

JAMES P. McGOVERN
2ND DISTRICT, MASSACHUSETTS

COMMITTEE ON RULES

COMMITTEE ON AGRICULTURE

SENIOR DEMOCRATIC WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-2102

<http://www.mcgovern.house.gov>

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438 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2102
(202) 225-6101

DISTRICT OFFICES:
12 EAST WORCESTER STREET, SUITE 1
WORCESTER, MA 01604
(508) 831-7356

94 PLEASANT STREET
NORTHAMPTON, MA 01060
(413) 341-8700

24 CHURCH STREET, ROOM 29
LEOMINSTER, MA 01453
(978) 466-3552

The Honorable Fred Upton
Chairman
Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy & Commerce
2322A Rayburn House Office Building
Washington, DC 20515

The Honorable Bill Shuster
Chairman
Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation & Infrastructure
2163 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Upton and Shuster and Ranking Members Pallone and DeFazio:

I want to bring to your attention serious safety concerns surrounding a proposed liquefied propane gas facility in my congressional district. I understand that other cities and towns have faced similar situations and I respectfully request your committees hold hearings to more fully examine the safety implications of current Surface Transportation Board jurisdiction.

The Grafton-Upton Railroad, a short line railroad, plans to build a 320,000 gallon liquefied propane gas (LPG) storage and transloading facility on land adjacent to the railroad in a residential neighborhood in the Town of Grafton, Massachusetts (the "Town"). The facility is expected to transload up to 2,000 rail tankers annually. Propane will then be transported via semi-trailer truck on side roads through residential areas.

In September 2014, the Surface Transportation Board (STB) issued a decision declaring the proposed facility pre-empted from local permitting and pre-clearance requirements. The Town has filed an appeal to the STB decision that is currently pending.

I am deeply concerned about the safety and security implications of an LPG facility in this location. The proposed site is within a residential neighborhood that is classified as a medium density Residential Zoned District. It is also within 500 yards of a public elementary school that serves approximately 250 children ages 5-7. Finally, the property is located within a Water Protection Overlay District, which serves as an aquifer that is a significant source of Town drinking water.

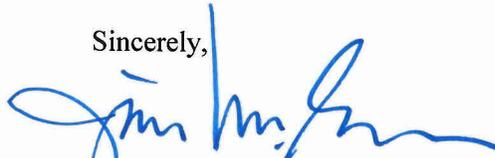
It appears that STB's preemption rule supersedes any state or local laws despite the hazardous nature and risk of fire or explosion from propane gas. Siting an LPG facility in this neighborhood would threaten the health and safety of hundreds of people, including hundreds of children, in the event of a catastrophe -- either accidental or intentional. I am deeply troubled that no other federal, state or local agency has jurisdiction over the health and safety risks of such a project prior to completion.

This issue is not new to Congress. The Clean Railroads Act of 2008, sponsored by Ranking Member Pallone, addressed an identical concern with respect to railroad-owned and operated solid waste

transfer facilities. The bill required the railroads to comply with all applicable federal and state requirements for pollution prevention and abatement, environmental protection and restoration, and protection of public health and safety, to the same extent as any similar solid waste management facility. It also provided governors the authority to petition the STB on zoning and land-use permits. The Committee on Transportation and Infrastructure held a hearing on the issue at the time, and it was included in the bipartisan 2008 passenger rail bill (P.L. 110-432).

I respectfully request your committees hold hearings as soon as possible on this issue, where relevant safety experts may testify and where current STB jurisdiction may be comprehensively assessed.

Sincerely,



James P. McGovern
Member of Congress