollar. Please look **favorable upon HB 352**. Thank you.



MID-ATLANTIC PIPE TRADES ASSOCIATION



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Maryland House of Delegates – Environment, and Transportation Committee

TO: Hon. Kumar Barve, Chair, and member of the House Environment and Transportation Committee

FROM: Jason Ascher, Political Director, Mid-Atlantic Pipe Trades Association.

STRONGLY SUPPORT – HB 352 - Movement of Freight – Required Crew

On behalf of the Mid-Atlantic Pipe Trades Association and its over 20,000 members and families across Maryland, I ask you to **SUPPORT HB 352 – Movement of Freight – Required Crew.**

We stand in solidarity with our brothers working on train crews. In the Pipe Trades, as with the rest of the building trades community, we train our members to think safety first and make sure apprentices receive the necessary training from OSHA and that they work under a licensed journeyman throughout their training. Not having two crew members on a train is like sending a day one first-year apprentice onto a construction site without a journeyman and telling them to weld two multi-ton pipes together. On the railways, as on the construction site, safety must come first.

In the construction industry, apprentices learn on the job by working with a journeyman. The journeyman is there to have a mentor to help teach them their craft, ensure compliance with safety standards, and teach them the ins and out of a job. Similarly, a single man crew leaves new conductors without that mentorship from an experienced engineer teaching them the locomotive system's ins and outs, signal systems, and tracks. A single crew member would lead to fewer experienced conductors and engineers and a less safe work environment.

Having a single crew member on a train also means there is no second set of eyes to remind them of slow orders, blocked signals, or mechanical failure at road crossings. A single crew member would also lead to unnecessary distractions, some of which would be mandatory, like copying directives and responding on the radio. These people are human, and that second set of eyes helps make sure tragic mistakes do not happen.

For the reasons listed above, I ask you to **SUPPORT HB 352.**

Plumbers and Gasfitter Local 5 – Camp Springs, MD
Plumbers and Steamfitters Local 10 – Richmond, VA/Roanoke, VA
Plumbers and Pipefitters Local 110 – Norfolk, VA
Road Sprinkler Fitters Local 669 – Columbia, MD

Plumbers and Steamfitters Local 486 – Baltimore, MD
Plumbers and Steamfitters Local 489 – Cumberland, MD
Steamfitters Local 602 – Capitol Heights, MD



**International Association of Sheet Metal, Air,
Rail & Transportation Workers,
Local Union 100— Sheet Metal Division**
Affiliated with AFL-CIO

Richard D. LaBille, III
Business Manager/President
Russell K. Robinson
Financial Secretary-Treasurer

The Honorable Delegate Kumar Barve and Committee Members
House Committee on Environment and Transportation

February 8, 2023

**We strongly support HB 352 for the following reasons and feel the state of
Maryland and its residents would be safer with this bill becoming law.**

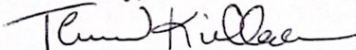
- A single person on a train is a recipe for disaster, if the engineer were to become sick, have a heart attack or stroke there would be no one else present to operate the train.
- Without a second crew member to assist the train engineer, an endless number of distractions would create a number of safety issue that the engineer alone may not be able to overcome.
- Backing up a train is impossible with a single person and if an emergency would occur there's no way to do so.
- Without a second crew member on the train valuable mentoring time would be lost therefore creating a safety risk.
- Since the engineer is not allowed to leave the train at any time, per Federal regulation, it would be impossible for the engineer to secure the train, via setting hand brakes on each car if an emergency would occur.
- Since the engineer is not allowed to leave the train at any time, it would be impossible to patrol the entire train looking for suspicious activity as required by National security since 9-11.
- Train crews are on duty all hours of the day and night for up to 12 hours at a time and often multiple miles from a spot to take a break or get a cup of coffee if they find themselves getting sleepy, causing an unsafe situation.
- If an accident would occur at a grade crossing with motor vehicle the engineer would not be able to leave the train to inspect and assess the situation or to call for help if needed.



