The Municipal Perspective on CBR (and Other Flammable Hazmat)

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The Lac-Megantic Lesson for Municipal Officials
THE LAC-MEGANTIC TRAGEDY IS ONGOING

Human Toll
Economic Consequences
EnvironmentalDamages
Rebuilding Challenge
Municipal Leaders are NOT “Chicken Littles” About the Dangers of CBR

• No local elected official can understand the possible consequences and not be concerned.

• Bakken crude on unit trains is NOT the only threat. A rolling pipeline of any flammable hazmat on manifest OR unit trains can have dire derailment consequences.

• Barrington evacuation zone (1/2-mile diameter):
  - 2,099 business and residential parcels, 4 schools, the Barrington Library, Village Hall, and post office
  - The Public Safety Building that headquarters fire, police, and ambulance services
  - Metra commuter train station, 3 senior living and/or nursing care facilities, 1 hospice, most of the commercial downtown area, 6 churches, and 8 public parks and/or recreational facilities.
  - A major ComEd electrical substation, as well as the Village’s water treatment plant and 3 water facilities
The rail industry has had since 1991 to voluntarily upgrade tank car standards in the face of known structural deficiencies.

Applying new rules only to certain types of flammable hazmat transported on unit trains is absurd. **ALL** flammable hazmat shipped via rail tank car should be in the most robust tank possible – PHMSA’s Option 1.

Pancaking tank cars cause additional breaching, so ECP brakes must be required.

Take advantage of the recent drop in oil prices and shipments to get a new and adequately retrofitted fleet on the rails **FASTER**.
Federal Volatility Standards for CBR based on mandated testing protocols MUST be set.

• Contents drive packaging requirements, so volatility (flash point, boiling point, and vapor pressure) must **ALL** be taken into account.

• Prior to 1990, federal regs required pressure cars for contents exhibiting high vapor pressure. Could this make sense for fracked crude?

• There is no federal reg mandating test protocols for vapor pressure – the **Key Indicator** of volatility.

• Tank car overloading is a risk: Shippers MUST know specific gravity of the crude.
FEDS MUST ACT 3: Holistic Approach

• A sole focus on tank car standards is myopic.

• Maintenance of track and equipment is essential so hazmat trains remain on the tracks.

• Inspections and audits of rail operations must be increased.

• Fines for a railroad’s failure to comply with operating rules, and the required reporting of infractions must be increased.
Local First Responders MUST Have Immediate Notification on Cargo

A hand-off to first responders of a paper manifest from a train’s crew will NOT suffice when an accident occurs.

First responders need an electronic manifest ASAP so they understand the scope of what they are facing.
FEDS MUST ACT 4: Address Liability

• Too Big to Repair: Expecting taxpayers to bear the costs of clean-up and rebuilding when the release is catastrophic.

• $1.5 billion cap on commercially available insurance is insufficient.

• Only Class I’s can afford such coverage, so a coverage gap exists for smaller railroads like the MMA that went bankrupt following Lac-Megantic.

• House and Senate bills would require a study of liability coverage with a report back within a year.
Municipal Response to Recent Developments

• On April 17, regulators released an industry order and several advisories. This was **OPTICS, NOT ACTION.**

• **Order:** Limit top speeds for HHFTs running through 46 “High Threat Urban Areas.”

• **Advisories were reminders, requests, and recommendations to industry.**

• **DANGER:** Agencies changed definition of HHFTs from 20 to 35 tank cars of flammable hazmat: 1 million gallons can travel without any enhanced safety measures.
• NO, mayors DON’T hate energy or the railroads.

• YES, we know the proposed fixes are expensive.

• Communities don’t want to be sitting ducks.

• THE TRADE-OFF:
  1. Accepting the near-term costs of enhanced safety.

   – OR –

  2. Accepting “sky’s the limit” liability when a U.S. Lac-Megantic destroys an American community.