

Congress of the United States
Washington, DC 20515

February 9, 2018

President Donald Trump
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We write to you today with serious concerns about the state of our transportation infrastructure, as well as the deployment of lifesaving technology and implementation of vital safety measures on our railways.

In its recent report on the September 2016 derailment of a New Jersey Transit (NJ Transit) train in Hoboken, New Jersey, the National Transportation Safety Board (NTSB) found that the train engineer's undiagnosed obstructive sleep apnea was the probable cause of the accident, while the lack of Positive Train Control (PTC) or other technology was a contributing factor to the crash. The crash killed one person, injured 110 others, and caused over \$6 million in structural damage to the Hoboken Terminal when the train failed to stop at the end of the track, barreling through a station wall and partially collapsing the roof.

The recent spate of rail incidents have underscored the dire need to substantially increase our investment in 21st century infrastructure that meets the needs of a modern economy and supports the deployment of life-saving technology like PTC in order to keep our infrastructure safe, accessible, and affordable for every American. As our nation's railroads and transit agencies, including NJ Transit, work to deploy PTC and address growing maintenance backlogs, it is imperative that they can rely on a strong federal partner that understands the need for real federal investment in our transportation infrastructure.

From the campaign trail to your recent State of the Union address, you have continuously promised to make a substantial investment in our critical transportation infrastructure. Over a year ago, Senate Democrats proposed a solution to our infrastructure needs, calling for a \$1 trillion federal investment that would create 15 million jobs and lead to substantial economic growth. This plan includes \$50 billion for modernizing our rail infrastructure, increasing affordability for commuters and providing safe and reliable rail service to businesses and communities across the country.

However, your Administration proposed significant cuts to existing federal transportation programs in its last budget, and has yet to release a detailed proposal on how you will make the promised \$1.5 trillion investment in our infrastructure. Based on what little information has been made available, as well as reports on leaked internal documents, it is apparent that you intend to

make a relatively small federal investment in our infrastructure while shifting the financial burden to states and municipalities that are already struggling to meet the needs of their communities. In the exchange for what little funding your plan envisions, states and cities would be forced to raise tolls and hike transit fares. This scheme would allow your Administration to shift costs directly to our constituents while failing to support our most critical infrastructure projects that require federal dollars to move forward. In addition, due to the inherent profit motive for any private company, your plan's additional push for privatization of public assets would further drive up costs for New Jerseyans, who would find their daily commutes turned into a new source of corporate profits

However, funding alone is not sufficient to address the safety concerns that continue to exist under the current regulatory framework.

Under the Rail Safety Improvement Act, Congress mandated that all commuter railroads and some freight railroads be required to develop and implement risk management plans and submit a fatigue management plan to the Federal Railroad Administration every two years. The Obama Administration finalized rules to implement aspects of the risk management plan requirement for commuter railroads, but your Administration has suspended these rules. Additionally, last year your Administration withdrew a separate proposed rulemaking that would expand testing and treatment for sleep apnea for transportation operators. These irresponsible actions unnecessarily endanger the safety of those who rely upon our railways and other critical transportation infrastructure. While we will continue to work with our colleagues to advance legislation that would require common sense testing and treatment for sleep apnea for transportation operators, we urge you to act immediately to implement the statutorily required risk and fatigue management plans, and restart the rulemaking to curb further tragedies caused by sleep apnea.

With the pending release of your infrastructure plan, you have an opportunity to provide a real federal investment that will rebuild and modernize our nation's crumbling infrastructure, save lives by taking meaningful steps to prevent tragedies like Hoboken, and demonstrate your commitment to the safety of the traveling public. We hope that you will rise to the moment.

Sincerely,



Robert Menendez
United States Senator



Cory A. Booker
United States Senator



Bill Pascrell, Jr.
Member of Congress



Albio Sires
Member of Congress