

ULSTER COUNTY EXECUTIVE

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March 14, 2023

The Hon. Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Hon. Amit Bose
Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary Buttigieg and Administrator Bose:

As chief elected officials in Ulster County, New York, we write to you out of deep concern about the inadequacies in federal regulation governing the transport of hazardous materials by rail. The devastating recent events in East Palestine, Ohio, have brought renewed attention to the potential dangers to public health and the environment associated with the shipment of chemicals, liquified natural gas, and other hazardous materials through our communities, and the public is justifiably worried that a similar catastrophe could just as easily happen here.

Ulster County is located in New York's Hudson Valley, an area of nationally-recognized scenic beauty and natural resources, and is home to over 182,000 people. Thirty-eight miles of West Shore Rail Line run through seven municipalities in the county, including our most densely developed urban cores and 13 miles of track on the shores of the Hudson River. On an annual basis, more than 25 million tons of freight, including crude petroleum, waste, industrial chemicals, motor vehicles, and other goods and materials are transported through these communities. Nearly 200 trains pass over 30 at-grade rail crossings every week.

In our community, as in many others across the nation, rail infrastructure is inadequately maintained and presents unacceptable risks and hazards. Over the years, our communities have documented many concerning conditions, including unsafe bridges, dilapidated crossings, and dangerous track conditions. These conditions have been communicated to the New York

State Department of Transportation (NYSDOT) and FRA in the past by local groups and municipal leaders, as well as by our federal representatives.

The dangers of neglected maintenance are only compounded by the increase in hazardous chemicals and products being shipped by rail. The U.S. Department of Transportation's Pipeline and Hazardous Materials Administration estimates that hazardous materials comprise 12 percent of all freight tonnage. Nationally this equates to approximately 3.3 billion tons of hazardous materials shipped by rail. Human-caused disasters like East Palestine and Lac-Megantic illustrate all too well the disastrous combination of inadequate safety and hazardous cargo. In our area, more than 100,000 residents depend upon the Hudson River for their drinking water supply, and a large rail accident along the shores of the Hudson River would be disastrous. We are also greatly concerned about the potential for a rail accident in our more populated urban core, which includes minority and low-income communities that are already disproportionately burdened by the health and quality-of-life impacts of diesel-powered freight.

At a time when railroad companies are reporting record earnings, the lack of investment to protect public health and safety is unacceptable. We urge that the following steps be taken as soon as possible:

1. USDOT and FRA must strengthen the regulations for high-hazard shipments, including requiring:
 - All tank cars carrying hazardous materials to meet DOT-117 safety standards;
 - fleetwide replacement of pneumatic braking systems (a Civil War-era technology) with modern electronic brakes;
 - wider deployment of technology that can detect and prevent accidents, such as wayside defect detectors and hotbox sensors.
2. Rail companies must be held to minimum staffing levels that are adequate to ensure safety.
3. Minimum fines for safety violations must be increased to levels that actually affect corporate behavior and are not just written off as a cost of doing business.
4. The FRA must strengthen regulations regarding trains blocking at-grade crossings.
5. Federal funding must be increased to support training and equipment for our local responders to ensure that they are best prepared to respond to major train accidents involving hazardous materials.
6. County Emergency Management Coordinators must be given advance notice regarding the nature and quantity of hazardous materials that will be transported through our communities.

In addition, we urge you to consider the role that rail transport can play as a climate solution in the transportation sector. Moving freight by rail rather than by truck reduces greenhouse gas emissions by up to 75 percent on average, with a single train replacing hundreds of trucks on the highway network. Electrifying rail transport would build on the inherent

efficiency of rail and would further reduce emissions while also eliminating the adverse health and quality-of-life impacts of diesel-powered trains on neighborhoods near rail lines.

Rail infrastructure is a critical part of our transportation infrastructure and an inherently efficient means of commerce, but for far too long, critical health and safety issues have not received the attention they deserve. In the wake of the East Palestine disaster, there is no excuse for inaction.

Sincerely,



Jen Metzger
Ulster County Executive



Steve Noble
Mayor
City of Kingston



Scott Corcoran
Supervisor
Town of Marlborough



James E. Quigley 3rd
Supervisor
Town of Ulster



Danielle Freer
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Town of Esopus



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