

Senator Heitkamp's Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Act

According to the Association of American Railroads, the number of railcars carrying crude oil on major freight railroads in the U.S. grew by more than 4,100 percent between 2008 and 2013 and continued to increase in 2014. Due to the potential risks of a derailment associated with increased crude oil transported by rail in North Dakota and across the country, there is a need to bolster the training, coordination and capability of our Nation's first responders to hazardous materials incidents that may occur on the national rail system. We know that many big cities, states and the Federal government have the training, capability and resources to respond to a hazmat incident on our railways. However, for the first few hours, the closest response is frequently from our small-town firefighters, police officers and medical personnel. We saw this very clearly in December 2013 during the derailment of a train carrying crude oil near Casselton, North Dakota – a town of nearly 2,500 people. The Casselton firefighters were the first to respond. In February of 2015, a train carrying crude oil derailed outside of Montgomery, West Virginia. Local first responders evacuated hundreds of families and ordered the temporary shutdown of a nearby water treatment facility, fearing contamination of the water supply.

Less than five years ago, a small number of oil cars were mixed in with other commodities on trains traveling through our communities a few times per day, mitigating the risk of a significant incident. Now, given the energy boom in North Dakota and the United States, and the heavy reliance on rail as a mode of transportation, these small communities are seeing up to nine trains come through per day with more than 100 linked crude oil cars per train. We must provide our small cities and local first responders with proper training and resources so that, if needed, they can respond appropriately to derailments, spills, and other dangerous situations resulting from a crude-by-rail or hazardous material derailment in their communities.

Senator Heidi Heitkamp's RESPONSE Act would establish a subcommittee under FEMA's National Advisory Council to address these issues. The RESPONSE Subcommittee would be tasked with bringing together all the relevant agencies, emergency responders, technical experts and the private sector for a review of training, resources, best practices and unmet needs related to emergency responders to railroad hazmat incidents. All flammable hazmat response to railroad incidents would be within the scope of the Subcommittee, but, given the potential increased risk associated with a derailment involving delivery of crude oil, there is a particular focus on crude oil transport by rail.

Upon formation, the Subcommittee would evaluate and provide recommendations within 12 months on emergency responder training and resource allocation. These include addressing:

- Quality and application of training for local emergency first responders related to rail hazardous materials incidents, with a particular focus on local emergency responders and small communities near railroads;
- Effectiveness of funding levels related to training local emergency responders for rail hazardous materials incidents, with a particular focus on local emergency responders and small communities;
- Strategy for integration of commodity flow studies, mapping, and access platforms for local emergency responders and how to increase the rate of access to the individual responder in existing or emerging communications technology;
- The need for emergency response plans for rail, similar to existing law related to maritime and stationary facility emergency response plans;
- Development of a train incident database; and
- Increasing access to relevant, useful, and timely information for the local emergency responders.