

***SUBMITTED FOR INCLUSION IN HEARING RECORD***

**TESTIMONY OF**

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**REGARDING**

Examining the State of Rail Safety in the Aftermath of the  
Derailment in East Palestine, Ohio

**BEFORE**

The House Committee on Transportation & Infrastructure  
Subcommittee on Railroads, Pipelines, and Hazardous Materials

**JULY 23, 2024**

On behalf of the Intermodal Association of North America (IANA), thank you Subcommittee Chair Nehls, Ranking Member Wilson, and Subcommittee Members for convening this hearing to discuss rail safety. The intermodal industry holds paramount the core value of safety and dedicates significant time and resources to the pursuit of safety advancement.

As the only transportation trade association that represents the combined interests of intermodal freight providers and customers, IANA represents more than 1,000 corporate members, including railroads, ocean carriers, ports, intermodal truckers and over-the-road highway carriers, intermodal marketing and logistic companies, and suppliers to the industry. IANA's associate (non-voting) members include shippers (defined as the beneficial owners of the freight to be shipped), academic institutions, government entities, and non-profit trade associations.

Unlike single transportation modes, intermodal freight supply chains are comprised of distinct service providers that work in concert to complete intermodal movements. Each link is a vital component of the overall intermodal supply chain and must operate safely, seamlessly, and efficiently to uphold systemwide performance and productivity levels. Railroad operators are one such critical service provider in the interconnected intermodal supply chain.

Safety drives the intermodal industry, and we are pleased to report that across the board, rail safety continues to improve due to a high level of private investment, a well-trained workforce, and a commitment to ongoing research and development. According to the Federal Railroad Administration (FRA), total train accidents declined 22 percent between 2000 and 2023 and mainline accidents decreased 40 percent in that same period. Notably for the topic of this hearing, hazmat incidents decreased 75 percent in this timeframe.

Over 99.99 percent of rail hazmat shipments reach their destination without a release caused by a train accident. While the industry strives for a perfect record, I encourage members of this committee to bear this performance history in mind when considering regulatory changes that may have unintended consequences, such as shifting hazmat shipments to alternative means of transport with a higher incident rate.

Any changes to the regulations governing rail, and likewise any mode, must be founded in credible research rather than assumption. At a minimum, this research must: 1) show that new regulations would yield a safety improvement; and 2) contemplate downstream consequences of said regulation. While factor 2 is complex, it is essential in an environment where beneficial cargo owners evaluate several factors – such as cost, reliability, and velocity – when selecting a mode of transport.

IANA's membership is troubled by instances of legislation and rulemakings that are not upheld by research. For example, despite the lack of evidence supporting improved safety,

both the FRA and Congress are moving to mandate minimum staffing requirements for freight rail operators. FRA stated in 2009<sup>1</sup>, 2016<sup>2</sup>, and 2019<sup>3</sup> that incident data does not support a train crew staffing regulation. Likewise, in 2015, the National Transportation Safety Board (NTSB) stated, “there is insufficient data to demonstrate that accidents are avoided by having a second qualified person in the cab.”<sup>4</sup>

New burdens on the railroad industry that are not directly linked to safety improvements will adversely impact the industry’s ability to make critical investments in safety technologies as well as other innovations necessary to remain competitive and to address customer needs.

It is worth highlighting that the rail industry has demonstrated its ongoing commitment to safety by implementing or initiating research on several of the NTSB recommendations following the derailment in East Palestine, Ohio. For example, in recent months, they have banded together to establish standards and reduce temperature thresholds on wayside detectors as well as add thousands more detectors to the network. Additionally, the railroads are prepared to work with the FRA on any research in this area.

IANA is dedicated to safety across all modes. Our members live and work in communities with significant freight movement. To continue pursuing exemplary safety outcomes across all modes, IANA has an active Intermodal Safety Committee that reviews best practices and incidents occurring in the transport of intermodal freight. IANA would be pleased to serve as a resource to this committee.

Thank you for your time and your leadership in support of intermodal goods movement and its related issues. IANA looks forward to working with you and would welcome the opportunity to further engage with your offices. If you or your staff have any questions, please do not hesitate to contact me at [jcasey@intermodal.org](mailto:jcasey@intermodal.org) or 301-982-3400 ext. 349.

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<sup>1</sup> Denial of BLET Petition on RCO and Other Single-Person Operations. Nov. 10, 2009. Federal Railroad Administration.

<sup>2</sup> Notice of Proposed Rulemaking. March 15, 2016. Federal Railroad Administration.  
<<https://www.federalregister.gov/documents/2016/03/15/2016-05553/train-crew-staffing>>

<sup>3</sup> Notice of Proposed Rulemaking Withdrawal: Train Crew Staffing. May 29, 2019. Federal Railroad Administration.  
<<https://www.federalregister.gov/documents/2019/05/29/2019-11088/train-crew-staffing>>

<sup>4</sup> Derailment of Amtrak Passenger Train 188 Philadelphia, Pennsylvania. May 12, 2015. National Transportation Safety Board. <<https://ntsb.gov/investigations/AccidentReports/Reports/RAR1602.pdf>>