

**Congress of the United States**  
**Washington, DC 20515**

July 1, 2014

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

Dear Secretary Foxx:

As members of the California Congressional Delegation, we are writing to voice our strong concerns over the increased shipment of crude oil by rail in our districts and the safety risks associated with this upsurge. Northern California is already seeing a significant increase in the movement of oil through our local communities, and the number of shipments is only expected to rise in the coming years. We commend the Department of Transportation (DOT) for its focus thus far on more information sharing, slower speeds, and reinforced railcars. As you know, the solutions for this important safety issue must be multi-pronged and implemented as quickly as possible, which requires a strong and coordinated effort by the federal government to achieve an effective solution.

We are especially concerned with the high risks involved with transporting lighter, more flammable crude in densely populated areas. Should spills or explosions occur, as we have seen over the last year, the consequences could be disastrous, costing lives, damaging property, and harming the environment. While we are pleased with the many actions that DOT has taken thus far and we believe that your agency is making steady progress, we must still emphasize the utmost importance of demonstrated compliance with federal regulations by the railroad and petroleum industries. We believe there must be accountability and comprehensive oversight, as well as adherence to the most stringent of standards.

We appreciate your agency's May 7<sup>th</sup> Emergency Order that requires carriers to provide State Emergency Response Commissions with advance notice because it is imperative that local emergency managers and first responders are given up-to-date information on what materials are being transported through their regions, when these transports are occurring, and where this crude oil will be stored. But, because improved coordination and communication between the oil companies, railroads, and emergency managers is so fundamental to the safe transport of highly flammable lighter crude, we request a full report on the level of compliance by the oil companies and railroads to date.

Additionally, we urge your agency to prioritize implementing solutions in an expeditious manner that we believe will better protect our communities. One such solution would remove a

significant amount of the volatile elements, flammable natural gas liquids (NGLs), from the crude before it is loaded onto rail cars and we understand that regulators are already considering this course of action. In order for industry to comply, they would need to build small processing towers known as stabilizers that shave off NGLs from crude before it is ultimately loaded for transport. Stabilizers are common in other parts of the country and we understand that this could also be feasible through equipment leasing. Because your agency has explicitly stated that all options are on table, we believe that requiring the petroleum industry to make lighter crude shipments by rail less volatile must be a part of the solution. And, although building infrastructure will require time and investment, industry experts have also publicly stated that stripping NGLs from lighter crude is a part of the equation for addressing railcar safety.

Furthermore, we believe that positive train control (PTC) advanced technology should be fully implemented as it is designed to automatically stop or slow a train before accidents can occur. Derailments must be avoided at all costs and PTC should be prioritized due to its accurate prevention of train-to-train collisions and derailments caused by excessive speed and unauthorized movement of trains. We believe that an expedited final rulemaking requiring full implementation of PTC is needed for those railroads that will be transporting lighter crude by rail through our communities.

Yet another solution that has been considered and in some cases the oil industry has initiated, is switching out older rail cars for new, retrofitted ones. We urge your agency to issue a rulemaking to require phasing out and retrofitting older tank cars that do not have the latest safety technologies installed in order to further minimize the impact of an explosion, if a derailment with lighter crude were to occur.

As all of these federal emergency orders and standards are being considered and final regulations are set to come out next year, we request that your agency provide us ongoing information regarding industry compliance and develop ambitious standards that will both prevent derailments and ensure that industry workers and communities are protected in cases where derailments do occur. We cannot allow communities to be in danger when viable solutions are available.

To sum up our requests, we would like your agency to:

- Provide a report on the level of compliance by the railroad and petroleum industry to the May 7<sup>th</sup> Emergency Order.
- Issue rulemaking that requires stripping out the most volatile elements from Bakken crude before it is loaded onto rail cars.
- Expedite the issuance of a final rulemaking to require the full implementation of PTC technology for all railroads transporting lighter crude and provide a status report on the progress of PTC implementation to date.
- Expedite the issuance of a rulemaking that requires phasing out old rail cars for newer, retrofitted cars.

We believe that we must be vigilant and put in place strict safety regulations that can adapt and meet the rapidly changing transportation and energy needs of our country. Thank you for your continued elevation of these important safety issues, and we look forward to working with you on this matter.

Sincerely,



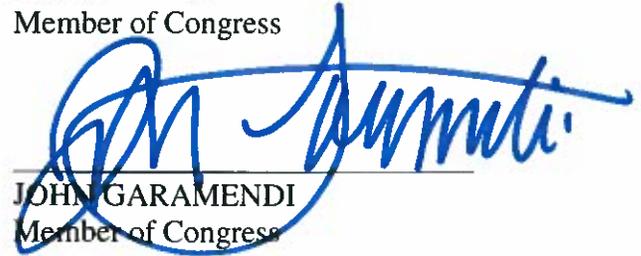
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