



FOR IMMEDIATE RELEASE:

Monday, March 6, 2023

Contact: Ryan Martin, [202-224-7433](tel:202-224-7433)

SCHUMER: FOLLOWING CATASTROPHIC RAIL ACCIDENT, SPOTLIGHT TURNS TO FREIGHT HUBS LIKE SOUTHERN TIER; SENATOR WANTS NEW SAFETY PROTOCOLS IN PLACE ASAP & LAUNCHES TWO-TRACK PLAN TO IMPROVE RAIL SAFETY FOR ELMIRA, SOUTHERN TIER AND UPSTATE

After Recent East Palestine Train Derailment, And Following Yet Another Derailment Saturday, Schumer Says Railroads Must Provide Answers NOW On What They Are Doing To Prevent An Accident Like That From Happening In Upstate NY, Including Places Like The Southern Tier – A Hub For Rail Activity

Senator Demands Major Rail Companies Work With Local Leaders & First Responders, And Announces New Bipartisan Legislation To Increase Safety And Make Rail Carriers Pay For Their Wrongdoings

Schumer: We Can't Let Incidents Like Elmira's In 2011 Turn To Accidents – It Is Time To Fast Track Commonsense Rail-Safety Reform

Standing at the Elmira Fire Department next to the Norfolk Southern line, near where the company once had a train derail, which it failed to report to local authorities, U.S. Senate Majority Leader Charles E. Schumer demanded railroads increase transparency and add new safety protocols to keep hubs for freight rail like Upstate New York safe.

The horrific train derailment in East Palestine, Ohio, Schumer said, focuses a spotlight on the need for serious reforms to how railroads communicate with local communities, and the steps they are taking to stop preventable accidents like this from happening again.

Schumer, [a longtime champion of rail safety](#), said it is time for immediate action, launching a two-track plan to boost rail safety for the Southern Tier and Upstate New York.

First, the senator revealed that he has written a letter to Norfolk Southern and other major rail companies demanding answers on the actions they are taking to prevent an accident like what happened in Ohio from occurring in Upstate New York. **Second**, Schumer said he is guiding the Senate to move full steam ahead with the bipartisan [Railway Safety Act of 2023](#) to create new rail safety protocols, hold railroads accountable for malfeasance, and increase transparency of trains carrying hazardous materials for places like the Southern Tier and across America.

“The horrifying train derailment in Ohio has people in the Southern Tier and across Upstate New York rightfully concerned about the safety of trains coming through their communities every day. Elmira residents and officials have experienced this firsthand back in 2011 when a Norfolk Southern railcar derailed, flipped over into a parking lot and the company never even bothered to call city officials. This long pattern of lack of transparency across America has to end now,” **said Senator Schumer**. “That is why I am launching two-track plan to demand answers from railroads on what they are doing for Upstate New York to ensure that incidents like what we’ve seen in Elmira and across Upstate New York don’t turn into accidents that could have devastating impacts. We can’t let this problem go off the rails any further, and I am pushing to hold railroads accountable and fast track bipartisan common sense rail safety reforms that will stop preventable accidents and get first responders the support they need to keep our communities safe.”

“Rail safety is critical to making sure the residents of the City of Elmira are protected from rail mishaps. We have many residents who live near rail tracks, and do not want to have a severe accident like what recently occurred in East Palestine, Ohio, happen here,” **said City of Elmira Mayor Dan Mandell**. “The residents of Elmira and I greatly appreciate Senator Schumer’s support of our first responders and his efforts to advance rail safety reforms that will help keep local communities safe.”

“Thank you to Senator Schumer for helping to protect rural communities in Upstate New York. Rail safety reforms are needed to prevent devastating derailments like that of East Palestine, Ohio. A disaster of that magnitude would significantly tax our first responders, harm the environment, and compromise our economy,” **said Tim Marshall, Director of Public Safety for Steuben County**.

In his letter to Norfolk Southern, CSX, and the other major railroads that operate across the Southern Tier and Upstate New York, Schumer demanded that the companies outline the steps they are taking to improve rail safety and better communicate notifications to all levels of government to ensure a preventable tragedy like Ohio’s never happens again.

This builds on [Schumer’s advocacy nationally, getting the CEO of Norfolk Southern to testify before Congress](#). Specifically, the senator pressed them on what changes their companies will make in light of the recent disaster, how they notify local communities, and

how they will support the emergency responders by ensuring they have the resources they need.

Schumer has long pushed for information sharing between railroads, states, and localities to be strengthened and improved in order to increase community safety. In Elmira on November 19, 2011, a Norfolk Southern rail car derailed, fell over a wall and landed upside down in the parking lot of a local business, with no contact made to city officials or even the local business to report the incident causing immense concern and frustration. Schumer immediately demanded the company stop railroading local officials, and following his calls was able to arrange a meeting between Norfolk Southern and local officials on the incident. This is only a minor example of many derailments across Upstate, with others like the [2017 CSX derailment in Batavia, NY in which 12 cars overturned carrying gun powder](#) and the [2020 derailment of a 15 cars](#) carrying highly flammable petrochemicals [in the Village of East Aurora](#) in Western NY.

