

Congressman Chris Gibson  
1708 Longworth House Building  
U.S. House of Representatives  
Washington, D.C. 20515

Senator Bernie Sanders  
1332 Dirksen Building  
U.S. Senate  
Washington, D.C. 20510

Congressman Paul Tonko  
2463 Rayburn House Building  
U.S. House of Representatives  
Washington, D.C. 20515

Senator Kirsten Gillibrand  
478 Russell Senate Building  
U.S. Senate  
Washington, D.C. 20510

Senator Charles Schumer  
322 Hart Senate Building  
U.S. Senate  
Washington, D.C. 20510

Congressman Peter Welch  
2303 Rayburn House Building  
U.S. House of Representatives  
Washington, D.C. 20515

Senator Patrick Leahy  
437 Russell Senate Building  
U.S. Senate  
Washington, D.C. 20510

Congresswoman Elise Stefanik  
512 Cannon House Building  
U.S. House of Representatives  
Washington, D.C. 20515

Thursday April 14, 2016

RE: The Oil by Rail Threat in the Lake Champlain & Hudson River Regions

Dear Honorable Senators and Representatives,

On behalf of the undersigned organizations, businesses, and officials charged with protecting the health and welfare of the people and environment of Vermont and New York, we urge you to address a dire and growing threat to Lake Champlain and the Hudson River and the people and wildlife that depend on them. Over the last decade, there has been an alarming increase in the transportation of crude oil in thinly walled, dangerous trains and on dated infrastructure along the shores of Lake Champlain and the Hudson River.

This oil by rail transit presents unacceptable risks and virtually no benefits to the communities and natural resources along the Montreal to Albany, New York rail route and those that border the Hudson River. Paradoxically, this dramatic oil by rail traffic increase comes at a time when the region's oil use is dramatically declining and efforts are in place to phase out the use of oil and other fossil fuels.

We thank you for the concern you have shown regarding this issue and the important steps you have taken to understand the threat better.

**Now is the time for decisive action to protect Lake Champlain and the Hudson River through a federal legislatively imposed ban of oil transport by trains along their shorelines and communities.** At stake within the Lake Champlain region is the drinking water supply for hundreds of thousands of people, nearly \$4 billion in tourism revenue, more than \$200 million in annual fishing related revenue, healthy waters for fish and thousands of migratory waterfowl, culturally-based recreation going back centuries, and the future of our region's vibrancy. A healthy Hudson River is equally vital to its surrounding communities as a healthy Lake Champlain is to its communities. Millions of people who visit the Hudson River each year contribute more than \$6 billion to the local communities. An estimated 8 million people live in the counties bordering the Hudson River—many of whom depend on the River for their drinking water source. As an economic cornerstone in New York State and the Northeast, the Hudson River must be protected from an oil spill to preserve economic activity on which industries and millions of people rely.

This threat is not unique to Lake Champlain or the Hudson River, and sadly stories from across the country demonstrate what could happen here. Nationwide, trains carried 40 times more oil in 2012 than in 2008. With this increase in oil transport, accidents have dramatically risen as well. For example, the U.S. saw a six fold increase in oil tanker spills over the past three and a half decades.

Nothing illustrates the extreme risk currently facing communities and natural resources along the Lake than the tragic July 2013 disaster in Lac-Mégantic, Quebec. On a summer night, an improperly secured train of oil cars rolled unattended into this quaint lakeside town that resembles many towns in Vermont and northern New York. When the train reached the town, it was traveling at least 60 miles per hour at the time it derailed. The ensuing crash and explosion incinerated the downtown, killed 47 people, and released approximately 1.5 million gallons of oil, much of which polluted the lake and nearby river. The crash site's soil and nearby water resources are still contaminated today. Scientists found that nearly half of all fish collected during an early 2016 study near the crash site are deformed, and total fish populations are down 66 percent compared to before the 2013 train derailment concluding that the oil spill is responsible for this severe ecological damage. Several other oil-carrying train derailments have occurred since the Lac-Mégantic disaster. These include explosions and derailments in Virginia, Illinois, West Virginia, Ontario, Wisconsin, and North Dakota, all of which fortunately did not result in the loss of life.

The disaster that struck Lac-Mégantic threatens Lake Champlain and the communities along its shores. **Tens of millions of gallons of explosive crude oil roll through New York towns and along Lake Champlain's western shore each week** in the same type of tanker cars that failed catastrophically in Lac-Mégantic—each carrying 30,000 gallons of crude oil. Each train can consist of as many as 100 of these cars, more than eight out of every ten of which are DOT-111 tanker cars. DOT-111 cars have been referred to as “Pepsi cans on wheels” and are deemed inadequate to carry oil safely by the Railway Supply Institute Committee on Tank Cars. Newer tank cars built to CPC-1232 standards have also been deemed inadequate to carry high hazard flammable materials, like crude oil, by the Pipeline and Hazardous Materials and Safety Administration and the Federal Railroad Administration and are required to be retrofitted to meet higher safety standards or retired by 2020.

While the transport of oil by rail has dramatically risen, federal regulations have not kept pace. In fact, a recent update to the federal train safety regulations will not protect our communities and continues to allow the use of DOT-111 and CPC-1232 tanker cars for another half decade. A 2014 report from the Cuomo Administration, “Transporting Crude Oil in New York State: A Review of Incident Prevention and Response Capacity,” highlighted this continuing oversight gap and the need for swift action to be taken. The report found that New York's oil spill response plan for Lake Champlain has not been updated for decades and plans for inland waters (Inland Area Contingency Plans) have not been properly prepared. Regardless, even if adequate resources were available for an immediate response, past oil spills from around the country demonstrate that it can take billions of dollars and many years to address a spill and the health and environmental consequences can persist for decades.

