



THE SECRETARY OF TRANSPORTATION

WASHINGTON, DC 20590

July 27, 2015

The Honorable William D. Euille
Mayor of Alexandria
301 King Street, Suite 2300
Alexandria, VA 22314

Dear Mayor Euille:

Thank you for your letter regarding the rail transportation of crude oil through the city of Alexandria, Virginia. In the letter, you provide comments and recommendations related to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Notice of Proposed Rulemaking (NPRM) titled "Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains" (HM-251). I appreciate your concerns about the safe transportation of crude oil by rail, specifically the transport of crude oil and other flammable liquids by rail in DOT-111 tank cars, as well as your desire for enhanced tank car standards, notification requirements, and oil spill planning requirements.

Since the date of your letter, PHMSA has issued an extensive final rule in the HM-251 proceeding (*See* 80 Fed. Reg. at 26644 (May 8, 2015)). The rule addresses the safe transportation of flammable liquids by rail, and during its development the Department took into consideration all comments received in response to the NPRM. The final rule, promulgated by PHMSA and the Federal Railroad Administration in coordination with Canada, focuses on safety improvements that are designed to prevent accidents, mitigate consequences in the event of an accident, and support emergency response.

Although the final rule does not adopt your specific recommendation to immediately ban the use of DOT-111 tank cars for all crude and ethanol service, the final rule establishes a standard for a new, enhanced tank car and an aggressive, risk-based retrofitting schedule for older tank cars carrying crude oil and ethanol. The rule requires a new braking standard for certain trains that will offer a superior level of safety by potentially reducing the severity of an accident and the "pile-up effect"; designates new operational protocols for trains transporting large volumes of flammable liquids, such as routing requirements, speed restrictions, and information for local government agencies; and provides new sampling and testing requirements to improve the classification of energy products placed into transport. This final rule is the latest addition to a list of nearly 30 actions that the Department has initiated over the last 19 months to strengthen and enhance the safe transport of crude oil and other flammable liquids.

Your letter recommends that railroads be required to provide local officials and emergency responders with emergency preparedness information and comprehensive oil spill response plans. In this regard, the Department's May 2014 Emergency Order will remain in full force and effect until further notice while the Agency considers options for codifying the disclosure

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requirement on a permanent basis.¹ The emergency order requires railroad carriers to provide the State Emergency Response Commissions (SERCs) for each State through which they operate trains transporting 1,000,000 gallons or more of Bakken crude oil, notification regarding the expected movement of such trains through the counties in the State. The Department fully supports the public disclosure of this information to the extent allowed by applicable State, local, and tribal laws. Moreover, longstanding Federal law requires shippers and railroads to maintain critical information necessary for emergency responders to respond appropriately to an incident involving the transportation of any hazardous material and to have someone available to provide emergency response information at all times during which a hazardous material is in transportation (*See* 49 CFR 174.26 and part 172, subpart G.)

The section of your letter requesting that railroads provide comprehensive oil spill response plans to local officials and emergency responders for trains carrying crude oil in those communities relates to an ongoing rulemaking proceeding, regarding the threshold quantity that would require a comprehensive response plan for the shipment of oil. A copy of your letter will be placed in the rulemaking docket for that proceeding (PHMSA-2014-0105) and will be considered in the Department's development of that rule.

Safety is my top priority, including addressing the increased rail transportation of flammable liquids. I believe the final rule discussed above is a significant improvement over current Federal regulations and will make the future rail transportation of flammable liquids safer. However, the Department is continuing to evaluate additional steps to appropriately address the safety of rail transportation in the United States, including any future actions on train speeds that may be necessary. I hope this information is helpful.

Sincerely,



Anthony R. Foxx

¹ *See* Mny 28, 2015, PHMSA Notice regarding Emergency Response Notifications for Shipments of Petroleum Crude Oil by Rail (available at www.phmsa.dot.gov).