



U.S. Department
of Transportation

**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 17 2015

The Honorable Edward R. Hamberger
President and Chief Executive Officer
Association of American Railroads
425 Third Street, SW
Washington, DC 20024

Dear Mr. Hamberger:

In recent years, the production and transportation of domestic crude oil by rail has increased dramatically. Since the increase began the United States Department of Transportation (DOT) (including the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA)), has been exceptionally focused on ensuring that the crude oil is shipped safely and efficiently throughout the United States. Safety is a shared responsibility, which is why DOT has engaged and continues to engage all of its stakeholders in its effort to raise the safety bar when it comes to the shipment of crude oil by rail.

Over the past two and a half years, DOT has taken more than two dozen actions (including the February 2014 voluntary commitments made by the Association of American Railroads (AAR) and its members) to address the safety issues presented. You have confirmed that your members have implemented all of these commitments, which has had a positive impact on safety. We appreciate the important contributions that AAR and its members have made to improving safety, but we can and must do more together to address continuing safety concerns.

In light of the recent derailments involving trains transporting large volumes of flammable liquids and the compelling need to respond quickly and effectively, FRA requests that AAR and its member railroads voluntarily make an additional commitment to ensure that certain relevant information (described below) is made available to FRA and emergency responders immediately following a derailment of a High Hazard Flammable Train (HHFT) (*i.e.*, a train comprised of 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or 35 or more loaded tank cars of a Class 3 flammable liquid across the entire train). This would include information related to the lading, tank cars, and trains involved in the derailment or accident. FRA would expect that such information would be available upon request by the FRA or other personnel initially responding to an incident involving a HHFT.

The information will help inform both FRA's response strategy as well as enable early evaluation of compliance by the entities associated with the offering and movement of the materials and equipment involved in the incident.

Longstanding Federal law requires railroads and offerors to carry critical information necessary for emergency responders to respond appropriately to an incident involving the transportation of hazardous materials. PHMSA recently issued a safety advisory reminding the industry of this requirement (see attached). Longstanding Federal law also requires railroads to provide information about accidents to FRA and PHMSA. While this information is certainly important to emergency responders, FRA and PHMSA have determined that they need additional information in real time to (1) help emergency responders understand risks at a derailment site; (2) better identify and understand the potential causes of the incident; (3) assess the need for enhanced safety measures; and (4) evaluate compliance with applicable safety regulations. Indeed, FRA's experience with recent derailments indicates that this type of information could be helpful in numerous respects but is not always readily available. For example, knowing the tank car specification and whether that tank car is equipped with thermal protection may affect the firefighting strategy. As such, FRA and PHMSA today issued the attached joint safety advisory requesting AAR to make additional information available.

Accordingly, FRA is requesting that the AAR and its member railroads develop a process for the railroads to gather, organize, and store various information on HHFTs so that, upon request of FRA or emergency responders, they can provide that information in the timeframes noted below. This process should include a contact number for each railroad that is tied directly to personnel (not an answering service or voice mail system) with immediate access to real-time specific information regarding any train involved in a derailment that consists of a solid block of 20 or more loaded tank cars of flammable liquid or 35 or more such loaded tank cars located throughout the train. All information should be provided in a clear and decipherable manner and format. For example, relevant safety features of tank cars, such as thermal protection, should be specifically identified. All information should be deliverable in electronic format and readable by standard computer programs or cell phone and tablet applications.

FRA is tailoring the request so that the most relevant information related to the specific train and equipment would be immediately available to emergency responders, with secondary information regarding the history of the train and the flammable materials being made available to FRA soon after an incident occurs. At a minimum, FRA requests that the following information to be provided within the time frames specified below.

At the time of initial contact by FRA or an emergency responder to the railroad contact number, the following information should be immediately available to FRA or the emergency responder:

- Information on the train consist, including the train number, locomotive(s), locomotives as distributed power, end-of-train device information, number and position of tank cars in the train, tank car reporting marks, and the tank car specifications and relevant attributes¹ of the tank cars in the train.
- Waybill (origin and destination) information.
- The Safety Data Sheet(s) or any other documents used to provide comprehensive emergency response and incident mitigation information for Class 3 flammable liquids.

Within 90 minutes of initial contact by FRA to the railroad contact number, the following information should be available to FRA:

- Results of any product testing undertaken prior to transportation that was used to properly characterize the Class 3 flammable liquids for transportation (initial testing).
- Results from any analysis of product sample(s) (taken prior to being offered into transportation) from tank car(s) involved in the derailment.
- Date of acceptance as required to be noted on shipping papers under 49 CFR § 174.24.
- If a flammable liquid is involved, the type of liquid and the name and location of the company extracting the material².
- The identification of the company having initial testing performed (sampling and analysis of material) and information on the lab (if external) conducting the analysis.
- Name and location of the company transporting the material from well head to loading facility or terminal.
- Name and location of the company that owns and that operates the terminal or loading facility that loaded the product for rail transportation.
- Name of the Railroad(s) handling the tank car(s) at any time from point of origin to destination and a timeline of handling changes between railroads.

FRA recognizes that the railroads may need time to develop this process, and FRA is willing to work with the AAR and its members to more fully develop what the process may entail. FRA is hopeful that these processes can be in place within 30 days of this request. FRA requests a meeting with AAR within that 30-day period to discuss implementation.

DOT, FRA and PHMSA are committed to continuously improving the safety of transporting flammable liquids by rail and believe that a process for ensuring the sharing of important safety information identified above is an important action toward ensuring that continuous safety improvement. I also believe that the AAR and its members share this commitment and

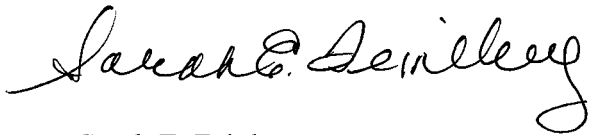
¹ Relevant attributes include information related to thermal protection, shell and head thickness, steel specification and grade, head shield, and pressure relief valve setting.

² For a manufactured flammable liquid the manufacturer will be identified on the SDS.

look forward to working with you and your member railroads in implementing this process. Furthermore, DOT, FRA and PHMSA, in partnership with all industry stakeholders, will continue to explore ways to enhance the safety of the transportation of HHFTs to ensure the safety of the American people.

Please feel free to contact Robert Lauby, FRA's Associate Administrator for Railroad Safety and Chief Safety Officer, to further discuss this request and for any assistance that AAR or its member railroads may need to develop this important action.

Sincerely,

A handwritten signature in cursive script, reading "Sarah E. Feinberg". The signature is written in black ink and is positioned above the printed name.

Sarah E. Feinberg
Acting Administrator