Additionally, there is growing pressure to transport heavy, toxic diluted bitumen from the tar sands of Canada along the Lake. A just published National Academy of Sciences study has concluded that diluted bitumen poses clean up and response challenges that first responders, regulators, and shippers have not figured out how to address. Once it spills, diluted bitumen can persist in the environment indefinitely.

Furthermore, this dramatic increase in oil by rail traffic has negatively impacted the quality of life in many affected towns as these long trains have increased noise, created traffic congestion, and threatened to cause delays for emergency responders.

Simply put, oil by rail traffic poses an unacceptable risk to our communities and environment, especially given the aging train infrastructure in the region. Although recent inspections have been done along the mainline from Rouse's Point to Albany per an Executive Order from Governor Cuomo, much of the rail

infrastructure along the Lake is old and in poor condition. Many of the bridges are post-Civil War era and the newest bridges date from the Eisenhower Administration.

**We are unnecessarily gambling with the health of New York and Vermont's communities along Lake Champlain and the Hudson River and with the waterbodies themselves.** Unless swift action is taken, it is a matter of when - not if - the Lake Champlain or Hudson River regions will be will be scarred by an oil spill. In the meantime, the safety, economy, fish, wildlife, recreation, and drinking water in New York, Vermont, and Quebec remain at risk.

**To address this direct and immediate threat to Lake Champlain and the Hudson River, we are calling for a Federal legislatively imposed ban on the transport of oil along Lake Champlain and the Hudson River.**

We also respectfully request Congressional hearings be held to closely examine the current reality of dangerous crude oil transport via railways through our communities and along Lake Champlain and the Hudson River. We sincerely look forward to collaboratively removing this imminent threat.

With gratitude,

*The Undersigned*

**Organizations & Foundations**

350 Plattsburgh  
350 Vermont  
Adirondack Council  
Adirondack Mountain Club  
Capital Region 350  
Catskill Mountain Keeper  
Center for Biological Diversity  
Champlain Area Trails  
Citizens Awareness Network  
Citizens for Responsible Railroads  
Conservation Law Foundation  
Environment New York  
Environmental Action Club, Skidmore College  
Environmental Advocates of New York  
Friends of the Winooski River  
Hudson Riverkeeper  
Just Power  
Lake Champlain Committee  
Lake Champlain International  
Lake Champlain Walleye Association  
Lewis Creek Association  
Mothers Out Front, New York  
National Wildlife Federation  
Natural Resources Defense Council  
North Country 350  
Open Space Institute  
Orange Residents Against Pilgrim Pipelines  
Peace & Justice Center  
People of Albany United for Safe Energy

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People's Climate Movement – Capital Region  
Protect the Adirondacks  
Rising Tide Vermont  
Rutland Area Climate Coalition  
Save the Pine Bush  
Sierra Club Atlantic Chapter  
Stewart Park and Reserve Coalition (SPARC)  
The Acorn Fund  
The Lintilhac Foundation  
The Vermont Chapter of the Sierra Club  
Toxics Action Center Campaigns  
Vermont Boat & Marine Association  
Vermont Natural Resources Council  
Vermont Public Interest Research Group  
Vermont Yankee Decommissioning Alliance

**Elected and Appointed Officials & Community Leaders**

Tim Ashe, Senator, Chittenden County, Vermont  
Claire Ayer, Senator Addison County, Vermont  
Steve Beyor, Representative, Franklin-5, Vermont  
Clement Bissonnette, Representative, Chittenden 6-7, Vermont  
Doug Bullock, Legislator, Albany County, New York  
Dominick Calsolaro, Former Common Council Member, City of Albany, New York  
Joanna Cole, Representative, Chittenden-6-1, Vermont  
David Deen, Representative, Windham-4, Vermont  
Diana Gonzalez, Representative, Chittenden 6-7, Vermont  
Rick Jean, President, Champion Lands Leaseholders & Traditional Interests Association  
Andrew Joyce, Legislator, Albany County, New York  
Martin LaLonde, Representative, Chittenden 7-1, Vermont  
Ginny Lyons, Senator, Chittenden County, Vermont  
Mark MacDonald, Senator, Orange County, Vermont  
Daniel P. McCoy, Executive, Albany County, New York  
James McCullough, Representative, Chittenden-2, Vermont  
Lucille Mcknight, Legislator, Albany County, New York  
David Mears, Former VTDEC Commissioner, 2011-2015, Vermont Law School Professor  
Patrick Paranteau, Former VTDEC Commissioner, 1987-1989, Vermont Law School Professor  
Anthony Pollina, Senator, Washington County, Vermont  
Keshia Ram, Representative, Chittenden 6-4, Vermont  
Colin Read, Legislator, Area Four, Clinton County, New York  
William Reinhardt, Legislator, Albany County, New York  
Kenneth Rumelt, Professor, Vermont Law School  
Michael Sirotkin, Senator, Chittenden County, Vermont  
Mary Sullivan, Representative, Chittenden-6-5, Vermont  
Maida Townsend, Representative, Chittenden-7-4, Vermont  
Kate Webb, Representative, Chittenden-5-1, Vermont  
Michael Yantachka, Representative, Chittenden-4-1, Vermont  
Joanne Yepsen, Mayor, Saratoga Springs, New York

**Businesses**

Adirondack Dental Health Associates  
Carved Solutions

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Chipman Point Marina

Lake Champlain Resource & Services

Lake Champlain Troutscout Charters

Ray's Seafood Market & Restaurant

Sure Strike Charters

The Alchemist Brewery

Vermont Peanut Butter Company, Inc.

**Cities & Towns**

City of Burlington, Vermont

City of Plattsburgh, New York

*Contact:*

Jim Murphy

Senior Council, National Wildlife Federation

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