United States Senate
WASHINGTON, DC 20510

January 14, 2020

Mr. Howard Elliott
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, D.C. 20590

Dear Administrator Elliott:

We write to express concern about the Notice of Proposed Rulemaking (NPRM) entitled "Hazardous Materials: Liquefied Natural Gas by Rail" (Docket No. PHMSA-2018-0025 (HM-264)). We are concerned that significantly loosening restrictions on the transport of liquefied natural gas (LNG) by rail would pose serious threats to public safety that do not appear to have been adequately considered by this rulemaking. In addition, it appears that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is attempting to rush this proposed rule through the approval process — affecting sweeping change with high consequences — without sufficient evidence to assure the public of the safety of the proposed change. Rather than await further proof of safety and reliability through demonstration of small-scale transportation of LNG by rail, this proposal is opening the floodgates to bulk transportation without sufficient analysis to provide adequate safety guidelines.

LNG transport by rail presents a much more complex set of threats than other hazardous materials. This includes possible explosive events with a radius of up to a mile and fires that burn at far higher temperatures than crude oil or gasoline fires and are extremely difficult to put out. The PHMSA acknowledged the additional safety concerns posed by LNG by rail by requiring a special permit to transport it, which has only been issued three times.

The existing special permit review process is intended to provide the opportunity to conduct the necessary risk analysis on each proposed route and related details. It ensures the communities through which this especially hazardous cargo might travel are aware of the proposal and can evaluate the potential risks. Rural communities are faced with additional challenges as they often lack adequate emergency response resources to address the types or large scale of accidents that are possible when transporting bulk quantities of LNG by rail. Even in urban centers, proximity to homes, hospitals, and schools present challenging environments to respond to an LNG accident.

Moreover, the proposal relies on the record of transporting other hazardous liquids in the United States as sufficient proof of the safety of these cryogenic train cars for LNG. Even without the addition of LNG, there are concerns that the cryogenic rail cars are dangerous. Since 2011, there have been two incidents where both the inner and outer shells of these specialized cars carrying less volatile liquids were punctured. Given the small fleet of these train cars in use in the United States (only a few hundred cars), this does not instill confidence. We have strong concerns for

public safety if companies are allowed to expand the fleet and use these unproven rail cars to move large amounts of potentially explosive fuel through our communities.

The proposal asserts there is no need for additional operational controls specifically for trains transporting LNG because they expect LNG will only move in "small quantities (i.e. a few tank cars) at first" and it is "unclear" if the volume will increase. This assertion is clearly contradicted by the most recent special approval, which outlines a ramp-up process beginning with single-car loads of LNG and eventually expanding to trains of 20 cars or more carrying LNG. Additionally, the April 10, 2019, Executive Order directing Federal regulators to create new rules to encourage the movement and export of the United States' "abundant supplies of domestic natural gas" further underscores that there are both sufficient quantities of LNG being produced domestically, as well as intent to begin transporting LNG in significant volumes.

In our home state of Oregon, we have seen the risks firsthand during a 2016 accident in Mosier, Oregon, where tank cars carrying crude oil through that rural community derailed and caught fire in the iconic Columbia River Gorge National Scenic Area. Many of Oregon's smaller and more rural areas have limited emergency response resources, let alone capabilities to deal with hazardous materials such as LNG that could devastate their communities.

We urge you to consider our comments as you evaluate the possible rule change. A thorough analysis of the risks involved with bulk transportation of LNG must be completed prior to such a harmful rule change to ensure the safety of the public is valued at least as much as the energy industry.

Sincerely,

Ron Wyden
United States Senator

Jeffrey A. Merkley
United States Senator