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Testimony of Nate Moulton
Maine Department of Transportation
Before the 132nd Legislature, Joint Standing Committee on Transportation

Neither For Nor Against

LD 1644, *An Act to Require Train Axle Bearing Sensors to Be Installed on Passenger Rail Lines*

Senator Nangle, Representative Crafts and members of the Joint Standing Committee on Transportation, I am Nate Moulton, Director of the Office of Freight and Business Logistics at the Maine Department of Transportation. MaineDOT is neither for nor against LD 1644, *An Act to Require Train Axle Bearing Sensors to Be Installed on Passenger Rail Lines*, but would like to provide this committee with information as you proceed to review and vote on this legislation.

This bill would require the installation of a hotbox detector every 20 miles on a railroad line that operates in the State on which a passenger train operates, beginning January 1, 2027. A Hotbox detector is an infrared sensor that measures the temperature of the journal bearings on rail cars as the train passes by at track speed. While this legislation does not directly impact MaineDOT, it could have significant impacts on operators within the state and we would like to point out that any law passed within this state in relationship to rail safety would likely be federally preempted.

Railroad companies and rail lines across the country are overseen by the Federal Railroad Administration (FRA) and the Surface Transportation Board (STB), as such we believe the State of Maine has no oversight or authority over this requirement. Under the Federal Railroad Safety Act (FRSA), the FRA has broad authority to regulate railroad safety. The FRSA includes an explicit preemption clause (49 U.S.C. § 20106) which says: States may not adopt or continue in effect a law, regulation, or order related to railroad safety or security *if* the FRA has already "prescribed a regulation or issued an order covering the subject matter."

While the FRA doesn't *require* hotbox detector locations and spacing, it does regulate things like bearing inspections, equipment safety standards, and train operation practices related to overheated bearings. Courts have interpreted that as "covering the field," meaning a state could not mandate specific technologies like Hotbox Detectors without likely running afoul of federal preemption.

MaineDOT does caution that this bill is not specific to the type of passenger trains that would be subject to the proposed law. If this bill covers not only scheduled public passenger service, such as the Downeaster, but also impacts passenger trains such as excursion or tourist operations like Belfast and Moosehead Lake Railway, Downeast Scenic Railway or the Maine Narrow Gauge, it would have a significant capitol and maintenance impact on these small tourist operations as these detectors cost approximately \$250,000 each to install.

We hope this information is helpful as you continue to deliberate on this legislation and topic. Thank you.