Schumer also revealed the new bipartisan *Railway Safety Act of 2023* to increase transparency and regulations for trains carrying hazardous materials, get advanced notifications for emergency response, and hold railroads' accountable for wrongdoings. Specifically, Schumer said the bill, among many other provisions, would:

1. Enhance Safety For All Trains Carrying Hazardous Materials By:

- Requiring emergency response plans and ordering that rail carriers must provide advance notification and information to each State emergency response officials on what they are transporting. The notification must include a written gas discharge plan for the hazardous materials being transported.
- Building on existing phase-outs and retrofits for DOT-111 cars—which Senator Schumer has long-advocated for—by requiring safer standards and specifications for *any* train carrying Class 3 flammable liquids regardless of the composition of the train—not just High Hazardous Flammable Trains.
- Reducing the risk of wheel bearing failures by requiring trains carrying hazardous materials to be scanned by hotbox detectors every 10 miles and strengthen inspection requirements.
- Adding new requirements to prevent blocked crossings by trains carrying hazardous materials due to railroad delays and address other issues that can prevent or mitigate derailments, including rules for train size and weight.

2. Require Highly Trained, At Least Two-Person Crews To Work Aboard Every Train

- For years, railroads have tried to reduce costs by seeking to reduce locomotive operators to one-person crews. In New York alone, the railroad workforce has decreased by over 600 laborers between 2010 and 2019. This bill creates a permanent requirement for railroads to operate with at least

two-person crews, ensuring that sufficient, well-trained railroad staff are available for safe operation and response in the aftermath of any derailment.

3. **Make Rail Carriers Pay For Their Wrongdoing**

- Increasing the maximum fine that USDOT can issue for safety violations from \$225,000 to 1% of a railroad's annual operating income.

4. **Support First Responders Who Keep Communities Safe From Derailments:**

- Establishing a \$1 million annual fee on railroads to pay for training local emergency responders who are the first on the scene to any accident.
- This new fund will go toward expanding Assistance for Local Emergency Response Training (ALERT) grants, from focusing on activities related to transporting crude oil, ethanol, and other flammable liquids, to also including any flammable material. The competitively awarded ALERT program provides trainings for volunteer or remote emergency responders consistent with National Fire Protection Association standard.

Schumer has been a tireless advocate for making improvements to rail safety across New York, and he has taken countless steps to prevent possible issues from trains carrying hazardous materials.

In 2013, Schumer successfully pushed the federal DOT to [regulate dangerous crude oil carrying DOT-111 tank cars](#) that were common in Upstate NY. Schumer has also pushed for [better information-sharing among railroad companies and local first responders](#), who are often the first on the scene of a derailment.

Prior to Schumer's advocacy, railroads carrying crude oil through New York communities were not required to notify emergency response teams, but he secured a [2014 emergency order](#) by the USDOT that now requires this information to be shared. [Schumer has continuously pushed railroads to expand these provisions](#) so local government and first responders have all the information they need.

A copy of Schumer's letter to major rail carriers appears below:

Dear Mr. Shaw, Mr. Hinrichs, Mr. Creel, Ms. Robinson, Ms. Farmer, Mr. Fritz, and Mr. Ottensmeyer:

In the aftermath of the East Palestine derailment, and another derailment in Springfield, Ohio this past weekend, I demand your companies work cooperatively with all levels of government to ensure a tragedy such as this never happens again.

As reported by the National Transportation Safety Board (NTSB), on February 3, 2023, 38 out of the 150 cars en route from Madison, Illinois to Conway, Pennsylvania, operated by Norfolk Southern and carrying hazardous materials, derailed. This derailment involved 11 cars carrying hazardous materials that led to a devastating fire that covered the town in smoke for two days.

While the NTSB's investigation is ongoing, the agency has determined a wheel bearing was in the final stage of overheat failure before the East Palestine crash.^[1] I will be closely following any updates as the NTSB continues this investigation.

We should all agree that safety is of the utmost importance, especially while transporting hazardous and toxic materials. Each and every day, thousands of trains operated by your railroads travel across the country carrying hazardous materials through countless communities. The people who live in these communities are at risk for any failures to maintain the highest safety standards. As I work with my colleagues, the administration and regulators to assess the causes and outcomes of the crash in East Palestine, Ohio, I seek prompt and thorough answers to the following questions.

Local officials and emergency responders have a right to know and to be prepared for any and all disasters that may result from your transport of hazardous cargo. These communities are at the mercy of your railroad's actions, as well as any disregard for safety measures. As I work with my colleagues to assess the causes and outcomes of the crash in East Palestine, Ohio, I call on you to provide responses to the following questions within the next 30 days.

1. Describe in detail what your community outreach process looks like. How can local government officials and emergency responders in New York get the answers they need from your companies?
2. What is your current policy on notifying New York State, local government, and first responders for trains carrying hazardous materials? How often do these communications occur?
3. How will your companies ensure that all local communities along hazardous and toxic material train routes have the appropriate resources to respond to any potential hazardous materials incidents?
4. Please outline in detail how your company plans to work with local governments to respond to any potential disaster. What steps are you taking to prevent any potential disasters from occurring?
5. How many rail car inspectors has your company employed each year for the past ten years, nationwide and in New York? If there has been a decrease in the number of inspectors, why is that?
6. In light of the Norfolk Southern accident in East Palestine, how do you plan to address rail safety inspections in the future?
7. The NTSB has identified a journal bearing as the cause of the derailment and has noted that wayside detectors played a role in the accident. How are your wayside detectors calibrated to detect defects? How far apart are they placed? How often are defect detectors maintained?
8. What other defect detection methods, if any, do you employ?
9. Describe the protocols your company uses to respond to defect alerts from wayside detectors. Are there ever instances when the detectors are ignored? How many times has that happened in the last ten years?
10. Will your companies commit to having your conductors and other rail employees undergo additional safety and response training?

With railroads in the backyards of many small towns, Americans across the country are rightfully worried of a derailment tragedy happening in their community. A tragedy such as this – and one as preventable as the East Palestine derailment – should *never* happen again. Rail safety and disaster response must be on the forefront of your mind.

Thank you for your attention to this urgent matter.