

# United States Senate

WASHINGTON, DC 20510

June 15, 2016

The Honorable Anthony R. Foxx  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Ms. Marie Therese Dominguez  
Administrator  
Pipeline and Hazardous Materials Safety  
Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Secretary Foxx and Administrator Dominguez,

As trains carrying highly volatile Bakken crude oil continue to move through communities across America, we are writing to request that the U.S. Department of Transportation (USDOT) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) move to issue an interim standard for the volatility of crude oil shipped by rail. We must establish more stringent regulations on these oil trains, which pose an enormous danger to cities, towns, rural areas, and the environment.

The June 3, 2016 derailment of a train carrying Bakken crude in Mosier, Oregon is a sobering reminder of the danger that volatile crude oil poses when it is transported by rail. In total, 16 cars of a 96-car train derailed. Of those, four cars caught fire and spilled 42,000 gallons of crude oil. This oil contaminated the soil and the local water treatment facility, through which oil reached the Columbia River. Due to the derailment and the fire, 100 residents – nearly a quarter of Mosier's population – had to be evacuated.

The regulation of volatility for crude oil is inconsistent and there remains a gap in regulating the volatility of oil transported by rail. The North Dakota state Industrial Commission has regulated volatility of Bakken crude oil at 13.7 psi Reid Vapor Pressure (RVP). The New York Mercantile Exchange has limited the volatility of crude oil contracts traded on its exchange to 9.5 psi RVP, and pipeline operators in the Eagle Ford require shippers to limit volatility to between 9 and 10 psi RVP. However, there is no federal regulation to restrict the volatility of crude oil shipped by rail.

Currently, PHMSA and the Department of Energy are engaged in a multi-year effort to study the volatility of various types of crude being transported by rail. Under the Fixing America's Surface Transportation (FAST) Act (P.L. 114-94), PHMSA must issue a report and recommend regulations governing the volatility of crude oil being transported by rail. However, due to the fact that these studies are years from completion, we remain gravely concerned about the safety of our communities and the health of our lakes and rivers along rail lines carrying this volatile crude oil.

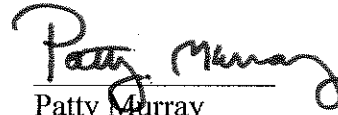
Under USDOT's authority to issue emergency orders (49 U.S.C. 5121 (d)), we urge you to immediately set an interim standard for volatility of crude oil to ensure its safe transport. While

standards for tank cars improve, derailments, fires and explosions continue to occur. It is clear that the shipment of crude without a national standard regulating volatility poses an imminent hazard. For the safety of our communities, we urge you to move now to issue an interim standard for volatility.

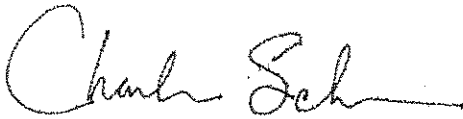
Sincerely,



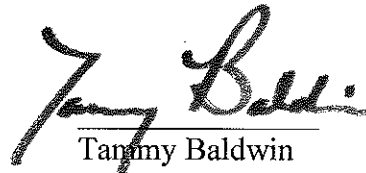
Maria Cantwell  
United States Senator



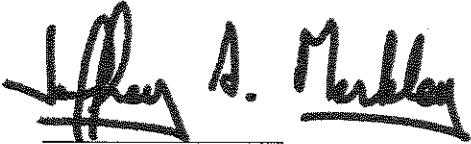
Patty Murray  
United States Senator



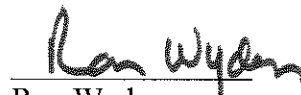
Charles E. Schumer  
United States Senator



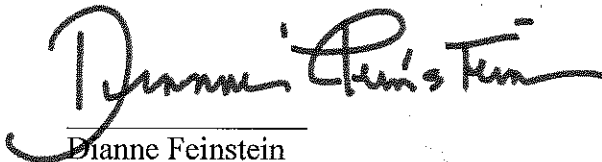
Tammy Baldwin  
United States Senator



Jeffrey A. Merkley  
United States Senator



Ron Wyden  
United States Senator



Dianne Feinstein  
United States Senator



Patrick Leahy  
United States Senator



Bernard Sanders  
United States Senator



Barbara Boxer  
United States Senator