

HB 862 - Railroads - Required Crew for Movement of

Uploaded by: Brian Wivell

Position: FAV

Amalgamated Transit Union Local 1300

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Proudly representing the transit workers of the MTA!



HB 862 - Railroads - Required Crew for Movement of Freight Favorable

House Environment and Transportation Committee

February 26th, 2026

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

As transit workers, we know first hand the importance of safety. Our primary responsibility is to get the riding public where they need to go safely. HB 862 introduces reasonable rules on Maryland's railroad infrastructure that benefit riders, workers, and the surrounding community. It requires a two person crew, ensuring that there are actually additional workers available to respond to emergencies.

Train incidents have become increasingly common. The public deserves a safe rail transportation system. Maryland needs a favorable report on HB 862.

HB0862 – Railroads – Required Crew for Movement of

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0862
Railroads – Required Crew for Movement of Freight

Bill Sponsor: Delegate Stein

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, Co-chair

Position: FAVORABLE

Chair, Vice Chair, and Members of the Committee,

I am submitting this testimony in support of HB0862 on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district across the state—representing and supporting more than 30,000 Marylanders.

HB0862 establishes a straightforward but essential safety requirement: freight trains operating in Maryland must have a minimum of two crew members. This standard reflects what rail workers, emergency responders, and safety experts have emphasized for years—safe freight operations require more than one person in the cab. A second crew member is critical for monitoring equipment, responding to emergencies, coordinating with first responders, and ensuring that trains carrying hazardous materials can be operated safely through Maryland communities.

Rail traffic has grown longer and more complex, and the cargo moving through our state increasingly includes hazardous and flammable materials. When something goes wrong—a mechanical failure, a derailment, a medical emergency—one person simply cannot manage the situation alone. HB0862 ensures that Maryland maintains a basic level of operational safety and does not fall behind other states that have already adopted similar crew-size requirements.

This bill directly supports the mission of the Maryland Legislative Coalition. Our work is grounded in protecting Marylanders, strengthening public safety, and ensuring that state policy reflects the needs of communities rather than the preferences of large corporate interests. Rail corridors run through dense and minority neighborhoods, small towns, and critical environmental areas. A two-person crew requirement reduces

risk, improves response times, and helps safeguard the people and places we are committed to protecting. HB0862 reinforces the values of accountability and community well-being that guide our coalition's work.

For these reasons, we respectfully urge a **FAVORABLE** report on HB0862.

Del Stein Testimony HB 862.pdf

Uploaded by: Dana Stein

Position: FAV

DANA M. STEIN
Legislative District 11B
Baltimore County

Environment and Transportation
Committee

Chair
Environment Subcommittee

Joint Committee on Legislative Ethics



The Maryland House of Delegates
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Annapolis, Maryland 21401
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The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

Delegate Dana Stein Testimony in Support of HB 862 Railroads – Required Crew for Movement of Freight

Chair Marc Korman, Vice Chair Michele Guyton, and colleagues on the Environment and Transportation Committee.

For the record I am Delegate Dana Stein, here urging a favorable report on HB862 - Railroads – Required Crew for Movement of Freight.

This bill requires freight trains operating in the State of Maryland, which also share tracks with high-speed passenger rail be staffed with a minimum of a two-person crew to operate the train. The bill includes a civil penalty for the willful violation of the two-crew requirement: \$10,000 for a first offense and \$25,000 dollars for a second offense if it occurs within three years of the first offense.

Having a minimum of a two-person crew operating trains throughout the State is vital in ensuring trains run safely. In the event of an emergency, having a second crew member on board a train to serve as the incident commander is crucial.

The movement to enact this important rail safety measure nationwide was the result of several tragedies involving train accidents. Similar legislation has been enacted in several jurisdictions following tragic train derailments that led to the destruction of property, towns being evacuated, and lives lost here in the United States and abroad.

The two-person crew requirement language is very similar to legislation this committee and the General Assembly have passed previously. The major difference is the requirement in Section 2(a) requiring the State of New York

and the Commonwealths of Pennsylvania and Virginia to pass substantially similar legislation.

This is a reasonable compromise that recognizes the importance of rail safety while also recognizing the importance of maintaining the competitive advantage for the Port of Baltimore.

The states of Washington, California, Nevada, Arizona, Colorado, Kansas, Minnesota, Wisconsin, Ohio, West Virginia, New York, and now New Jersey have passed this legislation.

This committee has supported rail safety many times in the past. I ask that it do so again. I urge this committee for a favorable report!

Written Testimony HB862.pdf

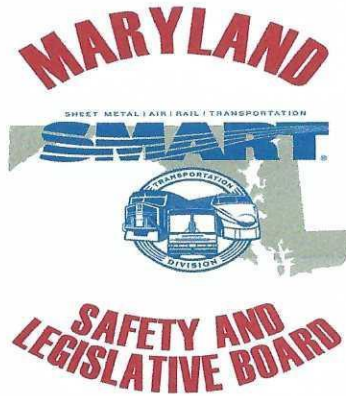
Uploaded by: David Pendleton

Position: FAV

DAVID PENDELTON SR.
Chairperson/Director

TOM CAHILL
Vice Chairperson/Assistant
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BRITTANY GARRIS
Secretary



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February 23, 2026

SUPPORT, HB 862 Railroads – Required Crew for Movement of Freight

To the Honorable Marc Korman, Chair; Michele Guyton, Vice Chair and Members of the House Environment and Transportation Committee

REPRESENTATIVES

CUMBERLAND
Local 600
RANDY MARTZ

BRUNSWICK
Local 631
TOM CAHILL

EDMONSTON
Local 1470
BRITTANY GARRIS

BALTIMORE
Local 610
JOHN WALKER

Local 1949
JACOB STROMAN

I'm the Director for the Maryland Safety and Legislative Board of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Worker's (SMART). Our members in Maryland are employees of CSX, Norfolk Southern Railway, Amtrak, Canton Railroad and MARC Commuter Rail (Amtrak & Alstom). We are conductors, engineers, yardmasters, switchmen, and utility persons. We are the **TRAIN UNION**.

Our mission is first and foremost to seek to ensure our members have a safe work environment.

In that vein, I ask for your support for the rail safety legislation introduced in the House as **HB862 "Railroads – Required Crew for Movement of Freight"**. This proactive rail safety legislation is intended to address several areas related to the safe operations of railroads in the State of Maryland. I will address each provision as follows.

Minimum freight crew requirement:

In 1970's, each freight train had 4 to 5 crewmembers. Through advances in technologies, that number has been reduced. Today, the reality is over 99% of America's freight trains operate with two federally certified and licensed crewmembers: A Conductor and Engineer.

Several things happened that gave rise to the pursuit of this provision of the legislation. On July 6, 2013, a freight train derailed in Lac-Mégantic, Quebec that resulted in 47 lost lives and a town nearly destroyed. That accident happened because a Montreal, Maine & Atlantic Railway crewmember, working alone, had his 72-car crude oil train roll away and crash in the middle of a town causing horrific death and devastation.

There are many tasks that must be performed by the crewmembers on a freight train every day that one person just cannot accomplish alone, and this fact played a major role in the Lac-Mégantic tragedy. The train was left standing unattended on a steep grade several miles outside the town because that was the only stretch of track that could accommodate the entire train without blocking any highway grade crossings.

The train could have been secured and left unattended on flat terrain much closer to the town after having been separated, or "cut," to keep the crossing open, but that task cannot be accomplished safely and in compliance with operating rules with a single crew member. Also, attempting to both secure the train with hand brakes and properly test the securement cannot be accomplished as safe operating standards dictate. The securement of the train failed, and the result was that the train traversed down the steep grade into the center of town where it eventually derailed, resulting in explosions and fires killing 47 persons and causing millions of dollars in environmental damage.



Lac-Mégantic, Quebec, Canada

Following this tragic accident, Canadian regulators banned this type of one-person operations throughout Canada.

On March 4, 1996, in Weyauwega, Wisconsin the town had to be evacuated due to a train derailment containing hazardous materials. 30 cars derailed containing liquid petroleum, and sodium hydroxide. The fire spread quickly, and the fire department's chief concern was that the train would explode.



Weyauwega, Wisconsin

Within 45 minutes they determined that the town's 2200 residents had to be evacuated. The residents had only 5 minutes notice to immediately vacate their homes and had to leave everything they had behind.

This wasn't an orderly evacuation. Imagine being in your home with your family and having a firefighter in front of your house with a bull horn yelling **EVACUATE NOW**. People didn't know where to go, didn't know when they'd return, nor could they ask questions about what was going on. The fire burnt for over two weeks.

Following this tragic derailment, the state of Wisconsin passed a minimum 2-person crew requirement.

There have been several attempts to regulate crew size at the federal level through the Federal Railroad Administration rulemaking process. In 2008 the Obama administration initiated the rulemaking process.

In 2016 the Trump administration cancelled the rulemaking process. In 2021 the Biden administration reinstated the rulemaking process to regulate crew size and issued a final rule in April 2024.

This rail safety legislation has also been introduced in 34 states and has become law or regulation in Arizona, California, Colorado, Illinois, Kansas, Minnesota, New York, Nevada, Ohio, Washington, West Virginia, Wisconsin and New Jersey.

Freight train crews work long hours, day and night, with few set shifts, and are on call 24 hours a day, 7 days a week. With as little as 1 hour and 15 minutes notice, they are required to report to work for a 12-hour shift, often operating trains laden with hazardous materials. Fatigue in the freight railroad industry is our organization's number one safety concern and having a minimum of two crewmembers is the primary way we help combat fatigue. Having a minimum of two person crew is also the best way to assure compliance with the railroads complex operating rules.

Some of you will remember the 1996 head-on collision of a MARC commuter train and an Amtrak passenger train that occurred in Silver Spring, Maryland in which 11 persons were killed and 13 injured.



Silver Spring, Maryland

Following a lengthy investigation, the FRA found that a one-person crew in the locomotive contributed to signal violations associated with the collision and issued an Emergency Order and subsequent safety regulations requiring communications between the operating cab and the train crew stationed in the passenger cars. As a result, commuter passenger trains today routinely have a crew of three qualified people on the crew who must work as a team with constant communication between the crew members and qualifications for emergency response and first responder training.

The SMART-TD Maryland Safety and Legislative Board contracted a reputable consulting firm to gauge the level of support by the public for such minimum crew legislation. We wanted to see where the public stood in relation to the Governor, since the General Assembly was on opposite ends. The survey covered several demographic groupings with results separated based on gender, age, education, political self-identification, and geographic region. I'll just point out that the overall results of the survey are that the level of public support by Marylanders for this legislation is 88%. This survey is a part of the previous record on this legislation.

There is an increase in the transportation of hazardous and volatile materials on the railroads as well as significantly longer trains operating over the unique and widely varying geographical terrain existing in our state. This coupled with the possibility of decreasing train crew size, creates a significant localized safety hazard to the employees, the public, the communities, and the environment.

Adequate personnel are critical to insuring railroad operational safety, security, and in the event of a hazardous material incident, support of first responder activities. This legislation regulating minimum railroad crew staffing is a proactive effort to protect and promote worker health and safety, and the security and welfare of the residents of the state by reducing the risk exposure to local communities and protecting environmentally sensitive lands and waterways.

The recent freight train derailment that occurred in East Palestine, Ohio where a freight train carrying hazardous materials derailed, caught fire, and caused the evacuation of the community stands as a reminder of the current potential for disaster.



East Palestine, Ohio

To allow these monstrous freight trains carrying many hazardous materials to operate through the State with one, or no crew members would be reckless.

Following this tragic accident, the state of Ohio passed a minimum 2-person crew requirement.

I am sure you have been approached by the railroads who are opposed to this legislation. I want to address some of their arguments against this legislation. Their first argument is that this legislation is preempted by federal law. We do not argue that there are many provisions in federal law covering a wide range of issues that are preempted from state regulation; however, crew member requirements on freight trains are not one of them.

Attached are three letters from the MD Attorney General's office wherein the first letter they reference this legislation and write "*appears to neither violate, nor is preempted by, federal law as it relates to crew member requirements for trains used in connection with the movement of freight in the State.*" In the follow up letter, which was requested by the railroad's representatives, the AG's office wrote "*if a sufficient legislative record is established to demonstrate that the minimum crew size requirements under the bill are primarily related to safety and will not interfere with rail transportation, a court is unlikely to find that the requirement is preempted under the ICCTA. On the other hand, without such evidence, a court may conclude that the minimum crew size requirement regulates rail transportation and operation in the State, which may be preempted under the ICCTA,*" thereby leaving the door open for interpretation. The 3rd letter was just recently issued on February 13, 2023 wherein they Attorney General's office again reiterated in their view "*For the foregoing reasons..... the holding in the Indiana R.R. II case does not alter the analysis and conclusion regarding the possibility of either 3RA preemption or FRSA authorization for state rail crew size as addressed in the Feldman Letter.*"

The AG's first opinion is reinforced by the Seventh District Court's decision rendered in *Burlington Northern and Santa Fe Railway Co. v. Doyle* which examined the Wisconsin law that required a minimum of two persons on freight trains. The court ruled that Wisconsin was "free to require two- person crews on over-the-road operations." This finding by the 7th District Court rendered in 1999 has not been challenged by the railroads.

They also attempt to use Section 711 of the Regional Rail Reorganization Act of 1973 (3R Act) stating that "Congress expressly intended to preempt state minimum crew laws." Again, we agree that in 1973 Congress did intend to preempt 17 states and the District of Columbia from regulating minimum crew laws. However, this decision was rendered at a time when there were 4 or 5 crew members on each freight train, and it was not for the purpose of denying States the ability to provide for the safety of their towns, communities, and citizens.

Congress was attempting to protect the Midwest and Northeast regions from financial collapse related to "a disappearance" of rail service as seven Class I railroads were in bankruptcy. As a result, they created the federally government owed Consolidated Rail Corporation known as Conrail.

