

THE SENATE
STATE OF NEW YORK



TIMOTHY M. KENNEDY
SENATOR, 63RD DISTRICT

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December 12, 2013

Commissioner Joan McDonald
NYS Department of Transportation
Main Office
50 Wolf Road
Albany, NY 12232

Dear Commissioner McDonald:

In light of a recent derailment incident in Cheektowaga, I write to request that the New York State Department of Transportation conduct a thorough review of the state's freight rail procedures and emergency preparedness. On December 10, five rail cars carrying crude oil to Philadelphia derailed. Three of these cars flipped over, while two remained upright. We were very fortunate that no oil was spilled, and there were no injuries or loss of life. However, in light of recent incidents such as the disaster that occurred last year in Lac-Mégantic, Quebec, this type of accident must be taken very seriously.

Buffalo and Cheektowaga are densely populated residential areas that are seeing more and more trains carrying crude oil travel directly through their neighborhoods every year. This is not the first time we have seen a tanker car derail in Western New York – a similar situation occurred on the East Side of Buffalo earlier this year when several cars carrying ethanol derailed. If residents are to feel comfortable with this sort of cargo going through their backyards, they must have reassurances that the errors that led to these recent derailments will not happen again. I implore you to make this review a top priority, and for it to be conducted with as much transparency and public input as possible.

As U.S. Senator Charles E. Schumer pointed out earlier this year when he visited Cheektowaga, the rail cars that are generally used to transport oil through New York State are the same design, DOT-111, as the ones that exploded in Quebec, and we must take every accident involving this model, no matter how minor, very seriously. I am sure you understand why my constituents and I take this issue so seriously.

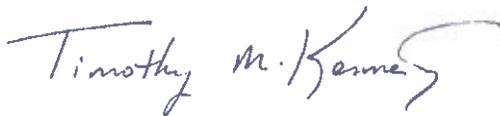
In recent months, the state has seen a dramatic increase in the volume of crude oil shipped through New York State by ship and rail. Oil fields in Canada and the Midwest are producing

thousands and thousands of barrels of oil every day, and about 100 to 200 DOT-111 cars carrying crude oil and between 80 and 100 cars carrying ethanol pass through Buffalo and Western New York each day, according to published reports. This growth has certainly led to an increase in jobs, which is a great boost to the local economy, but we should also make sure the state is implementing appropriate safety measures. Freight rail lines transporting crude oil stretch through wide swaths of Upstate New York, and it is essential that appropriate safety procedures are in place to ensure tragedies are prevented and the state is prepared to respond in the case of an emergency.

In light of this surge in rail activity, I believe you must review the state's protocols governing crude oil and other flammable materials transported by freight rail across Upstate New York and ensure proper precautions and procedures are in place to prevent or respond to emergencies. New Yorkers need to know that their communities will be kept safe, and, should the unexpected happen, that the state is well-prepared to take action quickly and appropriately.

Again, this review must be thorough, speedy, and ought to take into account the safety of rail workers and residents alike. Thank you for your attention to this important matter. If I can be of assistance or if you have any questions, please contact me in my district office at 716.826.2683.

Sincerely,

A handwritten signature in cursive script that reads "Timothy M. Kennedy". The signature is written in dark ink and is positioned above the printed name.

Timothy M. Kennedy
New York State Senator, 63rd District