



March 20, 2023

Sen. Maria Cantwell  
Chair, Senate Commerce, Science and  
Transportation  
511 Hart Senate Office Building  
Washington, D.C. 20510

Sen. Ted Cruz  
Ranking Member, Senate Commerce,  
Science and Transportation  
127A Russell Senate Office Building  
Washington, D.C. 20510

Sen. Tom Carper  
Chair, Senate Environment and Public  
Works Committee  
513 Hart Senate Office Building  
Washington, D.C. 20510

Sen. Shelley Moore Capito  
Ranking Member, Senate Environment  
and Public Works Committee  
172 Russell Senate Office Building  
Washington, D.C. 20510

Rep. Sam Graves  
Chair, House Transportation and  
Infrastructure Committee  
1135 Longworth House Office Building  
Washington, D.C. 20515

Rep. Rick Larsen  
Ranking Member, House Transportation  
and Infrastructure Committee  
2163 Rayburn House Office Building  
Washington, D.C. 20515

**Robin Vos**  
Speaker  
Wisconsin State Assembly  
President, NCSL

**Anne Sappenfield**  
Director  
Wisconsin Legislative  
Council  
Staff Chair, NCSL

**Tim Storey**  
Chief Executive Officer  
NCSL

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

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, commonwealths and territories, I write in response to ongoing federal rail safety efforts.

States, like the federal government, have an interest in supporting an efficiently managed and well-maintained national freight rail system. Since the derailment in East Palestine, Ohio, several measures related to rail safety have been introduced across the nation. In current legislative sessions, at least 13 states are considering railroad safety legislation focused on enhanced crew requirements and train lengths. In the absence of federal action, NCSL urges Congress to repeal provisions in federal law that exempt railroad companies from certain state laws and allow states to retain the ability to enact laws governing railroad issues.

Should Congress bolster federal rail regulations, NCSL encourages the following:

**Funding to promote comprehensive rail safety programs in the states and maintain existing state authority.**

Over the past 35 years, the Railway-Highway Crossings Program has provided support to states for at-grade crossing enhancements, eliminations and separations that have decreased vehicular and pedestrian fatalities, injuries and collisions. NCSL encourages Congress to expand support for the program and related funding mechanisms to adequately compensate states and provide the tools needed to improve safety, mobility and economic development. NCSL also encourages Congress to support additional grade-crossing research in areas such as driver response to existing warning devices, off-track detection systems, train conspicuity and audible warning technology.

NCSL strongly opposes federal efforts to preempt traditional state authority related to tort liability in accidents involving railroads; the responsibility of motorists and pedestrians in yielding to rail traffic; and overall decisions on grade warning devices or crossings.

**Efficient regulation of hazardous materials transportation with clear delineation of authority.**

NCSL urges a continued state-federal partnership in hazardous materials transportation safety, recognizing that efficient regulation of hazardous materials transportation must be accomplished through a clear delineation of regulatory authority and responsibility at each level of government. The federal government should not only coordinate the national regulation of hazardous materials transportation and provide technical guidance to states, but also increase federal programmatic coordination of regulatory, training and associated data collection activities.

Uniform standards for hazardous materials transportation, including technical requirements, routing, rerouting and notification, must be developed through meaningful and timely consultation with states. Federal law should not preclude state regulations that exceed federal requirements and provide for an equal or greater degree of safety.

**Timely communication with state agencies responsible for responding to hazardous chemical releases.**

The rail industry's shift to precision railroading, or longer trains, means that more trains are likely to be carrying hazardous materials and chemicals through urban and residential neighborhoods. NCSL supports unhindered access to mandatory safety data on all chemicals, including the sharing of confidential business information with state and local governments, health and environmental professionals and first responders, to protect the public and those potentially exposed to hazardous chemicals.

The Environmental Protection Agency and reporting industries must continue to work to ensure that Toxics Release Inventory reports are communicated to the public and emergency response teams in a manner that describes not only the public health risk posed by specific chemicals if released, but also how a release will be managed.

NCSL stands ready to work with Congress to usher in the next generation of rail safety standards and looks forward to action in the coming months. If you have any questions, please

do not hesitate to contact NCSL staff Kristen Hildreth at 202-624-3597, or [kristen.hildreth@ncsl.org](mailto:kristen.hildreth@ncsl.org).

Sincerely,

A handwritten signature in blue ink that reads "Tim Storey". The signature is written in a cursive style with a prominent flourish at the end of the last name.

Tim Storey  
Chief Executive Officer  
National Conference of State Legislatures

CC: Sen. Sherrod Brown, Sen. Bob Casey, Sen. John Fetterman, Sen. Josh Hawley, Sen. Marco Rubio, and Sen. J.D. Vance