They did afford the provisions of the preemption to the other railroads operating in the 17 states and the District of Columbia due to the potential for unfair competition in the states they all served. Their main concern in creating this provision was their fiduciary responsibility to the taxpayers. In 1998, Conrail was absolved through the purchase of their assets by CSX and Norfolk Southern Railway and is no longer a potential liability to the taxpayers.

On the issue of preemption, the critical question in any preemption analysis is always whether Congress intended that a federal regulation supersedes state law. In the case of *Louisiana Public Service Commission v. FCC* the court wrote:

"Pre-emption occurs when Congress, in enacting a federal statute, expresses a clear intent to preempt state law, when there is outright or actual conflict between federal and state law, where compliance with both federal and state law is in effect physically impossible . . . or where the state law stands as an obstacle to the accomplishment and execution of the full objectives of Congress.

Moreover, the Supreme Court has also made it clear that "[p]re-emption may result not only from action taken by Congress itself; a federal agency acting within the scope of its congressionally delegated authority may preempt state regulation."

So, the key to the argument that Section 711 of the 3R Act was intended to "expresses a clear intent to preempt state law" would be based on the record as to why Congress passed a federal statute and to what it applies. We take no exception to the fact that Congress had a clear intent to preempt state law within the 17 states that Conrail operated in. What we do take exception to is that that law is still applicable.

The record clearly shows that Congress was attempting to protect the Midwest and Northeast regions (17 States) from financial collapse related to "a disappearance" of rail service as seven Class I railroads were in bankruptcy. They were not passing a law to preempt crew size throughout the United States. They limited the laws reach to these 17 States to level the playing field against Conrail, the taxpayer owned railroad.

Congress placed Conrail back into the hands of the private sector through the sale of their assets. However, the obvious advantage the railroads operating in this limited 17 state area had over the rest of the railroads in the country, where the preemption did not apply, still existed. In response, Congress passed into law Section 408 of the Rail Safety Improvement Act that required the Department of Transportation (DOT) to complete a study regarding the impacts of repealing Section 711 of the 3R Act.

The DOT delegated this duty to the Federal Railroad Administration (FRA), the agency that Congress gave the jurisdiction over railroad safety to when they established it. The FRA completed the study and reported back to the Congress that ***"the goal of protecting the Midwest and Northeast regions from financial collapse related to a disappearance of rail service has been met. The rationale behind the preemption provision in the 3R Act of ensuring viable freight rail service no longer exists. Repealing Section 711 would restore the status quo that existed prior to its enactment and create a level playing field among rail carriers nationwide." They concluded with "For the above stated reasons.....the purpose for which Section 711 was enacted was met a number of years ago and Section 711 should be repealed."***

This report was issued by the FRA, the federal agency assigned by Congress with the responsibilities of overseeing safety in the rail industry. The effect of their report is that all railroads are on a level playing field nationwide.

The issue of preemption related to the states that were not within the 17-state limit has been settled. The U.S. Seventh District Court found in the *Burlington Northern and Santa Fe Railway Company v. Doyle* that the state of Wisconsin was “**free to require two-person crews on over-the-road operations.**” This settled law will govern the country until the FRA decides to affirmatively regulate such operations as minimum crew size, which they have not done.

The railroads claim that requiring a minimum of two persons on their freight trains will be a major inconvenience and break the bank. We find this argument hypocritical. On one hand they argue to maintain the outdated special treatment contained in Section 711, which gives them an unfair advantage over the 2/3 of the United States where the exemption didn't apply and then argue they would be at a disadvantage if the same situation existed between Maryland and other states where they operate. In addition, the delay argument has no merit as crew changes already must occur over the routes and there is no additional cost for a second crew member if they board the freight train at the last regular crew change point before entering Maryland or at the border. So, no operational delay would be required.

We as an organization are cognizant of the fact the railroads are in business to make money for their owners and stockholders, we want them to secure more business and be as profitable as possible. After all, our members' jobs depend on their success. But when it comes down to the wellbeing, health, and safety of the members we represent and the safety of the public, we will always side with safety.

Another argument we have heard is that this is a collective bargaining issue and legislators should not be injected into the fray between labor and management. To the contrary, we believe this issue falls under the purview of employee and public safety, which places it under the jurisdiction of the legislative department within our organization. Our legislative department will not relinquish our responsibilities to provide for the safety and wellbeing of our members to collective bargaining. There is no amount of money or benefits worth any harm that may come to our members or the public if a tragic accident should occur because of insufficient manpower.

In 2008 Congress passed the Rail Safety Improvement Act, which we have been in support of, that required Positive Train Control's (PTC) implementation nationwide by 2015. The railroads had repeatedly requested delays in implementing this supplemental safety technology with full implementation just being completed in December 2020. The railroads now try to present this technology as their replacement for the second crew member.

On January 20, 2023, MARC had to cancel forty-one trains because of connectivity issues with PTC. While this was an inconvenience to thousands of Maryland commuters, fortunately no one was hurt because the trains were able to be canceled. Imagine this happening to a freight train loaded with hazardous material operating through Baltimore with one person.

Positive Train Control, or hot box detectors, or Deadman's pedal or the myriads of other supplemental safety apparatus will not prevent every accident in the railroad industry. They merely complement each other in making the industry safer, as does two persons on each crew. A single crew member cannot perform all the tasks required of them and maintain the highest level of safety and respond to any emergency they may encounter.

15-year BNSF conductor Mike Rankin shared his harrowing story of how two freight rail crewmembers worked together to save someone's life — a feat that would have been impossible had just one person been operating their train the fateful night of December 23, 2004.

When the train Conductor Rankin and his colleague were operating hit a car that bypassed crossing gates, all three passengers in the vehicle were ejected. Two died instantly. The third, barely alive, needed immediate medical attention. An ambulance was on the way, but Rankin soon realized the ambulance was on the wrong side of the tracks. The only solution was to separate the train at the crossing, so the ambulance could drive through — a maneuver that requires two people to execute.

"There's no way a single crew member could have secured the train, briefed emergency personnel, uncoupled train cars and moved the front of the train forward all on his or her own," Conductor Rankin said. "I've seen enough to know that those who want one-crew train operations are not fully grasping the risks, emergencies, and close calls that my fellow conductors and engineers see on the rails regularly. Conductors and engineers don't just operate trains. In emergency situations, our presence and teamwork can mean the difference between life and death."


Another instance occurred when an engineer fell ill on their train in route to Cumberland, MD. They had to stop the train as the engineer was in severe pain and losing consciousness. The conductor summoned an ambulance via cell phone and was able to guide them to the rural location of the train since there was no physical address for GPS to work from. They transported the engineer to the nearest hospital where he underwent immediate surgery for acute appendicitis.

The Doctor told the engineer he was close to having his appendix burst which may have resulted in his death had he not received the prompt attention to his condition. As you can imagine, he was extremely grateful for the conductor's presence and quick- thinking action.

