RESOLUTION SUPPORTING THE RETROFIT OF EXISTING DOT-111 RAIL TANK CARS THAT TRANSPORT PACKING GROUPS I AND II HAZMAT BEFORE THE PIPELINES AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION IN DOCKET NO. PHMSA-2012-0082 (HM-251)

WHEREAS, rail freight operations impact The Village of Barrington Hills (Village) and thousands of villages, towns, cities and counties across all regions of the United States of America; and

WHEREAS, safe rail operations are of critical interest to local units of government based on (1) the need to prevent catastrophic accidents like the one that occurred in Lac-Megantic, Canada in July 2013; and (2) the responsibility local governments have to provide emergency response units to manage the impact of rail accidents and derailments in communities across the country; and (3) significant costs associated with clean-up, environmental remediation, medical expenses, other personal injury damages or wrongful death claims for community residents that have the potential to surpass the rail industry's ability to pay for them; and

WHEREAS, ethanol and crude oil are a large and exponentially growing segment of hazardous materials being shipped across the nation via freight rail, which will continue to be a preferred transport mode of choice for this hazmat; and

WHEREAS, since 1991, it has been known to industry and federal regulators that there are safety-related defects in the DOT-111 tank car that serves as the primary tank car used in the shipping of these hazardous flammable materials via freight rail; and

WHEREAS, the federal Pipelines and Hazardous Materials Safety Administration (PHMSA) regulates the safe transport of hazardous materials by railroads in the United States; and

WHEREAS, the business decisions of railroad companies and hazardous material shippers impact the safety, environment, and emergency response system in the communities in which the freight railroads traverse, but state and local governments have no ability to regulate railroad operations; and

WHERES, industry has failed to act in the last two decades to correct the known defects in DOT-111 tank cars, and waited until 2011 to seek government approval to upgrade safety standards for newly manufactured DOT-111 tank cars; and

WHEREAS, a tank car expert from the National Transportation Safety Board testified in 2012 that a retrofit of existing tank cars is necessary because co-mingling existing unsafe DOT-111 tank cars with newly manufactured ones "does nothing to improve the safety in an accident"; and

WHEREAS, the petition for rulemaking submitted to PHMSA on April 3, 2012 by Barrington, Illinois and the Illinois TRAC Coalition reflects the point of view of local governments, which is supported by recommendations of the National Transportation Safety Board, that changes are needed in federal regulations and/or law to better protect public safety relative to DOT-111 tank car safety and train consist dissemination; and

WHEREAS, the April 3, 2012 petition provides a compelling rationale for making long overdue changes in safe rail operations vis-a-vis retrofitting existing DOT-111 tank cars; and

WHEREAS, the April 3, 2012 petition demonstrates that the cost of a DOT-111 tank car fleet retrofit for existing cars would be of nominal expense over the remaining average thirty-year lifespan for the existing fleet, and

WHEREAS, PHMSA issued on September 6, 2013 (78 Federal Register 54849-54861) an Advance Notice of Rulemaking seeking by November 5, 2013 the input from local and state governments on the issue of retrofitting the DOT-111 tank car.

NOW, THEREFORE, BE IT RESLVED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality the following;

Section 1: The Village of Barrington Hills supports the April 3, 2012 petition of Barrington, Illinois seeking new regulations to retrofit existing DOT-111 tank cars used to transport Groups I and II Packing Materials.

Section 2: This adopted Resolution shall be sent to the Pipelines and Hazardous Materials Safety Administration in Docket No. PHMSA-2012-0082 (HM-251) urging expeditious action on Petition No. P-1587. April 3, 2012.

Section 3: This Resolution shall take effect from and after its passage and approval as provided by law.

APPROVED THIS _____DAY OF OCTOBER, 2013

AYES:_____, NAYS:_____, ABSENT:_____, ABSTAIN:_____

_____
Village President

ATTEST:

_____
Village Clerk

Rail Tanker Safety

Robert Kosin <rkosin@barringtonhills-il.gov> Wed, Oct 2, 2013 at 10:43 PM
To: "Martin J. McLaughlin" <mmclaughlin@barringtonhills-il.gov>
Cc: "Janet L. Agnoletti" <j.agnoletti@bacog.org>

Safety Regulators Seek Safety Changes to Rail Tank Cars
By BETSY MORRIS WSJ
September 4, 2013

Federal regulators on Wednesday said they would consider new safety rules for all rail tank cars in the wake of recent accidents.
The Pipeline and Hazardous Materials Safety Administration said it would review proposals that both old and new tank cars be equipped with better puncture-resistance systems and top fittings designed to make them safer.

