

SP# R-671F



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: August 28, 1997

In Reply Refer To: R-97-38

Honorable Parris N. Glendening
Governor of Maryland
State House
Annapolis, Maryland 21401

Honorable Casper R. Taylor, Jr.
Speaker of the House
Maryland House of Delegates
101 State House
Annapolis, Maryland 21401

Honorable Thomas V. Mike Miller, Jr.
President of the Senate
Maryland Senate
H107 State House
Annapolis, Maryland 21401

About 5:39 p.m. on February 16, 1996, Maryland Rail Commuter (MARC) train 286 collided with National Railroad Passenger Corporation (Amtrak) passenger train 29 near Silver Spring, Maryland. En route from Brunswick, Maryland, to Union Station in Washington, DC, MARC train 286 was traveling under CSX Transportation Inc. (CSXT) operation and control on CSXT tracks. MARC train 286 passed an APPROACH signal before making a station stop at Kensington, Maryland; proceeded as if the signal had been CLEAR; and, then, could not stop for the STOP signal at Georgetown Junction, where it collided with Amtrak train 29. All 3 CSXT operating crewmembers and 8 of the 20 passengers on MARC train 286 were killed in the derailment and subsequent fire. Eleven passengers on MARC train 286 and 15 of the 182 crewmembers and passengers on Amtrak train 29 were injured.¹

The National Transportation Safety Board determined that the probable cause of this accident was the apparent failure of the engineer and the traincrew because of multiple distractions to operate MARC train 286 according to signal indications and the failure of the Federal Railroad Administration (FRA), the Federal Transit Administration (FTA), the Maryland Mass Transit Administration (MTA), and the CSXT to ensure that a comprehensive human factors analysis for the Brunswick Line signal modifications was conducted to identify potential sources of human error and to provide a redundant safety system that could compensate for human error.

¹For more detailed information, read Railroad Accident Report--Collision and Derailment of Maryland Rail Commuter MARC Train 286 and National Railroad Passenger Corporation Amtrak Train 29, near Silver Spring, Maryland, on February 16, 1996 (NTSB/RAR-97/02)

Contributing to the accident was the lack of comprehensive safety oversight on the CSXT/MARC system to ensure the safety of the commuting public. Contributing to the severity of the accident and the loss of life was the lack of appropriate regulations to ensure adequate emergency egress features on the railroad passenger cars.

The indemnification arrangement for CSXT/MARC service is a significant, but not likely uncommon, issue: the actual operator of the service in question was well-insulated against damages that might arise from both its employees and the passengers on the line. Risk of liability from injury to its employees was compensated by a substantial surcharge to the CSXT billings for labor expense, and the State of Maryland assumed the risk, through self-insurance and the purchase of commercial coverage, for the first \$150 million of passenger-related liabilities.

The exposure to liability may induce cautious behavior; however, in the absence of this exposure, it is not so obvious that one will be readily able to identify the precautions that were forsworn when the financial risks were eliminated, particularly in a regime, like railroading, where so much of the activity is required and inspected under regulatory authority. Nevertheless, the manner in which the protection of MARC passengers was approached, and subsequently explained, almost assuredly reflects a disconnect between activity and responsibility. The CSXT manager for these commuter services indicated that at the request of MARC, the CSXT crews wore MARC uniforms in the passenger cars. The CSXT crews were not trained by MARC or by the CSXT in emergency procedures. Indeed, no specific carrier-initiated safety assessment of the emergency passenger equipment or its operation had been undertaken, and no emergency preparedness plan had been developed. In postaccident questioning, CSXT personnel allowed that passenger safety, as opposed to train handling safety, was an issue for MARC. The CSXT was, of course, aware that MARC had done little in this regard and had no on-train personnel. But when asked whether the matter had ever been discussed between the two principals, the CSXT indicated that MARC had never broached the subject. It appears that the CSXT had not raised the issue as well. The Safety Board concluded that the CSXT/MARC system lacked comprehensive safety oversight to ensure the safety of the commuting public. The Safety Board is concerned by this apparent hands-off approach and is convinced that it cannot be divorced from the environment of diminished liability in which it arose. Therefore, the Safety Board believes that the Governor and the General Assembly of the State of Maryland should instruct and empower an appropriate State agency to provide continual, effective, and independent safety oversight of all aspects of the MARC operations.

Therefore, the National Transportation Safety Board recommends that the Governor and the General Assembly of Maryland:

Instruct and empower an appropriate State agency to provide continual, effective, and independent safety oversight of all aspects of the Maryland Rail Commuter operations. (R-97-38)

Also, the Safety Board issued Safety Recommendations R-97-9 through -21 to the FRA; R-97-22 through -25 to the FTA; R-97-26 through -31 to the CSXT; R-97-32 through -35 to the MTA; R-97-36 to the U.S. Department of Transportation; R-97-37 to the Federal Emergency Management Agency; R-97-39 through -42 to the Association of American Railroads; R-97-43 to the Montgomery County Emergency Management Agency; R-97-44 to the Baltimore County Emergency Management Agency, the Baltimore City Emergency Management Agency, the Metropolitan Washington Council of Governments, the Jefferson County Commissioners, and the Berkeley County Commissioners; and R-97-45 to the American Short Line Railroad Association, the Brotherhood of Locomotive Engineers, the United Transportation Union, the International Brotherhood of Teamsters, and the American Public Transit Association. The Safety Board also reiterated Safety Recommendations R-87-16, R-92-10, and R-93-12 to

the FRA; R-92-16 to the General Electric Company; and R-92-17 to the Electro-Motive Division of General Motors.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation R-97-38 in your reply. If you need additional information, you may call (202) 314-6430.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

By: 
Jim Hall
Chairman