

United States Senate

WASHINGTON, DC 20510

October 15, 2018

Matthew K. Rose
Executive Chairman
BNSF Railway and Burlington Northern Santa Fe, LLC
500 New Jersey Avenue, NW, Suite 550
Washington, DC 20001

Dear Mr. Rose,

We are writing today to ask how you plan to respond to the Trump administration's rescission of rules that would ensure trains carrying hazardous material have adequate and updated braking systems.

Too often our constituents in the Pacific Northwest have seen trains carrying crude oil crashing within and around their communities. We have seen these trains crash near school buildings, small businesses, and homes, causing extensive damage to communities and putting our environment at risk, including sources of drinking water as well as river habitats that house endangered fish species. Our constituents, many of whom live, work, or go to school in the vicinity of rail lines that carry hazardous materials, need to know that their safety is being protected.

Last month, the Trump administration rolled back rules that would require the installation of electronically controlled pneumatic (ECP) braking systems by 2021. Those rules were put into place after several destructive oil train crashes across the United States, including one in the Columbia River Gorge. As the reasoning behind the roll back the Pipeline and Hazardous Materials Safety Administration (PHMSA) cited the cost of installing the breaks outweighed the benefit. To us this seems to be simply prioritizing corporate profits over safety.

In light of these rollbacks, we would like to get an update on BNSF's plan to upgrade their braking systems, regardless of the current regulatory atmosphere. Please provide us the following information;

- How many trains carrying crude oil in Oregon and Washington have ECP brakes installed? And how many do not?
- What percentage of trains carrying crude oil through Oregon and Washington have ECP brakes?
- Does the rollback of this rule impact your purchasing of new railcars with ECP brakes? If so, how?


- Please provide us any and all updates on how your company is working to keep trains carrying hazardous materials safe.

The crude oil train crash near Mosier, Oregon, and the Columbia River makes the necessity for increased safety standards clear, particularly when trains are carrying hazardous material, crude oil or ethanol. We can all agree that we want to prevent these tragedies, and we are committed to working with all of you to keep our communities and our environment safe. Please respond to our request as soon as possible.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator