LOCAL GOVERNMENT OFFICIALS PROMISE TO HOLD CSX

RESPONSIBLE FOR FIRES

BY: Keith S. Shikowitz

Numerous attempts including phone calls and emails have been made to contact CSX for a statement as to the fire on April 14. None have been responded to.

April 14, 2023, turned out to be a life threatening and property damaging day for Rockland County residents who live near the train tracks in Stony Point, Haverstraw and Clarkstown. The danger came from what local government officials are saying were a series of fires started by sparks coming from a CSX train passing through the area that afternoon.

The sparks created by the train hit the dry brush which was growing near the tracks and caused it to catch fire. The fire stretched from Stony Point to Congers. The fires were so bad that all 26 fire departments in the county and mutual aid responses from New Jersey and Orange County was needed to get this situation under control.

On April 21, 2023 local government officials held a press conference on Hazen Lane about the on going investigation into the cause of the fires.

While we were waiting for the press conference to start a CSX train came rolling by the neighborhood.

State Senator Bill Weber who is leading this investigation opened the conference.

“We are all here to discuss the unacceptable train related fires that occurred last Friday here in Rockland County. CSX, the train operator should have prevented these fires but the neglected to do so. We owe our gratitude to all of the first responders who stopped the fires from doing even more damage. The fact that not a single home was lost, (pointed to the house on his left) but we see the damage here though, not a loss is a testament to their bravery and selflessness.”

He stated that they are focused on doing everything they can to prevent this from happening again and to ensure that CSX is held responsible. On Tuesday April 18 his office convened an in person meeting with representatives from CSX in Albany and they had all of the elected officials from the area and here in Rockland County they were available by Zoom.

“We are all clear that families, first responders, and the municipalities must be made whole for all the damages and costs incurred. We also requested a clear timeline and process for all of those businesses, homeowners and municipalities to make those claims.” he stated emphatically.

Several weeks ago after the multiple incidents here in Rockland and the derailment in East Palestine Ohio, Weber began working on legislation for train safety. According to him, the fires in Rockland County only heightened the need for such legislation. “On Wednesday I filed Senate Bill 6435. It amends the transportation law concerning penalties for individuals, corporations, companies and associations violating rules and regulations related to braking systems, steering components, coupling devices and transportation of hazardous materials. This will ensure that people responsible for incidents like we had last Friday, are not only fined by the State of New York, but they also must pay all costs related to environmental remediation, residential relocation of effected areas, and costs incurred by states and municipalities. I will continue to hold CSX responsible and keep the residents of Rockland County informed.”

He introduced Assemblyman Ken Zebrowski whom he said has been at the forefront in Rockland County for many years in terms of fire safety and knows he is going to be a great advocate for making sure they hold CSX accountable here after this incident.

“Thanks Bill and thanks for your leadership on this issue and bringing us all together. We’ve got folks from all levels of government here. We are going to do everything we can to make sure that number one, the homeowners and the folks that were effected during this emergency are put back together to the extent that you can. Of course, when you have something like this you can never be put fully back together.”

Zebrowski stated that we need to work together to make sure we understand what happened. That’s pretty clear. “I don’t think that even as of this morning CSX has taken responsibility. I think it’s pretty clear to everybody, I don’t want to speak for the law enforcement and fire officials who are here with us but I think it’s pretty clear what happened and it started from this train.”

“We also need to look to the future to prevent something like this from happening and to make sure that the homes these folks along the rail lines can have some security that there won’t be an emergency like this and if there is something that is almost immediately taken care of. Immediately reported. These are all issues we did not see happen. We didn’t see timely reporting. We didn’t see CSX timely getting out there and report to whom they had to, to allow our folks on the ground to know quickly and efficiently what was happening.”

He explained that he had a conference call with the commissioner of Homeland Security from the state the other day and I know they’ve been in touch with our local officials. Really our local officials, the Sheriff’s Department, Chris Kear from the Fire Services are spearheading the investigations and they have offered any assistance they can give. There are several state agencies involved. Everybody from the DEC, the Park Rangers and all the way through our Homeland Security who coordinates these things.

“In all our discussions, let’s talk about it from common sense. If there was somebody burning something in their backyard and it started this kind of fire, you would have seen one large fire start in one part of the county. You wouldn’t have seen it pop up going down the railway.”

