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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

February 17, 2023

Mr. Alan Shaw  
President and Chief Executive Officer  
Norfolk Southern  
650 West Peachtree Street NE  
Atlanta, GA 30308

Dear Mr. Shaw,

The derailment in East Palestine, Ohio, is a stark reminder about the dangers posed by transporting toxic and flammable hazardous materials. Safety must be the number one priority when transporting hazardous materials to protect the communities that they are transported through. While train accidents have decreased over the past decade, the recent adoption of a new operating model, precision scheduled railroading (PSR), by the rail industry comes with risks. As Chair of the Senate Committee on Commerce, Science, and Transportation, I am requesting information from you regarding hazardous materials transportation practices to determine how safety could be improved.

I am carefully following the National Transportation Safety Board's (NTSB) investigation of the recent derailment in Ohio. On February 3, 2023, 38 cars on a train operated by your company carrying hazardous materials derailed in East Palestine and a fire ensued. There were 20 total hazardous materials cars transporting vinyl chloride, butyl acrylate, and isobutylene, of which 11 derailed. Residents were evacuated from the area to ensure their safety, while your company, after consultation with Governor Mike DeWine and local emergency responders, conducted a controlled vent and burn process of chemicals from derailed tank cars that were at immediate risk of exploding. The Governor has since lifted the evacuation order, yet, residents are understandably concerned about the release of toxic chemicals. It is imperative for both public safety and the continuity of the national rail network that we work to prevent derailments like this.

The NTSB has a team of experienced investigators, and they have completed thousands of investigations, producing thorough reports and thoughtful recommendations on how to improve safety. The Committee will carefully consider these recommendations once the investigation is complete.

What is primary right now is the safety of the residents of Ohio and Pennsylvania that were impacted by this derailment. To that end, I encourage the Environmental Protection Agency and

you to ensure that the critical testing of air, water, soil, and homes for all toxins continues and that you engage transparently with the affected communities.

In light of changes to operating and business practices due to the adoption of PSR, the Committee is requesting information to help determine how to improve safety. Over the past five years, the Class I railroads have cut their workforce by nearly one third, shuttered railyards where railcars are traditionally inspected, and are running longer and heavier trains. While some of these changes may be an improvement, they also come with new risks that current federal regulations may not consider. Thousands of trains carrying hazardous materials, like the one that derailed in Ohio, travel through communities throughout the nation each day. Every railroad must reexamine its hazardous materials safety practices to better protect its employees, the environment, and American families and reaffirm safety as a top priority. To help assess the current state of the safety of hazardous materials transported by rail, please respond to the following questions by Friday, March 17, 2023.

**Railcar inspections:**

1. PSR has led some railroads to reduce the number of yards where railcars are traditionally inspected. What steps does your company take if a defect is found on a hazardous materials railcar en route? If a railcar needs to be taken out of service or repaired, how quickly is the railcar removed from service?
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**Track Side Defect Detectors:**

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**Emergency Preparedness and Response:**

9. How does your company ensure that local communities along hazardous materials routes have resources available to appropriately respond to a hazardous materials incident?
10. What is your policy on paying for the clean-up and remediation of hazardous materials incidents, and long-term testing that may need to occur due to a hazardous materials release?

11. How does your company share liability and clean-up and remediation costs with hazardous materials shippers?

**Train Characteristics:**

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Sincerely,

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Senator Maria Cantwell

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February 17, 2023

Kathryn Farmer  
President and CEO  
BNSF Railway  
2650 Lou Menk Drive  
Fort Worth, TX 76131

Dear Ms. Farmer,

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February 17, 2023

Tracy Robinson  
President and CEO  
Canadian National Railway  
935 de La Gauchetjere Street West  
Montreal, Quebec  
H3B 2M9

Dear Ms. Robinson,

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February 17, 2023

Keith E. Creel  
President and CEO  
Canadian Pacific Railway  
7550 Ogden Dale Road S.E.  
Calgary, Alberta  
T2c4X9

Dear Mr. Creel,

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February 17, 2023

Joseph Hinrichs  
President and CEO  
CSX  
500 Water Street, 15th Floor  
Jacksonville, FL 32202

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5. Many railroads have asked for waivers from regulations to use wayside defect detectors. Please provide summary data on the effectiveness of your company's wayside defect detectors, including how many defects have been detected, how many defects have been missed, and how many false alerts have been produced over the past five years.
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8. How is information from the defect detectors relayed to the traincrew?

**Emergency Preparedness and Response:**

9. How does your company ensure that local communities along hazardous materials routes have resources available to appropriately respond to a hazardous materials incident?
10. What is your policy on paying for the clean-up and remediation of hazardous materials incidents, and long-term testing that may need to occur due to a hazardous materials release?

