

DANA M. STEIN
Legislative District 11
Baltimore County

Vice Chair
Environment and Transportation
Committee

Subcommittees
Chair, Environment
Natural Resources,
Agriculture and Open Space



The Maryland House of Delegates
6 Bladen Street, Room 251
Annapolis, Maryland 21401
410-841-3527 · 301-858-3527
800-492-7122 Ext. 3527
Fax 410-841-3509 · 301-858-3509
Dana.Stein@house.state.md.us

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

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

Chair Kelly, Vice-Chair Feldman, and Committee members:

House Bill 492, also known as the “two-man crew” or “two-person crew” bill, has been heard and passed by this committee four times and by the Senate three times: in 2016, 2018, and 2019. 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 bill was a train disaster that happened several years ago in Canada, when a freight train with a one-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 mandated two-person crews.

The basic premise of the bill is that operating a freight train is not an easy task. These trains frequently carry hazardous cargo and are often more than two miles long. A single crew member cannot perform all of the required tasks, maintain the highest level of safety, and respond to an emergency. That’s why nearly every freight train in the U.S. 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, where railroad tracks and roads cross. A single crew member cannot assess an accident, secure the train, and notify all emergency responders. The 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 life-threatening issues.*

Grade-crossing accidents are not a rare occurrence and they can be deadly. 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. In addition to grade-crossing accidents, there are plenty of freight train derailments.

One of those happened last November 24, 2020, when 21 rail cars derailed in a freight train accident in Baltimore. Fortunately no one was killed or injured, partly because the train had no hazardous materials.

Two years ago, the legislature passed this bill with bipartisan support, but it was vetoed by the Governor, so we are back asking for your support. A 2018 poll indicated that 86% of

Marylanders supported two-person crew legislation. President Biden, in a video made before he became president, also has said he supports two-person crews.

I'd also like to address MDOT's claims that this bill would increase MARC's operating costs. In its letter of opposition during the hearing before the House Environment and Transportation Committee, MDOT wrote: "Two of MARC's three service lines run on tracks owned by freight rail operators, which will likely require MARC to pay for any costs they incur from this bill and/or require MARC to operate its trains with additional crew."

I asked MDOT for the operating agreement that MTA has with CSX. Turns out, the most recent amendment to the MTA Access Agreement with CSX doesn't require MARC to pay for any costs they incur from the bill. What it says, is that if this type of bill is enacted, the parties shall discuss impacts on costs and operations. That's it.

Also, CSX's costs would not increase because it committed to not changing crew size under the current collective bargaining agreement, and that provision should last at least through this decade.

MTA also claimed, per the Fiscal Note:

"While the bill does not require two-person crews for passenger trains, MTA advises that CSX is likely to create an internal operational rule requiring all trains to have two engineers (both freight and passenger), which would affect MARC train service. If that were to occur as a direct result of the bill, MTA advises expenditures for the additional engineers would total at least \$2.4 million annually."

During the hearing in the House, a delegate asked CSX point blank if it was their intention to "create an internal operational rule requiring all trains to have two engineers (both freight and passenger)" if this legislation passed. Their answer was no, they have no intention of making this change. Therefore, there is no fiscal effect to the State.

I ask you again for a favorable vote on this bill, which is about protecting the employees, the environment, and the citizens of Maryland by insuring a safe and efficient railroad operation within the State.