He feels as all of the officials there did that it’s pretty clear what happened here and that there are other issues that they need to look at. “I’ve talked about maintenance along the line. Are they regularly inspected looking at what brush is there that can cause something like this if there’s this type of sparks? Obviously, we need to start with the rail cars, but we need to end with the rail infrastructure along the ground. We need to do everything we can. We are standing here together. I want to again thank Senator Weber for his leadership on this. I know myself, John McGowan and Chris Eachus are here and are ready to work with our colleagues in the Senate to make our railways safer and protect people’s lives.”

County Executive Ed Day was next to the podium. “You know Ken brought up a very simple point along with a number of good points. First of all you are seeing a unified effort to ensure that CSX is held accountable, number one. The people of this community and other communities, are they whole? And three. All the municipalities that sent out their resources are made whole also. There are a lot of things here.”

5:51 – 6:43

“CSX brought this on themselves. When we first approached them their response was, What are you talking about? Like nothing happened. If we’re going to believe that, like Ken said that somebody dropped a match in Tompkins Cove and suddenly we had flames down here. It’s ludicrous. It seems that CSX is coming close to a come to Jesus moment. They’re now acknowledging that, ‘Oh guess what there was a fire and our train was around.’ That’s as far as they’re going now. It’s just utterly ridiculous. We expect them to hold their end up. To be accountable to the people of this community and the other communities that were affected. That’s what our goal is.” Day stated.

He added that our sheriff is working with the Clarkstown PD here with an investigation to get to the bottom of this. “They’re going to leave no stone unturned to find out exactly what happened and to hold them accountable. If there needs to be a criminal investigation, if it goes that way, then so be it.”

Day expressed the gratitude for all of the support they’re getting from all of the elected officials from the state and federal governments. “We could not ask for more. Even Senators Schumer and Gillibrand have jumped in also to help out. You have a lot of back up here. That should make you feel a lot better right now. We’re going to get through this together.”

Congressman Mike Lawler came to the podium with a look of determination on his face. “We’re standing here today in this swath of destruction that was carved along the CSX rail line. I cannot begin to express my utter disappointment with CSX in their handling of this situation.”

7:29 – 8:30

“My office and local elected officials met with them the VERY MORNING of the fire to discuss our concerns with rail safety in Rockland County. Crossings in Haverstraw and specifically we highlighted our concerns about brush fires that break out when they are doing work on the rail. Later that day, a CSX train very likely caused the damaging fire, the impacts of which we see all around us and chose NOT to report to Federal Authorities. I immediately reached out to CSX when Supervisor Phillips called me to let me know that this fire was breaking out. They said, “Oh, yeah. We’re aware.”

He stated that his office confirmed with the Federal Railway Authority (FRA) that CSX had not reported the fire.

Unfortunately for the people whose homes were damaged and property lost, the now charred brush and dead wildlife, as Federal Regulations stipulate, companies choose what they do and don’t report. “That is something we are going to look at changing. If you ask me, this is ridiculous. CSX’s neglect here has resulted in serious consequences for our towns, villages, residents and first responders. That’s why Senators, Gillibrand, Schumer and I sent a letter demanding answers from the FRA and asking for an immediate investigation into CSX’s conduct.”

9:04 – 10:33

“Our brave volunteer firefighters are the reason this fire was put out successfully and more homes and area were not devastatingly impacted. They fought to get this under control. If you look over there you can see how close to this neighborhood in Congers, they came to total destruction. If our departments had not responded as quickly as they did, or if the winds blew in a different direction who knows how really bad this could have been. It’s unacceptable that CSX has refused to take responsibility for the fire which caused damage and disruption to Clarkstown, Haverstraw and Stony Point.” Lawler said.

After a brief pause, he continued, “As Ken pointed out, it doesn’t take a rocket scientist to figure out that a train caused this fire. When it goes from Stony Point to Clarkstown, it was not some kid lighting up a match. They should have reported this immediately to the appropriate authorities and provided all necessary assistance to contain and extinguish the fire. Instead, they have released denial after denial. Getting on a phone call with all of us and acting as if they had no culpability while simultaneously handing out forms to residents seeing what damages were done. If you had no culpability, why would you be handing out forms? We need to gather all evidence and I know Sheriff Falco, and his department are doing a great job pulling together the investigation.”

Lawler reiterated what others had said that CSX must refund all the agencies, fire departments, municipal and state governments for all costs incurred in combatting this fire that they caused. “Our great first responders and firefighters worked tirelessly to contain and extinguish the flames, putting themselves at great risk. Multiple firefighters received injuries and heat exhaustion combatting the blaze. It’s only fair that those departments receive full compensation for their efforts. As someone who has seen many organizations and governments operate over the course of my years in county, state and federal government, I have to say I have seen Mickey Mouse handle things better than CSX has here.”

