

Testimony

Delegate Dana Stein in Support of House Bill 352

**Railroad Company - Movement of Freight -
Required Crew**



Lac Megantic, Quebec - Before



Lac Megantic, Quebec - During



Lac Mégantic, Quebec - After

The Lac Megantic Rail Disaster Took Place on 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 People Killed and Half of Downtown Destroyed.

Impetus for Two-Person Crew Legislation

Railroad Crossing Accidents



Railroad Crossing Accidents 2019 – 2021

- **2019:** 2,216 accidents with 807 injuries and 293 deaths.
- **2020:** 1,901 accidents with 697 injuries and 195 deaths
- **2021:** 2,146 accidents with 670 injuries and 234 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.



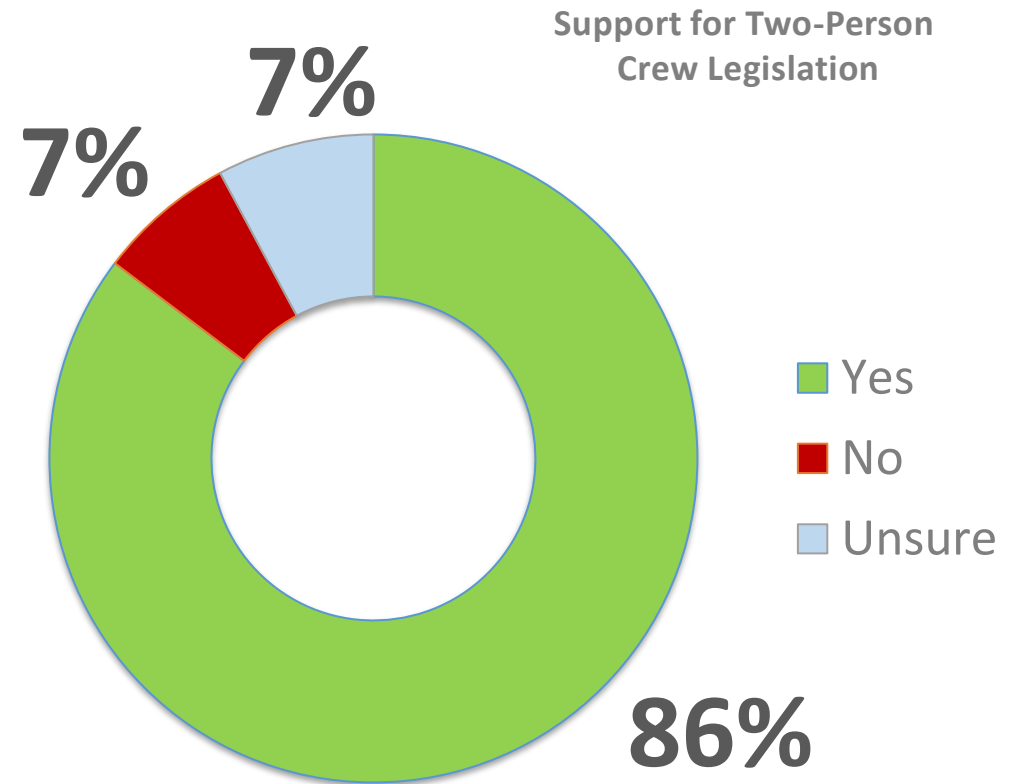
Survey Methodology

- 500 Maryland Residents, Randomly Selected
- Via Mobile Phone and Landline
- Conducted 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 HB66 Two-Person Crew Legislation

Q8: Some in Maryland want to enact a law, introduced as HB66, 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

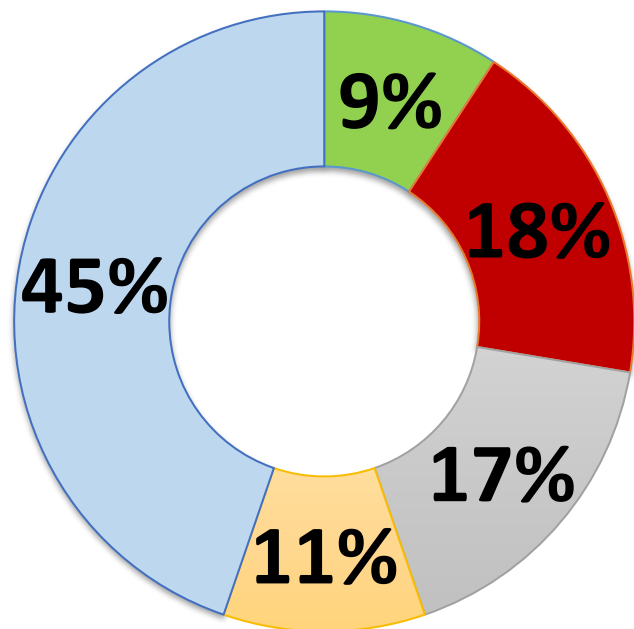
<u>Gender</u>	<u>Yes, Pass</u>	<u>No, Reject</u>	<u>Unsure</u>
Men	84	8	8
Women	88	6	6
<u>Age</u>			
18-34	84	6	10
35-49	87	6	7
50-64	85	9	5
65+	88	9	3
<u>Education</u>			
No College Degree	85	9	6
College Degree	87	5	8

<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

■ 1 ■ 2 ■ 3 ■ 4 ■ 5



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 derailing 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 derailing in their community.

<u>Gender</u>	<u>Very</u>	<u>Fairly</u>	<u>Somewhat</u>	<u>Not That</u>
Men	42	13	23	21
Women	56	16	18	10
<u>Age</u>				
18-34	42	16	23	20
35-49	51	13	18	19
50-64	49	18	24	8
65+	62	13	16	8
<u>Region</u>				
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 HB66

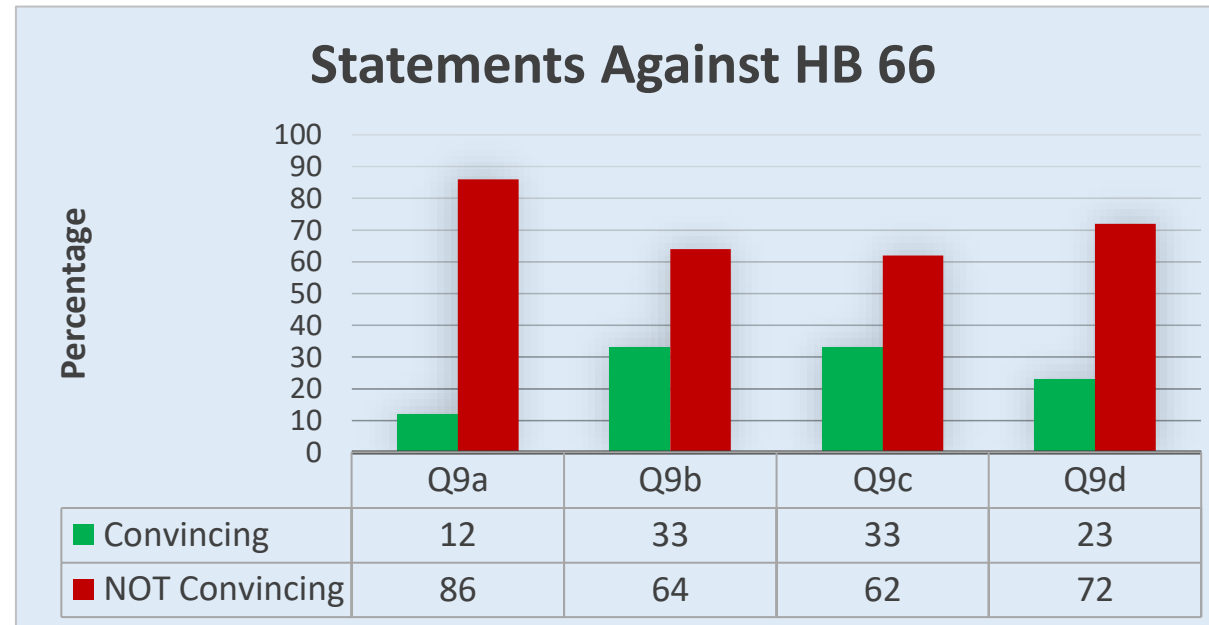
I now want to read you a few reasons why some people oppose House Bill 66, which would require a crew of two individuals on freight trains. For each reason, tell me if you find it a convincing reason or not that convincing reason to reject House Bill 66:

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.

Statements tested in opposition to HB66 are direct from American Association of Railroads (AAR) from 2013 and updated in 2019.



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.

