



Briefing to Washington Transportation Commission: Rail Safety and Oil Transportation

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The Commission's Railroad Safety program protects the public and railroad employees by ensuring that railroad companies meet established state and federal safety standards and by educating the public about the dangers of traveling on or near railroad tracks.

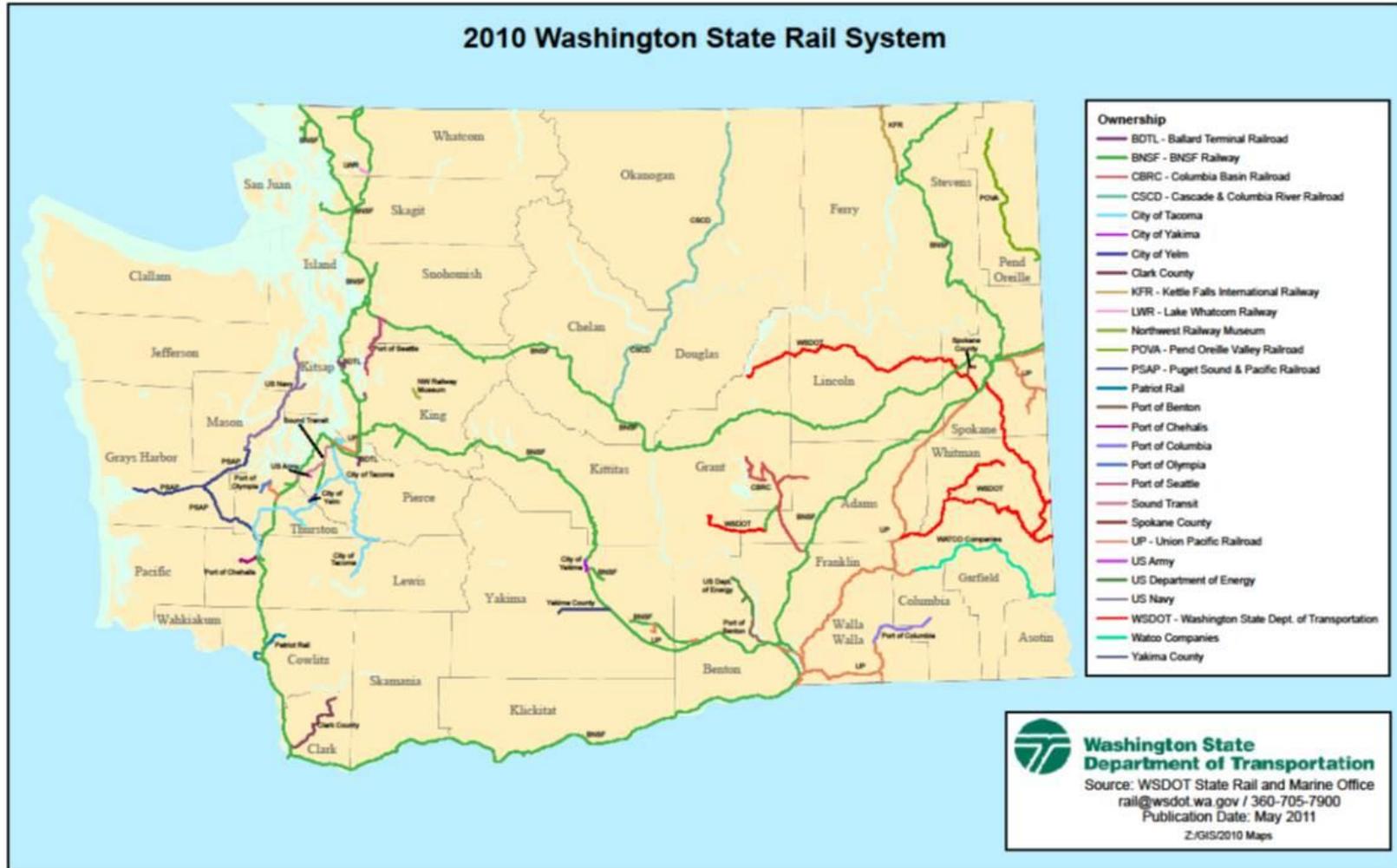
History of UTC Regulation of Railroads:

- In 1905, the Washington State Legislature created the three-member Railroad Commission, with jurisdiction limited to railroad and express companies.
- Commission staff inspected and evaluated railroad company accounts, set rates, approved schedules, and regulated safety.
- In 1970 and 1980, Congress passed several acts that preempted states in all areas of economic regulation and in most areas of safety regulation.
- **Over the years the Commission's role continued to evolve in the railroad industry and other areas of regulation.**

Washington Railroads

- 28 railroads operate over 3,000 miles of track, traveling an average of over 10 million miles a year in Washington.
- Two primary railroads, BNSF Railway and Union Pacific Railroad, and 26 short-line railroads.
- 2,700 public railroad crossings, inspected by UTC staff at least once every three years.
- During the last biennium, UTC issued 35 grants totaling \$433,000 to improve pedestrian and vehicle safety at and near railroad tracks.
- WSDOT owns several and manages several freight lines in Eastern Washington.

