

# Congress of the United States

Washington, DC 20515

February 24, 2023

Hon. Pete Buttigieg  
Secretary of Transportation  
1200 New Jersey Ave. SE  
Washington, DC 20590

Dear Secretary Buttigieg:

We write to urge you and the Pipeline and Hazardous Materials Safety Administration (PHMSA) to take the necessary regulatory steps to suspend the rule promulgated by the Trump Administration with regard to the transportation of Liquefied Natural Gas (LNG) by rail.

The recent derailment of a train carrying hazardous vinyl chloride through the Ohio-Pennsylvania border town of East Palestine demonstrated the safety risks associated with transporting hazardous materials by rail. As you know, the derailment led to life-threatening evacuations of residents in Ohio and Pennsylvania and serious environmental and health related concerns for the surrounding community. We believe this derailment further demonstrates that any regulation governing hazardous transport must be developed in a manner that carefully analyzes safety risks and creates protections for communities through which trains travel and the workers who operate the railroad and respond to accidents on it.

This issue is of particular concern due to proposals to utilize freight rail lines in our districts to transport LNG by rail, such as LNG terminals in the Delaware Valley to which LNG would be delivered by rail if they are built. The rail lines on which the LNG would travel pass through densely populated areas, creating even more risks of catastrophic impacts.

In promulgating its LNG-by-Rail rule, we believe the Trump Administration did not perform the necessary analysis or propose adequate safeguards for the rail transportation of LNG-by-Rail. In a comment<sup>1</sup> posted to the PHMSA docket in 2021, then-Pennsylvania Attorney General Josh Shapiro joined fourteen other state Attorneys General in pointing out the following deficiencies with the Trump Administration's rule:

- Flawed and Incomplete Safety Assessment – the rule was issued before a PHMSA/Federal Railroad Administration task force had completed its safety reviews.
- Lack of Greenhouse Gas Impacts Review – the limited analysis of environmental consequences included in the rule did not meet the standard for review required by NEPA.
- No Review of Impact on Communities of Concern – The Trump Administration conducted no review of the impact of LNG-by-Rail on Low-Income, Minority, Underserved, and Disadvantaged Communities.

This lack of adequate analysis of safety and environmental risks was coupled with inadequate review of equipment and safe operation protocols. In its own comment<sup>2</sup> to the PHMSA docket, the Transportation Trades Department of the AFL-CIO pointed out that the Trump Rule did not adequately analyze the operational safety of the kind of tank cars proposed as the means to transport LNG. They also noted that PHMSA failed to complete an analysis of the availability of training resources for emergency responders who would have to respond to an accident on the rails. The National Transportation Safety Board commented<sup>3</sup> on the original

<sup>1</sup> <https://www.regulations.gov/comment/PHMSA-2021-0058-7044>

<sup>2</sup> <https://www.regulations.gov/comment/PHMSA-2021-0058-7058>

<sup>3</sup> <https://www.regulations.gov/comment/PHMSA-2018-0025-0078>

proposed Trump rule and likewise pointed out that it did not adequately analyze the safety of the rail cars that would carry the LNG and also did not require railroads to adopt adequate operational controls to help prevent accidents.

We applaud you and PHMSA for taking the initial steps in the early days of the Biden Administration to suspend temporarily the LNG-by-Rail rule and your subsequent action to propose its permanent suspension. We urge you to finalize that suspension. Taking this action will allow PHMSA to conduct adequate reviews of risks and to develop the necessary equipment standards, operational controls and accident response protocols so that our communities are protected.

Thank you for your attention to this matter and for your work to improve rail safety and prevent future transportation incidents.

Sincerely,



Chrissy Houlahan  
Member of Congress



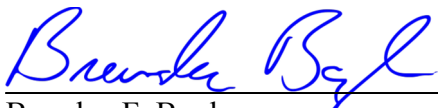
Dwight Evans  
Member of Congress



Madeline Dean  
Member of Congress



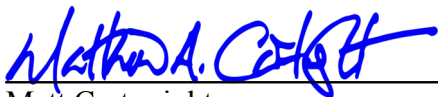
Mary Gay Scanlon  
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Brendan F. Boyle  
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Susan Wild  
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Matt Cartwright  
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