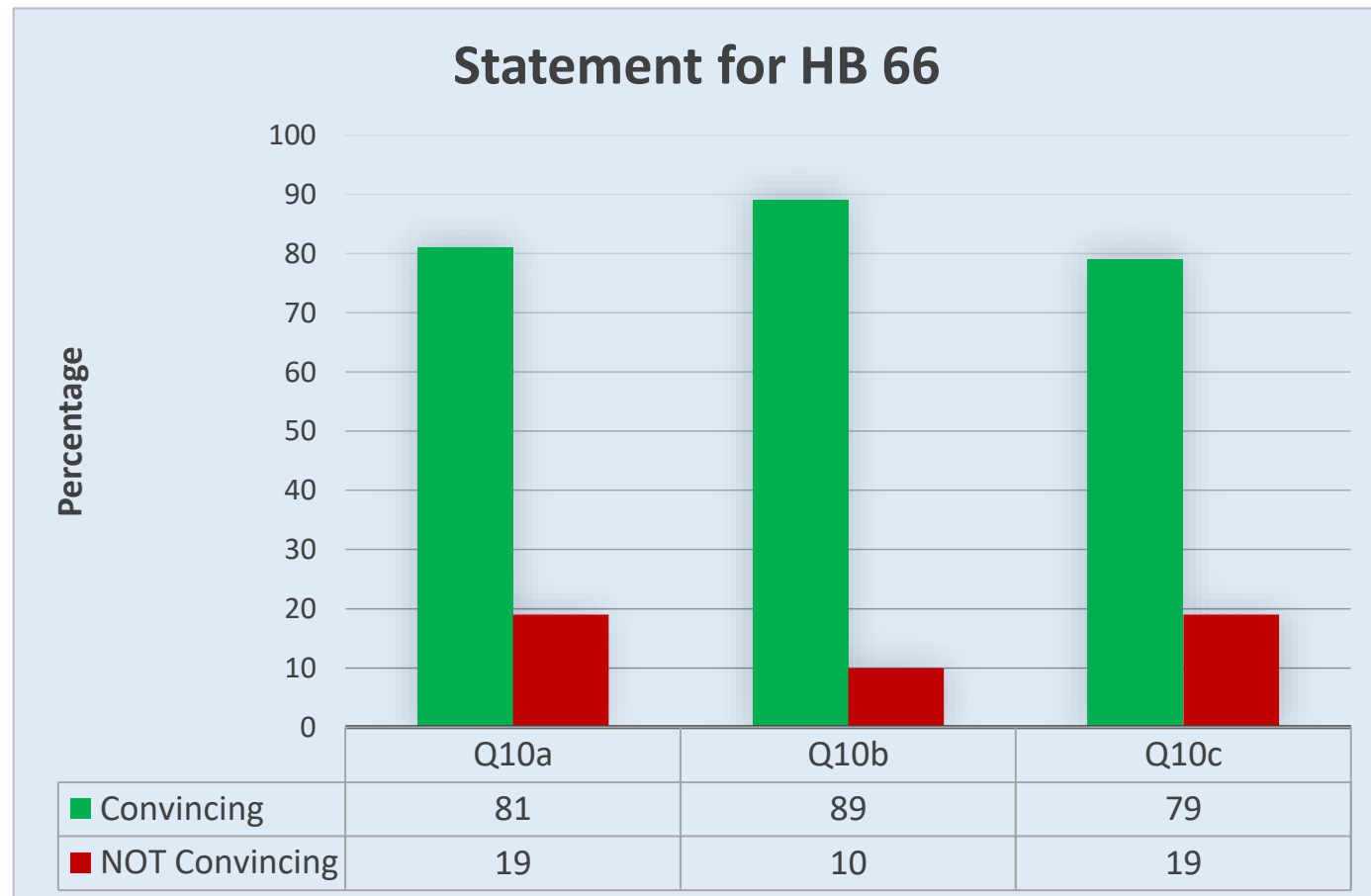
Statements Tested FOR HB66

I now want to read you a few reasons why some people support HB66, 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 that convincing reason to pass HB66?

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.



