



Oregon

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TO: House Committee on Energy and Environment

FROM: Hal Gard, Administrator
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SUBJECT: Rail Safety

INTRODUCTION

On June 3, 2016, a Union Pacific (UP) unit train consisting of 94 tank cars carrying crude oil derailed near Mosier, Oregon. The ODOT Rail Safety Unit has been actively involved in efforts to address these safety concerns since they emerged in 2013, due to the increase in the volume of crude oil transported by rail in the United States.

BACKGROUND

Transportation of hazardous materials, including crude oil, is regulated by federal law. The federal Hazardous Materials Regulations are contained in Title 49 Part 171 through 180 of the Code of Federal Regulations. Federal law limits a State's ability to impose additional or more stringent laws or regulations related to hazardous material transportation. However, ODOT participates in a partnership program with the Federal Railroad Administration that authorizes ODOT rail safety inspectors to enforce federal railroad safety laws and regulations, including those relating to hazardous materials.

DISCUSSION

The volume of crude oil transported by rail in Oregon and the United States increased dramatically in 2013 and 2014, reaching a high point in 2014. Since 2014, the volume of crude oil transported by rail in Oregon and nationally has sharply declined. However, just as during the record volumes transported in 2014, much of the crude oil that is transported by rail continues to move in unit trains approaching 100 tank cars in size.

Currently, both Class I railroads that operate in Oregon are transporting crude oil in unit trains through parts of the state. This includes Union Pacific's line through the Columbia River Gorge and through the Willamette Valley and BNSF's line through Central Oregon.

Federal Actions

The U.S. Department of Transportation finalized new rules on May 1, 2015 titled "Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains" (HM-251). This rule addressed enhanced braking, tank car standards, operating speeds, route risk assessment, and route notification primarily for High-Hazard Flammable Trains – trains transporting 20 or more tank cars containing flammable liquids located in a continuous block, or trains with 35 or more tank cars containing flammable liquids dispersed through the train.

On December 4, 2015, President Obama signed Fixing America's Surface Transportation (FAST) Act. The FAST Act directed the USDOT to amend and strengthen HM-251. USDOT has already incorporated some of these changes into final rule and has started the process to propose additional rules as directed.

One of the results of HM-251 and FAST Act modifications, was the creation of a new tank car specification (DOT-117) with increased safety features and a phase-out schedule for existing DOT-111 tank cars for use in flammable liquid service. The phase-out timeline begins on January 1, 2018 with the last deadline on May 1, 2025. The phase-out schedule is based on the type of DOT-111 tank car (of which there are several) and the type of flammable liquid being transported, with DOT-111 tank cars with fewer safety features being phased out first when transporting higher risk flammable liquids.

HM-251 and the FAST Act required High-Hazard Flammable Trains to reduce speeds to 50 mph in all areas and to 40 mph for any train containing tank cars not meeting the enhanced tank car standards.

State Actions

As part of a larger state effort focused on the safe transportation of crude oil, the ODOT Rail Safety Unit works to prevent train derailments and release of hazardous materials through inspection, enforcement, and education of railroads and rail shippers. ODOT Rail Safety also investigates railroad related incidents, either alone or in partnership with the FRA, to determine cause and prevent future occurrences.

Since 2014, ODOT has added four rail safety inspector positions to the Rail and Public Transit Division, bringing the total number of ODOT rail safety inspectors to 11. With the additional inspectors ODOT has increased inspections of railroads and rail shippers.

In 2014, ODOT worked with an advisory committee to review and revise administrative rule OAR 741-510 relating to railroad reporting of hazardous material movements in the state. The revised rule, adopted late in 2015, requires railroads operating in Oregon to:

- Submit a quarterly report to ODOT on the type, quantity, and general route of hazmat transported during the quarter so emergency responders can plan for possible future incidents.
- Make information about rail cars and locomotives involved in a derailment immediately available to emergency response agencies.
- Immediately notify the Oregon Emergency Response System (OERS) of any release of hazmat during transportation.
- Provide ODOT with miscellaneous information relating to railroad operations, such as timetables and emergency response telephone numbers.

ODOT is currently providing emergency response agencies access to the quarterly railroad reports through GovSpace, which is a password-protected website managed through the Oregon Department of Administrative Services.

SUMMARY

Trains are operating more safely in Oregon today as compared to previous years due to stronger federal and state regulations, the addition of new inspectors, stronger enforcement actions, and increased rail industry education. The safe transportation of hazardous materials by rail is anticipated to continue to improve as DOT-111 tank cars are phased out and inspectors perform data driven inspections.

Attachment: Rail Safety presentation