



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

ANDREW M. CUOMO
GOVERNOR

April 30, 2014

The Honorable Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

As a result of the recent boom in domestic petroleum production, New York State is experiencing a dramatic increase in the number of crude oil trains passing through the state from production areas in the Upper Midwest to refineries in the Mid-Atlantic and Canada. This type of crude oil, known as Bakken crude, is highly volatile and is being transported in significant volume across the country by inadequate rail tank cars. New York and all the states subject to this crude oil boom are extremely vulnerable to the impacts of a derailment, spill, fire, or explosion, as demonstrated by three catastrophic incidents in the last nine months involving such trains. I urge your immediate attention to this issue.

On January 28, 2014, I issued Executive Order 125 directing New York State agencies to evaluate New York's capacity to prevent and respond to crude oil accidents. Today, the agencies issued their findings and recommendations to me and a copy of their report is enclosed. The report determines that, while the State can and will undertake aggressive actions to protect our communities and natural resources, New York's readiness depends almost entirely on appropriate federal regulation of the industry. Thus, the report identifies a series of federal actions that should be expeditiously implemented. I ask that you prioritize the following federal actions:

1. Finalize the Pipeline and Hazardous Material Safety Administration's new tank car regulations to remove the inadequate DOT-111 tank car from crude-by-rail service;
2. Strengthen and codify into federal regulation the voluntary safety measures adopted by railroad companies governing the shipment of crude oil;
3. Update critical environmental and contingency response plans and partner with New York State to develop area-specific geographic response plans to protect New York and its environment; and
4. Develop appropriate classification and testing of Bakken and similar crude oils in order to provide critical information to state and local emergency responders who would be on the front lines of any incident.

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The report also suggests actions that New York State will undertake to supplement areas of federal primacy. These include increasing inspections, prepositioning spill and fire response equipment, increasing training and readiness drills for state and local first responders, and enacting legislation to ensure timely rail incident reporting. New York will continue to aggressively pursue measures that ensure its safety. However, the fundamental responsibility for the safe transportation of crude oil across the country resides with federal agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Cuomo", written in a cursive style.

ANDREW M. CUOMO

Enclosure