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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

February 4, 2025

The Honorable Ted Cruz

Chairman

U.S. Senate Committee on Commerce, Science, and Transportation

254 Russell Senate Building

Washington DC, 20510

Dear Chairman Cruz:

Two years ago, a Norfolk Southern train derailed in East Palestine, Ohio. As a result of the derailment, emergency officials set on fire five tank cars transporting vinyl chloride to avoid a potential uncontrolled explosion. The decision was made based on the information they had and acting on advice from Norfolk Southern and its contractors. The National Transportation Safety Board (NTSB) found that this was an unnecessary decision that forced the evacuation of residents in East Palestine and Darlington, Pennsylvania. The resulting horrific environmental disaster has forever impacted the lives of the residents of the local communities and the brave first responders who rushed in to save their town.

In response to the derailment, Senate Democrats teamed up with now Vice President Vance to author the bipartisan Railway Safety Act. The legislation addressed key NTSB recommendations after its investigation of the East Palestine derailment. Those recommendations addressed by the legislation include:

1. New safety requirements for the use of defect detection systems, including hotbox detectors that could have prevented the derailment (R-24-2; R-24-3; R-24-4; R-24-5),
2. An expedited phase out of tanks that the NTSB has continuously found to perform poorly in derailments (R-24-12); and
3. Increasing training and resources for first responders (R-24-22, R-24-23).

Just this past weekend, NTSB Board Member Todd Inman, when giving a press conference related to the fatal aviation crash at Ronald Reagan Washington National Airport, decried the failure to adopt NTSB's recommendations. U.S. Transportation Secretary Duffy also talked about the importance of implementing NTSB recommendations and his desire to do so.

Unfortunately, despite the support of President Trump, only seven Republicans publicly supported the legislation, leaving the bill two votes shy for overcoming the filibuster in the 118th Congress. Failure to pass this legislation has left many of the NTSB's recommendations unfulfilled.

While Norfolk Southern has taken steps to improve safety after the East Palestine derailment, recent trends in derailments continue to be a concern. In the five-year period from 2018 to 2023, the derailment rate among all railroads has increased 44 percent. Under the Biden Administration, the Federal Railroad Administration took steps to improve safety, including completing safety culture assessments of the Class I railroads, issuing new safety requirements, and reducing the use of waivers to safety standards to ensure the industry operates safely. But more must be done to address the outstanding NTSB's recommendations.

I strongly urge you to advance the Railway Safety Act to ensure President Trump and Vice President Vance have the tools they need to hold the railroads accountable for improving safety.

Sincerely,



Maria Cantwell
Ranking Member