

September 30, 2014

Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains

Docket: PHMSA-2012-0082-0180

Dear PHMSA,

On behalf of the Pacific States/British Columbia Oil Spill Task Force (Task Force), I am submitting this comment letter in support of PHMSA's efforts to seek comments regarding operational requirements for certain trains transporting a large volume of Class 3 flammable liquids; improvements in tank car standards; and revision of the general requirements for offerors to ensure proper classification and characterization of mined gases and liquids.

Task Force consists of a coalition of West Coast states (AK, CA, HI, OR, WA) and British Columbia that share a common goal of protecting the region's natural resources and communities from oil spills. Over the past 2 years, movement of Bakken crude across the Northwest and California has increased dramatically. In Washington alone, crude movement by rail has gone from negligible volumes in 2010, to an estimated 17 million barrels in 2013. Increases in movement of crude by rail are taking place across California and Oregon as well. Given this striking increase in the movement of known flammable materials across the West Coast, we are concerned that current tank car standards do not seem to be adequate to prevent significant impacts should a derailment occur, particularly near our significant inland and marine water bodies and major urban areas.

The Task Force members support PHMSA's willingness to review:

- Better classification and characterization of types of materials being transported
- Enhanced standards for both new and existing tank cars
- Improved operational requirements for unit trains transporting Class 3 flammable liquids
- Conducting rail routing risk assessments to local communities in spill preparedness and response planning.

We support making improvements to the rail transport system regarding spills, and believe the risk of a large spill by rail will be greatly reduced.

In addition to the tank car requirements, the Task Force member agencies also strongly urge robust requirements for oil spill prevention and response plans for the transport of oil by rail. Following the *Exxon Valdez* spill, the Oil Pollution Act of 1990 delivered stringent requirements to all marine vessels and rolling stock carrying large volumes of crude and refined products. The United States Coast Guard established a comprehensive oil spill regulatory framework vessels, but a similar regulatory framework is lacking in the rail transport system and should be developed and implemented. This would ensure that the highest level of oil spill preparedness is exercised, that communities are prepared for spills, and that the response agencies can plan for adequate tools and resources to be available should a spill occur.

The Task Force asks for swift action by PHMSA to improve upon the current requirements, and these rule making actions are step in the right direction. Several of the Task Force states are providing PHMSA with comments to these rulemakings, and welcome PHMSA's earnest consideration of the comments.

With best regards,



Sarah Brace
Executive Coordinator
Pacific States/British Columbia Oil Spill Task Force