



TOWN OF WESTFORD
TOWN MANAGER

TOWN HALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5501
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May 15, 2014

David Fink
President
Pan Am Railways
1700 Iron Horse Park
North Billerica, MA 01862

Dear Mr. Fink:

Thank you for attending the meeting at the Westford Town Hall on May 6th to discuss several issues including the recent derailment of the Pan Am train which occurred in Westford on February 19, 2014. We reviewed the facts surrounding the derailment, including the fact that Pan Am frequently experiences derailments of 1 or 2 wheels without considering it an emergency, and that the February 19th incident in Westford was a 112 wheel derailment (14 cars). Although you did not commit to notifying the town in the future in the event of a derailment or other situation which may require public safety response, we clearly articulated our concerns with only being notified if there was an actual leak of hazardous material, or if the train car left the Pan Am property, i.e. in compliance with federal regulations. We specifically asked you to provide us with better notification, a telephone call to the Fire Department (911 for emergencies or 978-692-6374 for non-emergencies) in the event of a derailment and other occurrence with trains passing through our town. This notification will enable us to prepare or respond in a timely and effective manner to protect our residents, our public safety personnel, your employees, and our public water supply and other natural resources. We discussed with our federal officials the need for new federal regulations to require better communication from railroads to ensure emergency preparedness in towns through which trains travel.

We discussed that there are new regulations being released by the U. S. Department of Transportation (DOT) that you stated you were not aware of, so we agreed to forward them to you when we receive them. My understanding is that unprecedented actions have recently been taken by the DOT "to improve the safe transportation of hazardous materials by rail". The DOT took two actions last week – first, they issued an Emergency Order requiring railroads to begin notifying the State Emergency Response Commission about the expected weekly train movements through our state. This included requiring railroads to work with our state and town to develop an Emergency Response Plan for trains which carry over a million gallons or 35 tank cars of hazardous materials through our town. The railroads have been given 30 days to implement this new practice. Second, the Federal Railroad Administration and Pipeline and Hazardous Materials Safety Administration issued a Safety Advisory directing those transporting Bakken crude oil to use the safest level of tankers available to transport this product. We discussed our concerns with the DOT – 111 tankers that are being banned in Canada. We asked our federal officials to help us ensure that our DOT officials are making similar requirements as these tanker cars are prone to

rupture and leaking. You assured us that you are not transporting these tankers on your tracks. We asked for a list of the hazardous materials that you transport through our town and you agreed to give this list to our Fire Chief, as long as the list remained confidential.

We questioned why tanker cars carrying Liquid Petroleum Gas would carry non-odorized product. You informed us that even though it is labeled on the tanker cars containing Liquid Petroleum Gas that the gas is non-odorized, that the gas is in fact odorized. I asked why they would not correct this misinformation, and you directed me to Robert McNamara with the Department of Transportation.

We inquired whether the trains were traveling slower through Westford due to poor track conditions, but you assured us this was not the case. You informed us that you have not received any citations from the Federal Railroad Administration regarding the reported wide gauge track problem in Westford. You told us they have increased their inspections and you are confident that the tracks that run through Westford are in good condition. That said, you also informed us that you plan substantial track improvements this summer, and you are x-raying the tracks for cracks. You stated that your trains travel at roughly 10 mph through our town now, but that the MBTA is asking to use the tracks for commuting trains, and they run generally between 10 and 25 mph.

We discussed the firefighter training that had occurred in our town with Pan Am representatives, and our request to continue this training in the future. We also discussed Hazardous Material training you offer in Pueblo, and you stated you pay tuition for firefighters to attend. We would be interested in discussing that further with you and learning the curriculum and necessity of our firefighters being included.

We talked about the train idling problem in our town. You said we are a switching station and that you do follow the train idling federal regulations. You mentioned that you have 110 cars on your trains now where as it used to be about 55.

We asked about train whistle blowing. You said the train engineers are required to start blowing the whistle at the mile post and blow 2 longs, 1 short, and 1 long, ending at the following mile post. We stated that our residents felt the whistles were being blown for longer periods of time and more loudly recently, and Ms. Scarano, Executive V.P. of Pan Am, said she had records of all whistle blowing, and she would check those records and get back to us. We await that information.

Finally, we discussed the town Conservation Commission's repeated requests to accompany your contractor during annual herbicide applications, as we are concerned about our natural resources along the tracks. You said you would ask the contractor to allow us to join him, and we should hear from him soon as the application was being done shortly. We did in fact receive a telephone call from the contractor; however he was starting the application in about an hour after the call, so my staff did not have the opportunity to join him. In the future we would appreciate earlier notification.

We are appreciative that you took the time to meet with us and our federal, state, and local officials. We want to work with you to find a way to improve the communication between Pan Am and town officials, in order to increase public safety. It is our goal to ensure that our town is prepared and ready to respond to any emergency that may occur, both efficiently and effectively.

I look forward to hearing from you soon.

Sincerely,



Jodi Ross

Cc:

Senator Ed Markey

Senator Elizabeth Warren

Congresswoman Niki Tsongas

Senator Eileen Donoghue

State Representative James Arciero

Westford Board of Selectmen

Frederick D. Fraini Jr, U.S. Department of Transportation

Steve Johnson, Department of Environmental Protection

Zac Cataldo, Chairman, Board of Health

Fire Chief Joe Targ

Cynthia S. Scarano, Executive Vice President Pan Am Railways