- If a tanker car, while carrying hazardous materials, were to spring a leak or become inoperable due to some unforeseen issue the engineer would not be able to leave the train to inspect and assess the situation or to call for help if needed.

In order to keep Marylanders safe we ask for a favorable vote on HB 352 for the betterment of the State of Maryland.

Sincerely,



**Thomas Killeen
Bus. Rep/Legislative Director
SMART Local Union 100**



UAW Retiree Chapter LOCAL 239
UAW Region 8 -- Baltimore Office
1101 North Point Boulevard, Suite 131
Baltimore, MD 21224

UAW-32

UAW REGION 8 MARYLAND STATE COMMUNITY ACTION PROGRAMS (CAP)

Testimony in Support to HB 352 Railroad Company-Movement of Freight-Required Crew

February 14, 2023

**To: The Honorable Chair and members of the
Environment and Transportation Committee**
**From: Frederick V. Swanner, Chairman
UAW Local 239 Active & Retiree Council**
Re: HB 352 Railroad Company-Movement of Freight-Required Crew

I am writing the Chair and all members of the Environment and Transportation Committee to urge you to support HB 352. It is a major safety item of concern; HB 352 is designed to take care of the railroad workers and or pedestrians by communicating at all times by radio issues in and around the Train. Examples of why there should be a two-person crew on trains; the engineer is not allowed to leave the engine compartment for any reason other than maybe his/her safety. One reason of many is if one of the two crew members has a heart attack, slips and falls or is rendered unconscious for whatever reason who would know except his co-worker, to take control of the train. All workplaces need to be as safe as humanly possible.

In closing I would like to state that in all our General Motors, Ford and Chrysler plants around the country we have a Buddy System (two-member crew) whereas no one works in confined space or unpopulated work areas by themselves for safety reasons. So, I urge this committee to support HB 352. Worker's and Pedestrian's safety should be top priority and should not be traded for a company's bottom line. The communities of my members and family that live in neighborhoods these trains travel through thank you for their safety as well.

Kind Regards,

**Frederick V. Swanner, Chairman UAW
Local 239 Active & Retiree Council**

United Food & Commercial Workers International Union Local 27



Delaware, Maryland, Pennsylvania, Virginia and West Virginia

**In SUPPORT of
HB-352**

WRITTEN TESTIMONY

Jason Chorpenning, President

United Food & Commercial Workers International Union Local 27

21 West Road, Towson, MD 21204

February 16, 2023

Environment & Transportation Committee

House of Delegates

Chairman Kumar Barve, Vice Chairman Dana Stein and members of the Environment & Transportation Committee, on behalf of the 18,000 working men and women represented by United Food & Commercial Workers International Union (UFCW) Local 27, I am submitting testimony in strong support of HB-352.

Personally, I worked for five years as a conductor and engineer for CSX; I understand first-hand how critical these jobs are to our economy; but how little margin for error there is when it comes to operating them safely.

A locomotive themselves can weigh between 100 to 225 tons, a typical over the road long haul freight train can weigh anywhere from 3,000 tons to 18,000 tons. An average train going 55 miles an hour can take over a mile to stop.

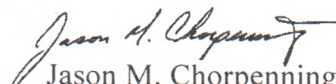
Train crews are routinely given directives on blocked signals, road crossing failures, speed restrictions, etc... Having a single person operation eliminates all redundancy in the cab. Twelve-hour runs are common in the freight rail industry. The vast majority of these runs are unscheduled and oftentimes crews are required to report for duty unexpectedly and are not adequately rested.

Furthermore, if a single person crew member suddenly becomes ill, has a heart attack or stroke there would be no one to assist them. Then there are smaller concerns, bathroom breaks, and meals- all of this becomes a more significant hindrance. For the lone crew member, even simple things can easily cause them to be distracted. Conductors can't just pull over at the next rest area for a coffee, a stretch, and a bathroom break. The train keeps on moving.

