



March 13, 2023

Dear Members of Congress:

We write you to urge your opposition to the Railway Safety Act of 2023. Introduced following the horrible accident in East Palestine, Ohio, the legislation offers a slew of significant new regulations that would do little to improve safety while creating gross inefficiencies for thousands of businesses. The provisions within the bill are much like the list of recommendations offered by the U.S. Department of Transportation (USDOT) and would grant this struggling agency unimaginable authority.

Lawmakers would be better served focusing on recovery for the people of East Palestine, including by ensuring railroad Norfolk Southern makes good on their commitments, while also waiting for more details from the National Transportation Safety Board (NTSB) to inform any potential future policies. This appears to be the approach advocated thus far by Republican leaders of the Senate Commerce Committee and the House Transportation & Infrastructure Committee.

Consider just a few of the measures in the bill:

- Any train with just one car carrying hazardous material would then be considered a “hazmat train,” empowering the USDOT to regulate nearly every aspect of train operations thereafter. Trains are typically mixed cargo, so such a provision would capture nearly all freight rail traffic.
- Operators would be required to “to create minimum time requirements” for inspections, rather than focusing on quality of inspections.
- Labor unions would be granted their long-desired wish to permanently freeze current staffing levels into place as it relates to locomotive operations. This widely opposed policy lacks any justification, as shown by the previous administration, and ignores the fact that the train that derailed in Ohio had three people operating the train.

More broadly, we ask that lawmakers consider potential unintended consequences of the Railway Safety Act of 2023 and understand that despite the preventable accident in Ohio, U.S. railroads are safe overall. Rail companies would be forced to divert resources away from critical research and development, which could have otherwise been used to advance new technologies and improve efficiency. Rather than advance this misguided bill, Congress should instead focus on the facts to best protect businesses, consumers, and taxpayers.

Sincerely,  
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FreedomWorks

Pete Sepp  
President  
National Taxpayers Union

Ken Blackwell  
Former Mayor of Cincinnati, Ohio

David Williams  
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