Attachment 4. King County Comments Compared to Final Rule and FAST Act on High-Hazard Flammable Trains

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| **Topic** | **King County Comment** | **Final Rule** |
| High-Hazard Flammable Train Definition | Include a single train carrying one or more carloads transporting a PG1, Class 3 flammable material | A train comprised of 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or 35 or more loaded tank cars of a Class 3 flammable liquid across the entire train. |
| Notification | Expand notification to include LEPCs | Reduced notification provisions (this change was suspended on 5/28/15[[1]](#footnote-1) FAST Act requires state to provide information upon request to a political subdivision of a State, or public agency responsible for emergency response or law enforcement. |
| Rail Routing | In addition to the specified 27 safety and security factors, add the following:   * Identify critical infrastructure needs; * include assessment criteria for human health; * apply to an expanded geographic area to capture densely populated areas (use Federally Designated Urban Areas instead of High Threat Urban Areas[[2]](#footnote-2)); * identify speed reductions for HHFTs | No change. Maintains 27 safety and security factors[[3]](#footnote-3) |

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| Attachment 3. King County Comments Compared to Final Rule on High-Hazard Flammable Trains (continued) | | |
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| **Topic** | **King County Comment** | **Final Rule** |
| Classification/ Characterization of Mined Gases and Liquids | Third party verification of sampling results, with results available to state and local governments | * Document the testing and sampling program outcomes * Make information available to DOT personnel upon request |
| Speed Reduction | * Speed reductions within Federally Designated Urban Areas instead of High Threat Urban Areas * Immediate speed restriction of 30 mph for DOT-111 tank cars * 30 mph for all HHFTs within Federally Designated Urban Areas, unless high speed is justified[[4]](#footnote-4) | * All HHFTs 50 mph in all areas * HHFTs that don’t meet enhanced design standards restricted to 40 mph in high-threat urban areas |
| New Tank Cars | * Support Option 1, DOT 117 tank car * Immediate phase out of DOT-111 tank cars for transporting PG 1, Class 3 flammable materials | * Cars constructed after 10/1/15 must meet DOT 117 specifications * Phased in retrofit schedule for existing tank cars (1/1/18 for non-jacketed DOT-111 cars in PG I service and 3/1/18 for jacketed DOT-111 cars in PG I service) |
| HHFT Oil Spill Response Plans | * Require comprehensive oil spill response plans for any oil tankers regardless of capacity * Response plans should be developed in consultation and shared with state, LEPC, and local emergency responders | To be addressed in a separate rulemaking action, estimated January 2016 issue date[[5]](#footnote-5) |

1. On May 28, 2015, the Pipeline and Hazardous Materials Safety Administration issued a statement that “the May 2014 Emergency Order will remain in full force and effect until further notice while the agency considers options for codifying the May 2014 disclosure requirement on a permanent basis [↑](#footnote-ref-1)
2. The 'High Threat Urban Area" used as a basis for the proposed route assessment excludes a .large portion of the urbanized Central Puget Sound region including the cities of Tacoma and Everett and its surrounding metropolitan areas. [↑](#footnote-ref-2)
3. See Attachment 3 to this staff report [↑](#footnote-ref-3)
4. Unless it can be demonstrated through a route assessment that a 40 mph speed limit, combined with new tank standards (DOT Specification 117 tank car), can be supported without additional risk of derailment or explosion. [↑](#footnote-ref-4)
5. See Docket PHMSA-2014-0105 at [www.regulations.gov](http://www.regulations.gov) [↑](#footnote-ref-5)