“It’s simply unacceptable and we should expect more from CSX which operates in our community on a daily basis. They should not be putting our safety at risk. After the accident we saw in East Palestine Ohio. After the accident we saw in Haverstraw and after this brush fire they had better well get their damned act together and cooperate with our federal, state and local authorities. Our communities deserve much better than this!!!” Lawler stated emphatically.

Weber called Rockland County Sheriff Lou Falco to give the police report in the investigation. “He was on the call with us the other day and he asked some great questions and he got some information from CSX that I don’t think they were readily willing to give. Your leadership at the forefront has been invaluable.”

12:31 – 13:21

“I just want to say that everyone standing behind me has been there from the first minute that this broke loose. They’ve been more than supportive. They’ve helped us along the way to try to loosen up the nuts and bolts with CSX and the Federal Rail Authority and I can’t thank everyone behind me enough for helping us get our job done. I also want to say this. Chris Kear, Director of Fire and Emergency Services and fire service and the ambulance services of Rockland County, I couldn’t have been prouder that day to be standing side by side with all three entities police, fire and EMS working together in harmony and unity to make sure the people of this county are safe. Bergen County New Jersey sending fire trucks. Orange County New York sending fire trucks. Everybody just jumping in one by one to continue to extinguish this fire. That was amazing.”

Falco said to Weber’s statement about his questions to CSX, “I did ask some pointed questions and gentlemen, I have gotten no responses.”

13:45 – 16:40

Falco has asked for video from the trains, the train numbers were so we can go down the Bergen County to the yard so we can go an inspect it, for the locomotive inspection and repair report on the trains that were here that day. They’ve yet to receive any of it. “Let me say this, we speak to them, they say it’s forth coming but we haven’t received anything. These are all delays for whatever reason. I want to make something else clear. Working side by side with the Stony Point, Haverstraw and Clarkstown Police Departments, it’s been seamless.”

He explained that his officers and detectives along with detectives from those agencies have walked this whole rail from Stony Point to Congers to make sure we didn’t miss something. They looked for slag from dragging tracks and repairing tracks, fireworks, gas cans, any types of fires, campfires that might have been done on the side of the tracks by some young kids or some adults. “I’m here to say there’s not one trace of anything other than that train coming through the county. That being said, we do have footage. We have videos of the train passing and the sides igniting. That will all come out during this investigation. I was just updated by George Hoemann, our good Supervisor here in the town of Clarkstown, that there could possibly another eyewitness that we will work side by side with the Clarkstown Police Department to debrief maybe again.”

“What we need here today is what everyone behind me to accomplish, we need the cooperation from CSX, regardless if they feel they are at fault here or not to stand with us to let us complete this investigation without throwing up roadblocks in front of us. We’re going to continue to forge ahead. We’re not going to take no for an answer. We’re going to continue to do what we have to do. Regardless if we have to bring in outside experts to assist us in this investigation. I hope they don’t have to put jus through this. As the Senator said, we need this information. As our Congressman said, they need to work with us. They need to acknowledge their rights and wrongs here. Let us get to the conclusion and put all of the citizens along this railway at rest and put all of the law enforcement and first responders at rest. This way we don’t go through these risks in the future.” Falco concluded.

16:55 – 17:40

Chris Eachus New York State Assemblyman from the 99th District covering parts of Orange and Rockland Counties stated, “This was a tragedy but it could have been much worse. Thank you to the EMS folks that responded to this tragedy. I don’t know if you know but we have pictures of the flames being as high as this house (pointing to his right) right here next to this house. There is a gentleman with disabilities that lives here that needed to be evacuated and the neighborhood as well as EMS came to his aid. I want to thank all of them for everything they did.”

“We are amazed that CSX has not taken responsibility for this. When we were on the phone call with them this past week, I told them to stop with the canned answers. Most importantly, take a look at your own protocols. CSX protocols. I asked them, ‘Did you inform the 911 centers that were involved? Oh yeah, they were informed. Somehow.’ They weren’t. That is also a tragedy. They need to revamp how they respond to incidents like this. They have to get their act together. We’re not only asking for compensation for all of these people. We also want them to change their actions and act appropriately in these circumstances.”

“Thanks to Senator Weber and Congressman Lawler and all of the folks behind us for putting this together. Their leadership on this has been really important.” Clarkstown Supervisor George Hoemann began.

