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News

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Contact: FRA Public Affairs Office
Tel.: (202) 493-6024
frapa@dot.gov

Federal Railroad Administration to Railroads: Notification of Crude Oil Trains to States Must Continue

Requirement remains in full force, will be made permanent

WASHINGTON – The Federal Railroad Administration (FRA) today sent a letter again instructing railroads transporting crude oil that they must continue to notify State Emergency Response Commissions (SERCs) and Tribal Emergency Response Commissions (TERCs) of the expected movement of Bakken crude oil trains through individual states and tribal regions. Since May 2014, trains with 1,000,000 gallons or more of Bakken crude oil – approximately 35 tank cars – are subject to the notification.

“Transparency is a critical piece of the federal government’s comprehensive approach to safety,” U.S. Transportation Secretary Anthony Foxx said. “DOT is committed to making certain that states and local officials have the information they need to prepare for and respond to incidents involving hazardous materials, including crude oil. The Emergency Order that requires these notifications still stands, and we expect railroads to fully comply.”

The requirement, part of an [Emergency Order issued in May 2014](#), also directs railroads to include estimated volumes of crude oil, the frequency of anticipated train traffic, and the route the crude oil will be transported. Contact information for at least one individual at the host railroad must be provided as well. In May, the Department of Transportation (DOT) announced that it would make the notification requirements of the Emergency Order permanent.

“We strongly support transparency and public notification to the fullest extent possible,” said FRA Acting Administrator Sarah Feinberg. “Railroads transporting crude oil must continue to provide the information required by the Emergency Order to SERCs and to update notifications in a timely manner. FRA will continue with random spot checks and regular compliance audits to ensure that states, local communities, and first responders have the information necessary to respond to a possible accident. FRA will take enforcement actions as necessary to ensure compliance.”

Earlier this year, the Department of Transportation (DOT), released its comprehensive rule that raises the bar on the safety of transporting crude oil by rail. The rule requires stronger tank cars and 21st century electronically controlled pneumatic (ECP) brakes that activate simultaneously on all tank cars, reduce the distance and time needed for a train to stop, and keep more tank cars on the track if a train does derail.

Read the letter below:

The U.S. Department of Transportation (DOT), including the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA), has made enhancing the safety of rail transportation of crude oil one of its top priorities. And we have improved safety by convening the railroad and energy industries, undertaking and completing a comprehensive rulemaking, and executing multiple safety advisories and emergency orders.

In all of these efforts, we have worked closely with all of you, the energy industry, Congress, and other stakeholders. When accidents have occurred, we have partnered with you, local first responders, states and others to respond quickly, provide resources, and lead or support investigations that hold many lessons and solutions to increase safety. FRA firmly believes that safety is a shared responsibility. That is why we have engaged, and will continue to engage, with your company and all stakeholders to raise the bar on safety.

In addition to establishing stronger tank car standards and requiring 21st century electronically controlled pneumatic (ECP) brakes, one of our efforts has been to ensure that critical information is provided to first responders and other local and state officials about the shipment of hazardous materials, including crude oil, through their states. Responsibly sharing this information is crucial for first responders to act quickly and to allow state and local officials to develop accurate, quality emergency plans. While federal, state, local, and tribal laws may place certain limitations on the nature and extent of information that can be shared with the public, we strongly support transparency and public notification to the fullest extent possible. And we understand the public's interest in knowing what is traveling through their communities.

As you will remember, on May 7, 2014, DOT issued an Emergency Order requiring railroads to notify State Emergency Response Commissions (SERCs) and Tribal Emergency Response Commissions (TERCs) of the expected movement of 1,000,000 gallons or more of Bakken crude oil in a single train through the state. The emergency order required that railroads update SERCs and TERCS when a significant increase or decrease—25 percent or more in the number of trains per week—in an estimate occurs. Although the preamble to the May 2015 final rule contemplated that the Emergency Order would end in early 2016, the Department has since announced that the Emergency Order will remain in full force until DOT makes the notification requirements permanent through rulemaking. To be clear: railroads transporting crude oil must continue to provide the information required by the Emergency Order to SERCs. These notifications should also be updated in a timely manner, as specified in the order and subsequent frequently asked questions. FRA will continue with random spot checks and regular compliance audits to ensure that states, local communities and first responders have the

information necessary to respond to a possible accident. FRA will take enforcement actions as necessary to ensure compliance.

I look forward to continuing to work with you to ensure that state, local and tribal officials and emergency responders have all the information they need to be prepared for and respond to any accident involving crude oil and other hazardous materials.

If you require additional information, please contact me or Karl Alexy, hazardous materials division staff director, at (202) 493-6245 or via email at: john.alexey@dot.gov.

Sincerely,

*Sarah Feinberg
Acting Administrator
Federal Railroad Administrator
U.S. Department of Transportation*

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