The simple fact of the matter is that this bill enhances public safety at no cost to the state. The fiscal note states that the Department of Labor, Licensing, and Regulation (DLLR) can handle the bill's requirements with existing resources. This may cost operators a little more, but are marginally higher profits worth the risk to public safety?

I urge the Committee to SUPPORT HB-352.

In Solidarity,


Jason M. Chorpenning
UFCW Local 27 President



METROPOLITAN BALTIMORE COUNCIL

AFL-CIO Unions

HB 352 - Railroad Company - Movement of Freight - Required Crew
Environment and Transportation Committee
February 16, 2023

Support

To: Hon. Kumar P. Barve, Chair & members of the House Environment & Transportation Committee

From: Courtney Jenkins, President, Metropolitan Baltimore AFL-CIO

Chairman and members of the committee, thank you for the opportunity to present testimony in **support** of *HB 352 - Railroad Company - Movement of Freight - Required Crew*. My name is Courtney Jenkins, President of the Metropolitan Baltimore Council AFL-CIO—our central labor council coalition represents over 100 affiliated local unions and close to 80,000 proud union members in Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard counties, and Baltimore City.

The importance of prioritizing the health and safety of our railroad crews is articulated through this critical piece of legislation. Currently, without the requirement to have at least two crew persons on freight rail the potential for emergency situations that cannot properly be addressed increases exponentially.

For example, without a second crew member, the engineer will not receive warnings about slow orders, work orders, block signals, road crossing mechanical failures, or other restrictions impacting the movement of their train. It is very possible that problems will occur and very possible that an engineer could fall short on receiving any of the stated messages needed to safely deliver freight. This bill does not just protect the safety of the train operators and engineers, it also protects the safety of the communities these trains travel through each day.

The movement of our nation's freight is directly related to the strength of our economy. With this legislation we ensure that we take all required measures to protect the prosperity of our state and safety of its workers.

For the above reasons, we ask for a **favorable report** on *HB 352 Railroad Company - Movement of Freight - Required Crew*.

Respectfully submitted,


Courtney L. Jenkins, President



WESTERN MARYLAND CENTRAL LABOR COUNCIL, AFL-CIO

152-154 N. Mechanic Street, Cumberland, MD 21502
PHONE: 301-777-1820 FAX: 301-777-0121
EMAIL: westmdclc@verizon.net

February 16, 2023

Chairman Barve and Members of the Environment & Transportation
Committee:

President
GEORGE KOONTZ

Vice President
LARRY KASECAMP

Secretary - Treasurer
IAN REIKIE

Executive Board
JACK DAVIS
RODNEY RICE
MATT ROSS
SCOTT UPOLE
JASON WEAVER

Cope Director
JODY OLIVER

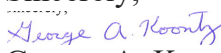
RE: HB-352 Support

For the record, my name is George Koontz. I am the President of IBEW Local 307 and the President of the Western Maryland Central Labor Council. I am employed through the Local as a licensed electrician. I am a lifelong resident of Maryland currently residing in Allegany County.

In my occupation I frequently work in and around hazardous conditions. I know how important it is to have a second set of eyes in these situations. In the construction industry, the skilled trades use a buddy system for workers to protect their safety as well as the safety of the customers property, the employees, and the public in general. In the transportation industry, most modes of operation have more than one person overseeing them too. This type of safety procedure on the operation of equipment provides the operators and the public with an invaluable measure of safety.

The thought of allowing freight trains to traverse through Maryland with only one crew member is preposterous. Today's trains are up to two miles long and carry all kinds of hazardous material. And as experience tells us, accidents on the rails tend to be very costly with property damage, environmental damage, injuries and even deaths being the outcome.

Our Council and its affiliates strongly urge your committee to pass HB-352, this very valuable safety legislation, as your committee has previously done on several occasions and keep Maryland safe!

Sincerely,

George A. Koontz
President