

United States Senate

WASHINGTON, DC 20510

September 30, 2014

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

Re: PHMSA-2012-0082 (HM-251): Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains

Dear Secretary Foxx:

We write to urge the Department of Transportation (DOT) to finalize its railroad tank car safety rule as soon as possible to help ensure the safe transport of crude-by-rail through communities across North Dakota and our country. We also urge that the DOT works to mitigate accidents, ensures first responders are adequately prepared, and that there is certainty in the market for shippers and carriers.

The recent derailments, including in Casselton, ND, highlighted the importance of crude-by-rail safety. We have pushed the Department to meet with all of the relevant stakeholders to develop and finalize this new rule. It is vitally important that our communities are safe and that we have a practical solution that will help prevent future accidents.

Our nation is experiencing an energy renaissance in large part because of what is happening in North Dakota. We need to continue to develop our nation's infrastructure to move our goods throughout the country. All modes of transportation will be needed, including rail, pipelines, barges and roads. North Dakota currently produces over one million barrels of oil a day and about sixty percent of that crude moves by rail. We need more pipelines, but we also need safe and efficient rail capacity.

It is important the new rule increases safety, is efficient and workable. In order to do that, this regulation must take a reasoned, scientific approach to safety. We need to ensure rail service is efficient and that industry has the capacity to implement the regulations in a way that allows for the continued safe movement of goods—whether it be building new tank cars or retrofitting existing cars.

While we defer to the Department and experts on the specifics for new standards, it is essential that they ensure the maximum amount of safety without imposing requirements which may cause delay in implementation without increasing safety.

We will continue to work to make sure our nation's rail service is as safe and efficient as possible, and we urge you to do your part by finalizing the railroad tank car rules that meets our nation's needs.

Sincerely,



John Hoeven
United States Senate



Heidi Heitkamp
United States Senate