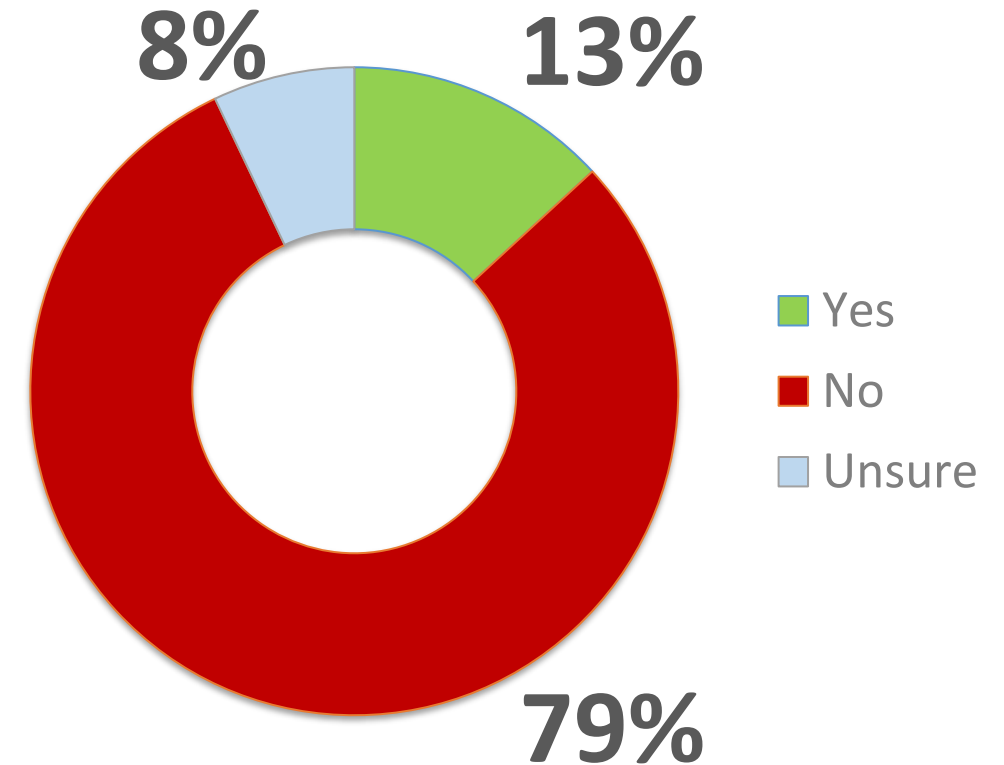
Rail Crew Options

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

1. Only two-person crew, no advanced rail technology: **2%**
 2. Two-person crew, using advanced rail technology: **68%**
 3. Advanced rail technology as replacement of a train crew member: **4%**
 4. Let railroads and rail unions decide which option is safest: **21%**
- (VOL) Unsure: **5%**

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

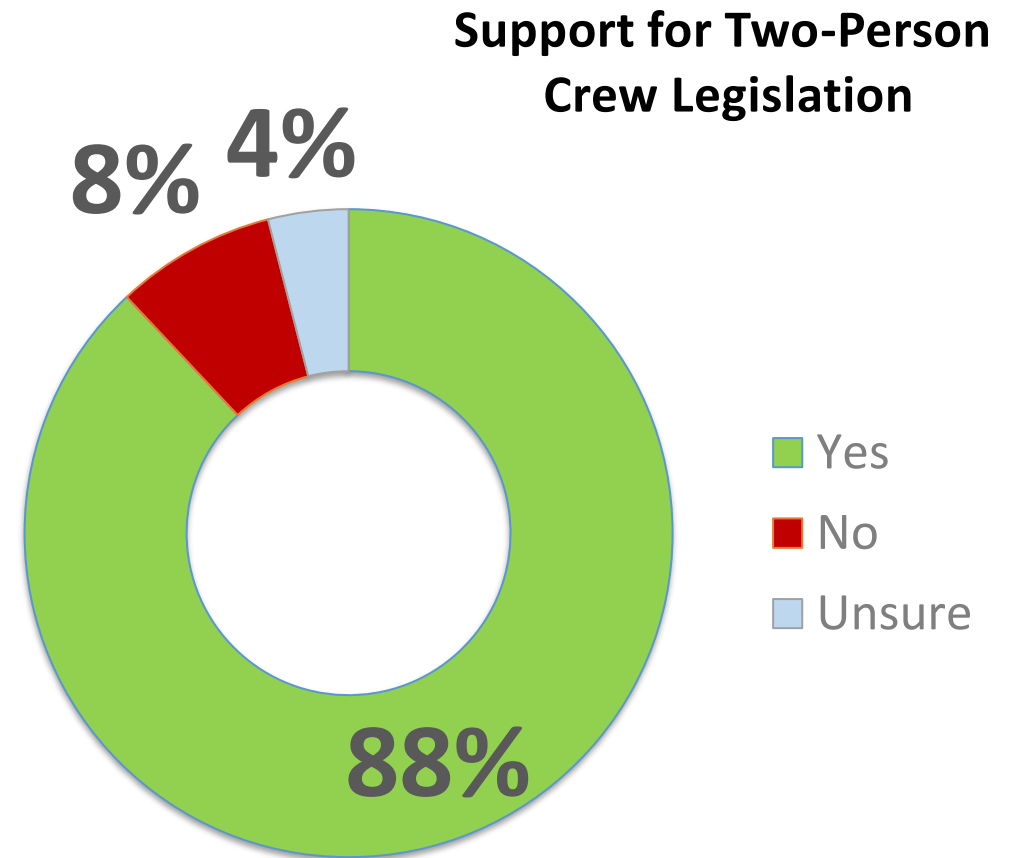
Q12: Do you trust advanced rail technology as a replacement of a train crew member?



