

## *Wisconsin Railroad Association*

BNSF  
CN  
Canadian Pacific  
WSOR/Watco

November 12, 2015

### Bill Adding Regulations/Fees to Railroad Industry Misses the Mark

LRB-2463/1 relating to responses to accidental releases of hazardous materials transported by rail is currently circulating the legislature for co-sponsorship. **The Wisconsin Railroad Association opposes this bill** as it duplicates many of the safety and preparedness protocols already in place within the railroad industry. It also adds an additional layer of government regulations on an industry already regulated at the federal level. The redundancies in this proposal increase costs to agriculture, manufacturing and retail in Wisconsin with no added public safety benefit.

Accidents involving hazardous materials are a serious concern whenever they occur regardless of how the materials are transported. However, freight rail continues a strong safety record for transporting hazardous materials. According to the USDOT, Pipeline & Hazardous Materials Safety Administration, rail hazmat accident rates are down 82% since 1980 and 56% since 2000 to an all-time low. Currently 99.9977% of hazardous materials reach their destination without incident.

Two recent railroad accidents in Wisconsin received media attention due to the unusual timing of those incidents occurring over a single weekend. Fortunately, these accidents involved no injuries or loss of life and minimal property damage. Most importantly as it relates to LRB-2463/1, the preparedness and emergency response were praised in both incidents. First responders had the specialized hazardous material training, information and skills to effectively respond to the accidents. The measures that LRB-2463/1 proposes would have added little or no public safety benefit in either case.

Rail is the most efficient and safest method for shipping chemicals, fertilizer, propane and other hazardous materials throughout North America. However, LRB-2463/1 proposes an entirely new layer of costly state regulations and bureaucracy to an industry that is already regulated at the federal level. It proposes that these new regulations be paid for from a fee that will ultimately be paid by Wisconsin businesses and citizens. A new fee on transporting hazardous materials will impact propane for winter heat, fertilizer for our farmers, chemicals for paints, rubber and plastics and chlorine to purify water and make PVC pipe - just to name a few.

In October, the Wisconsin Railroad Association worked with Representatives Ripp and Spiros from the Assembly Transportation Committee to host an informational session on railroad emergency preparedness and safety. All lawmakers and staff were invited to hear from a panel of national rail safety experts in the Joint Finance Hearing Room. The discussion covered how railroads already address the concerns of LRB 2463/1 through accident prevention and response plans, training for local emergency first responders, guidelines for coordination and response timelines in the event of a derailment and state rail track inspectors. We hope to work with the authors of this bill to continue this dialogue as our goals are the same.