

Madam Chair Griffiths and Members of the Senate Finance Committee

My name is David Pendleton, legislative advisor for the SMART Transportation Division in Maryland and 19-year conductor for Amtrak here in support of SB915. SMART members work as the Conductors, and Engineers on-board freight and passenger trains operating in Maryland.

SB915 is a proactive rail safety legislation that protects the safety of the rail workers, the environment and the communities freight trains operate through by mandating a minimum 2 person crew on certain freight trains.

Freight trains share tracks with passenger and commuter trains. They carry hazardous materials, operating through many of Maryland's densely populated cities and towns. Bowie, Laurel, Rockville, Silver Spring, Gaithersburg, Hagerstown, and Baltimore just to name a few. Imagine how difficult it would be to evacuate any one of these areas if an East Palestine type of derailment were to occur.

Support for minimum 2 persons train crew size has been vast. **(1)** In 2016, more than 1,600 comments were submitted to the FRA concerning crew size regulations. 1,545 were submitted in support of a minimum 2-person train crew. This number included the general public, current and retired railroad employees, Government officials and organizations.

The 55 comments submitted against this regulation, all were officials from the railroads themselves, their paid lobbyists, and the organizations that they fund.

Historically, safe working rules and procedures for rail workers have been written in blood.

In 1996, in Weyauwega, Wisconsin the town had to be evacuated due to a train derailment containing hazardous materials. The conductor prevented a greater tragedy by separating the non-derailed cars from the fire engulfed derailed cars. Following the accident, Wisconsin passed their 2-person crew requirement into law.

In 2013, in Lac-Mégantic, Canada, a one-person freight train operation contributed to a runaway train that derailed, killing 47 persons and essentially destroyed the town. Following the accident Canada banned one-person freight train operations

Regrettably, there is no similar Federal or Maryland law or regulation requiring a minimum of 2-persons on freight trains. SB915 would fix this safety hazard.

The railroads consistently argue that states should not act on crew size because the Federal Railroad Administration is going to issue regulations. The FRA has been in the process of issuing a crew size rule since 2013. That is 10 years, 3 presidents, and numerous FRA administrators. Still no rule.

The railroads insist that crew size is a collective bargaining issue. No amount of money or benefits negotiated are worth the harm that could come to rail workers, the environment or the public if a tragic accident occurs due to a one-person operation.

The railroads have testified before members of the General Assembly that the FRA did not produce any evidence that showed where 2-person train operations were safer than single person train operations.

What they fail to say in their testimony is that the FRA doesn't collect data that would provide information regarding the total operating mileage for one-person crew operations in the United States and that according to former FRA administrator Ronald L Batory in his decision to withdraw the 2 person crew regulation, **(1)** "it is impossible for FRA to normalize the data and be able to compare the accident/incident rate of one-person operations to that of two-person train crew operations to see if one-person operations appear safer or less safe."

The railroads love to use Europe's single person operation as an argument for why 2-person train operations are not safer.

Again, what's left out of this argument is the fact that the rail system in Europe receives more investment in 10 years than the American system has in 40 years. **(2)** According to American Association of Railroads, a class 1 railroad funded Association, from 1980 to 2020, private railroads invested \$760 billion in infrastructure. In the last 10 years, they have invested \$250 Billion.

(3) In the last 10 years alone, the European rail system has invested \$830 billion Euros, a little over \$900 Billion dollars. The European rail system has a layer upon layer of safety systems. Furthermore, each member country has their own safety system as an additional layer of safety. They have the Automatic Warning System (AWS), Automatic Train Protection System (ATP) and European Train Control System (ETCS). Furthermore, each country has their own rail safety system that works in conjunction with these systems and acts as an additional layer of safety.

There is a culture of rail infrastructure investment. **(4)** Even though the European rail system receives a large amount of funding, the general public still feels it is underfunded.

The General Assembly understands that it is better to be proactive than reactive when it comes to rail safety. This is evidenced by their passage of this legislation numerous times. Sad to say, each time it was vetoed by Governor Hogan.

We sincerely urge another favorable report on SB915 to move this to the desk of our new Governor Wes Moore.

- 1) <https://www.regulations.gov/document/FRA-2014-0033-1606>
- 2) <https://www.aar.org/facts-figures>
- 3) <https://www.railtech.com/infrastructure/2021/11/24/more-money-invested-in-roads-than-rail-where-is-the-shift/>
- 4) <https://www.investigate-europe.eu/en/2021/despite-public-support-for-rail-trains-remain-underfunded-in-europe/>