

February 16, 2021

The Honorable Kumar P. Barve, Chair
Environmental & Transportation Committee
251 House Office Building 6 Bladen Street Annapolis, MD 21401

Dear Chairman Barve and Members of the Committee,

My name is Lydia McPherson, and I am the regional Government Relations Manager for Norfolk Southern. I am writing to oppose House Bill 352 - Railroad Company - Movement of Freight - Required Crew. Crew size mandates like the one being proposed by HB 352 will reduce the rail industry's ability to innovate and compete in a rapidly changing freight transportation sector, with no empirical evidence of any safety benefits. In fact, in 2019 the industry's federal safety regulator stated that "accident and incident data does not support a train crew staffing regulation."¹

In the U.S., crew sizes have safely and gradually been reduced over the past few decades through collective bargaining. Five-person crews that were prevalent in the 1970s evolved into two-person crews utilized by most U.S. freight railroads today. Over this same time-period, accident rates fell by more than 80 percent according to data collected by the Federal Railroad Administration (FRA).² These industry wide safety improvements can be attributed to a focus on safety culture and continuous advancements in technology. One such technology, Positive Train Control (PTC), automatically stops a train to help prevent collisions, derailments and other accidents that can be caused by human error and (taking on) the safety duties traditionally taken on by a second crew member in the cab. Maryland recognized the potential benefits for similar emerging technologies in trucks when the Maryland Department of Transportation applied for a USDOT grant back in 2016 which would have designated portions of the I-95 corridor as an Automated Vehicle testing and deployment area.³

Many European countries have safely operated with single-person crews since the 1930s. In fact, today more than 95 percent of European rail traffic is moved by one-person crews. Even though Europe has higher train density than U.S. railroads and more passenger trains on a shared network with freight, a 2021 study found that European operations "appear to suffer no reduction in crew-related safety" and "found no evidence that railroads operating with two-person crews are statistically safer than railroads operating with one-person crews."⁴

As the industry makes further investments in new safety-enhancing technologies and innovative staffing practices, such as ground-based conductors strategically located along the network rather than in-cab, we can expect to see a continued improvement in the level of safety at which our freight rail network

¹ <https://www.regulations.gov/document/FRA-2014-0033-1606>

² <https://www.progressivepolicy.org/blogs/misguided-crew-size-legislation-risks-slowneeded-freight-rail-growth/>

³ <https://mdot.maryland.gov/tso/pages/newsroomdetails.aspx?PagelId=0&newsId=187>

⁴ <https://raillaborfacts.org/wp-content/uploads/2022/09/Carriers-Exhibit-11-Report-of-Oliver-Wyman-Comparison-of-European-and-US-Railways.pdf>

operates, just as we have over the last 50 years. However, staffing mandates, like the one put forth by HB 352, will hamper these types of innovation, limiting our industry's ability to efficiently serve our customers, build resiliency into our operations, and improve work-life balance for our employees. Furthermore, governmental restrictions on our operations will hinder our ability to compete with other modes of transportation, driving freight from the rails to already over-burdened highways.

Not only are crew size regulations are not backed by evidence, but they are also beyond the State of Maryland's power to adopt. Several federal laws bear on this issue as my colleague and Norfolk Southern's Assistant Vice President of Regulatory Affairs, Randy Noe, will testify in greater detail.

For these reasons I respectfully ask for an unfavorable report on HB 352. Thank you for your time.

Sincerely,

Lydia McPherson
Manager of Government Relations
Norfolk Southern Corporation