



May 20, 2026

Dear Members of Congress:

We write to urge you to support the **Railway Safety Act of 2026 Amendment**.

Like many conservatives, we were shocked by the train derailment in East Palestine, Ohio. It's hard to imagine how such a thing could have happened in the United States of America. Our citizens are fortunate enough to take clean air and clean water largely for granted. That reflects a longstanding, bipartisan policy choice: we've decided as a nation that we won't accept anything less. And yet in the blink of an eye these essential, life-providing resources were jeopardized for the citizens of East Palestine and the surrounding area.

If the East Palestine derailment was an isolated incident, we could consider this disaster an unfortunate anomaly and move on. But it was not an isolated incident. There are more than 1,000 train derailments in this country each year, many of them involving hazardous materials. Such a systemic issue indicates a market failure in the hazardous materials transportation regime – one that needs to be corrected as soon as possible. While conservatives have long opposed regulation intended to coerce businesses to achieve unrelated policy goals, we have also long maintained that there is a place for protections to ensure the proper functioning of the marketplace, such as antitrust enforcement or mitigating negative externalities.

One classic instance is that of pollution. While it may technically be “market efficient” for a single firm to dispose of hazardous waste in the cheapest manner possible, the roll call of communities immiserated by toxic waste — from Love Canal to Gratiot County to Times Beach to East Palestine— suggest that this approach is far from efficient for the nation at large. Indeed, railroads like Norfolk Southern are imposing an invisible, but by no means negligible, social cost on the American people.

To address this issue, Representative Troy Nehls has introduced legislation to prevent derailments of trains transporting hazardous materials. The bills contain common-sense measures that directly address causes of the derailment in East Palestine:

- 1. Providing route notification and notification of hazardous cargo for first responders.** *First responders in the East Palestine situation report that they were unaware of the contents of the tank cars in the derailment.*
- 2. Requiring wheel-bearing sensors at least ten miles from a population center.** *The National Transportation Safety Board preliminary report states that over a twenty-mile stretch of railway, the Norfolk Southern train at issue in the East Palestine case suffered a catastrophic journal bearing failure that may have been detected sooner had there*

been wayside bearing defect detectors every ten miles instead of twenty miles.

3. Ensuring adequate crews and prohibiting a limit on inspection times. *In both the Lac-Megantic derailment which killed 47 people in Canada, as well as the serious train collision at Casselton, North Dakota, the numbers of crewmembers were a crucial element. In the event of an emergency, having one individual remain in the cab, and other to manipulate railcars has had important safety upsides.*

4. Increasing fines and penalties. *Fines are too low to deter major violations.*

Conservative legislators have a choice. Should we do the bidding of an industry that has failed to police itself? Or should we stand with the American people who expect us to fight for railway safety and defend our land and water from actors who would do it harm?

Thank you for your consideration of the Railway Safety Act.

Sincerely,

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