The merits of the 2-person minimum crew provision of this legislation have been thoroughly debated over the last several years. Each time, receiving a favorable report by the respective committees it went before. This provision has been passed by this committee 6 times and has passed the General Assembly 2 times, each time with overwhelming support. Unfortunately, it was vetoed each time by then Governor Hogan.

The arguments noted in the governor's veto letter were the same arguments offered in committees and on the House and Senate floor prior to passage. The public saw through those arguments as reflected in the survey; our members saw through those arguments as reflected in their ratification votes, and the General Assembly saw through those arguments and passed the legislation on multiple occasions with a bi- partisan overwhelming vote.

WE THEREFORE URGE A FAVORABLE REPORT ON HB862

Sincerely,
David Sr
David Pendleton Sr., Chairperson/Director
Maryland Safety & Legislative Board, LO-023
 SMART Transportation Division



March 5, 2025

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 855, *Railroads – Safety Requirements (Maryland Railway Safety Act of 2025)*

Dear Chair Beidle:

Montgomery County strongly supports the passage of the Maryland Railway Safety Act. As our State and County continue to grow, so does the importance of ensuring the safety of our rail systems for passenger and freight trains. Recently, several devastating train accidents have occurred across the country, injuring families and sometimes discharging hazardous materials throughout communities. This legislation is a first step to ensure the safe passage of freight and passenger trains throughout Montgomery County.

The Maryland Railway Safety Act implements key safety measures to prevent disasters and protect communities. It requires a minimum two-person crew on freight trains, a proven safeguard already adopted in other states after fatal derailments. The bill also enhances hazardous materials tracking, ensuring first responders have real-time access to crucial information during emergencies. Additionally, it limits freight train lengths to 8,500 feet to reduce derailment risks and prevent extended road blockages that delay emergency services. We believe these provisions are essential steps in making Maryland's railways safer and more reliable for all.

We would like to thank our State leaders for their commitment to improving the lives of all residents in Montgomery County. For the reasons mentioned above, Montgomery County supports the passage of the Maryland Railway Safety Act. We look forward to Maryland being a leader in railway safety.

Sincerely,

Will Jawando
Council Vice President

Laurie-Anne Sayles
Councilmember, At-Large

Marc Elrich
County Executive

Kate Stewart
Council President

Natali Fani-Gonzalez
Councilmember, District 6

Gabe Albornoz
Councilmember, At-Large

Marilyn Balcome
Councilmember, District 2

Andrew Friedson
Councilmember, District 1

Evan Glass
Councilmember, At-Large

Dawn Luedtke
Councilmember, District 7

Sidney Katz
Councilmember, District 3

Kristin Mink
Councilmember, District 5

cc: Members of the Senate Finance Committee

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 17

Resolution No. 38-24

Introduced by Ms. Pickard, Ms. Rodvien, Ms. Hummer, and Mr. Smith

By the County Council, September 16, 2024

1 RESOLUTION supporting the passage and enrollment of the Maryland Railway Safety
2 Act

3
4 WHEREAS, the safe operation of freight and passenger trains are vital to
5 commerce; and Anne Arundel County Council supports efforts to keep train
6 operations safe in the county of Anne Arundel and throughout the State; and

7
8 WHEREAS, in recent years, several catastrophic train wrecks have occurred across
9 the country wreaking havoc on the communities in which they operated. Many of
10 those involving hazardous materials; and

11
12 WHEREAS, according to the Federal Railroad Administration's statistics, there
13 have been over 2,000 rail crossing accidents per year over the last decade causing
14 8,494 injuries and 2,503 deaths; and

15
16 WHEREAS, the Maryland Railway Safety Act would address many of these unsafe
17 conditions existing in the railroad industry today and is vital to ensuring safe train
18 operations; and

19
20 WHEREAS, The Maryland Railway Safety Act will prohibit railroads from
21 blocking road crossings for extended periods of time; and

22
23 WHEREAS, the Maryland Railway Safety Act will limit the length of freight and
24 work trains; and

25
26 WHEREAS, the Maryland Railway Safety Act allow designated collective
27 bargaining representatives to monitor safety practices and operations; and

28
29 WHEREAS, the Maryland Railway Safety Act will require safe staffing levels for
30 trains and light engines; and

31
32 WHEREAS, the Maryland Railway Safety Act will require the certification that
33 safety wayside detector systems are located and functional on railroad tracks; and

34
35 WHEREAS, the Maryland Railway Safety Act will require a reporting system for
36 transportation of hazardous materials or waste accessible only to the Federal
37 Emergency Management Agency, the State's Emergency Management Agency,
38 and County and City Emergency Management Agencies; now, therefore, be it

1 *Resolved by the County Council of Anne Arundel County, Maryland, that it supports*
2 *the passage and enrollment of the Maryland Railway Safety Act; and be it further*
3

4 *Resolved, that a copy of this Resolution be sent to County Executive Steuart Pittman,*
5 *Maryland Governor Wes Moore, Maryland Senate President Bill Ferguson, Maryland*
6 *House Speaker Adrienne A. Jones, Anne Arundel Delegation Senate Chair Dawn D. Gile,*
7 *and Anne Arundel Delegation House Chair Heather A. Bagnall.*

READ AND PASSED this 7th day of October, 2024.

By Order:



Kaley Schultze
Administrative Officer

I HEREBY CERTIFY THAT RESOLUTION NO. 38-24 IS TRUE AND CORRECT AND DULY
ADOPTED BY THE COUNTY COUNCIL OF ANNE ARUNDEL COUNTY.



Allison Pickard
Chair

**CITY OF BALTIMORE
COUNCIL BILL 24-0234R
(Resolution)**

Introduced by: Councilmembers Porter, Bullock, Middleton, Dorsey, Burnett, Conway, Ramos,
Stokes, Glover, and Cohen
Introduced and adopted: November 4, 2024

A COUNCIL RESOLUTION CONCERNING

Request for State Action – Maryland Railway Safety Act

FOR the purpose of supporting the introduction, passage, and enrollment of the Maryland
Railway Safety Act.

Recitals

WHEREAS, the safe operation of freight and passenger trains is vital to commerce, and the
Baltimore City Council supports efforts to keep train operations safe in the City of Baltimore and
throughout the State.

WHEREAS, in recent years, several catastrophic train wrecks have occurred across the
country, many of which involved hazardous materials.

WHEREAS, according to the Federal Railroad Administration’s statistics, there have been
over 2,000 rail crossing accidents per year over the last decade, causing 8,494 injuries and 2,503
deaths.

WHEREAS, the Maryland Railway Safety Act would address many unsafe conditions existing
in the railroad industry today and is vital to ensuring safe train operations.

WHEREAS, the Maryland Railway Safety Act will prohibit railroads from blocking road
crossings for extended periods of time, limit the length of freight and work trains, and require
safe staffing levels for trains.

