

## **The Railway Safety Act of 2026**

**Mandates the use of defect detection technology which could have prevented the East Palestine derailment as recommended by the National Transportation Safety Board (NTSB), making them more frequent near dense urban areas:**

- The Norfolk Southern train that derailed in East Palestine passed three hotbox detectors showing the wheel bearing that ultimately failed getting increasingly hotter. Despite these warnings, Norfolk Southern's company policy did not require the crew to stop the train until it was too late. Currently, DOT does not mandate that railroads use hotbox detectors or other defect detectors, including where they must be installed, when railroads should stop trains, or how often they should be inspected. The NTSB report on East Palestine stated that regulatory requirements for the installation, inspection and maintenance of wayside bearing defect detectors would improve the safety of railroad operations.
- For the first time, this legislation mandates that railroads use defect detectors and submit plans to the Federal Railroad Administration proving that they will deploy defect detectors that meet standards set by DOT. The bill requires hotbox detectors to be deployed an average of every 15 miles, versus the current voluntary industry practice of an average of 25 miles. If a railroad does not comply with its plan and an accident occurs, no matter the cause, the railroad will be considered in violation of the rail safety law and subject to a fine. The bill also empowers DOT to make railroads stop trains when these technologies identify something is wrong.

**Expands the types of hazardous materials, like the vinyl chloride carried by the East Palestine train, that trigger increased safety regulations, including speed restrictions, better braking, and route risk analysis:**

- In 2015, the Federal Railroad Administration required trains carrying large amounts of flammable liquids (like crude oil) to comply with speed restrictions in urban areas, improve braking systems to make trains stop faster, conduct a route risk analysis to ensure railroads take the safest route and take steps to mitigate safety and security risks, and ensure railroads have a hazardous materials (hazmat) spill response plan in the event of a derailment.. However, the East Palestine train carrying vinyl chloride was not subject to these safety requirements because it was a flammable gas and not a flammable liquid.
- In line with the NTSB's recommendations, the bill expands the types of chemicals that trigger these specific safety requirements so that trains carrying vinyl chloride and other explosives and toxic materials, including flammable gas, poisonous gas, and nuclear material, are subject to the same safety requirements as flammable liquid trains. It is estimated this will impact one-eighth of all trains in the United States.

**Improves emergency response by providing states information about hazardous materials being transported by rail through their communities and strengthening railroad emergency response plans:**

- Governor Mike DeWine repeatedly said that the State of Ohio was never alerted that trains carrying dangerous chemicals like vinyl chloride were moving through the State. Communities cannot adequately prepare for potential disasters if they do not know what is being transported through them. To address this issue, the bill requires that railroads notify states about the types and frequency of trains carrying hazmat transported through the state boundaries.
- It should never be the responsibility of a small community like East Palestine, to respond to a major hazmat spill alone. The NTSB found that in the case of East Palestine, the decision to vent and burn the hazardous materials within the tank car was unnecessary. To address this issue, the bill requires DOT to improve railroads' existing hazmat response plans by ensuring railroads have: (1) a DOT-approved plan explaining how they will respond to a release of dangerous chemicals that high-hazard trains transport; and (2) their own hazmat spill response teams to quickly respond to derailments and support local firefighters.

**Prevents 30-second railcar inspections and mandates a new requirement that ensures railcars are properly maintained:**

- To ensure that a railcar is free of defects like the failed wheel bearing that caused the East Palestine derailment, railcars are required to be inspected prior to a compiled train's departure from initial location. However, the Committee received documents showing Norfolk Southern recommended its employees complete inspections of one side of a railcar in just 30 seconds. In September 2022, DOT sent all the Class I railroads a letter raising concerns that railroads were not using properly trained mechanics to conduct the predeparture inspections. This bill prohibits railroads from imposing time requirements on inspectors and requires DOT to ensure railroads use trained mechanics to conduct these inspections.
- Freight railcars, like the hopper car with the failed bearing that caused the derailment in East Palestine, are not subject to any periodic maintenance requirements. Similar to an automobile inspection every 30,000 miles, railcars should go through a more thorough periodic inspection by a trained mechanic to see if any parts, like wheel bearings, need to be replaced. The bill mandates a new requirement that all railcars have a thorough inspection at least once every five years to ensure all components are in working order.

**Increases penalties for safety violations to ensure safety laws are taken seriously:**

- Class I railroads are multi-billion-dollar companies. However, the average penalty they pay for a violation of a rail safety law was less than \$4,200 per violation in 2023—the year of the Norfolk Southern derailment in East Palestine.

- To ensure that railroads take railroad safety and hazardous materials safety laws seriously, the legislation increases the maximum statutory civil penalty from \$100,000 to \$10 million.

**Requires two crewmembers to operate a train, critical in an emergency.**

- The Norfolk Southern train had more than one crewmember, which significantly helped them figure out the immediate risks the derailment posed to the community. The conductor on the train in East Palestine quickly inspected the train to see what had happened, identified that a fire had started, set the manual brakes so railcars could not roll away, and quickly alerted first responders, all while ensuring the entire crew could get away to safety.
- Railroads have proposed eliminating conductors from the cab of the locomotive and having them follow the train in trucks. It is hard to imagine that a conductor stationed in a pickup truck with no immediate knowledge of what happened in the derailment could have aided the locomotive engineer after the derailment. This law creates a statutory requirement that all Class I railroads operate trains with two crewmembers. The public should not be used as a test case to find out if things could have been worse with only one crew member on the East Palestine train.

**Ensures firefighters are made whole after responding to major derailments:**

- Firefighters bravely rushed to the East Palestine derailment to protect their community. However, responding to an incident like this is expensive. Fire departments incur overtime costs, operational costs when they set up command centers, and costs with replacing contaminated equipment. Under current law, there is a gap in the existing Oil Spill Liability Trust Fund and the Hazardous Materials Superfund that hinders states and firefighters from being quickly reimbursed after responding to a hazmat transportation incident.
- This bill closes that gap by giving DOT the authority to declare a “significant hazardous materials transportation incident” and make \$10 million available to reimburse first responders for overtime and equipment costs, as well as baseline health care assessments. These baseline health care assessments help inform long-term healthcare needs that a firefighter could face after being exposed to hazmat. The fund is capitalized through fines paid when companies violate hazmat laws and requires the entity responsible for the incident to reimburse the government.

**Expands the existing Hazardous Materials Emergency Preparedness grant to allow fire departments to purchase the personal protective gear that keeps them safe:**

- More than 300 firefighters from 50 departments, many of them volunteer firefighters, responded to the East Palestine derailment. However, some of them did not have the right personal protective equipment - exposing them to toxic chemicals. DOT’s Hazardous Materials Emergency Preparedness (HMEP) grant cannot be used to purchase personal

protective gear, which is essential to ensuring firefighters are prepared to respond to a hazardous material spill.

- The bill expands the eligibilities of the HMEP grant program so that fire departments can purchase personal protective gear. The bill also doubles the hazardous materials transportation registration fees that large businesses pay, which will nearly double the amount of grant funding available.

**Prohibits the use of unsafe rail tank cars to transport dangerous hazardous material:**

- The *Fixing America's Surface Transportation Act of 2015* required DOT-111 tank cars used to transport Class 3 flammable liquids to be replaced with safer DOT-117 tank cars by 2029. Yet, the industry can meet the deadline sooner, and the NTSB recommended a swifter phaseout as DOT-111 tank cars transporting flammable chemicals through communities pose an unnecessary risk.
- To address this risk, the legislation accelerates the deadline for removing DOT-11 tank cars from flammable service to 2027, two years ahead of the current deadline.