

**PRESIDENT**  
Victoria Woodards  
MAYOR  
Tacoma, Washington

**FIRST VICE PRESIDENT**  
David Sander, Ph.D.  
COUNCILMEMBER  
Rancho Cordova, California

**SECOND VICE PRESIDENT**  
Sharon Weston Broome  
MAYOR-PRESIDENT  
Baton Rouge, Louisiana

**IMMEDIATE PAST PRESIDENT**  
Vince Williams  
MAYOR  
Union City, Georgia

**CHIEF EXECUTIVE OFFICER/  
EXECUTIVE DIRECTOR**  
Clarence E. Anthony

March 2, 2023

The Honorable Maria Cantwell  
Chair  
U.S. Senate Commerce, Science and  
Transportation Committee  
254 Russell Senate Building  
Washington DC, 20510

The Honorable Tom Carper  
U.S. Senate Committee on Environment  
and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Sam Graves  
Chair  
U.S. House of Representatives  
Transportation and Infrastructure  
Committee  
2165 Rayburn House Office Building  
Washington, DC 20515

The Honorable Senator Cruz  
Ranking Member  
U.S. Senate Commerce, Science and  
Transportation Committee  
512 Dirksen Senate Office Building  
Washington DC, 20510

The Honorable Shelley Moore Capito  
Ranking Member  
U.S. Senate Committee on  
Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Rick Larsen  
Ranking Member  
U.S. House of Representatives  
Transportation and Infrastructure  
Committee  
2165 Rayburn House Office Building  
Washington, DC 20515

Chair Cantwell, Chair Carper, Chair Graves, Ranking Member Capito, Ranking Member Cruz, and Ranking Member Larsen:

The National League of Cities (NLC) continues to support action by Congress and the U.S. Department of Transportation to improve rail safety in the U.S. The unfortunate derailment and environmental contamination in East Palestine, Ohio is not unprecedented, with more than 1,000 trains derailing last year in multiple states. Yet, the severity of this derailment requires proactive reflection on safety requests that have lingered as the country waits for final reports from the National Transportation Safety Board (NTSB), which should also spur action.

With 140,000 miles of track in the U.S. crossing directly through many of the nation's 19,000 cities, towns and villages, local officials continue to look for actions to improve rail safety in their communities with federal assistance and taking precautions - such as increasing local first responders' use of the ["AskRail" phone app](#) to provide better information as they arrive on the scene of a rail incident. The safe and efficient movement of people and goods must be the prime objective of transportation policy at all levels of government, but local governments find most rail safety improvements questions boomerang back to Congress as the only recourse.

NLC encourages Congress to consider steps that would make rail and our communities safer including the following recommendations:

## **Provide Federal Railroad Administration (FRA) data to assess the risk of hazardous materials moving on fewer, longer trains and target safety oversight**

Local governments have raised concerns about longer trains dividing communities in two in emergencies, causing firetrucks, ambulances and police to be cut off from their destinations with no clarity on how long a particular crossing might be blocked. This concern is now compounded by the shift to longer trains (referred to as precision railroading), which means each train is more likely to be carrying hazardous materials that could have similar environmental consequences to East Palestine when a derailment happens. Congress should require the FRA to access information to understand the safety risks of derailments in the U.S., the impact of longer trains on the number of hazardous materials cars involved in derailments, and number of crossings blocked for extended, unsafe periods. In a similar manner that we require states to meet basic safety requirements to access federal funding, railroads receiving federal grants should be expected to provide appropriate information to FRA annually. Without information, Congress and the FRA will not have insight into risks by state as well as potential solutions to reduce derailments and national freight challenges.

## **Ensure financial fines are used first for the community impacted**

Financial consequences inform business decisions and should be appropriate to the risk and damages caused. Any fines collected should first be used to address the emergency situation created by a derailment, such as East Palestine, in addition to the required environmental clean up and economic damages caused by the incident. Any community who suffers an incident requiring a fine should expect the full support of the federal government to remedy the harm.

## **Expedite rail safety improvements and technology tools to reduce rail deaths and derailments**

NLC urges Congress to consider increasing support to the Federal Rail Grade Crossing Elimination program to expedite rail crossing separations where needed to reduce conflicts and also provide FRA resources to utilize rail safety technology tools that can be provided to communities to assess pedestrian and car incidents at dangerous crossing hot spots and be moved from community to community upon request. Additionally, FRA and NTSB should consider if wayside detectors locations should be assessed to ensure the checks are happening in advance of more urbanized areas or ahead of critical watersheds so that when a derailment happens, it is less likely to happen in a more populated or impactful area, saving lives and communities' clean water.

## **Expand the list of hazardous materials that are reported to state and local first responders**

The proximity, switching and storage of railroad cars containing volatile and hazardous materials in and through urban and residential neighborhoods remains a core concern, and it has become clear that today's list may not be capturing all the hazardous materials moving on our railways. We agree that updating the list of substances to more accurately reflect a full understanding of what is being moved through communities is needed as well as ensuring that communication between railroads, states, and first responders is clear and efficient. We urge Congress to ensure that mandated communication makes it to the first responder on the scene, not only to the state office.

## **Invest in local experimentation for improving signs and signals that reduce costs and increase safety**

In order for USDOT to accept new railroads safety signs and signals into the Manual on Uniform Traffic Control Devices (MUTCD), [experimentation](#) must occur at the expense of the requester which puts a heavy burden to innovate on local governments when a reasonable investment by Congress in innovation of new concepts could yield cost savings and increase safety. Additionally, if any entity funding MUTCD

experimentation can show significant safety benefits from new structures, any experimental equipment and structures should be maintained in place rather than removed unless it is not included in the next version of the MUTCD.

**Support the NTSB’s experts and pass their recommendations**

Each year the NTSB provides Congress, states and local governments with their [“Most Wanted List for Transportation Safety”](#) to save American lives and requests appropriate budget to staff various experts across all modes of transportation to respond and be among the first on the scene to assess the possible causes of the often-fatal incidents. Congress could consider more of their recommendations and ensure appropriate funding for critical response so that causes can be accurately diagnosed and addressed.

**Set the expectation for America’s railroads to be good neighbors**

Railroads are part of America’s communities, and local governments expect all railroads to be good neighbors to the communities they reside in by answering local government questions promptly, hosting emergency contact information for incidents and issues, reviewing blocked crossing and safety data annually with communities upon request, and partnering with communities to utilize federal grants to eliminate blocked crossings and congestion points in regions. We must pursue productive collaboration between railroads and communities to reduce conflicts and fatalities related to rail operations.

NLC thanks Congress for their continued attention to rail safety improvements through the IIJA’s historic investment. We ask for your continued oversight and leadership to act on these recommendations which can improve safety in thousands of communities, and local governments look forward to discussing these issues with your Committees.

Sincerely,



Clarence E. Anthony  
CEO and Executive Director  
National League of Cities