



December 16, 2019

The Honorable Phil Murphy  
Governor of New Jersey

**RE: Notice of Proposed Rulemaking, PHMSA Docket Number PHMSA–2018–0025 (HM–264)**

Dear Governor Murphy,

Delaware Riverkeeper Network brings to your attention a Notice of Proposed Rulemaking (NPRM) for the Pipeline and Hazardous Materials Safety Administration (PHMSA), with the Federal Railroad Administration (FRA), to change the Hazardous Materials Regulations to allow for the bulk transport of Methane, refrigerated liquid, commonly known as Liquefied Natural Gas (LNG), in rail tank cars. The proposal would authorize the transportation of LNG by rail in the DOT-113C120W rail tank car on the nation’s railways. We request that you submit a comment to PHMSA opposing the Proposed Rulemaking and Proposed Alternative. We request this action to protect New Jersey communities that will be exposed to the danger of LNG transport. New Jersey has approximately [1,000 miles of rail freight lines](#) crisscrossing the state and traveling in close proximity to millions of people at home and at work, to sensitive environmental features and vulnerable facilities. Many of the rail lines are regional and national railroads, passing into and through the state. New Jersey is too densely populated with too many rail lines to be used as a corridor for these highly dangerous LNG trains.

The Rulemaking proposes to allow LNG to be transported in tank cars, designed 50 years ago, that have never been used to transport LNG. The essential safety testing that experts say is needed to provide the information on whether the DOT-113C120W rail tank car can safely be used to transport LNG has not been done. There is no information about derailments involving LNG cargo in these rail cars because it is currently prohibited. Furthermore, no operational controls are being required by PHMSA for LNG by rail. The National Transportation and Safety Board filed a comment with PHMSA on December 5, 2019 stating “In summary, the NTSB believes that it would be detrimental to public safety if PHMSA were to authorize the transportation of LNG by rail with unvalidated tank cars and lacking operational controls that are afforded other hazardous materials such as flammable liquids, as currently proposed in this NPRM.”<sup>1</sup>

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<sup>1</sup> National Transportation Safety Board, letter to U.S.D.O.T., RE. Docket No. PHMSA -2018-0025 (HM-264), d. 12.5.2019.

LNG is a hazardous, flammable cargo that can cause immediate fatal impacts, inextinguishable fire and enormous explosion if it escapes its container. The Notice of Proposed Rulemaking findings and expert reports reveal that a release of LNG from its container results in the super-cooled (-260 degrees F) liquid immediately returning to an extremely cold vapor that can asphyxiate people nearby. Some other unique properties of LNG when released include a vapor cloud that can move far distances quickly and ignite into a flash fire or fireball at an ignition source and can explode into a powerful bomb-like explosion even without ignition. The impact zone is at least 1600 meters, about 1 mile, according to PHMSA. How the vapor cloud moves is difficult to predict; in LNG accidents emergency responders have evacuated for 2 miles or more. The proposed rulemaking places no restrictions on volume or frequency of LNG rail shipping and is expected to entail the use of “unit trains”, defined as 20 or more rail cars carrying the same product. Unit trains can move up to 100 rail cars at once and are typically used for railing crude oil and other hazardous liquids.

The NPRM was issued in response to President Trump’s April 10, 2019, “Executive Order on Promoting Energy Infrastructure and Economic Growth,” which orders “The Secretary of Transportation shall propose for notice and comment a rule, no later than 100 days after the date of this order, that would treat LNG the same as other cryogenic liquids and permit LNG to be transported in approved rail tank cars.”<sup>2</sup> According to the Executive Order (E.O.), the rulemaking is to be finalized within 13 months after April 10, 2019, the date of the E.O. (Sec. 4(b)).<sup>3</sup> The E.O. states the goal is to move LNG for export overseas. We point out that, in fact, there is no pressing need for LNG to be moved by rail and there is a global glut at this time according to market analysts.<sup>4</sup> We see no benefit for us to be exposed to potential disaster for LNG exports.

Delaware Riverkeeper Network and many other organizations in New Jersey and across the nation are opposed to PHMSA’s proposal. We are very concerned that the rush to approve this mode of transportation risks public safety and health and serves a few special interests at the expense of the public good, environmental protection, and New Jersey’s goals to develop clean, renewable energy sources and reduce greenhouse gas emissions.

Governor Murphy, we ask you to protect New Jersey by submitting a comment to PHMSA opposing the Proposed Rulemaking **by the close of business December 23, 2109**. The PHMSA web portal is here: <http://www.regulations.gov> or you can Fax to 1-202-493-2251, using the Subject line: **PHMSA-2018-0025 (HM-264)**. A link to the PHMSA Notice of Proposed Rulemaking is here: <https://bit.ly/2DaTSix>

Thank you for your consideration of this important proposed rulemaking.  
Respectfully & Urgently,



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<sup>2</sup> <https://www.whitehouse.gov/presidential-actions/executive-order-promoting-energy-infrastructure-economic-growth/>

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.freightwaves.com/news/a-massive-floating-lng-stockpile-has-just-been-unloaded?p=236598>