



August 18, 2017

**Re: Coast Guard, Department of Homeland Security, Proposed Rule, DELAIR Bridge,  
Docket number USCG-2016-0257**

Delaware Riverkeeper Network submits these comments regarding the Coast Guard proposal to modify the operating regulation that governs the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ by allowing the bridge to be remotely operated from the Conrail South Jersey dispatch center in Mount Laurel, NJ, instead of being operated by an on-site bridge tender.

Delaware Riverkeeper Network (DRN) opposes the proposed regulation. Our opposition is based on the increased potential for negative environmental impacts to the Delaware River and adjacent areas in New Jersey and Pennsylvania, and health and safety impacts to the local and regional communities as a result of removing an on-site bridge tender. We disagree that this is not a significant regulatory action that requires review by the Office of Management and Budget as per Executive Order 13771 and we advocate that this rule be designated as such. We also disagree that this action will not have a significant effect on the human environment and disagree with the categorical exclusion from further review, including a Record of Environmental Consideration and a Memorandum for the Record.

The DELAIR Memorial Railroad Bridge is a Conrail bridge that spans across the Delaware River just south of Frankford Creek in Bridesburg near Philadelphia, PA to an area called "Delair" in Pennsauken, NJ at River Mile 104.6. It was built in 1896 totaling 4,396 feet long, upgraded in the 1960's to become "the longest double track vertical lift span bridge in the U.S." and modernized to current safety standards in 2012.<sup>1</sup>

As stated in the proposed rule, an average of 28 passenger trains and 8 Conrail freight trains cross the bridge with a daily average of 3 bridge openings. The provision of human oversight at the bridge to operate the drawbridge benefits both passenger trains and freight trains. DRN considers it essential to provide comprehensive and vigilant monitoring and mechanical operation of the drawbridge.

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<sup>1</sup> Mick Ricereto, "Making Connections in New Jersey with the Delair Bridge", Hidden City Philadelphia, 11.9.2016, <http://hiddencityphila.org/2016/11/making-connections-in-new-jersey-with-the-delair-bridge/>

While remote operation and new safety measures that have been installed could serve as a back-up of operation by an on-site bridge tender, we consider the real-time watch provided by the trained eyes of a certified operator on site to be essential. The operation provided by only a remote device is subject to equipment failure, delays in transmission of information, intentional interference by hackers or other malevolent forces, accidents and other physically disabling events. We are surprised that the Department of Homeland Security would allow deviation from human oversight of this important bridge that carries substantial traffic and the rail transport of hazardous materials. The removal of a bridge tender removes the presence of a person who is trained in all aspects of drawbridge operation from a site that is highly sensitive.

The proposed regulation states that if the remote operation system fails, qualified personnel will return to the bridge within 60 minutes. DRN does not consider 60 minutes to be an adequate response time, especially if there is an emergency, derailment or catastrophic event. We trust that the Coast Guard has based its analysis of a 60 minute response time on the amount of time it would take to get a worker on site after a remote system failure. Perhaps this is due to the location of Conrail's South Jersey dispatch center in Mt. Laurel, NJ, from where the remote system would be operated. DRN advocates that a bridge tender be kept on the bridge at all times, even with the remote system in place, so that there will be no lag time in response to the need for a human operator.

This redundancy is essential to provide on-site decision making and response should immediate action and response be needed. It makes the most sense to have a person available to handle operations instantly, especially if there is the potential for environmental or health and safety problems involving drawbridge operations. This bridge tender operation, oversight and response is also essential to provide a full physical view of the location and traffic on the bridge and the river; remote controls and cameras simply cannot provide the expansive view of a human being and trained eyes.

The nature of the freight traffic that uses the bridge day in and day out demands a bridge tender and human oversight on the bridge. Norfolk Southern and CSX Transportation control all east-west freight rail traffic east of the Mississippi River.<sup>2</sup> Both these companies' trains travel on the tracks of the DELAIR Bridge. In recent years, the freight traffic has included more hazardous material hauling than in past decades. Part of this change in the type of materials being freighted by rail is the purchase and refining of domestic crude oil in the Delaware River region.