WHEREAS, the Maryland Railway Safety Act will:

- allow designated collective bargaining representatives to monitor railroad safety practices and operations;
- require the certification that safety wayside detector systems on railroad tracks are functional;
- require a reporting system for transportation of hazardous materials or waste accessible only to the Federal Emergency Management Agency, the State’s Emergency Management Agency, and County and City Emergency Management Agencies.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 24-0234R

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, that the
2 Baltimore City Council supports the introduction, passage, and enrollment of the Maryland
3 Railway Safety Act.

4 **AND BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to the Governor of
5 Maryland, the President of the Maryland Senate, the Speaker of the Maryland House of
6 Delegates, the Baltimore City Senate and House Delegations to the Maryland General Assembly,
7 the Director of the Maryland Department of Transportation, the Director of the Baltimore City
8 Department of Transportation, the Director of the Parking Authority of Baltimore City, and the
9 Mayor's Legislative Liaison to the City Council.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2024, Legislative Day No. 23

Resolution No. 50-24

Councilmembers Jones, Crandell, Marks & Ertel

By the County Council, December 16, 2024

A RESOLUTION of the Baltimore County Council encouraging and supporting the passage of the Maryland Railway Safety Act by the Maryland General Assembly.

WHEREAS, the safe operation of freight and passenger trains are vital to commerce; and

WHEREAS, the County Council supports efforts to keep train operations safe in Baltimore County and throughout the State; and

WHEREAS, in recent years, several catastrophic train wrecks have occurred across the country wreaking havoc on the communities in which they operated, many of which have involved hazardous materials; and

WHEREAS, according information published by the Federal Railroad Administration, there have been over 2,000 rail crossing accidents per year over the last decade causing 8,494 injuries and 2,503 deaths; and

WHEREAS, the Maryland Railway Safety Act would address many of these unsafe conditions existing in the railroad industry today and is vital to ensuring safe train operations; and

WHEREAS, the Maryland Railway Safety Act would prohibit railroads from blocking road crossings for extended periods of time; and

WHEREAS, the Maryland Railway Safety Act would limit the length of freight and work trains; and

WHEREAS, the Maryland Railway Safety Act allow designated collective bargaining representatives to monitor safety practices and operations; and

WHEREAS, the Maryland Railway Safety Act will require safe staffing levels for trains and light engines; and

WHEREAS, the Maryland Railway Safety Act will require the certification that safety wayside detector systems are located and functional on railroad tracks; and

WHEREAS, the Maryland Railway Safety Act will require a reporting system for transportation of hazardous materials or waste accessible only to the Federal Emergency Management Agency, the State's Emergency Management Agency, and local Emergency Management Agencies; now therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Council encourages the Maryland General Assembly to pass the Maryland Railway Safety Act; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be sent to the Governor of Maryland; the Baltimore County delegation to the Maryland General Assembly; and the Baltimore County Executive; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its passage by the County Council.



LEGISLATION DETAIL

LEGISLATION RESOLUTION 50-24

DISPOSITION PASSED

ENACTED N/A

EFFECTIVE N/A

AMENDMENTS NO

ROLL CALL - BILL

MOTION JONES

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SECOND ERTEL

Councilman Young

Councilman Patoka

Councilman Kach

Councilman Jones

Councilman Marks

Councilman Ertel

Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION

| AYE | NAY |
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SECOND

Councilman Young

Councilman Patoka

Councilman Kach

Councilman Jones

Councilman Marks

Councilman Ertel

Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION

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SECOND

Councilman Young

Councilman Patoka

Councilman Kach

Councilman Jones

Councilman Marks

Councilman Ertel

Councilman Crandell

ROLL CALL - AMENDMENTS

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SECOND

Councilman Young

Councilman Patoka

Councilman Kach

Councilman Jones

Councilman Marks

Councilman Ertel

Councilman Crandell

City of Cumberland
- Maryland -

RESOLUTION

RESOLUTION NO. R2025-01

Resolution of the Mayor and City Council of Cumberland, Maryland for the purpose of supporting the passage and enrollment of the Maryland Railway Safety Act.

- WHEREAS,** the safe operation of freight and passenger trains are vital to commerce; and the Mayor and City Council of Cumberland supports efforts to keep train operations safe in the City of Cumberland and throughout the State; and,
- WHEREAS,** in recent years, several catastrophic train wrecks have occurred across the country wreaking havoc on the communities in which they operated. Many of those involving hazardous materials; and,
- WHEREAS,** according to the Federal Railroad Administration's statistics, there have been over 2,000 rail crossing accidents per year over the last decade causing 8,494 injuries and 2,503 deaths; and,
- WHEREAS,** the Maryland Railway Safety Act would address many of these unsafe conditions existing in the railroad industry today and is vital to ensuring safe train operations; and,
- WHEREAS,** The Maryland Railway Safety Act will prohibit railroads from blocking road crossings for extended periods of time; and,
- WHEREAS,** the Maryland Railway Safety Act will limit the length of freight and work trains; and,
- WHEREAS,** the Maryland Railway Safety Act allows designated collective bargaining representatives to monitor safety practices and operations; and,
- WHEREAS,** the Maryland Railway Safety Act will require safe staffing levels for trains and light engines; and,
- WHEREAS,** the Maryland Railway Safety Act will require the certification that safety wayside detector systems are located and functional on railroad tracks; and,
- WHEREAS,** the Maryland Railway Safety Act will require a reporting system for transportation of hazardous materials or waste accessible only to the Federal Emergency Management Agency, the State's Emergency Management Agency, and County and City Emergency Management Agencies.

NOW, THEREFORE, BE IT RESOLVED THAT, that the Mayor and City Council of Cumberland supports the passage and enrollment of the Maryland Railway Safety Act; and

BE IT FURTHER RESOLVED THAT, that a copy of this Resolution be sent to the Mayor of Cumberland, the Governor, and all members of the Maryland General Assembly.

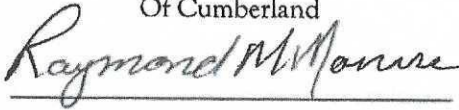
*Given under our Hands and Seals this 21st day of January, 2025, with the
Corporate Seal of the City of Cumberland hereto attached,
duly attested by the City Clerk.*

Attest:



Allison K. Layton
City Clerk

Mayor and City Council
Of Cumberland



Raymond M. Morriss
Mayor



Jolene Ivey
Chair
Council District 5

"Serving the People of Prince George's County!"

October 22, 2024

Honorable William Ferguson IV
Senate President
State House -H107
100 State Circle
Annapolis, Maryland 21401

Honorable Adrienne A. Jones
Speaker of the House
State House – H -101
100 State Circle
Annapolis, Maryland 21401

RE: Letter of Support for Maryland Railway Safety Act

Dear President Ferguson and Speaker Jones:

The Prince George's County Council strongly supports the passage of the Maryland Railway Safety Act. As our state and county continue to grow, so does the importance of ensuring the safety of our rail systems for passenger and freight trains. Recently, several devastating train accidents have occurred across the country, injuring families and sometimes discharging hazardous materials throughout communities. This legislation is a first step to ensure the safe passage of freight and passenger trains throughout Prince George's County.

