

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
BUDGET
HEALTH, EDUCATION,
LABOR, AND PENSIONS
HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

March 9, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue Northwest
Washington, D.C. 20500

Dear Mr. President:

We write to you today with deep concerns about the risk that trains carrying crude oil continue to pose to our constituents. Oil train accidents are increasing at an alarming rate as a result of the increased oil production from the Bakken formation in North Dakota. Congress has provided additional funding to study safer tank cars, hire more track inspectors, and repair rail infrastructure. We urge your Administration to use this funding, along with its regulatory powers, to improve oil train safety as quickly as possible.

The Department of Transportation and the Pipeline and Hazardous Materials Safety Administration issued draft rules to address oil train accidents in July of 2014, however your Administration missed a January 15th statutory deadline to release final rules. It is time for you to take immediate action and we request that your Administration issue final rules without further delay. We believe that recent accidents make clear the need for rules stronger than those originally proposed. We have included our specific proposals for those improvements below.

Preliminary reports from the scene of the recent oil train accidents have suggested that a failure of rail infrastructure has been to blame for the derailments. We have also seen evidence of deteriorating bridges in our state on rail lines that carry crude oil, and have called on railroads to repair them swiftly. The Federal Railroad Administration (FRA) is responsible for inspecting the 160,000 miles of track in the United States and investigating the cause of accidents. We urge the FRA to increase inspections along oil train routes, determine the causes of all recent oil train accidents, and provide a set of recommendations to improve the safety and soundness of our national rail infrastructure.

The danger facing Wisconsin communities located near rail lanes has materialized quickly. Just a few years ago, an oil train in the state was a rare sight. Today, more than 40 oil trains a week pass through Wisconsin cities and towns, many more than 100 tank cars long. It is clear that the increase in oil moving on the rails has corresponded with an uptick in oil train derailments. In addition to the derailment in Illinois on Thursday March 5, 2015, there have been derailments in North Dakota, Virginia, Alabama, West Virginia, and a fatal explosion in Lac-Megantic, Quebec.

These catastrophes have illuminated the many areas ripe for improvement, as well as additional measures needed to be taken in order to ensure safety when transporting crude oil by train. As we have noted in previous communications to the Department of Transportation and the Pipeline

and Hazardous Materials Safety Administration, there are several areas where we believe safety needs to be improved. In addition, reports indicate that the rail cars involved in the three derailments since our previous letter—including Thursday’s derailment in Illinois—contained new safety features intended to help prevent accidents. The final rule should address these CPC-1232 standard cars as well.

Our specific suggestions to improve the proposed rule are below.

I. Stabilization of Oil

Stabilization of crude oil is a process by which volatile molecules such as methane, ethane, propane, and butane are removed to make the liquid crude oil more stable, and thus, safer to transport. We request that the U.S. DOT require that crude oil be fully stabilized before it is shipped on our railroads. This requirement will improve the safety of high-hazard flammable trains by making the crude oil they carry less likely to ignite.

II. Tank Car Standards

The DOT-111 tank cars are antiquated and we would encourage you to phase these cars out more quickly than the proposed two year timeframe. In addition, the fact that the recent derailments involved newer—and supposedly safer—rail cars, shows that new tank cars are not adequately safe. Therefore, standards in the final rule should require enhanced safety features beyond those installed in the cars recently deployed by the industry in the CPC-1232 standard.

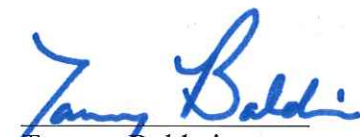
III. Operational Controls

Excessive speed and inadequate braking are common factors in train derailments. We believe that the operational speeds of high-hazard flammable trains must consider that train’s braking technology and tank car durability. If the tank car cannot reasonably withstand impact above a certain speed, then the train should not travel at that speed.

IV. Increased Transparency

We are pleased that the proposed rule contains a requirement that trains containing one million gallons of Bakken crude oil must notify State Emergency Response Commissions about the operation of their trains. However, we believe it is also important that our communities are aware of what is being shipped in their backyards. Therefore, we request that the final rules require robust transparency so local communities have the information they need in the event of a derailment.

Sincerely,


Tammy Baldwin
United States Senator


Ron Kind
Member of Congress

Cc:

The Honorable Shaun Donovan, Director, Office of Management and Budget

The Honorable Anthony Foxx, Secretary, Department of Transportation

The Honorable Timothy Butters, Acting Administrator, Pipeline and Hazardous Materials
Safety Administration

The Honorable Sarah Feinberg, Acting Administrator, Federal Railroad Administration

Mr. Matthew K. Rose, Chief Executive Officer, BNSF Railway

Mr. Michael J. Ward, Chief Executive Officer CSX Corporation

Mr. David L. Starling, Chief Executive Officer, Kansas City Southern Railway

Mr. Wick Moorman, Chief Executive Officer, Norfolk Southern Railway

Mr. John J. Koraleski, Chief Executive Officer, Union Pacific Railroad

Mr. Claude Mongeau, Chief Executive Officer, Canadian National Railway, CEO

Mr. E Hunter Harrison, Chief Executive Officer, Canadian Pacific Railway Limited