

United States Senate

WASHINGTON, DC 20510

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

April 6, 2016

The Honorable Anthony Foxx
Secretary of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Secretary Foxx:

I write to you regarding important rail reforms aimed at increasing safety in communities along oil train routes included in the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94). To address the growing concerns related to transporting hazardous materials—including crude oil—by rail, I worked to include a number of these provisions in five-year transportation bill.

Last November, two trains carrying hazardous materials derailed in Wisconsin. These recent derailments and others across the country reinforce the clear need to implement the provisions quickly. Therefore, I ask that you provide me with an update on the Department of Transportation's work to implement the following reforms:

- Sec. 7302. Real-Time Emergency Response Information

The FAST Act requires DOT to work with appropriate federal agencies to issue regulations requiring Fusion Centers to provide real-time hazmat train information to state and local first responders before trains carrying hazardous materials enter local jurisdictions. This includes information about the contents of tank cars and other emergency response information or resources DOT chooses to require. I urge you to implement regulations without delay that provide detailed and thorough information that first responders can easily use to inform their response to accidents.

- Sec. 7307. Rulemaking on Oil Spill Response Plans

Current rules regulating comprehensive oil spill response plans as they apply to railroads are inadequate. In order to protect communities and the environment from the damage of an oil train spill, railroads should be required to submit comprehensive response plans to local authorities to certify that they have the appropriate equipment to respond to a worst-case scenario.

This FAST Act directs DOT to implement rules requiring railroads to improve their worst-case oil discharge response plans as soon as possible. DOT issued a notice of proposed rulemaking entitled "Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains" in August 2014 but has not yet issued a final rule on the matter. I believe this rule is long overdue and should be issued immediately.

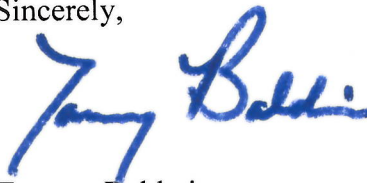
- Sec. 7310. Hazardous Materials by Rail Liability Study

This provision requires DOT to initiate a study on the appropriate levels and structure of insurance for railroads carrying hazardous materials. Liability coverage for railroads transporting hazardous materials is inadequate—which has been made painfully clear in the wake of the Lac-Mégantic disaster. In this case, the railroad was only insured up to \$25 million and has since filed for bankruptcy because it did not have sufficient insurance to pay \$345 million in damages.

Finally, I am pleased by DOT's quick action to implement Sec. 11405, Bridge Inspection Reports, which requires railroads to make a public version of the most recent bridge inspection report available to local officials. The Federal Railroad Administration has launched a new tool online allowing states and municipalities to request inspection reports for rail bridges in their communities. This tool is already helping local officials fulfill their obligation to protect citizens by ensuring the soundness of local infrastructure.

I believe these rail safety reforms will significantly improve transparency and safety along oil train routes and will empower communities and state and local officials who are oftentimes unable to take action against federally regulated railroads—despite being responsible for any risks to public safety. I appreciate your attention to implementing these reforms and look forward to working with you to improve the safety of communities along oil train routes.

Sincerely,



Tammy Baldwin
United States Senator

cc: Sarah Feinberg, Federal Railroad Administration
Marie Therese Dominguez, Pipeline and Hazardous Materials Safety Administration