

# Oil-by-Rail Safety: Formulating Advocacy

Thursday, November 6, 2014  
11:00 a.m. – 12:30 p.m.



# Presenter

Tim Cromartie

*Legislative Representative  
Public Safety*

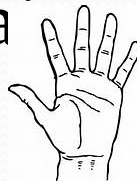


# Oil by Rail in California

- This webinar will share the League's draft recommendations for advocacy on this issue, which will be vetted with our policy committees (Public Safety and Transportation) in January. They represent a mixture of input from relevant state agencies, first responders, and the League's own Comment letter submitted to the U.S. Department of Transportation in September.
- Your input on these draft recommendations is welcome, as they are intended to help guide local government efforts to lobby for appropriate regulatory changes at the federal level, addressing both rail safety and emergency preparedness.

# How to Ask a Question

- All phone lines will be muted until the Q and A/Discussion period
- For Questions - Use the Q&A window to the right side of your screen
- Please enter your **Name**, **Title** and **City** when you ask a question
- For verbal questions, raise your hand by clicking on the “hand” icon



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Reminder regarding draft advocacy recommendations:

- Federal law generally pre-empts state and local regulation of rail traffic
- Two notable exceptions:
  - Set-back requirements from rail lines
  - States may adopt more stringent standards than federal law requires if three criteria are satisfied:
    - 1) No undue burden on interstate commerce
    - 2) The state standard is compatible with federal standards
    - 3) It is necessary to reduce or eliminate local safety hazards

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Reminder regarding League's draft advocacy recommendations (continued):

- These are draft recommendations, subject to further discussion and final approval. Your input is welcome.
- Given limitations imposed by federal pre-emption, the League's draft recommendations focus on potential points of advocacy for local governments to emphasize when contacting federal agencies and their respective Senators or Members of Congress.
- One of the state's recent legislative responses, SB 861, has already been challenged in court due to a provision requiring railroads to develop an oil spill contingency plan that must be approved by the state Office of Oil Spill Prevention and Response (OSPR). The issue raised in the suit is whether that regulation is pre-empted by federal law.

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## **League of Cities Draft Advocacy Recommendations**

- Entities to whom letters should be addressed:
- **Federal Railroad Administration**
- **Pipeline and Hazardous Materials Safety Administration**
- **Your Senator**
- **Your Member of Congress**

# Oil by Rail in California

## League of Cities Draft Advocacy Recommendations

- 1) **Mandate Electronically Controlled Braking Systems:** Require installation of electronically controlled, pneumatic braking systems (ECP) on Bakken crude, and ethanol, unit trains by a date certain. This technology allows for faster and more efficient braking to a full stop. (CPUC)
- 2) **Expedite retrofit or phase-out of tank cars failing to meet current safety standards:** Require phase-out or retrofitting of older, DOT-111 tank cars manufactured prior to October 2011, to be completed by a date certain. The Association of American Railroads adopted higher manufacturing standards requiring greater structural integrity for these tank cars which took effect at that time, to facilitate safer transport of flammable liquids, including ethanol and all crude oil. (CPUC, OES, California Interagency Rail Safety Working Group)



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## League of Cities Draft Advocacy Recommendations (continued)

**3) Mandate Provision of Real-Time Information to first responders in event of accidents:** Require via federal regulations that railroads and producers of petroleum and other hazardous materials shipped by rail make available to first responders, via a secure access portal on their websites, the cargo manifest information, or consist, on trains containing these substances. This information ideally should also be accessible via mobile applications, allowing rapid access by first responders to cargo manifest information in real time, particularly in accidents where the manifest is not available on the train. (First Responders, National League of Cities, California Interagency Rail Safety Working Group)

**4) Federal funding for first responders:** Increase federal funding for training and equipment purchases for first responders, to improve their ability to respond to hazardous materials accidents. (First Responders, OES, California Interagency Rail Safety Working Group)

# Oil by Rail in California

## League of Cities Draft Advocacy Recommendations (continued)

**5) Mandatory Speed Limits:** Impose mandatory maximum speed limits in all areas. (League of Cities)

**6) Stricter Reporting Requirements:** Lower the threshold for the number of tank cars that trigger a reporting requirement to the California Energy Commission and the State Emergency Response Commission, from 33 to 20. Currently petroleum producers and railroads only have to submit reports of trains carrying Bakken crude oil if the train includes 33 or more tank cars. Each tank car holds 34,500 gallons. This will lower the trigger for the reporting requirement from shipments of 1.1 million gallons or more, to shipment of 690,000 gallons or more. (OES)

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## **League of Cities Draft Advocacy Recommendations (continued)**

### **7) Identity priority routes for positive train control (PTC):**

PTC is an advanced technology incorporating GPS tracking to automatically stop or slow trains before an accident can occur. It is specifically designed to prevent train-on-train collisions, derailments due to excessive speed, and unauthorized movement of trains. (CPUC, Senator Dianne Feinstein, California Interagency Rail Safety Working Group)

NOTE: Staff recommend adding to this language an express federal requirement that PTC be employed on all rail lines used for the transport of Bakken crude oil, and that the technology come online by a date certain;

# Oil by Rail in California

## League of Cities Draft Advocacy Recommendations (continued)

### 8) Mandate railroad industry compliance with Individual Voluntary Agreement negotiated with the U.S. Department of Transportation by codifying the following actions as requirements:

- Reduced speed for crude oil trains with older tank cars going through urban areas
- Analyses to determine the safest routes for crude oil trains
- Increased track inspections
- Enhanced braking systems (electronically controlled pneumatic brakes) ECP
- Installation of wayside defective bearing detectors along tracks
- Better emergency response plans
- Improved emergency response training
- Working with communities through which oil trains must move to address community concerns

(California Interagency Rail Safety Working Group)



# Questions?



# Upcoming Webinars

**2014 Legislative Briefing Webinar**

Wednesday, November 12 2:00 - 3:30 p.m.