



STATE OF MARYLAND

OFFICE OF THE GOVERNOR  
**Wes Moore**

May 22, 2026

The Honorable Joseline Peña-Melnyk  
Speaker of the House of Delegates of Maryland  
H-101 State House  
Annapolis, MD 21401

Dear Speaker Peña-Melnyk,

In accordance with Article II, Section 17 of the Maryland Constitution, I hereby veto House Bill 862 – *Railroads- Required Crew for Movement of Freight*.

The primary aim of House Bill 862 is to establish safety requirements for freight trains operating in Maryland by mandating a minimum of two crew members and creating a civil penalty structure for willful violation of up to \$10,000 for a first offense and up to \$25,000 for subsequent violations within three years. The legislation further conditions its enactment upon the passage of similar legislation in New York, Pennsylvania, and Virginia.

I commend the Maryland General Assembly's commitment to the safety of railroad workers and the communities through which freight trains operate. My Administration shares the same goal of safety and ensuring adequate crew standards on Maryland's rail lines. However, after careful consideration, I have determined that this legislation is not the appropriate vehicle for achieving that goal.

The central legal deficiency of House Bill 862 is that it conflicts with controlling federal law. The Federal Railroad Administration (FRA) issued a final rule in 2024 establishing a nationwide two-person crew standard for freight operations (Docket No. FRA-2021-0032, Notice No. 5). This sets minimum crew size requirements for all freight trains, establishing a risk assessment process for railroads seeking a waiver for one-person operations, and permits exceptions only

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where one-person crews present no significant safety risks to employees, the public, or the environment. Under 49 U.S.C. § 20106(a) of the Federal Railroad Safety Act, a state law is preempted when the Secretary of Transportation prescribes a regulation covering the subject matter of that law. A state may adopt a more stringent standard only if it addresses an essentially local safety hazard, is not incompatible with federal requirements, and does not unreasonably burden interstate commerce. It is the Administration's assessment, with the advice of the Office of the Attorney General (OAG), that the FRA's 2024 final rule appears to preempt House Bill 862. This conclusion holds even as the final rule remains subject to ongoing federal litigation.

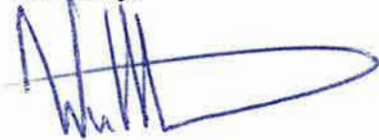
The legislation's contingency clause presents an independent and compounding legal concern. The OAG advised that conditioning Maryland legislation on the passage of substantially similar laws in New York, Pennsylvania, and Virginia, raises serious questions of preemption under the Regional Rail Reorganization Act of 1973 (3R Act). Specifically, the OAG has cautioned that the contingency clause may increase the risk that a reviewing court may find the bill was enacted with an economic purpose rather than safety, the type of finding that supports a determination of preemption under the 3R Act.

House Bill 862 also creates a significant, unbudgeted fiscal burden on the State. The 2021 Access Agreement between the Maryland Transit Administration (MTA) and CSX authorizes MARC Train service on the Camden and Brunswick lines and contains a provision that could be triggered by any Maryland law mandating increased minimum crew sizes on freight operations. If enacted, this legislation could require MTA to reimburse CSX up to \$6.0 million annually, an unbudgeted expense that would fall on Maryland's already constrained Transportation Trust Fund (TTF) and jeopardize the State's capacity to fund priority investments, including the Penn-Camden Connector. Beyond the MTA-CSX agreement, state freight and contract-operating railroads, including the Canton Railroad Company and Maryland and Delaware Railroad, are estimated to incur over \$1.3 million in additional annual operating costs as a direct result of this legislation, costs that would likely be passed on to the State.

The safety of railroad workers, both in Maryland and nationally, is a matter of serious consequence, and it deserves a sustainable solution. House Bill 862, however well-intentioned, would likely be rendered unenforceable by federal preemption, exposes the State to additional constitutional risk through its contingency structure, and imposes a significant unbudgeted fiscal burden at a time when Maryland's resources must be directed toward its highest priorities.

I look forward to working with the General Assembly and all relevant stakeholders to continue to make progress on this important issue and keep Maryland safe. However, for these reasons provided in this letter, I have vetoed House Bill 862.

Sincerely,

A handwritten signature in blue ink, consisting of several vertical strokes followed by a long horizontal stroke that tapers to a point on the right.

Wes Moore  
Governor