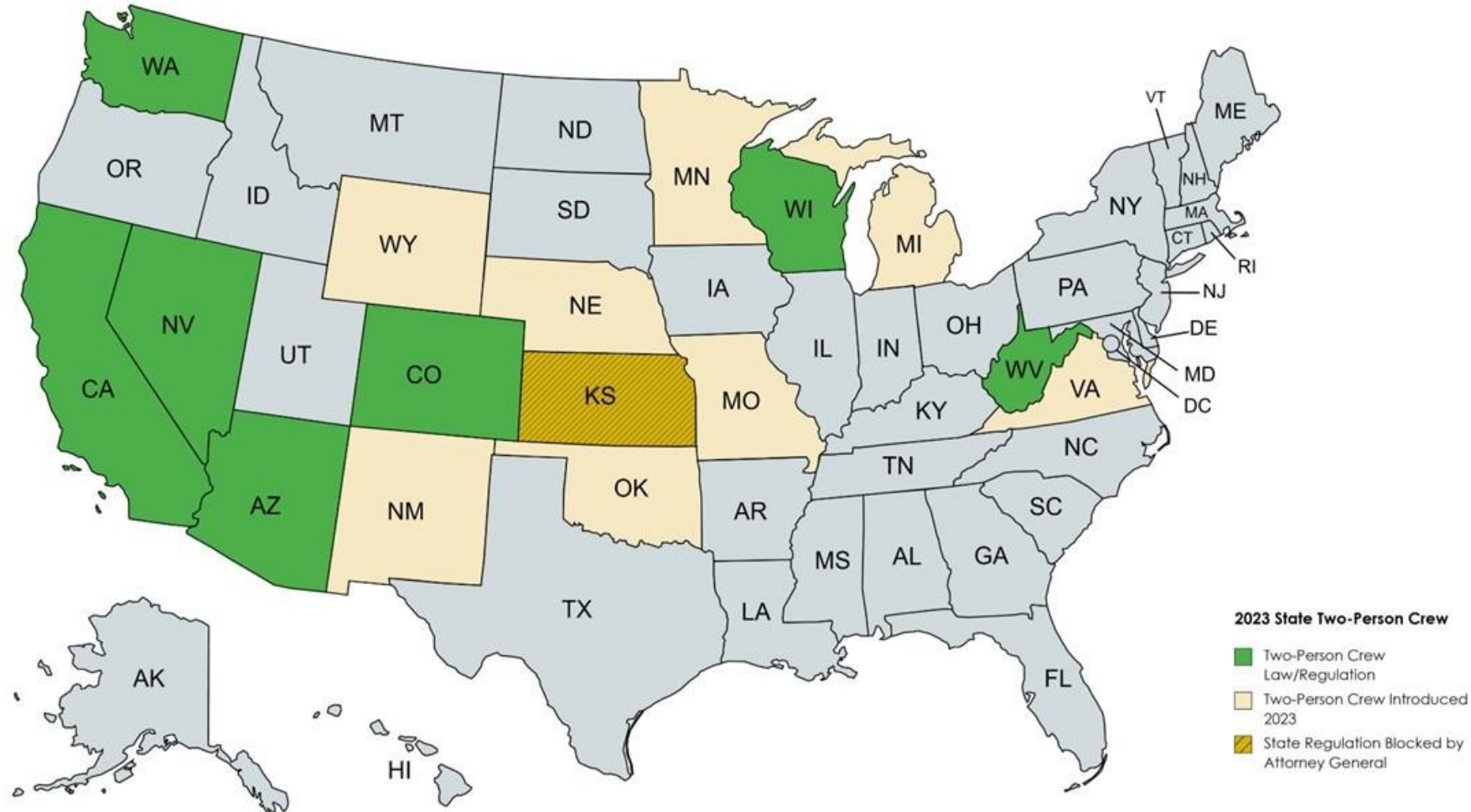
Support Level for HB66 Two-Person Crew Legislation

Q13: Now considering everything you just heard about HB66 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 increased from 86 percent YES to 88 percent YES.



States that have Passed or Are Considering Two-Person Crew Legislation, 2023





Norfolk Southern train derailment in East Palestine, Ohio on February 6, 2023