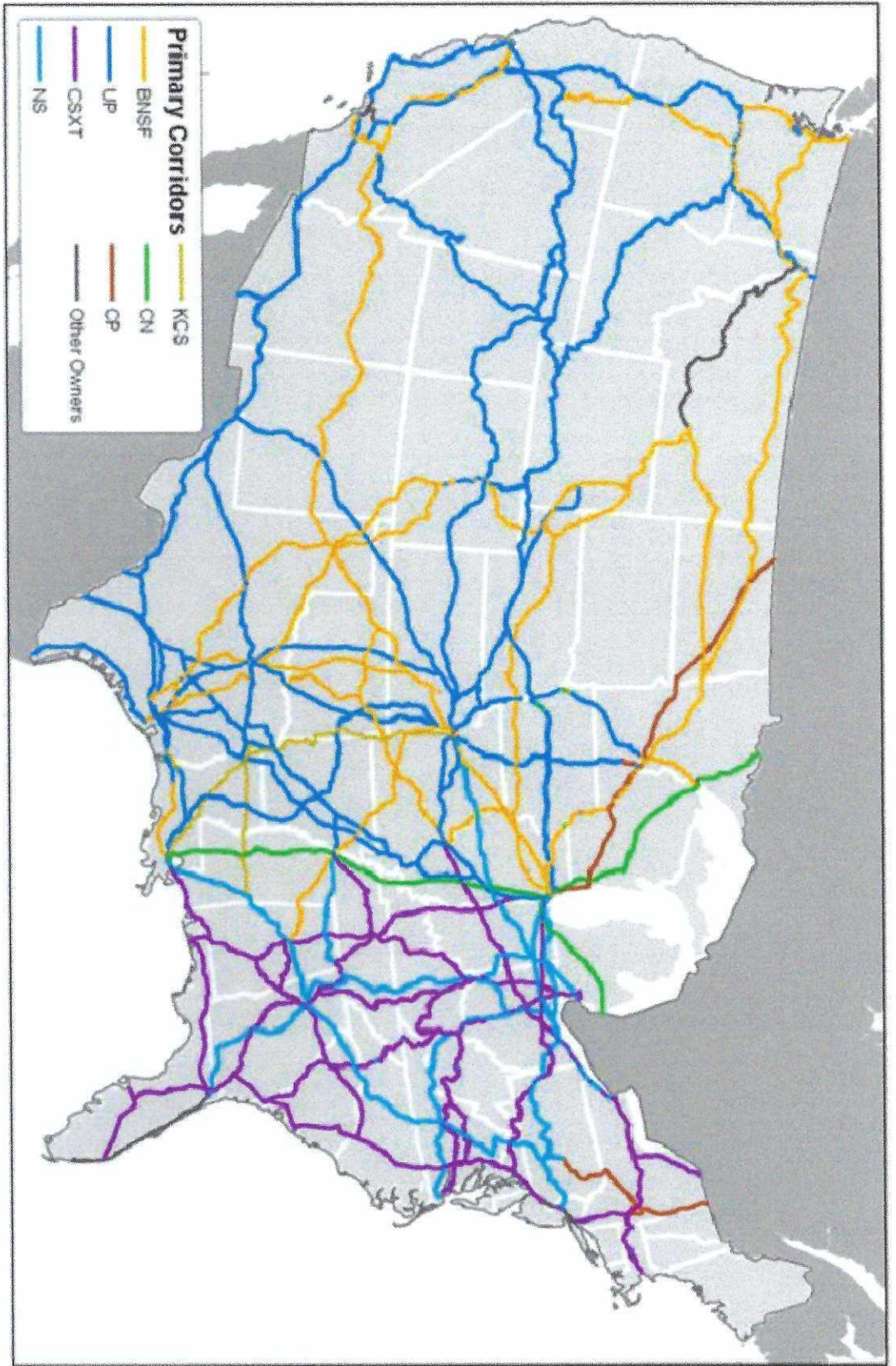
The Maryland Railway Safety Act addresses many critical issues throughout the railroad industry, such as enhanced safety protocols, increased staffing for train and light engines, and updated technology systems. Investing in our state railway systems significantly reduces the risk of accidents and improves the overall reliability of rail services.

The Prince George's County Council would like to thank our state leaders for their commitment to improving the lives of all residents in Prince George's County. For the reasons mentioned above, we support the passage of the Maryland Railway Safety Act. We look forward to Maryland being a leader in railway safety.

Regards,

Jolene Ivey, Chairwoman
Prince George's County Council

CC: Prince George's County Senate Delegation Members
Prince George's County House Delegation Members
Prince George's County Council Members



HB862_FAV.pdf

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

Affiliated with the National AFL-CIO

Donna S. Edwards
President

Samuel Epps, IV
Secretary-Treasurer

410.280.2233

410.280.2956

7 School Street
Annapolis, MD 21401-2096

HB 862 - Railroads - Required Crew for Movement of Freight

House Environment and Transportation Committee

February 26, 2026

SUPPORT

Donna S. Edwards

President

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 862. On behalf of our 700 affiliated unions, I offer the following comments.

HB 862 establishes a basic safety standard: any freight train operating in Maryland in connection with the movement of railroad freight must have a crew of at least two qualified individuals.

Rail workers are on call 24/7, often working long and tiring shifts while managing complex equipment, monitoring track conditions, and responding to emergencies. These responsibilities cannot be safely carried out by a single crew member and should not be carried out by a single crew member.

This requirement is not new. States including Minnesota, California, Illinois, Colorado, Nevada, and Washington have already adopted similar two-person crew laws to strengthen rail safety and reduce risks.

Railroad operating rules have historically been enacted *after* a tragic incident has occurred. This legislation works to prevent catastrophic events that have devastated far too many communities. HB 862 is the minimum needed to ensure compliance with the railroad's extensive operating rules, maintain awareness, and protect both the people who keep it running and the public.

For these reasons, we urge a favorable vote on HB 862.



unions@mddclabor.org



www.mddclabor.org



facebook.com/mddcaflcio



instagram.com/md_dc_aflcio

Jason Ascher - HB 862- Movement of Freight – Requi

Uploaded by: Jason Ascher

Position: FAV



**7050 Oakland Mills Road
Suite 180
Columbia, MD 21046**

**Phone: 410-290-3890
www.midatlanticpipetrades.org**

Environment and Transportation

To: Delegate Marc Korman, Chair; Delegate Michele Guyton, Vice Chair; Members of the Committee
From: Jason Ascher, Political Director, Mid-Atlantic Pipe Trades Association

SUPPORT – HB 862 - Movement of Freight – Required Crew

On behalf of the Mid-Atlantic Pipe Trades Association, including its six local unions and over 20,000 members and families across Maryland, I ask you to **SUPPORT HB 862 – Movement of Freight – Required Crew**.

