

The Honorable Bill Pascrell, Jr.
Member Day Testimony
House Committee on Transportation and Infrastructure
May 1, 2019

Thank you very much Chairman DeFazio and Ranking Member Graves for accepting my testimony in writing. The residents and commuters in northern New Jersey have several pressing interests that are relevant to the committee's work. Safety is certainly one issue at top of the ledger.

Following the 2016 rail crash in Hoboken, New Jersey, that killed one person, injured 108, and caused millions in property damage, the National Transportation Safety Board (NTSB) recommended the Federal Railroad Administration implement an obstructive sleep apnea testing rule for rail operators. This rule could protect commuters, rail operators and commercial truck drivers from the dangers of sleep apnea.

Since 2000, sleep apnea has played a major role in as many as seven train crashes, resulting in 11 fatalities and 285 injuries.¹ To improve safety, I introduced legislation last Congress ([H.R.3882](#)) with my colleague Rep. Albio Sires, a member of the committee, to require the U.S. Department of Transportation (DOT) implement a proposed rule mandating sleep apnea testing and treatment for rail operators and commercial truck drivers that was abruptly reversed by the Trump Administration in August 2017.

I am working with all stakeholders on re-introducing a proposal to address the problems caused by fatigue, and specifically sleep apnea, in our transportation system because we must put safety first. We cannot wait for the next tragic incident. With rail accidents becoming more and more prevalent, the USDOT cannot continue to be asleep at the switch on rules to require diagnosis and treatment a medical issue that has caused too much loss.

I encourage the committee to prioritize safety by strengthening rail safety standards. Implementing NTSB guidance and mandating a fatigue protocol that addresses sleep apnea is a commonsense safety measure that could prevent crashes and save lives. We know the Trump Administration is not taking this issue seriously, so Congress must act before the next tragic incident occurs.

Thank you very much for your time. I look forward to working with you and the committee.

¹ Appendix 1

Appendix 1

Since a rail accident on Clarkston, Michigan in 2001, NTSB has identified OSA as a major factor in seven rail accidents. There are three current recommendations that NTSB has made to FRA related to OSA and Screening. Data on these incidents can be viewed below:

Location	Date	Report Date	Fatalities	Injuries	Report No.
Clarkston, Michigan	November 15, 2001	November 19, 2002	2	2	RAR0204
Red Oak, Iowa	April 17, 2011	April 24, 2012	2	0	RAR1202
Chaffee, Missouri	May 25, 2013	November 17, 2014	0	2	RAR1412
Bronx, New York	December 1, 2013	October 24, 2014	4	61	RAB1412
Hoxie, Arkansas	August 17, 2014	December 19, 2016	2	2	RAR1603
Hoboken, New Jersey	September 29, 2016	February 6, 2018	1	110	RAB1801
Atlantic Terminal, New York	January 4, 2017	February 6, 2018	0	108	RAB1802
Total			11	285	7 accidents

Note: This chart does not include accidents in other transportation modes, including a bus accident in Palm Springs in 2016 that killed 13 people and injured 31, in which undiagnosed or untreated sleep apnea was an aggravating factor.