

Congress of the United States
House of Representatives
Washington, DC 20515
NYDIA M. VELÁZQUEZ
7TH DISTRICT, NEW YORK

May 30th, 2025

The Honorable Sam Graves
Chairman
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Graves and Ranking Member Larsen,

As your committee takes on the important work of the next surface transportation reauthorization, I respectfully urge that you include the following priorities in the surface transportation legislation:

Railroads, Pipelines, and Hazardous Materials

1. National Standards for Waste Transport Containment

This proposal calls for federal action to mandate the secure containment and responsible transport of certain waste materials—specifically construction and demolition (C&D) debris, sewage sludge, ash from “waste-to-energy” incinerators, and coal combustion residuals—when shipped by rail or intermodal transfer. It seeks to address the significant safety and public health risks posed by the current handling of these materials, which are often designated as “non-hazardous” under federal law for the purposes of rail transport despite containing a range of toxic contaminants, even if they are regulated as hazardous in other settings due to the health and economic hazards they pose.

There is an urgent need to protect communities and ecosystems from the risks posed by the open transportation of waste materials that contain toxics. Currently, large volumes of construction and demolition (C&D) debris, sewage sludge, and incinerator and coal ash may be transported across state lines by rail in ways that allow contaminated liquid, particulate matter, spillage, and gas to escape into the environment. This practice raises significant public health concerns, especially for communities situated along freight corridors and near transfer stations. While these waste streams are federally categorized as “non-hazardous,” they can contain highly hazardous substances.

For example:

- Sewage sludge may contain heavy metals and industrial chemicals,
- Ash from waste-to-energy incinerators and coal plants often include arsenic, lead, mercury, and other pollutants, and
- C&D debris is presumed toxic under New York State law unless tested, due to the potential presence of asbestos, pesticides, heavy metals, and volatile organic compounds (VOCs).

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Despite their potential toxicity, there are no federal requirements that such waste be sealed or covered during transport, nor are there standardized containment measures for intermodal transfers between rail, truck, and barge. In summary, the proposed federal action would: 1. require solid covers and sealed containment for all rail cars carrying sewage sludge, C&D waste, and ash from incinerators and coal-fired power plants and 2. prohibit open drains or other openings that could result in liquid discharge.

2. Provide Transformational Rail Network Funding

The next surface transportation reauthorization should authorize \$200 billion over five years to build high-speed rail, expand existing passenger rail service, electrify the most heavily polluting railyards and corridors, make rail crossings safer, establish critical labor protections for rail workers, and create a new rail worker training grant program.

3. Improve Railway Safety

The March 2023 derailment of a Norfolk Southern Railway train in East Palestine, Ohio, demonstrated a need for Congress to act on railway safety. The next surface transportation reauthorization should include significant railway safety measures such as enhanced safety procedures for all trains carrying hazardous materials, broaden the definition for high-hazard flammable trains, improve railroad bridge safety, require railroads to follow enforceable federal safety and inspection standards, and mandate reporting requirements.

4. Continue and Strengthen IJIA Rail Programs

The Infrastructure Investment and Jobs Act made historic investments in rail infrastructure, including providing \$41.5 billion for Amtrak. The next surface transportation reauthorization should build upon these historic investments by continuing support for Amtrak, the Federal-State Partnership for Intercity Passenger Rail, the Corridor Identification and Development Program, and other programs that support passenger rail networks and improve services.

5. Pilot Program for Clean Rail Technologies

The next surface transportation reauthorization should include a research and development pilot within FRA for flexible train design to enable trains to alternate between multiple power sources during operation within the passenger and freight rail systems. Specifically, this pilot would be aimed at supporting research and development of ways to integrate multiple different or new rail technologies or power sources such as battery, electrification, hydrogen, and diesel, and

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identifying any challenges with integrating multiple sources, including cost or additional land requirements.

Thank you for your consideration of my requests for the upcoming surface transportation reauthorization.

Sincerely,



Nydia M. Velázquez
Member of Congress