“The call that we were all on, that everyone here was on, was really remarkable. Because CSX did not admit to any wrongdoing. In fact, when they were asked and pressed on that they talked about giving out claim forms, which we already knew.” As a train rode by loudly behind the assemblage, Hoemann continued, “My office was in contact with CSX on Saturday as they were going around to neighborhoods handing out claim forms to people telling them not to go through their insurance companies that they would work with them. They have yet to take responsibility. That’s a horrible way to do business. It’s also a way for them to avoid the truth about what went on here.”

19:21 – 19:33

“We know that they started the fire and between the Clarkstown Police, Haverstraw Police and Stony Point Police, and the Sheriff’s Department, we’ll have the information that will prove that CSX started this fire. We know from some of the residents who had tremendous damage to their property. We have footage, pictures of the train with the fire coming through. It’s going to be pretty easy eventually to establish that they did it. It’s really remarkable that CSX has not owned up to or admitted to that!” Hoemann exclaimed.

One of the things they talked about during that meeting with all of the government officials was what the costs were and the costs to the fire departments. The Town of Clarkstown, has spent tens of thousands of dollars for the police in overtime, highway department and staff along with mutual aid calling out heavy equipment to open up 9W as well.

Hoemann finds it is a remarkable that the thing they know is it seems that there is the lack of connectivity and caring with the local neighborhoods and the residents who live along the rail line.

20:22 – 20:37

“It was astounding to me getting reports back that as the fire was being fought, CSX was still trying to roll trains. It was also astounding to me that we had spark ups as the trains ran through these communities that were being affected by this fire. CSX has yet to talk to the town of Clarkstown about the 16 acres that’s behind us of protected wetlands and the vast number of animals and wildlife that was killed destroying it.” Hoeman said disgustingly.

He added, “They can’t walk away from that responsibility. We’re going to hold their feet to the fire. I want to thank all of the elected officials that are here on the state and federal level, working with the state and local officials to make sure that CSX is held accountable and that our residents and municipalities can be made whole.”

“Finally, I was here during the fire and the ensuing days as our fire departments were battling this blaze. All 26 departments in the county were mobilized. We had a number of folks from Congers up in Orange County that were addressing the Orange County fires as these were taking place. We had mutual aid from Westchester County, Bergen County, and Orange County. We have so many folks who helped combat this. I have such pride in the folks from our fire departments. We have one of our fire commissioners here Chris Wohl. On behalf of myself and the other elected officials, we can’t thank our volunteer firefighters, EMS and police departments enough for keeping people safe and protecting their property.”

John McGowan who won the seat in the New York 97th Assembly District that Congressman Lawler vacated asked to address the press.

22:05 – 22:32

“Good afternoon. (Checks his watch) Yes, it’s afternoon. My name is John McGowan, I’m an Assemblyman. I represent Orangetown. I don’t represent this area, but certainly this train runs through Orangetown. Thankfully due to the work of our great first responders, this fire was contained. It was because of their work, NOT the work of CSX who operates and runs this train line, was this fire stopped from spreading any further than it did. This is an issue that is of great concern to all Rockland County residents.”

“When I was driving over here today, I had an experience and anyone who lives here in Rockland or drives in Rockland routinely, is aware of, getting stopped at a crossing behind that train. Luckily I only waited about 2 ½ minutes. As you all know there are times you can wait upwards of 10, 15 minutes if not longer.”

“I think in Rockland County all we ask for is safety. That’s the minimal we ask for from CSX and this train line that runs through our county numerous times throughout the day. What happened here is utterly unacceptable. But what’s worse, is the response from CSX. In my opinion we are asking for three things. I thank Senator Weber, Congressman Lawler and all of the elected officials who were on the call the other day and who are working together and you see all levels of government from Federal, State County and Local working together to try to address this issue and hold CSX accountable.”

McGowan said that the things they are asking for are, transparency during this investigation by CSX, for them to respond to our county Sheriff to provide the materials that he asked for along with their cooperation and for them to be held accountable. We need the residents whose property has been damaged. We need those residents to be made whole. You can see right here, two houses. We have property damage throughout Rockland County. We need the municipalities to be made whole and we need the first responders, those fire agencies and emergency personnel who also suffered property loss as well as potential personal injuries to be made whole. Finally, we need prevention. We need to make sure this doesn’t happen again. That there’s a better response. A more timely response from CSX to make sure once again that the minimal standard of safety is met for the residents of Rockland County.

