

Chairman Nehls, Ranking Member Wilson, and members of the subcommittee, thank you for allowing me to testify on the critical issue of rail safety in our nation.

Let me be clear: the state of our rail safety is a global disgrace. When the Norfolk Southern train derailed in East Palestine, just 16 miles from my home, President Biden was nowhere to be found. When Secretary Buttigieg commented on his behalf, 10 days after the fact, he blew the situation off, saying "...there are roughly a thousand cases a year of a train derailing..."

1,000 derailments a year. That is a damning indication of our government's negligence. The East Palestine disaster wasn't an isolated incident. It was a wake-up call that I heard, but fell on deaf ears elsewhere in government. Since February 3rd, 2023, we've seen:

- A train carrying ethanol and corn syrup derailing and catching fire in Raymond, Minnesota, causing a partial evacuation
- A train carrying grain derailing in the middle of West Mansfield, Ohio

Derailments are not limited to one state or company, and issues with rail safety are not limited to derailments. Other tragic incidents we have seen since February 3rd, 2023 include:

- The death of Louis Shuster, a Norfolk Southern conductor, killed during switching operations in Cleveland, Ohio (March 2023)
- The death of Danny Brent Wilkins, a Union Pacific track worker, killed while making track repairs in Arkansas (April 2024)

Our federal regulators are asleep at the switch while our communities live in fear that each passing train could be the next disaster. This is unacceptable. The consequences of inaction are not limited to human cost, but also financial. In the year since February 23<sup>rd</sup>, 2023, Norfolk Southern's costs tied to the derailment are estimated at over \$1.1 billion. That's billion with a "B", and does not even include the meager settlement agreed to by the Department of Justice... Who ultimately pays for this? The American people through increased cost of goods shipped over these rail networks. When my neighbors are already paying for this disaster with their health – I've seen their rashes, I've listened to their stories of doctor's visits told with scratchy voices and sore throats – this is a slap in their face.

The National Transportation Safety Board, under Chair Jennifer Homendy's leadership, has made 27 recommendations to rail companies that remain unfulfilled.

- One of these could have saved the conductor's life in Cleveland - a simple cage on the front cart to protect against collisions. Yet, it remains unimplemented.
- Another, R-31, recommends Norfolk Southern ensures all relevant expertise regarding hazmat onboard is shared with on-scene responders.
  - "Oxy Vinyls" manufactured the chemicals onboard that train in East Palestine. They recommended NOT to vent and burn the contents of the train, but this recommendation was not shared with first responders until AFTER the fact.
- Another, R-29, recommends Norfolk Southern immediately provides emergency responders with an accurate list of the materials onboard. It took them a FULL HOUR to provide this in East Palestine, putting first responders at extreme risk.

Many of these 27 recommendations are included in Chairman Nehls' HR8996, which is a bipartisan effort that should appeal to anyone who recognizes the NTSB's critical role in transportation safety.

You may be wondering why Chairman Nehls, myself and our many cosponsors introduced this bill. We are doing it because Class 1 railroads can't be trusted to do it on their own. NTSB recommendation R-26 was issued over a decade ago in response to a head-on collision in Oklahoma. It urged all Class 1 railroads install audio and image recorders with a minimum 12-hour recording capability. The NTSB reiterated the importance of this recommendation in a June letter on the East Palestine disaster. That train did have 12hr recording capability, but Norfolk Southern overwrote all but 20 minutes surrounding the derailment. With Norfolk Southern controlling a quarter of our nation's rail network, this disregard for safety recommendations is unacceptable.

We MUST take decisive action to ensure the safety and security of our nation's rail network by passing HR8996. This bill has been cosponsored by nine members and counting, and includes many parts of Senators Vance and Brown's already-vetted S.576.

This bill requires the DOT to:

- Issue regulations so shippers must provide our first responders with advance notice of hazmat trains travelling through their towns and information about their contents
- Establish requirements for wayside detectors.
- Require a minimum two-man crew on certain freight trains – in my opinion, the most important.
- Create the "Hazardous Materials Emergency Preparedness Fund."
- Provide funds for telematics and gateway devices.
- Phase out certain issue-prone tank cars – like some of those that derailed in East Palestine – by May 1st, 2027.
- Require Amtrak and all Class 1 railroads to enroll in a confidential close-call reporting system.
- Provide funds to study the 20 most-frequently blocked crossings in at least 10 states.

These aren't just suggestions – these are imperatives. Employing a second crewman in-cab provides a necessary layer of defense against potential disasters, and we as legislators must now act as second crewman in protecting the American people from the inaction of rail companies and this administration.

The cost of inaction is too high.

We've seen the economic disruption... the environmental damage... and the threat to human life – my community has seen it firsthand. I arrived at ground zero within 18 hours of the train derailment in East Palestine. The impact was immediate and personal - every time I left the site I had a sore throat and to this day, my family and I continue to rely on bottled water. The effects of this disaster are not abstract; they're part of our daily lives. How many more residents need to be displaced? How many more lives need to be lost before we say enough is enough?

Our nation's rail network used to be the crowning achievement of American industry. What once was hailed as a marvel of innovation, completed with a gold spike and offering the promise of a brighter and more prosperous future, now exists as a nightmare in the minds and backyards of millions.

I urge this committee to take decisive action. Hold the Class 1 railroads and the Department of Transportation accountable. Demand stricter regulations and enforcement. Our communities can't afford to wait. The next train derailment could be in your neighborhood. By supporting HR8996, we're not only improving safety but we're also acknowledging the vital work of the NTSB and Chair Homendy. This is our chance to take meaningful, bipartisan action on a critical issue affecting every state and district in our nation.