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Via Electronic Filing

<https://pshs.virginia.gov/initiatives/commissions-task-forces-working-groups/comment/>

The Honorable Brian J. Moran
Secretary of Public Safety and Homeland Security and Co-Chair

And

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation and Co-Chair

Railroad Safety and Security Task Force
Commonwealth of Virginia

Re: Railroad Safety and Security Task Force Draft Report Dated April 9, 2015

Dear Secretary Moran and Secretary Layne:

The City of Alexandria, Virginia (“the City”) respectfully submits comments regarding the above draft report.

First, the City applauds the Governor’s timely creation of this important Task Force which focuses on the safety of rail transportation of hazardous and flammable products such as crude oil and ethanol. The City appreciates the realistic efforts by the Task Force to focus on opportunities to enhance response and recovery, given the Constitutional limitations on state governments to address the root causes of rail accidents. However, the City recommends that future efforts of this Task Force be expanded to specifically examine the safety issues relating to ethanol transloading facilities located in densely populated areas.

The City is particularly concerned about safety issues relating to ethanol transloading facilities because one such facility is currently operating in the City of Alexandria adjacent to Cameron Station and Summers Grove, two densely populated communities having approximately four

thousand residents. The facility is located a little over 100 yards from the Samuel B. Tucker Elementary School with approximately 700 students, and is immediately adjacent to the Backlick Run, a perennial stream. These communities have deep concerns regarding the risk of a catastrophic event that could be caused by a derailment of trains near this transloading facility or a spill resulting in a fire and/or explosion occurring at this location.

The City agrees wholeheartedly with the Task Force's recommendation to "create notification mechanism for railway-related incidents to at-risk residential communities, which are to be identified based on population, location, and density."

The City is very concerned with a fact mentioned in this report that "derailments, even at relatively low speeds, of unit trains hauling crude oil are major emergencies and will require a commitment of resources well beyond the capacity of most localities in the Commonwealth." Ideally, the best option would be to remove the source causing the emergencies. In the case of Alexandria, this would involve moving the Norfolk Southern ethanol transloading facility away from the densely populated areas of Cameron Station and Summer's Grove. At a minimum, a funding mechanism should be established and made available to localities that have designated at-risk communities to help provide equipment, resources, and training necessary to effectively respond to emergencies. One suggestion would be to fund a designated hazardous materials or special operations officer in the department of each locality that hosts such a facility. While the report suggests a similar approach, with Virginia Department of Emergency Management employing the officer, the City believes this is better under local control, thus focusing on the locality and the immediately impacted region.

As mentioned on page 18 of the report, "two exceptions to the Federal Railroad Safety Act (FRSA) allow states to (1) enforce a law or regulation until the federal government addresses the subject matter, and (2) enforce more stringent safety laws or regulations. The more stringent standards are only allowed if the safety laws and regulations are (1) necessary to reduce the apparent hazard, (2) are not incompatible with federal laws, and (3) do not burden interstate commerce." Pending the forthcoming federal regulation on the train speed limit, and taking into account the fact that the present train car design could not prevent car rupture in recent derailment incidents even at train speed as low as 23 mph, the City believes that the Commonwealth should explore the possibility of regulating train speed at 20 mph in the at-risk densely populated urban areas in Virginia.

In addition, as there are no local or federal laws and regulations regarding the siting for transloading facilities. The City recommends that the Task Force review the Commonwealth's authority, pursuant to the exceptions described above, to establish siting criteria for crude oil and ethanol transloading facilities and developing appropriate safety measures. If it is determined that the Commonwealth does have the authority, the City recommends the Task Force pursue and develop siting criteria for facilities in localities to protect public safety and develop appropriate safety control measures as soon as possible and allow the public an opportunity to provide input. Potential siting criteria factors could include: density of neighboring population, proximity to schools, setback requirements, adequate infrastructure, and minimum emergency response capabilities.

The report mentioned that “the anticipated federal regulations for transporting Bakken crude oil will also be applicable to ethanol during rail shipment in large quantities.” The City recommends that the Task Force also consider the significant risks of the ethanol transloading facilities where large amounts of ethanol are delivered to and stored in tank cars at these facilities, and develop recommendations to make these facilities as safe as possible.

Also quoting from the report, “foam firefighting is a highly technical discipline that requires a level of training, experience, and equipment that is difficult to maintain given the low frequency of events in Virginia that require the use of this capability.” It is thus inequitable to ask the affected localities to absorb the costs involved for providing the equipment, resources and training required. Again, the City strongly believes that a funding system, paid for by the railroads, should be established to pay for cost of protecting the population living in these “at-risk residential communities.” The funding system should pay for localities to develop response plans, provide staffing, and purchase equipment.

The State Corporation Commission (SCC) should be designated to address all complaints and concerns from localities, in addition to its present role in conducting accident investigations, inspecting railroad tracks, rail cars and locomotives, and reviewing railroad operating procedures to help ensure compliance with Federal Railroad Administration standards. In its proposed expanded role, the SCC should provide more information to local first responders to ensure the fastest response to emergencies as possible.

Overall, the Task Force has considered several aspects relating to the safety of rail transportation of hazardous and flammable products in depth in this report, and the City truly appreciates its effort and transparency. Alexandria fully supports the many recommendations of this report.

The City appreciates the opportunity to comment on this draft report, which clearly reflects the state determination to protect Virginians from the hazards involving rail transportation of hazardous and flammable products such as crude oil and ethanol. If you have any questions regarding these comments please contact William Skrabak, Deputy Directory, Transportation and Environmental Services at 703-746-4065 or by email at William.Skrabak@alexandriava.gov.

Sincerely,



Mark B. Jinks
City Manager



Robert Dubé
Fire Chief, Alexandria Fire Department

The Honorable Brian J. Moran, Co-Chair
The Honorable Aubrey L. Layne, Jr., Co-Chair
Railroad Safety and Security Task Force, Commonwealth of Virginia
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C: Honorable Mayor and Members of City Council
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