



January 3, 2020

The Honorable Donald Norcross
10 Melrose Avenue, Suite 210
Cherry Hill, NJ 08003

By fax: (856) 427-4109

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

Dear Representative Norcross,

We are Delaware Riverkeeper Network, a nonprofit environmental organization dedicated to protection and restoration of the Delaware River Watershed, its communities and habitats, working primarily in the four states that are part of the Delaware River Basin. Our concerns we are contacting you about today are focused on this mission and extend to the protection of the greater national community.

We ask you to consider submitting a comment to the Pipeline and Hazardous Materials Safety Administration (PHMSA), regarding its Notice of Proposed Rulemaking (NPRM) 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.

The NPRM proposes to allow LNG to be carried in tank cars, designed 50 years ago, that have never been used to transport LNG. Freight railways that cut through communities and traverse sensitive environmental resources throughout the United States could be utilized for this dangerous transport if the NPRM is approved. 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 (NTSB) 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.”¹

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

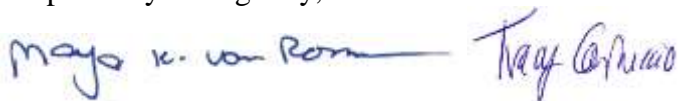
The National Association of State Fire Marshals (NASFM) has gone on the record with PHMSA opposing the Proposed Rulemaking based on “the lack of evidence and research that allowing such an action as proposed in the docket is safe either for America’s first responders or the public”.²

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 as it expands 600 times from liquid to vapor. 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. The impact zone is at least 1600 meters, about one mile, according to PHMSA. How the vapor cloud moves is difficult to predict; in LNG accidents emergency responders have evacuated for two 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 railings 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.”³ 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)).⁴ 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.⁵ We see no benefit for rushing to approve this highly consequential decision without adequate assurances that it can be done safely.

Congressman Norcross, we ask you to protect the nation, including New Jersey, which is crowded with freight rail lines next to millions of people, by submitting a comment to PHMSA opposing the Proposed Rulemaking **by January 13, 11:59 pm**. 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,



Maya K. van Rossum
the Delaware Riverkeeper

Tracy Carluccio
Deputy Director

² Comment submitted by James D. Narva, Executive Director, National Association of State Fire Marshals to PHMSA re. Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail.

³ <https://www.whitehouse.gov/presidential-actions/executive-order-promoting-energy-infrastructure-economic-growth/>

⁴ Ibid.

⁵ <https://www.freightwaves.com/news/a-massive-floating-lng-stockpile-has-just-been-unloaded?p=236598>