

Congress of the United States
House of Representatives
Washington, DC 20515-4803

February 19, 2015

Secretary Anthony Foxx
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, D.C. 20590

Director Shaun Donovan
Office of Management and Budget
725 17th St. NW
Washington, D.C. 20503

Dear Secretary Foxx and Director Donovan:

Fayette County, W.Va., witnessed this week an extremely dangerous train derailment. A 109-car CSX freight train, transporting flammable crude oil from the Bakken region in North Dakota, derailed on its route near the Kanawha River. This week, I met with first responders and officials to review the accident site and personally thank them for their tremendous response efforts in below-freezing temperatures. As I stood on the bank of the Kanawha River, I saw firsthand the still-smoldering wreckage of more than a dozen mangled train cars. If this train had derailed just a few hundred yards ahead, it would have resulted in tragedy for the community of Adena.

Fortunately, only one injury has been reported, crude oil has not been detected in the Kanawha River, and water intake facilities downstream have reopened. However, I join with many residents and community leaders in remaining distressed by this incident and anxious that a similar crash could possibly happen again.

While the cause of the accident remains under investigation, questions persist regarding the safety of the tank cars involved in the Fayette County derailment. The volume of petroleum products shipped by rail has increased dramatically in the past few years, and the U.S. Department of Transportation has a duty and responsibility to advance the requisite rules, regulations and oversight to ensure these materials are transported safely. I appreciate that the relevant federal agencies have already begun investigating this derailment and urge them to work together in the process. The people of West Virginia deserve a full, comprehensive and complete review of this derailment so we can learn how this incident occurred and how the possibility of future accidents can be prevented.

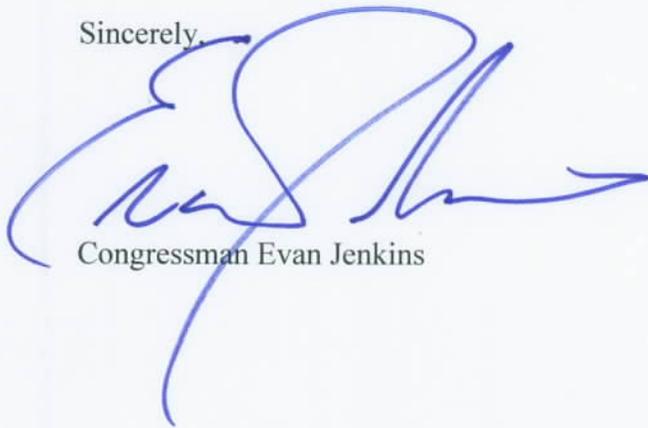
The public also deserves transparency into how the administration is responding to tank car safety concerns. It is my understanding that the DOT has been working since 2011 on a comprehensive rule addressing the rail tank car standards for hazardous materials. Four years is

far too long for such an urgent safety priority. Congress has consistently recognized the need for such a rule, including a directive for the DOT to “finalize DOT-111 tank car design regulations no later than January 15, 2015” in the Consolidated and Further Continuing Appropriations Act of 2015.

Despite carrying past this deadline, I am glad to see that the DOT eventually submitted a final rule package to the Office of Management and Budget. I urge the DOT and the OMB to prioritize completion of this rule, the *Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains*. I ask that you work expeditiously with all of the resources at your disposal to advance the rulemaking process at the OMB. The foot-dragging on this rule must stop – it deserves to be finalized and released by the administration as soon as possible.

The citizens of southern West Virginia – and across the nation – deserve reasonable regulatory safeguards to protect lives and property. As the congressional representative of Fayette County, I stand ready to assist you and other federal agencies in your investigation and with commonsense proposals that ensure the safety of our transportation infrastructure and the people of the 3rd Congressional District. It must be made an immediate priority to provide regulatory certainty for the transportation of hazardous material by the rail industry and reassure our nation’s citizens that appropriate safeguards are in place.

Sincerely,



Congressman Evan Jenkins