Congress of the United States
Washington, DC 20510

September 18, 2014

Secretary Anthony Foxx
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Administrator Cynthia Quarterman
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Foxx and Administrator Quarterman:

We write today to provide public comments on your notice of proposed rulemaking of August 1, 2014 titled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains." Over the past few years, the dangers facing Wisconsin communities located near rail lines has materialized quickly and we commend your work to draft such a wide-ranging rule with the intention of implementing it as quickly as reasonably possible. However, we believe several elements of the draft rule should be improved before final regulations are issued so that it will ultimately protect the many communities in Wisconsin that see oil trains pass through their towns as frequently as 70 times a week.

As you know, the transportation of crude oil by rail has grown from just 9,500 carloads in 2008 to more than 400,000 carloads in 2013, an increase of more than 4,000 percent. Additionally, about one million barrels of crude oil are produced each day from Bakken shale in North Dakota, and nearly 75 percent of that, or 700,000 barrels, is transported by train. As a result, Wisconsin has seen exponential growth in crude-by-rail traffic as oil moves from North Dakota to one of the 115 refiners located mostly along the Gulf Cost. This increase in the transportation of crude oil by rail has raised serious concerns in our towns and cities that are served by railroads. In light of the recent derailments in Casselton, ND, Aliceville, AL, and the fatal explosion in Lac-Megantic, Quebec from a train that, only days before, had passed through Wisconsin, our constituents are rightly concerned.

These catastrophes have illuminated the many areas ripe for improvement, as well as additional measures needed to be taken in order to ensure safety when transporting crude oil by train. As your own reports have demonstrated, Bakken oil, a light sweet crude oil, is much more volatile than most other types of oil. In fact, crude oil from the Bakken region poses such a significant fire risk if released from tank cars in an accident that it is required to be designated under the most serious hazard label. The dangers of Bakken crude oil are compounded by the obsolete DOT-111 tank cars that carry the oil, the railroads' outdated operational controls, and the lack of resources provided to first responders in our communities.

While the recently released proposed rulemaking for the transport of crude oil is a step in the right direction, we believe that further action is needed. We respectfully request that you take our

recommendations into consideration. As more and more volatile crude oil moves through Wisconsin via rail, it is critical that appropriate safety measures are in place to reduce the risk of deadly accidents.

I. Stabilization of Oil

Stabilization of crude oil is a process by which volatile molecules such as methane, ethane, propane, and butane are removed to make the liquid crude oil more stable, and thus, safer to transport. We request that the U.S. DOT require that crude oil be fully stabilized before it is shipped on our railroads. This requirement will improve the safety of high-hazard flammable trains by making the crude oil they carry less likely to ignite.

II. Tank Car Standards

The DOT-111 tank cars are antiquated and we would encourage you to phase these cars out more quickly than the proposed two year timeframe. We also have serious concerns about the replacement tank car options within the proposed rule. It is imperative that new tank cars contain thick shells, rollover protection, electronic controlled pneumatic (ECP) brakes, enhanced pressure release valves, and an insulating jacket to minimize risk should a tank car derail.

III. Operational Controls

Excessive speed and inadequate braking are common factors in train derailments. We believe that the operational speeds of high-hazard flammable trains (HFFTs) must consider that train's braking technology and tank car durability. If the tank car cannot reasonably withstand impact above a certain speed, then the train should not travel at that speed.

IV. Increased Transparency

We are pleased that the proposed rule contains a requirement that trains containing one million gallons of Bakken crude oil must notify State Emergency Response Commissions about the operation of their trains. However, we believe it is also important that our communities are aware of what is being shipped in their backyards. Therefore, we request that the final rules require robust transparency so local communities have the information they need in the event of a derailment.

Sincerely,

Tammy Baldwin
United States Senator

Ron Kind
Member of Congress