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Senator Joseph Rafferty testimony presenting

LD 1824, “An Act to Prohibit the Public Release of Information Regarding a Railroad Fatality,”

Before the Joint Standing Committee on Criminal Justice and Public Safety

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Good afternoon, Senator Carney, Representative Kuhn and distinguished members of the Judiciary Committee. My name is Joe Rafferty and I represent Senate District 34, including the towns of Berwick, North Berwick, Wells, Kennebunk and Kennebunkport.

I’m here today presenting LD 1824, “An Act to Prohibit the Public Release of Information Regarding a Railroad Fatality.” The bill idea began with a conversation I had with a constituent in my district. To be honest, I had never thought about this but gave it some time to sink in. Ultimately, I was happy to sponsor it having considered many of the strange stories involving retaliations around many issues that happen in today’s world. We all have similar conversations with constituents, weighing out logistics validated my submitting legislation on two other railroad issues heard in the Transportation Committee.

The topic of our rail system comes up often in my district as all five communities have rails that pass within them. Most of the issues stem from concerns of the freight side such as crashes and what type of cargo is on the train. Other concerns stem from spills or airborne hazardous materials. This is the first that centered around a fatality resulting from such an accident. Without having much personal knowledge, I turned to internet searches. Railroad deaths totaled 995 in 2023, a 10% increase from the 2022 revised total of 908. Nonfatal injuries totaled 6,705, a 3% increase from the 2022 revised total of 6,513.

I've conversed with three of my local Fire Chiefs to better understand and review emergency protocol surrounding such events. They are confident in their training but also understand that an event may expose issues not covered or practiced. You can train responders for a derailment but what if that derailment happens within wetlands or the content of a train changed at the last minute as a car was added. Maybe the manifest is under water or not accessible due to the nature of the crash.

Having conversed with a constituent, I often put myself into the scene they present. In my case I'm not aware of any accident that occurred in my district, and I've been there for forty seven years. I am however aware of two train related fatalities. Both situations were suicides and separated by 30+ years. The first was a former student, the other a colleague. These events were investigated and the result showed in both cases, the individuals took their own lives by laying across the track. No doubt, both are horrible situations. What is clear looking back is that no one would benefit from knowing who was driving either train.

I appreciate you listening, and I ask that you please consider this bill and its impact. I'm happy to answer any questions you may have.