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Chairman Deborah A.P. Hersman
Closing Remarks
Rail Safety: Transportation of Crude Oil and Ethanol
NTSB Public Forum
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(As Prepared for Delivery)

I want to thank the witnesses from the U.S. Department of Transportation and Transport Canada, from research organizations, and the experts representing the rail, petroleum, and renewable fuels industries, for helping us to more fully understand the challenges associated with transporting flammable liquids by rail. I'd also like to thank witnesses from the emergency response community, whose lives may be on the line when tank cars fail.

I have participated in more than one hundred public events (Board meetings, hearings, forums like this) in this Board room. And this is the last time that I will get to thank our team for a job well done. While I get to hold the gavel and with my fellow Board Members sit up on the dias under the bright lights, we could not have held this forum without the tireless attention of those who organized it. Matt Nicholson and the staff of the Rail, Pipeline and Hazardous Materials office as well as the staff from the office of Research and Engineering have been front and center, particularly Paul Stancil, these are our subject matter experts. But the reason why this agency is so successful is because there are so many people that step up, they volunteer and support one another. For the last two days, Karen Bury, Stephanie Matonek and Jenny Cheek, have been the consummate team players – they do not work in the office hosting this forum, they have their own responsibilities in other offices at the Board; but they knew the team needed help, and they are providing it. It is that esprit de corps that always makes me proud to be a part of this team.

Turning back to the subject at hand, we have heard over the last two days, that the US is on the road to energy independence with more production, more jobs and more product moving by rail. Much more product, in fact, the volume of flammable liquids is growing by leaps and bounds. But, sometimes past is prologue, so let's look back to the late 1970s, when the volume of hazardous materials transported in DOT 112A and 114A "jumbo" tank cars was also growing. The rail industry itself had identified safety improvements to those cars in 1972, but without regulation, there was little incentive to act.

Then in February 1978 a derailment and subsequent explosion in Waverly, Tennessee, took 16 lives. According to media accounts, the dead included the town's police chief and fire chief. It was a watershed moment. Today Greg Noll, our witness from the NFPA, told me of a former NTSB investigator that worked for the Board in the 1970s and 1980s, who was his mentor. He noted that after accidents like Waverly, it was his mentor's work and the NTSB recommendations on risk management and planning that constituted the basis of the risk reduction processes that first responders use today.

Thirty-six years ago this month, two months after the Waverly accident, in April 1978, a different set of NTSB officials heard from witnesses representing the FRA, the railroad industry, tank car builders, shippers, and firefighters. That month, we recommended that the Department of Transportation require retrofitting all existing DOT 112A and 114A tank cars with headshields, shelf couplers, and thermal protection by Christmas. There were debates: How many shops were capable of doing the retrofit? Some said only four. We said 100. Some reports estimated 1-3 workdays to retrofit a tank-car with a headshield. We showed that it took 93 minutes. Regulators pointed out that this did not take into account earlier logistic steps leading to the retrofit. But to their credit, the DOT instituted a retrofit program holding to the Christmas 1978 deadline, and by year-end the "debate" was different. In January 1979, the Secretary of Transportation assured the NTSB that all but 1,400 of the nearly 18,000 cars had been retrofit with shelf-couplers; that the remainder would be, by the end of January; and that DOT would take tough enforcement action if any nonequipped car loaded with hazardous materials was offered for service on or after January 1, 1979.

In 1979, our inspectors noted the role of the improvements in preventing the release of hazardous materials in accidents. The safety trend reversed. As recently as 2007, an FRA official testified that 1978 stood as the low point in the history of U.S. rail transportation safety. From that point, the number of accidents, incidents, and total deaths all declined.

Today, Transport Canada announced its responses to the Transportation Safety Board of Canada's recommendations resulting from the Lac Megantic investigation. The Chair of the TSB, My Canadian counterpart Wendy A. Tadros, stated that she was encouraged by the strength of the response, and expressed her hope that the measures would improve the safety of Canada's rail system.

I hope that the history of the transportation of hazardous material by rail, reflects that 2013 – the year of Casselton and Lac Megantic – joins 1978 as another low point, one that marks a reversing trend. Hopefully, decades from now, a future NTSB Chairman will review the record and find that in 2014, industry and regulators on both sides of the border insisted on safety improvements that prevented further loss of life and property.

We hold hearings and forums to find out why and how accidents happen. We issue recommendations to prevent the next accident. But ultimately it is up to the organizations represented on the panel to take action on our recommendations or identify better solutions before the next accident. If you do that, 2014 can become the year that ended a trend.

We stand adjourned.

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 Speeches/Testimony
 Databases
 Accident Dockets

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 Across the Board
 Office Locations
 Investigative Process

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 Glossary of Terms
 Org Chart
 FAQs

Publications

Accident Animations
 Accident Reports
 Annual Review of Aircraft
 Accident Data

**Ex. 5551-000002-CRK**

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