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

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**Support, HB958 Railroad Safety Requirements – Railway Safety Act of 2025**

My name is Tom Cahill. I am the Assistant Director of the Maryland Safety and Legislative Board for the Transportation Division of the International Association of Sheet Metal, Air, Rail, Transportation Workers. Our members work as employees for CSX Transportation, Norfolk Southern, Canton Railroad, Amtrak and MARC (ALSTOM and AMTRAK).

The first listed goal in the Maryland State Rail Plan is for the State transportation system to be safe, secure, and resilient by enhancing the safety and security of Maryland's multimodal transportation system and to provide a transportation system that is resilient to natural and man-made disasters.

With that goal in mind, I am here urging a favorable report on **HB958**. *The Maryland Railway Safety Act of 2025* is an all-encompassing safety bill meant to address several critical safety issues plaguing the rail industry and the communities we serve.

**Safe Staffing Levels for Trains or Light Engines**

Freight trains share tracks with passenger and commuter trains. They carry hazardous materials, operating through many of Maryland's densely populated cities and towns such as 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.

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 that 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 destroying the town. Following the accident Canada, banned one-person freight train operations.

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 layer upon layer of safety systems. Furthermore, each member country has their own safety protocols 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.

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/>

## Wayside Detector Systems

On February 3, 2023 in East Palestine, Ohio a Norfolk Southern Train carrying the hazardous material Vinyl Chloride in 5 cars of their consist, derailed. Following the wreck, the vinyl chloride burned, creating toxic plumes of smoke that forced approximately 2,000 residents to evacuate the town. The cause of this derailment was a wheel journal that overheated to point it disintegrated. To date, \$1.7 Billion has been spent on environmental clean-up, claims and resident relocation.

From 2003 to 2023, there have been 687 derailments stemming from axle and journal bearing equipment malfunctions. 58.5% of the derailments were caused by an overheated journal bearing. The root cause of the East Palestine Derailment was a lack of Hot Box detectors, and the two that were present, malfunctioned. Had they been working properly; this derailment would have been prevented.

On average, Hot Box Detectors are spread very far apart, roughly one every 25 to 30 miles, or to put it another way, one HBD for approximately the distance from DC to Annapolis. Currently, there are no federal regulations governing the operation or regulation of Hot Box Detectors. The FRA does have recommendations or Safety Advisories about their use and implementation. However, it must be noted that none of these carry the weight of the law.

Per Safety advisory 2023-01 “Preliminary investigation of recent train derailments indicates the cause of, or contributing factor to, the incidents was a mechanical failure, specifically burnt journal bearings. Accordingly, FRA is issuing this Safety Advisory to make recommendations to enhance the mechanical reliability of rolling stock and the safety of railroad operations. This Safety Advisory recommends that railroads: evaluate the thresholds for inspections based on hot bearing detector (HBD) data; consider the use of real-time trend analyses of HBD data as a criterion for inspection; ensure the proper training and qualification of personnel responsible for the calibration, inspection, and maintenance of HBDs; ensure proper inspection of rolling stock with HBD alerts; and improve the safety culture of their organization, particularly as it pertains to operational decisions based on HBD data”.

Since 2021, the FRA has investigated 5 derailments that were caused by overheated or burnt journal bearings. Three of them were Norfolk Southern Trains. The three derailments occurred in Warner Robins Georgia, Sandusky Ohio, and East Palestine Ohio.

In both the Warner Robins and Sandusky Norfolk Southern wrecks, the Hot Box Detectors gave warning about the overheated journal bearings as it was supposed to do. Train crews stopped the train and inspected the problem axles as they were supposed to. However, NS gave the crews instructions to proceed without setting out the problematic car (Warner Robins) or engine (Sandusky).

In East Palestine, the Hot Box Detectors did record increasing bearing temperatures on the car that caused the derailment. However, the readings never reached Norfolk Southern’s threshold to warrant stopping the train. Unfortunately, because the profit motive comes first when it comes to removing equipment from service, these tragedies will continue to happen.

