



National Transportation Safety Board

Washington, DC 20594

Safety Recommendation

Date: October 22, 2014

In reply refer to: R-14-50 and R-14-51
H-11-39 (Reiteration)

The Honorable Martin O'Malley
Governor of Maryland
100 State Circle
Annapolis, MD 21401-1925

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. The NTSB determines the probable cause of the accidents and issues safety recommendations aimed at preventing future accidents. In addition, the NTSB carries out special studies concerning transportation safety and coordinates the resources of the federal government and other organizations to provide assistance to victims and their family members affected by major transportation disasters. We are providing the following information to urge the state of Maryland to take action on the safety recommendations being issued in this letter.

On October 8, 2014, the NTSB adopted its report concerning the May 28, 2013, accident in which a Mack Granite three-axle roll-off straight truck carrying a load of debris to a recycling center was struck by a freight train at a highway–railroad grade crossing in Rosedale, Maryland.¹ Additional information about this accident and the resulting recommendations may be found in the report of the investigation, which can be accessed at our website, www.nts.gov, under report number NTSB/HAR-14/02.

As a result of this investigation, the NTSB issued 12 new recommendations—to the Federal Motor Carrier Safety Administration (FMCSA), the Federal Railroad Administration, the Association of American Railroads, the American Short Line and Regional Railroad Association, the National Fire Protection Association, and CSX Transportation Company—including the

¹ See *Highway–Railroad Grade Crossing Collision, Rosedale, Maryland, May 28, 2013*, Highway Accident Report NTSB/HAR-14/02 (Washington, DC: National Transportation Safety Board, 2014).

following recommendation to the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico and an additional recommendation to the state of Maryland:

R-14-50

Enact legislation adopting all elements of the Federal Railroad Administration’s model law known as the “Adequate Sight Distance at Passive Highway–Rail Grade Crossings Act.”

R-14-51

Work with CSX Transportation Company and private landowners to conduct engineering studies of the accident grade crossing (140833J) and the three other private highway–railroad grade crossings (140831V, 140828M, and 140829U) evaluated in this investigation, and take actions to improve their safety, such as removing visual obstructions, installing signage, and altering roadway geometry.

The NTSB reiterated the following previously issued recommendation to the 50 states and the District of Columbia:

H-11-39

(1) Ban the nonemergency use of portable electronic devices (other than those designed to support the driving task) for all drivers; (2) use the National Highway Traffic Safety Administration model of high visibility enforcement to support these bans; and (3) implement targeted communication campaigns to inform motorists of the new law and enforcement, and to warn them of the dangers associated with the nonemergency use of portable electronic devices while driving.

The NTSB also reiterated two previously issued recommendations to the FMCSA and reclassified two previously issued recommendations to the US Department of Transportation.

These safety recommendations are derived from the NTSB’s investigation and are consistent with the evidence we found and the analysis we performed. Acting Chairman HART and Members SUMWALT, ROSEKIND, and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 90 days detailing the actions you have taken or intend to take to implement them. When replying, please refer to the safety recommendations by number. We encourage you to submit your response electronically to correspondence@ntsb.gov. If it exceeds 10 megabytes, including attachments, please e-mail us at the same address for instructions. Please do not submit both an electronic copy and a hard copy of the same response.

[Original Signed]
By: Christopher A. Hart
Acting Chairman