

United States Senate

WASHINGTON, DC 20510

October 16, 2017

Administrator Howard Elliott
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Administrator Elliott:

First, I write to share my congratulations on your recent confirmation to serve as Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA). I am eager to work with you to ensure the safety of communities along railroad lines and urge you to make improving the transportation of hazardous materials by rail a top priority.

We have made progress in improving oil train safety in the years since the peak of crude-by-rail transportation volumes in 2013. However, oil train derailments in Wisconsin and other states since then reinforce the clear need to move forward with increased transparency for emergency responders, improved railroad operations and tank car replacement.

Congress passed the Fixing America's Surface Transportation (FAST) Act (P.L. 114-94) with broad bipartisan support in December 2015. The bill included a number of targeted rail safety reforms, and after it was signed into law, the Federal Railroad Administration worked quickly to implement a provision I authored requiring railroads to provide local officials with a public version of bridge inspection reports.

In April 2016, I wrote to then-Secretary Foxx to request information on the ongoing implementation of three other oil train safety reforms I worked to include in the FAST Act to increase safety and transparency along Wisconsin's oil train routes, including:

- Section 7302. Real-Time Emergency Response Information—Within one year of the FAST Act's enactment, DOT was required to issue regulations ensuring first responders have access to real-time hazmat train information before trains carrying hazardous materials enter local jurisdictions.
- Section 7307. Rulemaking on Oil Spill Response Plans—The FAST Act directed DOT to report to Congress on implementation of long-overdue rules requiring railroads to improve worst-case oil discharge response plans (Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains).
- Section 7310. Hazardous Materials Rail Liability Study—Within 120 days of the FAST Act's enactment, DOT was required to begin to a study on the appropriate levels and structure of insurance for railroads carriers transporting hazardous materials and submit a

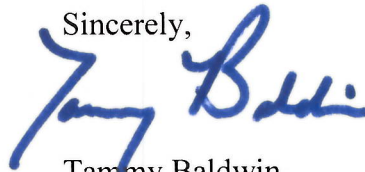
report to Congress, including recommendations, no later than a year after initiating the study.

Nearly two years after the FAST Act became law, these oil train safety reforms have yet to be implemented. I respectfully request that you move forward with these rulemakings and study without delay. I also ask that you provide me with an anticipated timeline for completion of each of the items above.

Finally, Congress mandated in the FAST Act that industry upgrade its rail tank car fleet to new safety requirements by phasing out tank cars built to lower safety standards. I encourage you to work with the rail industry and other stakeholders to ensure progress is being made to phase out old tank cars so that deadlines are met—if not exceeded. The faster DOT-111 and CPC-1232 tank cars are phased out of carrying crude oil, ethanol and other flammable liquids, the safer communities along oil train routes will be.

I appreciate your shared commitment to rail safety and look forward to continuing to work with you to ensure the safe transportation of hazardous materials.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tammy Baldwin". The signature is fluid and cursive, with a large initial "T" and "B".

Tammy Baldwin
United States Senator