



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

Administrator

1200 New Jersey Avenue, SE  
Washington, DC 20590

**FEB 11 2014**

The Honorable Heidi Heitkamp  
United States Senate  
Washington, DC 20510

Dear Senator Heitkamp:

Thank you for your letter of January 8, 2014, to the Federal Railroad Administration (FRA) regarding your concerns about railroad safety as a result of a BNSF Railway (BNSF) train derailment and the release of hazardous materials (specifically, crude oil) near Casselton, North Dakota. I enjoyed meeting with you in your office and discussing ways to improve the safety of rail transportation in North Dakota and look forward to partnering with you in that effort going forward.

Our investigation and safety assessment of this BNSF rail line in Cass County, North Dakota, is ongoing. There were four previous derailments on this BNSF rail line in the past 9 years, two of which were track-caused (misalignment near Casselton and a broken rail near Page, North Dakota) in 2005 and 2008, respectively. The other two derailments were equipment-related.

The FRA compiled inspection activities specific to your concerns. From 2006 to 2013, FRA track inspectors conducted an average of 3 switch observations and inspections per year on switch points and turnouts, and an average of 24 inspections per year directly related to all aspects of track safety on BNSF in Cass County. Overall, in North Dakota, since 2006, our regional inspectors have conducted 3,822 track inspections; cited 13,141 defects that were not in compliance with the Track Safety Standards; and written 721 violations against BNSF. FRA will continue to aggressively monitor the BNSF maintenance program.

In addition, on July 10, 2013, FRA operated an Automated Track Inspection Program (ATIP) vehicle from Dilworth, Minnesota, to Mandan, North Dakota, to determine compliance with Federal regulations governing track geometry, i.e., wide gage, alignment, and track surface. The ATIP reports disclosed 11 exceptions over the 202 miles tested, resulting in issuing citations for correction. We addressed these safety issues with the track owner and conducted re-inspections to ensure compliance. FRA plans to reschedule another automated inspection later this year.

The FRA reexamined its requirements for securing trains and vehicles on main track and mainline sidings outside of a yard or terminal in the aftermath of the catastrophic July 6, 2013, accident in Lac-Mégantic, Quebec, Canada, involving loaded tank cars containing petroleum crude oil. FRA developed the *Safety Action Plan for Hazardous Materials Safety* that is accessible on our Web site at: <http://www.fra.dot.gov/eLib/details/L04721> and includes Emergency Order 28, which was issued to all railroads securing and transporting hazardous materials.

I appreciate your interest in this matter and look forward to working with you on this and other transportation issues of importance to you and your constituents. If you need further assistance, please contact Mr. Nathan Robinson, Director of Congressional Affairs, at (202) 493-6022 or [Nathan.Robinson@dot.gov](mailto:Nathan.Robinson@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Szabo". The signature is written in a cursive, flowing style.

Joseph C. Szabo  
Administrator