



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**

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December 18, 2019

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

**RE: Docket No. PHMSA-2018-0025 (HM-264)**

Dear Administrator Elliott:

We write regarding the pending Notice of Proposed Rulemaking (NPRM) entitled “Hazardous Materials: Liquefied Natural Gas by Rail,” published by the Pipeline and Hazardous Materials Safety Administration (PHMSA) for public comment in the Federal Register on October 24, 2019 (Docket No. PHMSA-2018-0025 (HM-264)). In this notice, both PHMSA and the Federal Railroad Administration (FRA) propose changes to the Hazardous Materials Regulations (HMR) to allow for the bulk transportation of liquefied natural gas (LNG) in rail tank cars. As Chairman and Member of the House Committee on Transportation and Infrastructure, we urge you to conduct thorough analysis of risks to the public and environment, and to apply stringent protections and operational controls that provide the highest level of safety for communities if LNG is transported by rail tank car. Without such analysis and protections, any proposal to transport LNG by rail tank car should be rejected.

We have significant concerns that PHMSA has not fully evaluated the safety risks surrounding LNG transport. This NPRM proposes moving large quantities of LNG by rail in the DOT-113 specification rail tank car through communities across America. However, the public cannot be assured, based on the information provided in the NPRM, that this rail tank car is a safe way to transport LNG by rail. Since 2011, there have been two accidents that led to a breach of both the outer and inner sections of a DOT-113 tank car—which is of note considering only a few hundred of these tank cars exist in the U.S. fleet. In May 2011, an accident in Moran, Kansas damaged three tank cars containing liquid ethylene, leading to a fire. In October 2014, a DOT-113 tank car carrying argon under a special permit experienced an outer and inner tank car breach. PHMSA notes that there is little that first responders can do if a cryogenic liquid rail tank car is breached—in the case of the Kansas accident, emergency responders were forced to let the ethylene burn out. While this may be a last resort in unpopulated regions, such a response would be

unthinkable in urban centers. PHMSA's environmental statement acknowledges that, the average quantity spilled per derailment involving the cryogenic liquids carried in DOT-113 tank cars (45,769 gallons) is approximately ten times greater than the average quantity spilled for all rail incidents involving hazardous materials (4,807 gallons) for the period of 2005 to 2017.

In the NPRM, PHMSA neglects to include routing, speed controls, train length, or braking requirements, only citing industry's recommended operating practices for transporting 20 car loads or more of hazardous materials (AAR's Circular OT-55)—stating, "PHMSA and the FRA believe this industry standard helps ensure the safe transportation of all hazardous materials, including LNG." Unfortunately, it took numerous deadly accidents involving trains carrying crude oil across the U.S. before PHMSA and the FRA issued a Final Rule in May 2015 to address safer operating conditions of High Hazard Flammable Trains and safety upgrades to tank cars transporting crude oil and ethanol. The NPRM attempts to justify the lack of operational controls included by arguing that only a small numbers of LNG shipments are expected to take place after changing the HMR. Yet, PHMSA argues that such a rulemaking is necessary in the first place because of the growth potential for LNG rail transport markets. PHMSA and FRA should take lessons learned from the drastic expansion of crude oil transported by rail and the tragic accidents that followed, and proactively examine appropriate safety measures for transporting LNG by rail. As written, this NPRM provides no assurance to the American public that appropriate protections are in place.

Simply put, the consequences of an LNG accident are too severe to risk. Transporting LNG by rail would raise the same concerns as combustible oil trains, but with a fuel that has more powerful, more numerous, and much more complex hazards. If even one rail tank car suffers a puncture, out of the hundreds that FRA plans to transport, the results could be catastrophic. Due to LNG's cold temperature, if it were to spill near an ignition source (such as sparks or hot surfaces on the railroad tracks), the evaporating gas can burn above the LNG pool. This scenario would result in a pool fire that would spread as the LNG pool expanded away from its source; such a pool fire is intense, burning far more hotly and rapidly than crude oil or gasoline fires, and it cannot be extinguished. The risks of such an incident include thermal radiation. As PHMSA's own draft environmental statement acknowledges, a boiling liquid expanding vapor explosion (BLEVE) event is possible, which could impact individuals up to one mile away from the explosion—  
— the same blast radius as Hiroshima. PHMSA categorizes this scenario as low probability and high consequence; merely because there are low odds that a devastating fire or explosion could occur is not enough evidence to deem the proposed transportation mode as safe.

The Administration has already chosen to irresponsibly rush forward on LNG transportation by rail tank car. On December 5, 2019, PHMSA granted a special permit to Energy Transport Solutions LLC to authorize transportation of LNG in tank cars between Wyalusing, PA and Gibbstown, NJ. The route will pass through both urban and rural communities in the Northeast, placing citizens and the environment in extraordinary danger. Furthermore, rather than delivering natural gas to the American public, LNG-by-rail primarily benefits corporations that export LNG and large fossil fuel companies at the expense of community safety along these rail lines. There are over 300,000 miles on natural gas transmission lines in this country, but the President's Executive Order is an attempt to bypass rejections from some communities for additional pipeline capacity and instead run a more dangerous product with more significant safety risks through their towns anyway.

With this decision, PHMSA failed to take critical steps to test, analyze, and review the plan for safety. Without further research to evaluate the incredible risk posed by any LNG by rail transportation, PHMSA will make this same mistake again. We urge you to not sacrifice public safety to accommodate the profit motives of industry.

We appreciate your attention to my comments for the docket. Should you have any questions or need additional information, please contact Liz Hill with the Transportation and Infrastructure Committee at (202) 225-4472.

Sincerely,

  
PETER A. DeFAZIO  
Chair

  
TOM MALINOWSKI  
Member of Congress