Rail Service in Washington



UTC Safety Jurisdiction

- **Crossing safety**
 - Approve new crossings and modifications or closures of existing crossings.
 - Inspect public crossings for compliance with federal safety standards.
- **Grade Crossing Protective Fund** – Fund safety upgrades at crossings and along railroad rights-of-way.
- **Support the Federal Railroad Administration** – Employ four inspectors certified by the FRA to enforce federal safety rules for hazardous materials, signal and train control, track, and operating practices disciplines.
- **Railroad employee safety** – Inspect walkways within railroad yards and respond to requests for exemptions to overhead and side clearance rules.
- **Respond to citizen complaints** - Investigate complaints related to crossing conditions, walkways, and train noise.
- **Promote public awareness of railroad safety** – Coordinate activities of Operation Lifesaver Washington state, a non-profit public education program.



GCPF Projects

GRADE CROSSING PROTECTIVE FUND (GCPF)

GRANTS FOR 2013 - 2015 \$504,000

REQUESTOR	APPROVED		GRANT APPROVAL
	Yes/No	PROPOSED COMPLETION DATE	AMOUNT
TRADITIONAL PROJECTS			
WA & Idaho Railway	Yes	6/1/2014	\$ 19,566.78
WA & Idaho Railway	Yes	5/1/2015	\$ 20,000.00
Puget Sound & Pacific RR	Yes	6/30/2015	\$ 15,030.80
Puget Sound & Pacific RR	Yes	6/30/2015	\$ 18,344.18
Cascade & Columbia River Railroad	Yes	5/1/2015	\$19,912.33
Cascade & Columbia River Railroad	Yes	5/1/2015	\$20,000
NON TRADITIONAL PROJECTS			
City of Wenatchee	Yes	11/30/2014	\$19,984
Yakima County	Yes	6/1/2014	\$ 19,932.84
City of Spokane Valley	Yes	12/31/2014	\$40,000
Clark County/Chelatchie Prairie Railroad	Yes	12/31/2013 extended to 6/30/2014	\$20,000
City of Puyallup	No	NA	NA
City of Battle Ground	Yes	3/31/2014	\$ 250.00
Clark County/Chelatchie Prairie Railroad	Yes	10/1/2014	\$ 20,000.00
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Clark County/Chelatchie Prairie Railroad	Yes	10/1/2014	\$ 20,000.00
Central WA Railroad	Yes	6/30/2014	\$4,552.80
Union Pacific Railroad	Yes	9/30/2014	\$ 23,005.78
			\$ 300,579.51

Federal Railroad Administration

- Responsible for establishing national railroad safety rules.
- Washington is located within FRA's Region 8 which includes Alaska, North Dakota, South Dakota, Wyoming, Montana, Idaho, and Oregon.



Surface Transportation Board

- Jurisdiction over railroad rates, service issues, mergers, sales, construction and abandonment of rail lines.

PHMSA

- Regulates the design of tank cars.



Date	Action
Current	OMB is considering tank car regulations and possible operational changes. PHMSA NPRM 2012-0082 HM 251 under consideration at OMB
7-May-14	Joint safety advisory issued by FRA and PHMSA strongly urging those shipping Bakken crude oil to use tank car designs with the highest level of integrity. Also recommended avoiding use of older legacy DOT 111 or CTC 111 tank cars for the shipment of Bakken crude oil.
7-May-14	DOT Emergency Order requiring reporting to SERCs of information on trains with more than 1 million gallons within 30 days of order.
9-Apr-14	FRA announced intention to issue a proposed rule requiring two-person train crews on crude oil trains.
6-Mar-14	To provide further clarity for shippers and to prevent attempts to circumvent the requirements in our recent Emergency Order concerning the safe transport of crude oil by rail, the Department issued an amended version that specifies which tests are required, while also prohibiting shippers from switching to an alternate classification that involves less stringent packaging.
25-Feb-14	Department of Transportation Emergency Order requiring the testing and proper classification of oil being transported and does not allow crude oil to be transported at the lowest packing group.
21-Feb-14	Secretary of Transportation sends letter to President/CEO of AAR to request members voluntarily: impose speed restrictions, braking signal propagation system, routing analysis, additional track and rail inspections, more frequent mechanical inspections, emergency response inventory, funding for emergency responder training, and more communication with communities.
10-Feb-14	PHMSA met with emergency response stakeholders and industry groups to discuss training and awareness related to the transport of Bakken crude. Follow-up meeting to be scheduled in late February 2014.
4-Feb-14	PHMSA issues \$93,000 in proposed civil penalties after investigation into the transportation of Bakken crude oil finds companies improperly classified shipments.
16-Jan-14	Secretary Foxx meets with rail company CEOs and rail and energy association leadership as part of the Department's Call to Action to discuss how to maintain our safety record even as domestic crude oil production and movement has increased.

