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The Honorable Shaun Donovan
Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

February 20, 2015

Dear Director Donovan:

I write with deep concern about the safety of CPC-1232 tank cars used to haul crude oil across North America. Recent crude-by-rail accidents involving these cars demonstrate the importance of ensuring that CPC-1232's are quickly upgraded to a higher safety standard. As the Office of Management and Budget (OMB) considers regulations to improve the safety of hazardous material shipments on railroads (Docket No. PHMSA-2012-0082 (HM-251)), please ensure that safety concerns regarding CPC-1232 cars are addressed in a final rule.

Oil train accidents over the weekend in Mount Carbon, West Virginia, and rural Ontario raise new concerns about supposedly safer CPC-1232 tank cars that must be acted on quickly. Both accidents involved trains that were transporting crude oil in CPC-1232 cars, which meet criteria set by the Association of American Railroads in Casualty Prevention Circular 1232. These cars have been the industry standard since 2011, and were intended to improve upon older DOT-111 cars that the National Transportation Safety Board (NTSB) first identified as unsafe in 1991.

Thousands of CPC-1232 cars are already in service, and by the end of 2015 that number could grow to more than 55,000, according to comments filed with the Department of Transportation (DOT) by the Railway Supply Institute. The accidents and growing number of cars underscore that every day of delay without new and comprehensive safety standards for the shipment of crude oil, ethanol and the 70-plus other Class 3 hazardous materials pose severe risks to Oregon communities, and others across the country.

The CPC-1232 cars have been involved in at least five accidents that have resulted in leaks, tank ruptures, spills, fires and/or explosions since January, 2014. Both the West Virginia and Ontario crude-by-rail accidents resulted in spills and catastrophic fires that, according to press reports, continued burning for more than 24 hours. Furthermore, these same cars ruptured in crude-by-rail accidents resulting in major spills in 2014 in Lynchburg, Virginia, and New Augusta, Mississippi. A fifth accident in Plaster Rock, New Brunswick, resulted in oil leaking from the valve of a CPC-1232 car.

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Concerns about the CPC-1232 car have been raised over the last year by the NTSB, the government's transportation safety watchdog. In testimony to the Senate Appropriations Committee on April 9, 2014, then-Chairwoman Deborah A.P. Hersman stated in regard to the CPC-1232 cars that the NTSB "is not convinced that these modifications offer significant safety improvements" over DOT-111 cars. In comments regarding tank car safety addressed last year to DOT, the NTSB specifically raised concerns that certain versions of these cars do not require a jacket or thermal protection, and that none are equipped with full-height head shields.

I encourage the OMB to heed such statements and warnings by the NTSB. With serious accidents involving CPC-1232 cars continuing to occur, OMB should consult with the NTSB and DOT to ensure that a final rule addresses the safety of all tank cars carrying flammable liquids, not just DOT-111 cars.

Thank you for your attention to this important matter.

Sincerely,


Ron Wyden
United States Senator

Cc: The Honorable Anthony Foxx, Secretary, U.S. Department of Transportation
Christopher A. Hart, Acting Chairman, National Transportation Safety Board