Per the safety advisory “Detecting overheated journal bearings before they fail is critical to accident prevention. Journal Bearings are sealed components, and as such, often do not display ‘tell-tale signs’ of overheating (e.g., leaking lubrication) making defects in journal bearings difficult to identify through visual inspections. HBDs can serve an important role in early detection of bearing defects, but the effectiveness of any HBD system depends on numerous factors, including: (1) the establishment and adherence to adequate maintenance standards and procedures; (2) the establishment of safe thresholds at which to act on HBD alerts; and (3) strict adherence to procedures that prescribe actions to be taken”.

In the absence of Federal leadership, it falls to the State to lead. Since the railroads have failed to voluntarily comply with FRA recommendations, it falls to the States to protect the public by addressing the important rail safety issue.

(1) <https://www.federalregister.gov/documents/2023/06/14/2023-12724/safety-advisory-2023-01-evaluation-of-policies-and-procedures-related-to-the-use-and-maintenance-of>

## **Reporting System for Transportation of Hazardous Material and Waste**

Ace First Responders did a survey in March 2023 for the Pennsylvania DOT following the East Palestine derailment. 114 1<sup>st</sup> responders completed it; of the 114 who responded, only 15 wore a mask that would protect them from the dangerous effects of the vinyl chloride in the air.

It took over an hour for first responders to receive the train’s consist information. The first responders who were on scene did not have access to the AskRail app that was supposed to have this information for them. Norfolk Southern did not immediately provide the consist information to the dispatchers and government officials who requested it. They took over an hour to do so.

This provision of the Railroad Safety Bill will prevent this sort of miscommunication should a major derailment occur in the State of Maryland.

(1) Per Kevin Reardon, Fire Marshal for the State of Ohio, “the Fire Fighters probably didn’t know there were extremely hazardous substances in the air around them. Typically in major disasters, firefighters don’t know exactly what they are getting into, and it was most likely these first responders didn’t know about the chemicals. That information you have to get from either the engineer of the train or the conductor.”

(2) Per Jennifer Hormendy, Chair of the National Transportation Safety Board, “The general public “absolutely deserves[s] to know whether they live or works near a hazmat route. They also need to be aware of the hazards associated with releases, what railroads will do to prevent accidents and mitigate consequences, how to recognize and respond to an emergency, what protective action to take in the event of a hazmat release, and how to contact railroads and federal authorities regarding specific concerns, and that should also include state authorities “.

This provision mandates that consist information will be made available to FEMA and the State’s Emergency Management Agency. In this way information can be given immediately, securely to first responders.

Per the CDC, cancer is a leading cause of death for firefighters. Vinyl Chloride is a cancer-causing chemical. It is unfortunate that first responders were not properly notified of the train’s consist, many showed up to the scene without wearing Hazmat suits or proper P.P.E. A reporting system needs to be in place that is accessible to first responders, so that they can be prepared.

(1) <https://www.news5cleveland.com/news/east-palestine-train-derailment/state-fire-marshal-east-palestine-first-responders-most-likely-didnt-know-hazardous-substances-were-burning>

(2) <https://www.freightwaves.com/news/ntsb-chair-says-ns-train-derailment-was-100-preventable>

### **Authorization to Monitor Safety Practices and Operations by Collective Bargaining Representatives**

The office of Railroad Health and Safety is understaffed. There are only 3 railroad inspectors employed. Of the 3 inspectors, there is only 1 that is qualified to do track inspections. There are 2,502 rail crossings, and more than 1200 railroad miles in the State of Maryland.

Currently, union representatives who are not employed by the railroads are not allowed to perform safety inspections or investigate member safety concerns on railroad property. The railroads’ policy is to assert that union representatives not under their employ are trespassing on their property and to have their police department escort them from their property. The most important responsibility of SMART-TD is to ensure safe working conditions for our members.

Current railroad policy hinders our ability to ensure our members work in a safe environment, and operations are being done in a manner compliant with federal and state laws, and regulations. Representatives of SMART-TD are trained to conduct investigations and perform safety inspections.

With current budget constraints, allowing representatives of SMART-TD access to railroad property for these investigative purposes brings much needed oversight to the rail industry at no cost to the State.

With these things in mind, I urge a favorable report!

Sincerely,

*J. E. Cahill*

Thomas E. Cahill, Vice Chairperson/Assistant Director

Maryland Safety & Legislative Board, LO-023

**SMART** Transportation Division