Date	Action
21-Jan-14	Secretary Foxx issues follow-up letter to Call to Action participants summarizing industry commitments.
2-Jan-14	PHMSA safety advisory issued stating that crude oil from the Bakken region may be more flammable than traditional crude.
11-Dec-13	FRA Safety Advisory, "Notice of safety advisory; Operational tests and inspections for compliance with maximum authorized train speeds and other speed restrictions"
20-Nov-13	PHMSA and FRA issue Safety Advisory 2013-07 "Safety and Security Plans for Class 3 Hazardous Materials Transported by Rail"
5-Nov-13	PHMSA extension of comment period of HM-251.
1-Oct-13	FRA Administrator Szabo sends a letter to railroad industry organization asking they detail actions they've taken in response to the Safety Advisory issued August 2.
6-Sep-13	PHMSA issued 78 FR 54849 – ANPRM (2012-0082 HM-251), Rail petitions and recommendations to improve the safety of railroad tank car transportation.
29-Aug-13	FRA convened emergency session of Railroad Safety Advisory Committee (RSAC). RSAC established three working groups on new rulemaking: 1) hazardous materials by rail, 2) train crew size and 3) train securement procedures. Launch of Bakken Blitz.
27-Aug-13	FRA and PHMSA public meeting with industry stakeholders
7-Aug-13	Federal Railroad Administration (FRA) Emergency Order 28, "Establishing Additional Requirements for Attendance and Securement of Certain Freight Trains and Vehicles on Mainline Track or Mainline Siding Outside of a Yard or Terminal"
2-Aug-13	FRA Safety Advisory 2013-06 "Preventing Unintended Movement of Freight Trains and Vehicles on Mainline Track or Mainline Siding Outside of a Yard or Terminal"
29-Jul-13	In a letter to the American Petroleum Institute, FRA informed industry that it will use PHMSA's test sampling program to ensure that crude oil is being properly tested and classified.
Sep-12	PHMSA Administrator Quarterman visits North Dakota Bakken Region to observe operations at rail loading facilities and the application of U.S. DOT regulations.
Oct-12	PHMSA Bakken Field Working Group established to increase inspection focus on hazmat shipments by truck and rail from the Bakken region and increase awareness within the emergency response community.
Dec-12	FRA begins Bakken Rail Accident Mitigation Project (RAMP).

DOT-111 Tank Car Issues

Recent Accidents

Date	Location	Railroad	Crude Source	Fire	Spill Volume	Type of Incident	Number of Cars
9-May-14	LaSalle, Colorado	Union Pacific	Niobrara, Colorado	No	6,500	Derailment	
30-Apr-14	Lynchburg, Virginia	CSX	Bakken, North Dakota	Yes	<50,000	Derailment	17 derailed, 3 into river
13-Feb-14	Vandergrift, Pennsylvania	Norfolk Southern	Tar Sands Bitumen, Alberta	No	4,550	Derailment	
3-Feb-14	Wisconsin/Minnesota	Canadian Pacific	Unknown	No	<12,000	Leak from tank car	
7-Jan-14	Plaster Rock, New Brunswick	Canadian National	Unknown	Yes	Unknown	Derailment	
30-Dec-13	Casselton, North Dakota	BNSF	Bakken, North Dakota	Yes	>400,000	Derailment	18 of 20 breached
8-Nov-13	Aliceville, Alabama	Genesee & Wyoming	Bakken, North Dakota	Yes	<748,400	Derailment	30 derailed, 12 breached
19-Oct-13	Gainford, Alberta	Canadian National	Unknown	Yes	Unknown	Derailment	9 propane, 4 crude. 3 propane burned
5-Jul-13	Lac-Megantic, Quebec	Montreal, Main & Atlantic Railway	Bakken, North Dakota	Yes	>26,500	Derailment	63 derailed
27-Mar-13	Parkers Prairie, Minnesota	Canadian Pacific	Unknown	No	10,000 - 15,000	Derailment	

Industry Voluntary Efforts

- July 2011 - AAR Tank Car Committee adopted higher tank car standards.
- November 2013 - Freight railroads urged PHMSA to increase federal tank car safety through retrofitting or phasing out older tank cars.
- In a response to a PHMSA advanced notice of proposed rulemaking, AAR offered the following specific recommendations:
 - an outer steel jacket around the tank car and thermal protection,
 - full-height head shields, and high-flow capacity pressure relief valves;
 - installation of high-flow-capacity relief valves, and
 - design modifications to prevent bottom outlets from opening in the case of an accident;
 - Aggressively phase out older-model tank cars used to move flammable liquids that cannot be retrofitted to meet new federal requirements
 - Eliminate the option for rail shippers to classify a flammable liquid with a flash point between 100 and 140 degrees Fahrenheit as a combustible liquid
- Proposals pending before USDOT in rulemaking; at Office of Management and Budget for decision and posting in Federal Register.

Key Deliverables

July 2014 – Inter-Agency Interim Drafts Review

August 2014 – Expert Meeting Workshops

September 2014 – Stakeholder groups convened to review draft

October 2014 – Presentation to the Pacific States/BC Oil Spill Task Force
Initial Findings and Recommendations to the Governor

December 2014 – Interim Report Due to Legislature and Governor

March 2015 – Final Report Due to Legislature and Governor

Questions?

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