We stand in solidarity with our brothers and sisters working on train crews. In the Pipe Trades, like with the rest of the building trades, community safety is key. We train our apprentices from day one to think safety first and ensure they receive the necessary OSHA training and work under a licensed journeyman throughout their training. Not having two crew members on a train is like sending a day one first-year apprentice onto a construction site without a journeyman and telling them to weld two multi-ton pipes together. On the railways, as on the construction site, safety must come first.

In the construction industry, apprentices learn on the job by working with a journeyman. The journeyman is there to have a mentor who helps teach them their craft, ensures compliance with safety standards, and explains the ins and outs of the job. Similarly, a single-man crew leaves the conductors without a second set of hands or eyes to make sure the trip is completed safely. A single crew member on a train also means there is no second set of eyes to remind them of slow orders, blocked signals, or mechanical failure at road crossings. A single crew member would also create unnecessary distractions, some of which would be mandatory, such as copying directives and responding on the radio. These people are human, and that second set of eyes and hands helps make sure tragic mistakes do not happen.

For the reasons listed above, I ask you to **SUPPORT HB 862**.

Sincerely,

Jason Ascher
Political Director
Mid-Atlantic Pipe Trades Association

Plumbers and Gasfitters Local 5 – Lanham, MD
Plumbers and Steamfitters Local 10 – Richmond, VA/Roanoke, VA
Plumbers and Pipefitters Local 110 – Norfolk, VA
Plumbers and Pipefitters Local 74 – Newark, DE

Plumbers and Steamfitters Local 486 – Baltimore, MD
Steamfitters Local 602 – Capitol Heights, MD
Road Sprinkler Fitters Local 669 – Columbia, MD

HB 862 (SMART) favorable.docx.pdf

Uploaded by: Miranda Lan

Position: FAV



METROPOLITAN BALTIMORE COUNCIL AFL-CIO Unions

HB 862 Railroads - Required Crew for Movement of Freight
House Environment and Transportation Committee
February 26, 2026
Favorable

To: Chair & members of the House Environment and Transportation Committee

From: Courtney Jenkins, President, Metropolitan Baltimore Council AFL-CIO Unions

Chair and Members of the Committee,

My name is Courtney Jenkins, and I am proud to serve as President of the Metro Baltimore AFL-CIO. I am writing in strong support of HB 862 because safety must always come first for workers and for the public.

Every day, working people rely on transportation systems that must operate safely, predictably, and with proper oversight. When safety standards are weak or enforcement is inconsistent, it is workers on the front lines, and the communities they serve, who bear the risk. Preventable accidents, injuries, and near misses are not acceptable when stronger safeguards can be put in place.

HB 862 represents an important step toward ensuring that safety protections keep pace with real-world conditions. By strengthening standards and accountability, this legislation will help reduce hazards, protect employees from unnecessary risk, and give the public greater confidence that operations are being conducted responsibly.

The Metro Baltimore AFL CIO believes that no one should have to sacrifice their safety to do their job. We urge a favorable report on HB 862.

Respectfully,

Courtney Jenkins
President, Metro Baltimore AFL-CIO

HB 862 2-man Crew SUPPORT 2026.pdf

Uploaded by: Tom Clark

Position: FAV



International Brotherhood of Electrical Workers

CHRISTOPHER M. CASH: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President
WILLIAM T. NG: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • MARK F. PONTELLO: Treasurer



TESTIMONY IN SUPPORT HB 862 RAILROADS-REQUIRED CREW for MOVEMENT of FREIGHT February 26, 2026

TO: Chair Korman, Vice Chair Guyton and Members of the Environment and Transportation Committee

FROM: Tom Clark, Political Director, Intl' Brotherhood of Electrical Workers Local 26

Mr. Chair, Madame Vice Chair and members of the Committee. I ask you to consider a **favorable report on HB 862**. Your support of this legislation puts safety first, for all that work, ride and live along Maryland's railroads.

You see this Bill in front of the legislature each year. Yet for some reason this bill, that can save lives, falls through the cracks. As you contemplate this bill, I would like to give you some recent history where a 2-person crew would have prevented the loss of lives.

1-The 2013 Lac-Megantic Rail Disaster, Canada. A freight train carrying crude oil derailed and exploded, killing 47 people. A two-person crew may have led the train to be secured properly.

2-The 2004 Macdona, Texas, fatigued engineer ran a stop signal and 3 were killed, including two residents. Could have been prevented by a 2-person crew.

The interesting thing is that **if** we were to have an accident like this in our great state, this bill would pass immediately. Both parties, The Senate President, The Speaker, the Governor and the citizens of Maryland would demand this legislation be filed, passed and signed into law...pronto! So, I ask you not to hesitate, not to "lock the barn door after the horse has bolted." I simply ask you to put safety first and make the well-being of our railroad personnel and the many Marylanders that reside along these rails a top priority.

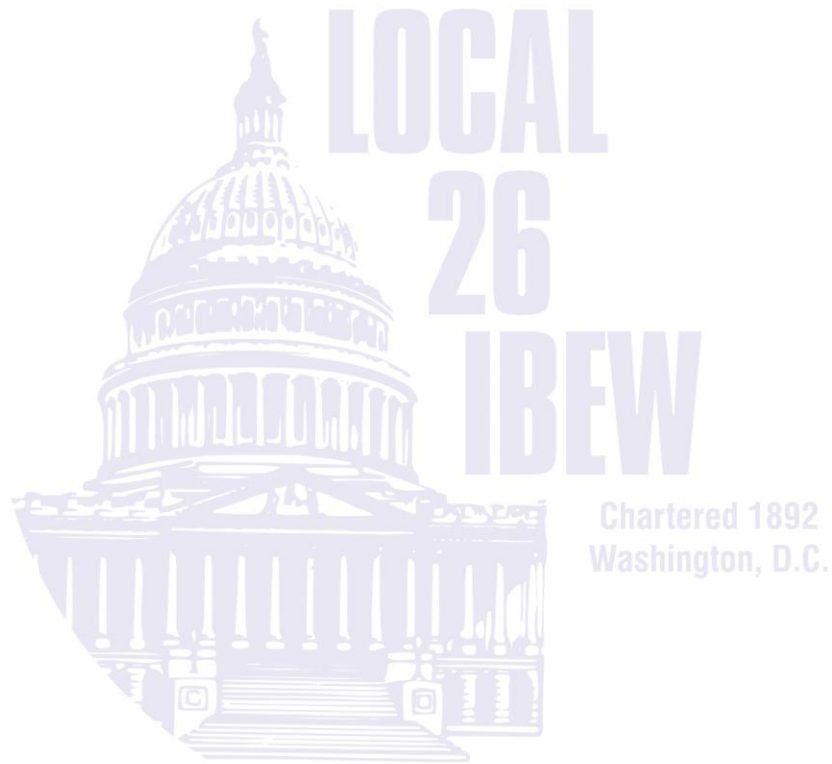
Members of the Environment and Transportation Committee, I ask you to "lock the barn door" now, think about the lives you can save and **support HB 862**. Thank you





International Brotherhood of Electrical Workers

CHRISTOPHER M. CASH: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President
WILLIAM T. NG: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • MARK F. PONTELLO: Treasurer



HB 862 MDCC Railroads-Required Crew for Movement o

Uploaded by: Hannah Allen

Position: UNF



House Bill 862

Date: February 26, 2026

Committee: Environment & Transportation

Position: Unfavorable

Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

House Bill 862 (HB 862) prohibits a freight railroad train from operating in Maryland unless it has at least two crew members. The bill also establishes penalties of up to \$25,000 if the law is violated.

