



NEW JERSEY SENATE

SHIRLEY K. TURNER
SENATOR, LEGISLATIVE DISTRICT 15

CHRISTOPHER BATEMAN
SENATOR, LEGISLATIVE DISTRICT 16

NEW JERSEY ASSEMBLY

VERLINA REYNOLDS-JACKSON
ASSEMBLYWOMAN, LEGISLATIVE DISTRICT 15

ANDREW ZWICKER
ASSEMBLYMAN, LEGISLATIVE DISTRICT 16

JOE DANIELSEN
ASSEMBLYMAN, LEGISLATIVE DISTRICT 17

January 13th, 2020

US Department of Transportation Docket
Management System
West Building, Ground Floor, Room W12-140 Routing
Symbol M-30
1200 New Jersey Ave., SE Washington,
DC 20590-0001

Attention: Docket No. PHMSA–2018–0025

Dear Sir or Madam,

As representatives of New Jersey’s 15th, 16th, and 17th legislative districts, we wish to comment on the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) October 24, 2019, notice of proposed rulemaking (NPRM), *Hazardous Materials: Liquefied Natural Gas by Rail*. President Trump mandated in his April 10th Executive Order 13868 that the Department of Transportation establish new LNG regulations for rail transport. Allowing LNG transport without a proper analysis as the basis of any new regulations is a dangerous and foolhardy process that puts New Jersey at risk.

We are concerned that to date inadequate attention and analysis has been done to protect New Jersey citizens from the potential dangers posed by LNG transport. As the most densely populated state in the

nation, New Jersey has developed areas around its rail lines that are at a potentially high risk of deadly consequences in the event of an accident from burn-back trapped gas explosions (confinement fires), high population exposure to boiling liquid expanding explosions (BLEVE), liquid pool fires, and contained vapor cloud explosions.

We note that in Cleveland, Ohio in 1944, one hundred people were killed after LNG from a storage tank leaked into the city's sewer system and ignited. This kind of trapped gas confinement fire, were it to happen in New Jersey, would be devastating, finding many avenues along New Jersey's crowded rail lines if a tank ruptured from a train derailment.

Recent oil train derailments that have taken place in North America—such as Lac Megantic, Quebec; Mosier, Oregon, and over a dozen other communities— demonstrate the necessity to take a hard look at LNG transport. These accidents prompted replacement of the 50 year old DOT111 trains with a newer model, and yet no red flags are being raised by PHMSA that the 50 year old sister design of the DOT111, the DOT113, is being given the go ahead to transport LNG.

To date, no rail tank car standards for LNG have been established and there is a complete lack of testing and analysis on the 50 year old DOT113 tank design for LNG rail shipment . The merely anecdotal safety history of the existing small fleet of DOT-113 tank cars cited by the Exponent Risk analysis done under PHMSA docket 20534, and used as a guide in this docket, is not a sufficient to determine the safety of the tank cars. A thorough safety analysis of tank car specification is needed. We agree with National Transportation Safety Board comments that have been submitted on this docket that argue that there is a lack of data and analysis in the NPRM for both the DOT113 tank car and operational restrictions to be evaluated. Lack of information is not a justification for lack of regulatory safeguards. New Jersey cannot afford a 'wait and see' approach to rail safety.

We are asking that operational controls similar to the protections currently in place for high-hazard flammable trains (HHFT), as provided in the requirements for the operation of HHFTs found at 49 *CFR* 174.310 be required. We are especially concerned about a complete lack of permit restriction to avoid routing through densely populated suburban and urban centers. We cannot overstate the potential deadly impacts of a LNG rail accident in our communities. To that point, we ask that a 'worst case scenario', be mandated, as it is for chemical facilities throughout the country, for low, medium, and highly populated areas. These risks need to be assessed and weighed before any permissions to transport LNG by rail is granted. Given that a major part of the rationale for LNG by rail is to access LNG ports for overseas shipping, and that New Jersey does not need any more gas supply infrastructure to meet our domestic demand, we feel that New Jerseyans should not have to bear the brunt of the risks for zero benefit. At the very least, that risk should be clearly understood and communicated.

Specifically, we feel the operational mandates for LNG transport should include:

- stated limit on train length,
- stated maximum allowable car weight,
- Speed restrictions - analysis justifying a maximum speed of 50 mph and further limitation to a maximum of 40 mph while operating within the limits of high-threat urban areas as defined in 49 *CFR* 1580.3.
- BLEVE (boiling liquid evaporating vapor explosion) modeling,
- analysis of "limited zone of hazard" beyond labeling it "significant."

- mandated non-hazardous tank car buffer to protect crew
- electronically controlled pneumatic (ECP) brakes, a two-way end-of-train (EOT) device as defined in 49 *CFR* 232.5, or a distributed power (DP) system as defined in 49 *CFR* 229.5,
- a ‘worst case scenario’ for low, medium, and highly populated areas and,
- rerouting analysis and restrictions

The very real potential for grave impacts on human health associated with LNG transport by rail, and the lack of data and analysis, and the time-tested restrictions that are required of other hazardous materials by rail, is unacceptable.

New Jersey cannot be ground zero for testing the safety parameters of an unregulated highly explosive fuel.

We the undersigned legislators of New Jersey believe that authorizing LNG transport by rail with unproven tank cars and a lack of the basic operational safeguards would present an unreasonable risk to our citizens. Protecting the people and the environment of New Jersey is of paramount importance and requires that any potential rail transport of LNG receives the most stringent review and analysis.

Sincerely,

Shirley K. Turner
Senator, 15th District

Christopher ‘Kip’ Bateman
Senator, 16th District

Verlina Reynolds-Jackson
Assemblywoman, 15th District

Andrew Zwicker
Assemblyman, 16th District

Joe Danielson
Assemblyman, 17th District