Starting around 2012-2013, domestic "crude by rail" increased steadily to 2016. Philadelphia Energy Solutions (PES) in Philadelphia is the largest oil refining complex on the Eastern Seaboard with the largest crude oil rail yard in the U.S. and was the largest single purchaser of domestic crude oil in the nation when the domestic crude market ascended, starting in 2012. In addition, Monroe Refinery in Delaware County, PBF Refinery in Paulsboro, NJ, and the refinery at Delaware City, DE together can refine 862,000 bpd and the Enbridge Eddystone Rail yard south of Philadelphia can handle large volumes of rail traffic. Much of this crude was brought in by rail from the North Dakota Bakken oil fields. Some of the oil is carried by trains over the DELAIR

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<sup>2</sup> [https://en.wikipedia.org/wiki/Norfolk\\_Southern\\_Railway](https://en.wikipedia.org/wiki/Norfolk_Southern_Railway)

Bridge. Because the exact information about crude by rail and other hazardous material train traffic is barred by government agencies from public disclosure, DRN does not know exactly how many trains, the volume of each train, and which company is railing hazardous materials each day over the bridge. But we do know from observation that CSX and Norfolk Southern trains do carry these hazardous materials over the DELAIR Bridge.

Today, the PES facility in Philadelphia is still the largest oil refining complex in the East. At its peak between 2013 and 2015, PES routinely took in 3 trains, each about a mile long, filled with Bakken oil each day and was capable of handling 280,000 bpd.<sup>3</sup> However, the Dakota Access Pipeline has changed the market and steadily driven down the demand to ship Bakken oil by rail. In recent months, PES was getting roughly one unit train per day, the equivalent of 75,000 barrels a day.<sup>4</sup> The PES refining complex now produces approximately 110 million barrels of refined products annually.<sup>5</sup> Some of the oil that is refined is shipped in from overseas up the Delaware River instead of being brought in by rail to the Delaware River Port refineries. Despite these changes in source oil driven by the market, oil trains do still travel over the DELAIR Bridge and other materials classified as hazardous by PHMSA also are carried in train cars on this route.

Because the refining capacity at the PES, Monroe, PBF Paulsboro and Delaware City, DE refineries is so great - together refining 862,000 bpd - and the capacity for receiving crude by rail at PES – the largest crude by rail yard in the nation - and the crude by rail yard at Enbridge Eddystone Rail is so tremendous, it can be ramped up again to receive crude by rail should the market winds once again shift. And if that were to occur, there are no controls to keep the volume of train traffic carrying crude oil from increasing once again.

An important new rail activity is the railing of natural gas liquids from processing facilities that are producing these liquids from shale gas extracted to the west of the Delaware River. These liquids are hazardous materials and some, such as propane, are flammable and tend to explode if a train car is punctured, similar to the hazards posed by Bakken crude. Ports on both sides of the Delaware River, Pennsylvania and New Jersey, are either already receiving natural gas liquids and shipping it out on the river or are planning to build deepwater port facilities to ship out the liquids on the river. Some of the processed gas materials are brought in by pipeline but, as in the case of the planned deepwater port in Greenwich Township, Gloucester County, NJ, would be solely delivered by rail car. This increasing rail traffic could rival the volume and frequency of crude by rail, depending on the shipping facilities that go into operation. This hazardous material can reasonable be expected to add to the rail traffic that uses the DELAIR Bridge.

In the case of flammable materials such as Bakken crude and natural gas liquids, the threat of substantial environmental and health and safety impacts and/or catastrophe from an accident or derailment from the bridge is very great. The severe impacts from a spill, explosion or fire rise to the threshold of “significant effect on the human environment” that classifies this proposed rule as

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<sup>3</sup> <https://www.cnbc.com/2017/04/19/reuters-america-e-coast-refiner-shuns-bakken-delivery-as-dakota-access-pipeline-starts.html>

<sup>4</sup> Ibid.

