

Congress of the United States
Washington, DC 20515

May 22, 2023

The Honorable Sam Graves
Chairman, Committee on
Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Troy Nehls
Chairman, Subcommittee on Railroads,
Pipelines and Hazardous Materials
1104 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Graves and Chairman Nehls:

We write today to again request a Transportation & Infrastructure Committee hearing on rail safety.¹

On February 3, a Norfolk Southern train carrying hazardous materials, among other freight, derailed 38 railcars in East Palestine, Ohio. The derailed equipment included 11 tank cars carrying hazardous materials that subsequently ignited, fueling fires that damaged an additional 12 non-derailed railcars. First responders implemented a one-mile evacuation zone surrounding the derailment site that affected nearly 2,000 residents. While there were no reported injuries or fatalities, the citizens of East Palestine have endured physical, mental, emotional and financial impacts from this derailment.

There have been numerous rail accidents and incidents since the derailment in East Palestine, including one on the day of the most recent Railroads, Pipelines and Hazardous Materials Subcommittee hearing on May 11 in New Castle, Pennsylvania where a Norfolk Southern train derailed nine railcars just 20 miles from East Palestine, Ohio.

We disagree that the Committee should wait to advance rail safety legislation until after the National Transportation Safety Board (NTSB) concludes its investigation into the derailment in East Palestine. Accidents continue to occur, placing additional communities and rail workers at risk. On March 7, 2023, a Norfolk Southern train conductor was killed in a rail accident in Cleveland, Ohio. On March 16, 2023, a BNSF train derailed on the Swinomish Reservation in Skagit County, Washington, spilling thousands of gallons of diesel. On March 30, 2023, a BNSF train derailed 23 railcars in Raymond, Minnesota and 10 derailed cars contained hazardous materials some of which released and contributed to a fire. These derailments exact a toll on the citizens in these communities and threaten public health and the environment.

In addition, the NTSB has 53 open unacceptable responses on rail recommendations, which indicates that the NTSB believes satisfactory action has not been taken to remedy the continued safety risk – some awaiting acceptable responses for more than a decade. The NTSB also has another 23 open recommendations awaiting responses to rail safety recommendations made after previous rail accidents. These recommendations were made to incidents such as the BNSF collision and subsequent fireball in Casselton, North Dakota in 2013, the Union Pacific

¹ Representative Emilia Sykes wrote a letter on February 16, 2023 to request a hearing on the Norfolk Southern derailment that occurred in East Palestine, Ohio. Ranking Member Rick Larsen supported a rail safety hearing at the March 8 Railroads, Pipelines, and Hazardous Materials Subcommittee hearing and repeated the request for a rail safety hearing at the May 11 Railroads, Pipelines, and Hazardous Materials Subcommittee hearing.

derailment and collision of two freight trains in Hoxie, Arkansas in 2014, the CSX derailment and hazardous materials release in Hyndman, Pennsylvania in 2017, and the failed brakes on a Union Pacific train that led to a collision with another train in Granite Canyon, Wyoming in 2018.

As parties to the NTSB investigation on the rail accident in East Palestine, Ohio, the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) are taking immediate steps to enhance the safety of the rail system. FRA and PHMSA have issued numerous safety advisories and recommendations that include reviewing train makeup practices, long train operating procedures, and railroad planning for emergencies with local first responders.

Three months after the Norfolk Southern derailment in East Palestine on February 3 of this year, we remain concerned about this Committee's lack of a hearing on rail safety. Earlier this month, the Senate Commerce, Science and Transportation Committee approved the Railway Safety Act of 2023 by bipartisan vote. The House Committee on Transportation and Infrastructure must meet its responsibility to conduct critical oversight of the rail industry by holding a hearing on rail safety. Our constituents and communities deserve this basic consideration.

Sincerely,



Rick Larsen
Ranking Member
Committee on Transportation and
Infrastructure



Donald M. Payne, Jr.
Member of Congress
Ranking Member
Subcommittee on Railroads,
Pipelines, and Hazardous
Materials



Valerie P. Foushee
Member of Congress
Vice Ranking Member
Subcommittee on Railroads,
Pipelines, and Hazardous
Materials



Emilia Strong Sykes
Member of Congress



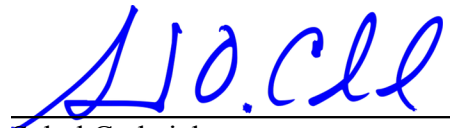
Colin Z. Allred
Member of Congress



Jake Auchincloss
Member of Congress



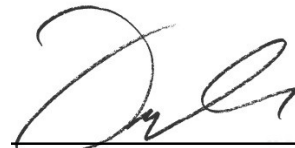
Julia Brownley
Member of Congress



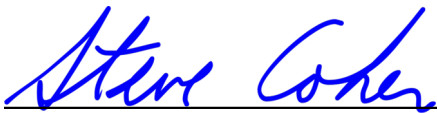
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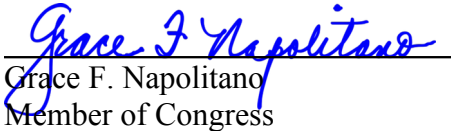
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Member of Congress



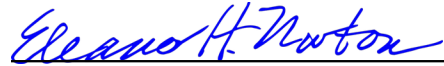
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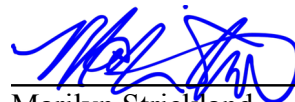
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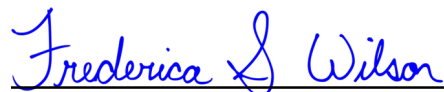
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