



American Water Works
Association



ASSOCIATION OF
METROPOLITAN
WATER AGENCIES

NACWA



September 23, 2015

The Honorable John Thune
Chair, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

The Honorable Bill Nelson
Ranking Member, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Chairman Thune and Ranking Member Nelson,

We, the undersigned water associations, urge you to support efforts in Congress to extend the deadline for full implementation of the Positive Train Control (PTC) rule that is scheduled to take effect December 31. Because virtually all U.S. railroads will not be ready to fully implement PTC on that date, water utilities across the country could face severe interruptions of the supplies of substances they use to treat municipal drinking water and wastewater.

Even water utilities that do not receive disinfectants directly by rail will be negatively affected by a failure to extend the PTC implementation deadline. Chlorine and anhydrous ammonia – critical substances in water disinfection – are typically transported by rail from manufacturing facilities to distribution or repackaging centers. From there they may continue on to a water utility by rail

or be transferred to trucks; but either way, the supply chain will break down if rail shipments of these chemicals are halted.

Even a temporary interruption of water disinfection chemical deliveries could risk a public health disaster for communities across the country. Effective disinfection of drinking water and wastewater prevent the type of cholera and typhoid outbreaks seen in less-developed countries from happening in the U.S. Chlorine in various forms has been the standard-bearer for water disinfection for more than 100 years. Water utilities cannot treat water supplies to the stringent standards of the Safe Drinking Water Act without it. Similarly, anhydrous ammonia is necessary to produce a popular disinfectant known as chloramine, which aids in controlling the formation of regulated disinfection byproducts.

To be clear, the water sector supports implementation of safe transportation of potentially hazardous materials. All but a handful of U.S. railroads have acknowledged, however, that due primarily to technological challenges in a PTC system, they will not be ready for the December 31 deadline. That means they will not be able to transport these critical materials without facing steep federal fines, and are therefore unlikely to handle such shipments without an extension in place. Indeed, a just-released study by the U.S. Government Accountability Office has found that most railroads will require one to five years to comply with PTC due to the complexity of the system, interoperability challenges and the ability of the Federal Railroad Administration to monitor and approve PTC systems. A number of railroads have already stated that they will embargo shipments of certain chemicals. Some may begin their embargos before Thanksgiving to ensure that all such shipments are at their destinations to avoid stranding any on railroad lines December 31.

While Congress has indicated a willingness to address this issue, we urge you to pass a PTC extension as soon as possible, so water utilities and other industries reliant on rail shipments of chemicals are not left facing uncertainty as the calendar advances toward the New Year. Fortunately, this is not a partisan issue. As you know, the U.S. Senate has already overwhelmingly approved a three-year PTC extension as part of the “DRIVE Act” (H.R. 22) and members of both parties – including you and Sens. Roy Blunt and Claire McCaskill of Missouri – have noted the importance of this issue. **We urge all members of Congress to join and amplify their calls to quickly extend the PTC deadline.**

Again, we ask that you support legislative efforts to extend the deadline for compliance with PTC regulations. If you have any questions, please do not hesitate to contact Tommy Holmes at AWWA at 202-326-6128 (tholmes@awwa.org), Abby Schneider at ACWA at 202-434-4760 (aschneider@sso.org), Dan Hartnett at AMWA at 202-331-2820 (hartnett@amwa.net), Cynthia Finley at NAWCA at 202-533-1836 (cfinley@nacwa.org), or Petra Smeltzer at NAWC at 202-833-8089 (Petra@nawc.com).

Sincerely,

Tracy Mehan, Executive Director, Government Affairs
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Adam Krantz, Chief Executive Officer
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Michael Deane, Executive Director
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cc: Full membership of Senate Committee on Commerce, Science and Transportation