With all of the officials wishing to speak, having spoken, questions from the press were taken.

Weber was asked what the new penalties in your bill will be. If I read it correctly $1,000 first offense sixty days. 2nd offense within 18 months.

He replied, “That’s for individuals. The stiffer penalties are on the rail companies ranging from $25,000 to $250,000. We’ve also added language in there to force train companies to make what we’ve talked about here, to make the homeowners, property owners and municipalities whole when there’s incidents like this.

25:24 – 27:27

Another reporter asked, “I’m hearing there was some type of loophole when it comes to reporting incidents. Were there any other loopholes you are finding and what can be done to close them?”

Weber handed this question off to Lawler. “In the last few months, we’ve seen that rail safety has become a major issue and there is significant concern with the impact on communities. You can look no further than East Palestine. Obviously in this instance, the FRA has said they were not informed by CSX and under the current law, they’re allowed to choose what they disclose and what they don’t disclose. Which as far as I’m concerned is absolutely insane. I and my colleagues will be looking to change that aspect of the law for sure so that there is immediate notification required.”

He said about the reaction of CSX is that when he spoke to them that morning, with Mayor D’Amelio, Mayor Kohut and Supervisor Phillips on the call, they were very dismissive about the concern that was raised about the brush fires saying, ‘Oh we’re not sure that was caused by us.’ “Just mere hours later you had a massive brush fire that went from Stony Point to Clarkstown all along their rail line and still to today they still deny culpability. Yet as I said before, they’re out passing out claim forms obviously they understand they have a problem. I think from a federal government standpoint, what Senator Schumer, Senator Gillibrand and I have called for is an investigation by the FRA and I will be examining all legislation that we can move forward with, certainly starting with the requirement for notification to the FRA when there is a fire on the rails.”

Lawler was then asked about his discussions, if any he had with his colleagues in Ohio after the disaster in East Palestine.

27:33 – 28:28

“Bill Johnson my colleague from Ohio representing East Palestine has been dealing with this crisis in his community. We had a situation with a rail line in upstate NY recently. This is not isolated. I think that all of us collectively have to look at what we can do to improve rail safety. Obviously, freight trains are critical to transporting goods across our country. So these rail lines are heavily used. This one in particular is very heavily used but safety has to be paramount in all of it. So we will be working together, myself, Bill and others about how we address that at a federal level.”

Weber added one other thing. “When we were on with them Tuesday morning, CSX kept saying, it’s only been 72 hours, it’s only been 72 hours. Well, it’s been another 72 hours and it’s concerning that they haven’t addressed this issue. They said they would send over the camera footage to the Sheriff. He said do I have to subpoena it? They said no we are more than happy to give it to you. It’s frustrating. One other thing we’ve heard from local residents and Mike touched on it is, these trains are getting longer and longer and they are getting heavier and heavier. There are a lot more double loads on top of each other which may be contributing to a lot of these derailments across the country because they are going too fast and don’t have enough time to stop. The amount of weight they have on these trains is obviously not conducive with the breaking systems they have on these trains. I know Mike’s going to look into that on the federal level. Obviously it’s becoming more common than it should be.”

This reporter asked, “Accidents happen from an incidental spark from metal against metal. Is there anything that can be done like a low firewall along the rail line so if a spark does hit that it can be stopped before it becomes a major fire like this one?”

“Hopefully that’s something that will come out from Mike’s conversations with federal authorities to come up with new regulations. One of the things they mentioned to us that we can ask questions about, How did you not see this fire? These trains no longer have cabooses. They don’t have anyone looking behind them. They say they have heat sensors every 15 to 20 miles which obviously is not good enough. How can you come all the way through Rockland County and not knowing that you had a fire going on behind you as we saw the other day. I’m sure that’s new legislation or new answers you will be getting from this investigation.” Weber stated.

The final question was handled by Falco, “Speaking of investigation. Without compromising anything can you tell us how far into this or any pieces you have because I understand there’s a large effort to get videos from people.”

“We probably have over 300 hours of investigative time into this between all of the police agencies. We have a lot of data to digest on top of the videos of ring doorbells, side cameras and our drones. Actually there was something that came today from CSX that they had drone footage. They didn’t turn over the drone footage as well as the train footage. We are constantly pushing them. Let me say this, they say to us that they want to cooperate. They say nothing other than that. We have yet to see what they want to cooperate with us and what we are asking.”

Weber asked for any further questions. When w=none were forthcoming he thanked everyone for attending.