

## Felony Charges filed in toxic train wreck

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SMETHPORT, Pa. - A train engineer who allegedly caused the derailment and toxic spill from a Norfolk Southern Train last year has been issued criminal charges and is accused of being under the influence of controlled substances during the incident. District Justice William Todd of Smethport said two counts of causing or risking a catastrophe, felonies, and recklessly endangering another person, a misdemeanor, were issued Friday against Michael J. Seifert, 45, of Buffalo, N.Y. Judge Todd said Seifert is expected to be issued the charges, arrested and returned to the area for a preliminary hearing.

According to an affidavit of probable cause issued by the Kane-based state police, toxicology testing done on Seifert found that at the time of the accident, he was under the influence of benzodiazepenes, found in tranquilizers such as valium, and opiates, commonly found in pain pills.

The toxicology report was obtained after a search warrant was served on the law offices of Ambrose Freidman ad Weichler in conjunction with the United States Department of Transportation Federal Railroad Administration.

On June 30, 2006, Seifert was engineering a Norfolk Southern Train 30Z when it derailed in the village of Gardeau in Norwich Township, McKean County. During the incident, 42,000 gallons of sodium hydroxide, or lye, spilled and killed all fish and aquatic life in Big Fill Run as well as 7.5 miles of Sinnemahoning-Portage Creek. The spill also killed numerous fish in more than 25 miles of the Driftwood Branch of Sinnemahoning Creek, Sinnemahoning Creek and adjacent wetlands.

Court documents state that as the train crested the Keating Summit and traveled south on the Buffalo line on a downhill grade the train reached a speed of 77 mph at 7:27 a.m. June 30. The speed restriction according to the Harrisburg Time Table Book is 15 mph for that area.

"This (alleged drug use) in combination with failure to control the speed of Train 30Z caused a major environmental disaster, risked the life of local residences and endangered first responding emergency personnel and Norfolk Southern personnel," the documents stated.

Court papers state that after the derailment, 20 to 40 nearby residences had to be evacuated from the area as a precaution.

After the incident, the state Department of Environmental Protection had issued a violation notice to Norfolk Southern. The department is seeking civil penalties from the railroad totaling \$8.89 million, plus daily penalties of \$46,420 for ongoing discharges. Norfolk Southern has appealed the penalty assessment to the state Environmental Hearing Board.

The DEP has estimated that it could take a couple of years to seven or eight years to restore the creek. Contractors hired by Norfolk Southern have worked at the spill site through the fall and winter months excavating soil and doing restoration work. Fish and Boat Commission officials have stated the agency has been treating the incident as a criminal case right along and can bring its own civil action to collect penalties for the damage.