



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 30, 2014

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

Dear Secretary Foxx:

Today, the California Public Utilities Commission and the California Office of Emergency Services responded to the Department of Transportation's Notice of Proposed Rulemaking regarding the transportation of crude oil by rail (PHMSA-2012-0082 (HM-251)). Their comments raise many issues of critical importance to the State of California at a time when the volume of flammable liquids travelling unannounced through our communities is dramatically increasing. I support these comments in their entirety, and would like to highlight three issues in particular.

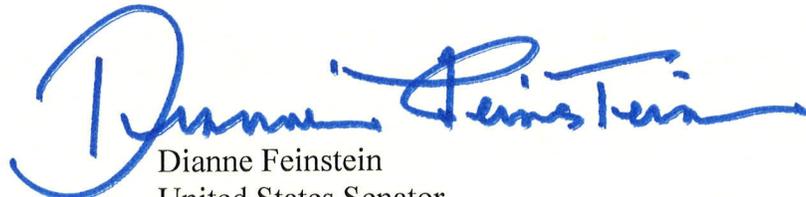
- First, I urge you to support the strongest tank car design option considered in the proposed rulemaking. This option includes a requirement for electronically controlled pneumatic brakes, which I understand can reduce stopping distances up to 70 percent and can mean that fewer cars are likely to derail in the event of a derailment. As railroads are now investing in new tank cars, both to replace the old DOT-111 design and to expand their crude oil capacity, they should be required to invest in the best available technology.
- Second, I ask that you use this rulemaking to extend the positive train control requirement to any route where there is a risk of collision with a train carrying flammable liquids that would imperil a population center, a sensitive habitat, or an area prone to wildfire. As the California Public Utility Commission noted both in their comments and in a letter sent to you in July, there may be routes that will be used to transport flammable liquids but are not otherwise required to implement positive train control absent a rulemaking or order from the Secretary of Transportation.
- Third, this rulemaking is an opportunity to provide necessary information to emergency responders. As I stated in my comments with Senators Wyden, Merkley and Boxer, the

Department's emergency order to require notification of flammable liquids was too narrow. The two California state agencies agree that the final rule should cover all similarly volatile liquids, including ethanol, regardless of the region of origin, even if transported at lower quantities. In addition, the agencies explain that some notifications provided under the existing emergency order have provided as little as a list of counties through which trains are historically routed. Complete information about actual routes is necessary for these notifications to help communities prepare for emergencies.

Strong, definitive safety regulations are necessary to protect lives and ensure that the investments in railcars now underway are an effective use of resources. I appreciate your Department's efforts to prepare these regulations, and I encourage you to put in place the strongest possible safety protections.

I appreciate your thoughtful consideration of these concerns, and I look forward to working together on this issue.

Sincerely,



Dianne Feinstein
United States Senator