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Washington State Senate

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2 May 2014

The Honorable Cynthia Quarterman, Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, D.C. 20590

The Honorable Joseph C. Szabo, Administrator
Federal Railroad Administration
U.S. Department of Transportation
1120 Vermont Ave NW
Washington, D.C. 20005

Re: Rail Tank Car Standards (ANPPRM - Docket No. PHMSA-2012-0082)

Dear Administrator Quarterman and Administrator Szabo:

This letter from 14 members of the Washington State Senate urges the expeditious adoption of regulations requiring the retrofit or retirement from service of existing DOT -111 rail tank cars used to transport crude oil, denatured fuel ethanol, and other flammable liquids. That the rail industry itself, nearly three years ago, recommended such replacement or retrofit of the 228,000 non-pressure DOT-111s currently in service on rail lines in North America signifies the hazard these tank cars pose to our communities and environment. Your agencies within the US Department of Transportation have been considering petitions for two years requesting the adoption of regulations that will phase-out these cars, as they have proven to be highly subject to tank failures during accidents. Unfortunately, draft regulations have not yet been issued.

Washington State is one of the top states experiencing dramatic increases in the transport of crude oil from the Upper Midwest. While virtually no crude oil was transported by rail into the state prior to 2012, an estimated 17 million barrels of crude oil were imported into the state by rail in 2013 – the majority of which was transported in the DOT-111 cars. And this significant jump in oil by rail transport is estimated to increase ten-fold over the next five years – representing about 265,000 carloads or 2,650 unit trains moving crude oil across our state each year.

Furthermore, the rail routes to the five refineries and several export terminals proposed at marine locations in Washington indicate that most of these trains carrying these volatile

substances will traverse most of the entire state and pass through densely populated urban areas and cross many rivers and environmentally sensitive areas.

Our concern is further heightened by reports that the crude oil being shipped from production fields in the Bakken formation has greater flammability characteristics, and virtually all of the crude oil projected for rail import into Washington State will be this Bakken crude. The tragedy at Lac-Megantic, Canada, last year, as well as crude oil train derailment and explosive fire near Casselton, North Dakota, and in Lynchburg, Virginia, illustrate the enormous risk to human life and property of rail accidents involving Bakken crude shipments, and underscore the need to begin replacing the unsafe DOT-111 tank cars.

Finally, it is critical to take into account the recent action by the Canadian Transport Ministry to phase-out DOT-111 tank cars on rail lines in Canada over the next three years. They have immediately ordered 5,000 such cars be removed from the rails, and, unless an equivalent requirement is adopted in the United States, these cars may be moved to service here while a greater proportion of the retrofitted and safer cars will be in service in Canada. This is another and very important reason why the USDOT should take action now to adopt more protective standards and to require a phase out that is at least comparable to the three-year timeframe adopted by Canada.

Regarding the content of those standards, we agree with the four safety recommendations previously provided to your agencies by the National Transportation Safety Board (NTSB) and reiterated by the Board in a December 5, 2013, letter on this ANPRM:

Require that all newly manufactured and existing general service tank cars authorized for transportation of denatured fuel ethanol and crude oil in Packing Groups I and II have enhanced tank head and shell puncture resistance systems and top fittings protection that exceeds existing design requirements for DOT-111 tank cars. (R-12-5)

Require that all bottom outlet valves used on newly manufactured and existing non-pressure tank cars are designed to remain closed during accidents in which the valve and operating handle are subjected to impact forces. (R-12-6)

Require that all newly manufactured and existing tank cars authorized for the transportation of hazardous materials have center sill or draft sill attachment designs that conform to the revised Association of American Railroads' design requirements adopted as a result of Safety Recommendation R-12-9. (R-12-7)

With the assistance of the Federal Railroad Administration, require that railroads immediately provide to emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train. (R-07-4)

As stated in the December 5, 2013, letter from the Board, "unit trains" have become the preferred mode of transporting crude oil, and we expect nearly all imports to Washington State in the coming years will be by unit trains. Plainly, a train of 100 or more cars in which the entire freight content is crude oil presents a much greater risk of harm in the event of an accident than a train pulling only a few tank cars carrying crude oil.

Therefore, as state legislators representing communities along the shipping routes of these unit trains, likely to number in the many thousands of trains within a very few years, we urge you to adopt the NTSB's recommendations, to expeditiously propose draft rules and adopt final rules, and to require that all DOT-111s be retrofitted or replaced within three years.

Thank you for considering these comments on the ANPRM, and we look forward to your action on this very important matter.

Sincerely,



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John McCoy
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Karen Keiser
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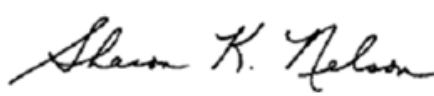
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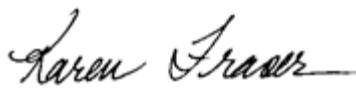
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