

SETH MOULTON  
SIXTH DISTRICT, MASSACHUSETTS

COMMITTEE ON ARMED SERVICES

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

SELECT COMMITTEE ON  
STRATEGIC COMPETITION BETWEEN THE  
UNITED STATES AND THE  
CHINESE COMMUNIST PARTY



UNITED STATES  
HOUSE OF REPRESENTATIVES

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March 9, 2023

The Honorable Maria Cantwell  
Chairman  
Committee on Commerce,  
Science, and Transportation  
United States Senate  
Washington, DC 20510

The Honorable Sam Graves  
Chairman  
Committee on Transportation and  
Infrastructure  
United States House of Representatives  
Washington, DC 20515

The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce,  
Science, and Transportation  
United States Senate  
Washington, DC 20510

The Honorable Rick Larsen  
Ranking Member  
Committee on Transportation and  
Infrastructure  
United States House of Representatives  
Washington, DC 20515

Dear Chair Cantwell, Ranking Member Cruz, Chair Graves, and Ranking Member Larsen,

Watching the derailment disaster unfold in East Palestine, Ohio, it is clear that the impact on the Americans of that community far exceeds the tens of millions of dollars that Norfolk Southern (NS) will pay to decontaminate the area. Citizens across the country demand action to prevent this from happening in their own communities, so it is critical that any regulatory response from Washington is effective and forward-looking. While a number of regulatory ideas have been circulated by my colleagues in the House and the Senate, two vital proposals have been largely overlooked.

### **1. Maximum Train Length for Hazardous Materials**

In the past, many railroads followed the informal operating practice of limiting the length of any train carrying hazardous materials to approximately 100 cars or fewer. The reason is basic physics: longer trains experience greater forces on their cars, making them more likely to derail and making their derailments more disastrous. Under the new operating practice called “Precision Scheduled Railroading” (PSR), average train length has increased dramatically in



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recent years, roughly 25 percent since 2008. At the top end of this average are regular trains over 3 miles long.

PSR has been blamed for a wide range of maladies in the rail industry today, from a spectacular decline in customer service to diverting capital investments to fund stock buybacks. The result has been higher short-term profitability for Wall Street at the expense of long-term industry growth and fundamental industry safety. Capping the maximum length of trains carrying hazardous materials would improve safety while having the added benefit of moving the industry away from PSR.

Not only would this make American communities safer, it would likely improve the long-term growth of the industry. This is a win-win. A good place to start is capping the length of trains carrying hazardous material at 7,500 feet (1.42 miles). Yet, it's worth noting that as disastrous as these derailments are, transporting freight by rail is still safer than transporting it by highway, so any regulations that impair the long-term growth of the rail industry would ultimately be counterproductive to community safety.

## 2. Detection Technology

While it is true that mandating hotbox detectors at more frequent intervals might have prevented this particular tragedy, hotbox detectors are a 1960s technology. Better options are available today within the broader category of wayside detection technology.

First, the effectiveness of detectors can be improved significantly by measuring the rate of change in bearing temperature rather than absolute bearing temperature. While the axle responsible for the East Palestine derailment had not yet reached the trigger temperature to set off the detector, it was rapidly increasing in temperature. If the threshold for stopping the train was a temperature increase instead of threshold, the train could have been stopped before it derailed.

Second, many industries employ remote monitoring systems, so it is easy to envision every axle of every car being monitored in real time. Real-time axle monitoring is exponentially safer than wayside detectors even at more frequent intervals, so getting the industry there more quickly should be the goal. Any regulatory response to this incident that results in significant costs

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should push the railroads toward future technology that will be much safer and more effective than the decades-old systems they already employ.

As we consider all of this, it is critical to remember the significant risk to public safety caused by creating regulations that ultimately drive more hazmat business to our highways. Railroads have approximately 10 percent of the hazmat accidents of trucks, and the rail accident rate is down 78 percent since 2000. From 2012 to 2022, there have been 0 railway deaths with hazardous materials, while there have been 71 highway fatalities with hazmat. Every community in America, whether on a railroad or highway, should be free from the fear of what has happened to the people of East Palestine. Smart, forward-looking regulations can get us there.

Sincerely,

A handwritten signature in blue ink that reads "Seth Moulton".

SETH MOULTON  
*Member of Congress*