Maryland's freight rail industry is one of its most critical industries, helping to minimize transportation costs, manage our carbon emissions levels and strengthen our competitiveness. Our rail industry is responsible for thousands of direct jobs and contributes to hundreds of thousands of indirect jobs. With this bill, railroad companies will be forced to comply with onerous regulations that disrupt interstate rail operations by requiring compliance with Maryland-specific crew mandates as trains enter and exit the State. This complicates what should be an easy flow of freight, especially when this industry is responsible for a significant portion of the movement of goods and services in the State.

Both the State of Maryland and private-sector partners have invested more than \$2 billion in port- and rail-related infrastructure to modernize freight movement and enhance Maryland's competitiveness. These investments include the Howard Street Tunnel project, expanded operations at the Seagirt Marine Terminal, and the development of a major container facility at Trade Point Atlantic. The Chamber has also supported federal FRA grants that help advance these projects. These investments were made with the expectation that freight rail operations would remain efficient, flexible, and governed by uniform federal standards. Mandating train crew size at the state level introduces new operational constraints and costs that were not contemplated when these investments were made, undermining their long-term economic viability.

We learn from the history of the United States railroad system that onerous regulations have significant negative impact on the industry. In order to mitigate the heavy regulatory climate that led to multiple railroad bankruptcies in the 1970s, Congress passed a series of laws meant to ease the burden on railroads and create uniformity in laws between states. These laws

established federal preemption provisions because of the difficulty placed on railroads having to conform to different regulations and policies traveling from one state to another.

The Maryland Department of Transportation projects that freight rail demands will increase by 45% by 2040. To keep up with these demands and ensure the easy movement of goods into, out of, and through the State of Maryland, it is in the best interest of the state to support legislation that facilitates, not hinders, this movement. Private companies, the State and the Federal government have all made significant investments in freight rail, knowing that it creates jobs, expands the economy, and increases Maryland's competitive edge.

In addition, there have been important developments in recent years, both of which reinforce that state laws regarding crew size are preempted by federal law. In May 2019, the Federal Railroad Administration determined that there is no data showing that two-person crews are safer than one-person crews and concluded that regulation of minimum train crew is not justified. At that time, the FRA indicated its intent to preempt all state laws and regulations on that topic. More recently, in September 2020, the U.S. District Court for the Northern District of Illinois held that an Illinois state crew size law, similar to the bill before you, was preempted under the Federal Railroad Safety Act.

Finally, this proposed policy was vetoed in 2019 and upheld by the members of the Maryland General Assembly in 2020.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **HB 862**.

CSX Written Testimony HB862.pdf

Uploaded by: Sushant Sidh

Position: UNF



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, 2024,¹ 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.²

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."³

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.

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

² 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](#)).

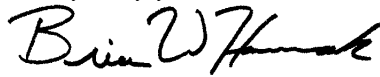
³ Indiana Rail Road Co. v. Illinois Commerce Comm'n, No. 1:19-CV-06466 (N.D. Ill. 2021) (finding the 3R Act has an express state preemption clause that **prohibits states in the Region, including Maryland, from adopting laws or rules requiring a specified crew size** for any task, function, or operation 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 style with a large, prominent "B" and "H".

Brian W. Hammock

HB0862 - LOC - MPA - MTA - Railroads - Required Cr

Uploaded by: Patricia Westervelt

Position: INFO

February 26, 2026

The Honorable Marc Korman
Chair, Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

Re: Letter of Concern – House Bill 862 – Railroads – Required Crew for Movement of Freight

Dear Chair Korman and Committee Members,

The Maryland Department of Transportation (MDOT) takes no position on House Bill 862 but respectfully offers the following concerns as it may have a detrimental impact on the Port of Baltimore, the Maryland Transit Administration, MDOT's Freight Railroad, and the State's Transportation Trust Fund revenue.

The Port of Baltimore is one of the leading ports in the nation for freight and an economic generator for the State of Maryland. HB 862 would prohibit a railroad train used in connection with the movement of freight from operating in the State of Maryland unless it has a crew of at least two individuals. In March 2024, the Federal Railroad Administration issued a final rule codifying a train crew size standard that requires a minimum of at least two crew members. The final rule ensures rail operations are governed by consistent safety rules across the United States and preempts state law.

In the event the final rule is overturned, HB 862 would create a patchwork of state regulation on the national supply chain. Many businesses in Maryland rely on the efficient rail service provided by freight railroads operating in the State, providing access to raw material for manufacturing and a cost effective and environmentally conscious mode of transport for finished goods. Rail lines are critical arteries in the supply chain. HB 862 risks weakening Maryland's link in a competitive marketplace.

The Port of Baltimore has grown significantly, breaking records, adding jobs, and bolstering economic activity in the process. Carriers will always move cargo by the most efficient and economical means, and the Port is in constant competition with rival ports to increase cargo volumes and generate business activity. This legislation would threaten the State's ability to maximize the benefits and return on investment for the Howard Street Tunnel Project. The success of our Port directly benefits the State and the hardworking individuals who depend on it. For the Port to continue to operate successfully as an economic engine, Maryland cannot afford to be at a competitive disadvantage with our neighboring ports.

The Honorable Marc Korman
Page Two

Finally, the MTA operates the Maryland Area Regional Commuter (MARC) Train Service. MARC operations on the Camden and Brunswick Lines rely on CSX Transportation, Inc.- owned track and infrastructure pursuant to an Access Agreement between MTA and CSX. The most recent agreement, which became effective on July 1, 2021, includes a provision requiring MTA to reimburse CSX for up to \$6.0 million annually if the State enacts laws or regulations that increase minimum train crew size requirements, with an explicit carveout if such changes result from federal action. If current federal guidelines were rescinded by the courts and Maryland were to proceed independently through HB 862, the State could trigger the reimbursement provision in the Access Agreement, resulting in MTA assuming up to \$6.0 million per year in additional railroad costs. Such an outcome would impose a significant and unbudgeted burden on the Transportation Trust Fund and could adversely affect MTA's strategic relationship with CSX as it advances current and future capital and service initiatives on the MARC Camden and Brunswick Lines. Further, the State of Maryland's Freight Railroad (Canton Railroad Company) and Contract Operating Railroad (Maryland and Delaware Railroad) may incur additional operating costs to meet this requirement as well. This cost is unknown, but is estimated to exceed \$1.3 million annually, which will likely be passed on to the State of Maryland.

The Maryland Department of Transportation respectfully requests the committee take these considerations into account during its deliberation of House Bill 862.

Respectfully Submitted,

Matthew Mickler
Director of Government Affairs
Maryland Department of Transportation
410-865-1090