

July 6, 2022

Dear President Biden and PHMSA,

Re: PHMSA Special Permit DOT-SP 20534 for LNG Transport by Rail Car

We, the undersigned elected officials in the Philadelphia region, urge you and the Pipeline and Hazardous Materials Safety Administration (PHMSA) to disallow the transport of Liquefied Natural Gas (LNG) by rail through this region.

The undersigned officials urge PHMSA to deny the application filed by Energy Transport Solutions (ETS) to renew Special Permit DOT-SP 20534 (the “Special Permit”).¹ This permit allows rail tank cars that have not been proven safe for the transport of LNG, a hazardous, flammable, and potentially explosive cargo. The LNG trains would cut through the City of Philadelphia and the region, exposing our most burdened communities, people of color and low income, to the greatest risk along the rail route these trains would travel every day. The transport also threatens the Delaware River and our entire city with catastrophic danger.

The Special Permit authorizes the first and only use in the nation of DOT 113C120W tank cars for LNG transport. The rail cars were designed 50 years ago and not intended for the transportation of LNG, but for other cryogenic materials. They are being repurposed to carry LNG in this Special Permit, which would bring up to two 100-car unit trains through Philadelphia every day to the proposed Gibbstown NJ LNG Export Terminal on the Delaware River.

Public interest in Philadelphia and the surrounding region in the Special Permit is broad, diverse, and robust, as demonstrated by opposition to the Special Permit in the [letters](#), petitions, municipal and organizational resolutions, a community video² and other expressions of regional, local, frontline and community opposition³ submitted to PHMSA and the Biden Administration over the past year. Elected officials from the Greater Philadelphia Region submitted a letter opposing the LNG project and its transportation to the interstate agency that was considering the Gibbstown Export Terminal in 2020.⁴ Comments submitted to PHMSA during the public comment process for the Special

¹ Special Permit DOT-SP 20534, U.S. Dept. of Transp., Pipeline & Haz. Mat. Safety Admin. (Issued December 5, 2019. <https://www.phmsa.dot.gov/safe-transportation-energy-products/dot-20534-pdf>

² <https://youtu.be/NFyBhbzc6Fg>

³ <https://bit.ly/3r7VAto>

⁴ <https://bit.ly/3qAY1Ue>

Permit in 2019 presented substantial concerns regarding public safety and technical deficiencies from many quarters.⁵ This is an immensely controversial project.

If the permit is going to be considered by PHMSA, it should be as a new application, which requires a public comment opportunity, not a renewal. The public should be afforded the opportunity to review the application and a draft permit, and to comment. Communities who will be impacted need to be able to participate in a just and open decision making process at PHMSA.

According to the Department of Transportation and PHMSA themselves, the transportation of LNG by rail endangers communities and accelerates the climate crisis. PHMSA specifically identified “potential direct and indirect GHG emissions associated with authorizing LNG by rail tank car and the adequacy of emergency planning and response resources” as areas in need of further study in a proposed federal rulemaking.⁶ PHMSA is proposing to suspend the Trump-era regulation allowing bulk transportation of liquefied natural gas (LNG) by rail anywhere in the nation based on concerns for community and environmental risks.⁷

Furthermore, in the Trump-era rule that in 2020 authorized LNG transportation by rail nationwide, PHMSA included specifications based on public comments received by the agency concerning safety. One was the new requirement for a thicker steel outer tank.⁸ The Special Permit to ETS for the Philadelphia trains does not require an extra-strong outer tank allowing substandard rail tank cars to be utilized – cars that were considered and rejected by PHMSA in the subsequent federal rulemaking.

The same Biden Administration policies that have led to the proposed rulemaking to suspend the Trump Administration LNG by rail rule that lifted the longstanding ban on LNG, should apply to Special Permit DOT-SP 20534. All communities must be equally protected; we are not a sacrifice zone for special interests to exploit.

We ask that the ETS application for Special Permit DOT-SP 20534 be denied. If the Special Permit is not denied outright, PHMSA should require a new application and public input if ETS plans to continue with this transportation.

Thank you for your attention to this important matter.

⁵ <https://bit.ly/3f75RR6>

⁶ Hazardous Materials: Suspension of HMR Amendments Authorizing Transportation of Liquefied Natural Gas by Rail, Pipeline & Haz. Mat. Safety Admin., 86 Fed. Reg. 61,731 (Nov. 8, 2021).

⁷ *Ibid.*

⁸ “Hazardous Materials: Liquefied Natural Gas by Rail,” Final Rule, 85 Fed. Reg., July 24, 2020 at p. 44996

Sincerely and respectfully submitted,

In alphabetical order:

Pennsylvania State Senators

Senator Amanda Cappelletti, Senate District 17

Senator Tim Kearney, Senate District 26

Senator Katie Muth, Senate District 44

Senator Nikil Saval, Senate District 1

Senator Judy Schwank, Senate District 11

Pennsylvania House of Representatives

Representative Mary Jo Daley, House District 148

Representative Elizabeth Fiedler, House District 184

Representative Danielle Friel Otten, House District 155

Representative Nancy Guenst, House District 152

Representative Malcolm Kenyatta, House District 181

Representative Tarik Khan (General Election Candidate, Primary winner 2022), House District 194

Representative Rick Krajewski, House District 188

Representative Chris Rabb, House District 200

Representative Benjamin Sanchez, House District 153

Representative Melissa Shusterman, House District 157

Representative Greg Vitali, House District 166

Representative Joe Webster, House District 150

Philadelphia City Council

Philadelphia City Councilperson Kendra Brooks

Philadelphia City Councilperson Jamie Gauthier

Philadelphia City Councilperson Helen Gym

Borough Councils

Media Borough Council President Brian C. Hall

Ambler Borough Councilperson Jennifer Henderson, Ward 2

Media Borough Councilperson Joi Washington