



November 1, 2013

Comments Submitted to the Pipeline and Hazardous Materials Safety Administration Docket number PHMSA – 2012-0082 (HM-251) in support of Petition 1577, 1587 and the NTSB R12-5- R-12-7 recommendations.

The Rail Users Network's mission is to advocate for improvement in passenger rail service, whether on Amtrak or on local and regional passenger railroads, as well as transit systems. In this context, RUN is concerned about the safety of utilizing DOT 111 tank cars to move highly volatile substances such as the crude oil that exploded in Lac-Megantic two months ago. While this accident did not directly affect any rail passengers, it certainly has created a firestorm of criticism regarding the movement of light crude oil from the Bakken formation in North Dakota and Montana. Residents in Maine and elsewhere who live close to railroad rights-of-way have expressed concern about their safety as well as their families. Some folks have even tried blocking a train carrying crude oil that was expected to pass through town by erecting a makeshift wooden scaffold on the tracks in Fairfield, Maine, leading to the arrest of six people. We believe the public needs to be reassured about the safety of transporting crude oil by rail. Otherwise this certainly will spark a new round of nimbyism, and could even discourage people from riding passenger trains, whether for work or pleasure, at a time that rail passenger ridership is at an all time high.

According to the National Transportation Safety board the "inadequate design of the DOT-111 tank cars" for crude oil transportation makes it "subject to damage and catastrophic loss of hazardous materials" in a derailment. This same agency recently sounded the alarm about the DOT – 111 tank cars after the derailment of a Canadian National Railway train carrying highly inflammable ethanol at a grade crossing in Cherry Valley, Illinois. Thirteen of the 19 cars that derailed ruptured and caught fire, killing one person, injuring nine, and causing an estimated \$7.9 million in property damage.

We support the American Association of Railroads (AAR) and its North American Tank Car Committee petition - 1577 for taking the lead even before Lac-Megantic in recommending higher safety standards for new tank cars transporting crude oil and ethanol ordered after October 1, 2011. These new standards are predicted to result in up to a 50% decrease in the probability of a release from derailed tank cars.

Unfortunately, the AAR's recent petition which was submitted to PHMSA does not provide a retrofit solution for the existing fleet of about 77,000 DOT 111 tank cars that

are used to transport ethanol and crude oil.

We support Petition -1587 - Village of Barrington, Illinois and the Regional Answer to Canadian National request to the HMR and NTSB's recommendations first issued on March 2, 2012 (R-12-5 thru R-12-7) which recommend to the PHMSA that the existing fleet of DOT 111 tank cars that carry crude oil and ethanol be retrofitted to meet the new standards, including extra protective head shields at both ends of tank cars, additional protection for the top fittings, higher flow capacity pressure release valves and thicker, puncture-resistant shells. We recognize this may be a financial hardship for leasing car companies, as it may cost as much as \$25,000 to retrofit each tank car, but believe a cost-effective solution can be adopted to insure not only the safety of rail passengers, but also folks living along the rights-of-way.

While the AAR claims that the retrofit costs cannot be justified because of an estimated cost of over a billion dollars over the life of a retrofit program, we agree with the NTSB especially in light of the horrible accident at Lac-Megantic that "there is no rational reason to not require the retrofitting of the existing fleet consist with NTSB's recommendation."

This statement was authorized at a regular meeting of the Board of Directors of the Rail Users' Network, Inc. on August 24, 2013 in New York City. RUN is a not-for-profit corporation. Its members are rail and transit users, as well as advocates for better rail service nationwide. RUN's mission is the expansion and improvement of the rail and rail transit network in the United States and Canada, so the public can enjoy enhanced opportunities to travel by train. Our members represent many states, including Maine, which is the home state of the Board's Chair.

Sincerely,

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