<sup>5</sup> <http://pes-companies.com/refining-complex/>

a “significant regulatory action” and not eligible for a “categorical exclusion” under NEPA. Federal agencies say Bakken crude oil has unusually high gas content, low flash point, a low boiling point and high vapor pressure, risking catastrophic fire that is difficult or impossible to extinguish. Depending on the tank cars in service, the tanks can puncture when derailed (and DOT 111s are easily punctured), often exploding, resulting in the inextinguishable fire that has scarred so many locations where derailments have occurred.

As crude-by-rail traffic increased after 2012, so did accidents, posing significant risks to life, property and the environment – 113 incidents involving crude-by-rail mishaps occurred in 2013 alone. The most devastating was in Lac Megantic, Quebec where 47 people died and much of the town was incinerated; oil pollution to the ground and groundwater is still ongoing there today as a result of the disaster. Philadelphia itself had a near disaster when a train derailed in January 2014. Tank cars carrying crude oil from a CSX train hung from a bridge over the Schuylkill River for days, threatening the City and the water supply of 1.5 million residents.

A spill into the river of hazardous materials from the DELAIR Bridge, located upstream from the City’s Baxter Water Treatment Plant, could have devastating impacts on the City’s water supply. The Baxter Plant treats an average of 200 million gallons a day from the Delaware River, providing water to almost 60% of the City’s population. It also serves some parts of Lower Bucks County. The New Jersey American water supply intake that draws approximately 100 million gallons of water per day for New Jersey customers is located across the river from the Baxter Treatment Plant and is an essential and irreplaceable source of water for South Jersey residents. Millions of people could be affected by the contamination of this water source.

The impacts to the Delaware River environment of a spill, fire or explosion would be devastating as well. Species that rely on the river’s habitats, water quality and ecosystem features require healthy water quality and flow and are all at risk of being substantially adversely effected by an accident and/or pollution release at the bridge.

River traffic can also be a source of contamination should there be a spill or accident that releases pollutants into the river at the DELAIR Bridge due to its location upstream of water intakes in Philadelphia and in New Jersey, as discussed above. The river’s quality for fish, aquatic life and wildlife in the river, tidally influenced tributaries and adjacent riparian and upland regions in both New Jersey and Pennsylvania are at direct risk of damage from a pollution event at the Bridge.

The dangers posed to residents in the region surrounding the DELAIR Bridge on both sides of the River are great should there be an accident, fire and/or explosion. There are many thousands of people within the blast zone of the train tracks in the local Philadelphia and Pennsauken NJ region. For an interactive map to see how close people are to tracks in Philadelphia go to: <http://explosive-crude-by-rail.org/> To understand the environmental justice implications of communities in Philadelphia exposed to the dangers of train derailments, see: <http://pennenvironment.org/reports/pae/environmental-justice-and-oil-trains-pennsylvania>

In summary, Delaware Riverkeeper Network (DRN) opposes the proposed regulation and requests that the Coast Guard require that an on-site bridge tender remain on duty at all times on the DELAIR Bridge, even with the remote system in place.

We request that the proposed rule be rejected. We disagree that this is not a significant regulatory action that requires review by the Office of Management and Budget as per Executive Order 13771 and we advocate that this rule be designated as such. We also disagree that this action will not have a significant effect on the human environment and disagree with the categorical exclusion from further review, including a Record of Environmental Consideration and a Memorandum for the Record.

We request this so that the on-site bridge tender personnel can provide the maximum protection required to operate the drawbridge considering the substantial environmental and human health and safety dangers posed by the traffic utilizing the bridge in its daily operations.

Thank you for the opportunity to comment on this important proposed rule.

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