11. How does your company share liability and clean-up and remediation costs with hazardous materials shippers?

**Train Characteristics:**

12. Does your company have a policy on the use of electronically-controlled pneumatic (ECP) brakes, or require ECP brakes to be used on certain kinds of hazardous materials trains?
13. Do you operate any trains equipped with ECP brakes? If so, how many? Have you operated trains equipped with ECP brakes in the last decade? If you stopped operating them, why?
14. Has your company assessed risks associated with the increased use of longer and heavier trains? How does your company mitigate those risks? Does your company have length or weight restrictions for trains transporting hazardous materials? Does the company have restrictions for length or weight of the train based on the terrain of the route?

Sincerely,

A handwritten signature in blue ink that reads "Maria Cantwell". The signature is written in a cursive, flowing style.

Senator Maria Cantwell

MARIA CANTWELL, WASHINGTON, CHAIR

AMY KLOBUCHAR, MINNESOTA	TED CRUZ, TEXAS
BRIAN SCHATZ, HAWAII	JOHN THUNE, SOUTH DAKOTA
EDWARD MARKEY, MASSACHUSETTS	ROGER WICKER, MISSISSIPPI
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LILA HARPER HELMS, MAJORITY STAFF DIRECTOR  
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

February 17, 2023

Patrick J. Ottensmeyer  
President and CEO  
Kansas City Southern  
427 W 12th Street  
Kansas City, MO 64105

Dear Mr. Ottensmeyer,

The derailment in East Palestine, Ohio, is a stark reminder about the dangers posed by transporting toxic and flammable hazardous materials. Safety must be the number one priority when transporting hazardous materials to protect the communities that they are transported through. While train accidents have decreased over the past decade, the recent adoption of a new operating model, precision scheduled railroading (PSR), by the rail industry comes with risks. As Chair of the Senate Committee on Commerce, Science, and Transportation, I am requesting information from you regarding hazardous materials transportation practices to determine how safety could be improved.

I am carefully following the National Transportation Safety Board's (NTSB) investigation of the recent derailment in Ohio. On February 3, 2023, 38 cars on a Norfolk Southern train carrying hazardous materials derailed in East Palestine and a fire ensued. There were 20 total hazardous materials cars transporting vinyl chloride, butyl acrylate, and isobutylene, of which 11 derailed. Residents were evacuated from the area to ensure their safety, while Norfolk Southern, after consultation with Governor Mike DeWine and local emergency responders, conducted a controlled vent and burn process of chemicals from derailed tank cars that were at immediate risk of exploding. The Governor has since lifted the evacuation order, yet, residents are understandably concerned about the release of toxic chemicals. It is imperative for both public safety and the continuity of the national rail network that we work to prevent derailments like this.

The NTSB has a team of experienced investigators, and they have completed thousands of investigations, producing thorough reports and thoughtful recommendations on how to improve safety. The Committee will carefully consider these recommendations once the investigation is complete.

What is primary right now is the safety of the residents of Ohio and Pennsylvania that were impacted by this derailment. To that end, I encourage the Environmental Protection Agency and



Norfolk Southern to ensure that the critical testing of air, water, soil, and homes for all toxins continues and that each engages transparently with the affected communities.

In light of changes to operating and business practices due to the adoption of PSR, the Committee is requesting information to help determine how to improve safety. Over the past five years, the Class I railroads have cut their workforce by nearly one third, shuttered railyards where railcars are traditionally inspected, and are running longer and heavier trains. While some of these changes may be an improvement, they also come with new risks that current federal regulations may not consider. Thousands of trains carrying hazardous materials, like the one that derailed in Ohio, travel through communities throughout the nation each day. Every railroad must reexamine its hazardous materials safety practices to better protect its employees, the environment, and American families and reaffirm safety as a top priority. To help assess the current state of the safety of hazardous materials transported by rail, please respond to the following questions by Friday, March 17, 2023.

**Railcar inspections:**

1. PSR has led some railroads to reduce the number of yards where railcars are traditionally inspected. What steps does your company take if a defect is found on a hazardous materials railcar en route? If a railcar needs to be taken out of service or repaired, how quickly is the railcar removed from service?
2. How many rail car inspectors has your company employed each year for the last ten years? Please explain any changes in these numbers.
3. If there has been a reduction in railcar inspectors, has that resulted in fewer inspections by trained railcar inspectors? Has there been an increase in the use of other railroad employees performing railcar inspections?
4. Please provide written documentation regarding how railcar inspectors' time is managed during inspections and how their performance is measured.

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February 17, 2023

Lance M. Fritz  
President and CEO  
Union Pacific Railroad  
1400 Douglas Street  
Omaha, NE 68179

Dear Mr. Fritz,

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