Tank cars often carry hazardous materials and have been cited by the National Transportation Safety Board in several serious crashes. Safety regulators are investigating the tank cars involved in a train derailment and crash earlier this summer in Lac-Mégantic, Quebec, that killed 47 people.
PHMSA said the proposals reflect input from those who use, haul or own rail tank cars as well as recommendations from the NTSB and from petitioners, among them the Village of Barrington, Ill., that wants the agency to require safety improvements.
The agency will give the public 60 days to comment on its proposals and other regulations that apply to hazardous-material transport.
Most of the recommendations are based on petitions from industries—asking for safety changes to protect their interests. Taken together, they show how controversial tank car safety has become despite repeated warnings by the NTSB and very specific proposals from that agency.
A change that may benefit one industry, for instance, could be costly to another. NTSB recommendations are included in the set of proposals to be considered in the pipeline agency's rule-making process.
The railroad industry began applying its own safety changes to newly manufactured tank cars two years ago, but didn't ask that older tank cars be retrofitted to comply. Now, the Association of American Railroads is proposing more stringent safety standards for newly manufactured DOT-111 tank cars—the most common type—that are used to transport the most hazardous loads.
The Village of Barrington, outside of Chicago, petitioned that older tank cars be retrofitted to safety standards too.
The Compressed Gas Association is asking that regulations be rewritten to "clearly indicate that the liquid portion of the gas must not completely fill the tank." It says the rule permits the transport of carbon dioxide and refrigerated liquid "in an unsafe condition," according to PHMSA's petition. The American Petroleum Institute and the Chlorine Institute and the American Chemistry Council propose, among other things, delaying certain safety changes for tank cars carrying crude oil or ethanol, pending further research.

Write to Betsy Morris at betsy.morris@wsj.com

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rsilroad_safety.pdf

Most derailments are harmless. But what about the one that isn't?
By Marni Pyke Daily Herald
Article updated: 7/23/2012

[PHOTO] Rail cars burn after a hazardous materials spill caused by a derailment in Tiskilwa in October. Photo courtesy of ABC

It started off as a simple idea.

Check out a few derailment stats in light of the train disaster in Glenview that killed a local couple, and voila, a column.

But railroad safety turns out to be an onion-peeling process. A Federal Railroad Administration database leads to a National Transportation Safety Board recommendation that leads to a Pipeline and Hazardous Materials Safety Administration document and so on.

That's why this week's column on railway transport of hazardous materials follows a Sunday story about derailment statistics.

Railroad officials told me that the number of derailments pales in comparison to the thousands of safe trips that transport goods to consumers and industry. One state employee questioned the focus on derailments when so many more fatalities and injury-causing accidents occur on roads and highways.

Yet, from 2002 to 2011, there were 1,511 derailments in Illinois, mostly low-speed incidents in rail yards. Of that total, 351 derailments were on mainline track in Illinois. Many were minor hiccups, but some messed up Metra commutes, destroyed infrastructure and took lives.

My downtown is bisected by a freight/Metra rail line that's a stone's throw from the Saturday farmers market, the ice cream shop and two coffee houses. It's idyllic. Moms with kids in strollers (me included), commuters and students all hang out, waiting for the huge freights carrying everything from coal to cars to hazmat to pass, unconcerned because nothing bad ever happens.

But consider the following stats from the Illinois Commerce Commission and Association of American Railroads:

• Railroads in Illinois carried 437.1 million tons of freight in 2009, of which 7 percent — or 30.6 million tons — were classified as hazardous materials. This could mean anything from “mild irritants” to poisonous and radioactive materials. The size of shipments can range from a pint to 42,000 gallons in a tank car, the ICC states.

“The big worry and concern is when you have hazardous materials involved in a derailment,” Northwestern University railroad safety researcher Ian Savage said. “Bad things can leak out and go into the groundwater. These are real issues if a tanker car catches fire.”

Considering the vast amount of hazmat rumbling through Illinois on freight trains, the number of derailments that involve chemicals being released into the environment is minuscule. But that doesn't mean the incidents themselves are insignificant.

The ICC reports 80 incidents from 2002 to 2011 in which train derailments resulted in the release of hazardous materials.

In same time period, there were 86 derailments of trains carrying hazardous materials in which no hazmat spilled.

Here's a look at some notable hazmat releases that occurred when trains derailed in 2011, according to ICC data.

• Jan. 27: A CSX train derailed in Decatur, releasing 2,900 gallons of diesel fuel.

• Jan. 30: A Union Pacific train derailed in East St. Louis, releasing 100 gallons of diesel fuel.

• April 8: A CN train derailed in Effingham, releasing 5 gallons of methyl methacrylate, a flammable liquid used to make resins and plastics.

• April 19: A TRRA train derailed in Venice, releasing 2,300 gallons of diesel fuel. TRRA is a small railroad operating in downstate Madison County.

• Oct. 7: An IAIS train derailed in Tiskilwa, releasing 180,000 gallons of ethanol causing an explosion and evacuations.

• Dec. 23: A BNSF train derailed in Galesburg, releasing 4,000 gallons of diesel fuel.

• Dec. 23: A BNSF train derailed in Joliet, releasing 2,500 gallons of diesel fuel.

So what's being done to reduce incidents, make tank cars safer and protect the public? Tune into next week's column for more onion peeling.

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