



Brian W. Hammock  
Director State Affairs  
CSX Transportation

February 26, 2026

The Honorable Marc Korman  
250 Taylor House Office Building  
Annapolis, MD 21401

**RE: LETTER IN OPPOSITION TO HB862: Railroads – Required Crew for Movement of Freight**

Dear Chair Korman:

On behalf of CSX Transportation, I am writing to respectfully oppose HB862 – Railroads – Required Crew for Movement of Freight.

Safety is our highest priority at CSX, guiding every decision we make to protect our employees, the communities we serve, and the nation’s supply chain. Arbitrarily mandating the size of freight train crews will not improve rail safety in Maryland. Data over the last 50-years proves otherwise. This bill will have two tangible impacts: (1) undermining the state regulatory certainty that has enabled significant public-private infrastructure investments like the Howard Street Tunnel Project, particularly as double-stack rail service is coming to the Port of Baltimore, and (2) saddling the Transportation Trust Fund \$6 million annually, increasing the cost to operate MARC service.

**\$6 million State Budget Fiscal Impact**

HB862 applies to a freight train that “shares the same rail corridor as a high-speed passenger or commuter train.” In Maryland, CSX allows MARC to operate the Camden and Brunswick commuter lines on our rail corridor. The railroad and Maryland are working in good faith together to find ways to expand MARC service.

If HB862 becomes law, CSX would be penalized for partnering with Maryland on reliable commuter rail service. Under the 2021 MARC Access Agreement between CSX and the Maryland Transit Administration, if the state imposes a freight train crew size mandate, CSX will be eligible for reimbursements up to \$6 million per year. This amount accounts for the potential future cost of having an additional crew member on freight trains when operating in the State of Maryland.

**Federal Preemption**

CSX has remained open and transparent about two-person crew discussions at a national level but believes state government mandates on national networks such as ours puts Maryland and the railroad industry at a practical disadvantage. This bill would make permanent a single staffing model for all freight railroads in Maryland, regardless of whether they are mainline, yard or switching operations. Except for two types of operations – “Hostler Service” or “Utility Employees in Yard Service” – which are not defined in the bill. State laws of this nature have been preempted by federal law for over 40 years.

The Federal Railroad Administration (FRA) issued a national crew size rule that became effective on June 10, 2024,<sup>1</sup> detailing when and under what conditions train crews should be staffed to ensure optimal safety of our employees and the public. While FRA's final rule is subject to ongoing litigation, FRA has clearly indicated that it is the final arbiter of railroad crew size regulations in the country. Regardless, locking Maryland into a rigid operating model, without any study or analysis of the impacts to the economy or supply chain, risks doing more harm than good.<sup>2</sup>

The Rail Reorganization Act, also known as the 3R Act, was passed by Congress in 1974 in response to a railway crisis in the Northeast and Midwest. The Act was designed to reorganize the railroads to create an economically viable and cohesive railway system. The 3R Act has an express preemption clause that prohibits states in the Region from adopting laws or rules requiring a specified crew size for any task, function, or operation.

Like Maryland, other states have considered or enacted crew mandates in recent years as the FRA considered a federal rule. The United States District Court for the Northern District of Illinois struck down a similar state crew size law passed in Illinois. In that case, railroads in Illinois challenged a state-enacted two-person crew mandate similar in nature to HB862. Finding that the preemption language in the 3R Act is too specific to ignore, the court concluded: "Illinois wants to mandate a crew size of two to perform the task, function or operation of moving freight with a train or light engine; this is exactly what the 3R Act prohibits."<sup>3</sup>

With comprehensive federal regulations establishing a national standard for train crew size already issued, current collective bargaining agreements requiring a two-person crew, and federal law preempting state action, we urge the committee to continue to monitor this matter in future years.

### **State Regulatory Certainty Promotes Economic Growth**

With many years of leadership and support from the Maryland Senate, the State of Maryland and CSX are now nearing completion of the Howard Street Tunnel Project, a historic investment made possible through a close partnership between the State, the federal government, and the private sector. According to projections from the Port of Baltimore, the economic impact generated by the Howard Street tunnel project includes approximately 7,290 jobs. Of those, 2,950 are direct jobs, 3,400 are induced jobs, and 940 are indirect jobs. Additionally, new container activity at the Port of Baltimore would be a major source of personal and business revenues annually, including \$613M in personal income, \$443M in business revenues, and \$65M in state and local tax revenues.

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<sup>1</sup> Train Crew Size Safety Requirements, 89 Fed. Reg. 25052 (April 9, 2024).

<sup>2</sup> Prior to adopting new railroad safety and health regulations, existing Maryland law requires an economic impact statement, including direct and indirect effects of the regulation on the railroad industry, the public, and railroad employees, and a review of alternative approach available to ensure the "least burdensome economic impact on the railroad industry, the public, and railroad employees. MD. Code Ann. Lab. & Empl. §5.5-108(2) ([link](#)).

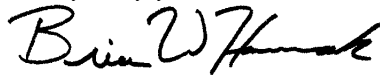
<sup>3</sup> Indiana Rail Road Co. v. Illinois Commerce Comm'n, No. 1:19-CV-06466 (N.D. Ill. 2021) (finding the 3R Act has an express state preemption clause that **prohibits states in the Region, including Maryland, from adopting laws or rules requiring a specified crew size** for any task, function, or operation on the railroad.) ([link](#)).

This project was advanced under a stable and predictable regulatory framework, with the shared understanding that railroad operations would continue to be governed primarily at the federal level.

Introducing new, state-specific operating mandates at this stage—particularly those directed at crew staffing—runs counter to that certainty and risks sending an unsettling signal to private investors considering long-term infrastructure commitments in Maryland. The success of the Howard Street Tunnel Project should reinforce, not weaken, Maryland's reputation as a reliable partner in complex transportation investments.

Before disrupting the national uniform standards that have allowed railroads to serve their important purpose, please consider the attached information. CSX respectfully requests that the committee issue an unfavorable report on HB862. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink that reads "Brian W. Hammock". The signature is written in a cursive, slightly slanted style.

Brian W. Hammock