

Date: 10-29-13

To: The Energy Facility Site Evaluation Council (EFSEC)

Public Comment on: Proposed Tesoro Savage Port of Vancouver Oil Terminal

From: Virginia Nugent, 5111 NE 125th ST. Vancouver WA 98686.

EFSE Council,

To back up my public comments I am submitting the following information for your thoughtful consideration.

1. A copy of my 10-29-2013 oral public comment.
2. An article from Wikipedia, titled, DOT -111 tank car.
3. An article titled, Industries fight Safety Retrofit of Rail Cars. The Columbian, 7-30-2013.
4. An article titled, Michaud, Pingree push for Lac-Megantic Tanker REdesign. Bon Maine Politics 7 31,2013.
8. An article titled, Rail safety advocate calls for DOT-111 the "Ford Pinto" of Rail Cars. Bon Maine Politics 8-28-2013.
9. An article titled, Report: Design Flaws in Rail Tankers Involved in the Quebec disaster first discovered in 1991. Bon Maine Politics 7-29-2013.

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OCT 29 2013

**ENERGY FACILITY SITE  
EVALUATION COUNCIL**

Date: 10-29-13

To: The Energy Facility Site Evaluation Council (EFSEC)

Public Comment on: Proposed Tesoro Savage Port of Vancouver Oil Terminal

From: Virginia Nugent, 5111 NE 125th ST. Vancouver WA 98686.

EFSE Council,

I have serious concerns about the safety of the DOT-111 rail tank cars that were involved in the 2013 fiery, fatal, explosion of a runaway train derailment in Canada and other derailments.

The soda can shaped DOT-111 tank car used for transporting a wide spectrum of dangerous goods, has a tendency to split open during derailments. This design flaw has been known since 1991 and nothing has been done about it. Sixty nine % of US rail tank cars are of the DOT-111 type.

The rail industry is fighting the government's newly proposed safety requirements to retrofit these poorly designed tankers, because it would cost too much. The railroad industry's desire to put profits, above public safety should be a deep concern for all of us.

It will only take one derailment along the Columbia River Gorge to cause devastating damage to our beautiful Columbia River and the adjacent communities along the way. It will cost billions to clean up the mess of a crude oil spill, and perhaps cause irreversible damage to the environment.

I am requesting that you prohibit the use of DOT -111 tanker cars in Washington state unless they have been retrofitted to appropriate safety standards. To do anything less, is a risk we simply can't afford.

Thank you,

Virginia Nugent

# DOT-111 tank car

From Wikipedia, the free encyclopedia

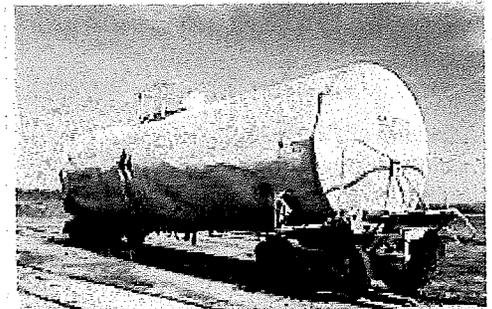
For rail transport, the U.S. **DOT-111 tank car**, also known as the **CTC-111A** in Canada,<sup>[1]</sup> is a type of non-pressure tank car in common use in North America. Tanks built to this specification must be circular in cross section, with elliptical, formed heads set convex outward.<sup>[2]</sup> They have a minimum plate thickness of  $\frac{7}{16}$  inches (11.1 mm)<sup>[3]</sup> and a maximum capacity of 34,500 US gallons (131,000 L; 28,700 imp gal).<sup>[4]</sup> Tanks may be constructed from carbon steel, aluminum alloy, high alloy steel or nickel plate steel<sup>[5]</sup> by fusion welding.<sup>[6]</sup>

Up to 80% of the Canadian fleet,<sup>[1]</sup> and 69% of U.S. rail tank cars are DOT-111 type.<sup>[3]</sup> DOT-111A cars are equipped with AAR Type E top and bottom shelf Janney couplers designed to maintain vertical alignment to prevent couplers from overriding and puncturing the tank end frames. Many of these transport a wide spectrum of dangerous goods, including 40,000 cars in dedicated service carrying 219,000 car loads of ethanol fuel annually in the U.S.<sup>[3]</sup>

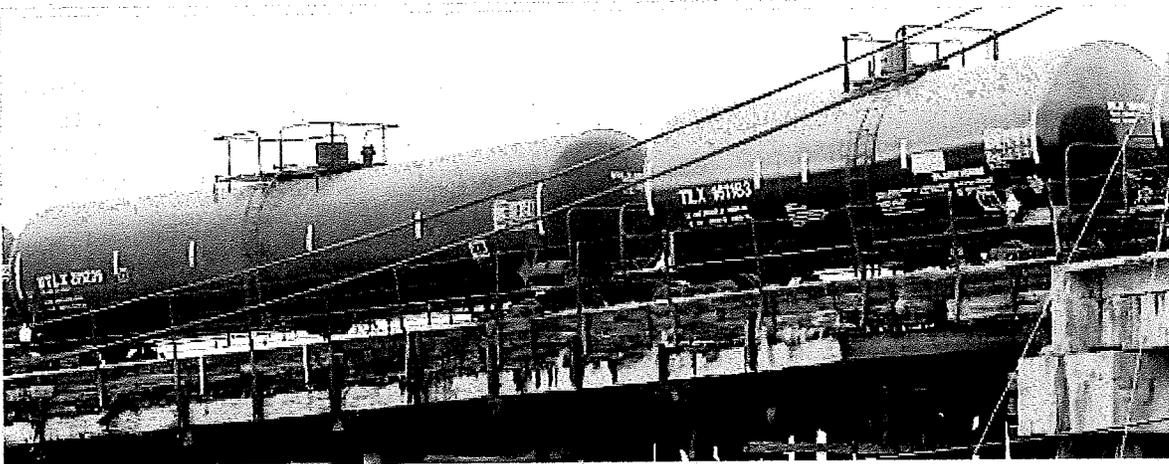
Hydraulic fracturing of new wells in the shale oil fields in the interior of North America has rapidly increased use of DOT-111 cars to transport crude oil to existing refineries along the coasts.<sup>[7]</sup> The Montreal, Maine and Atlantic Railway runaway train in the Lac-Mégantic derailment of 2013 was made up of 72 of these cars,<sup>[8][9]</sup> some of which ruptured, releasing explosively<sup>[10]</sup> their cargo of Bakken formation light crude oil, resulting in a large fire and mass casualty event.



A DOT-111 tank car, specification 111A100W1, constructed by fusion welding carbon steel. This car has a capacity of 30,110 US gallons (113,979 L), a test pressure of 100 psi (690 kPa), a tare weight of 65,000 pounds (29,500 kg) and a load limit of 198,000 pounds (89,800 kg).



A damaged DOT-111A tank car. Note the AAR Type E double shelf coupler required for transporting dangerous goods.



Two different 111A100W1 specification tank cars, both with 263,000-pound (119,000 kg) gross rail load. On the left is a 27,399-US-gallon (103,716 L) capacity tanker with a load limit of 196,500 pounds (89,100 kg), making it suitable for low specific gravity liquids. On the right, a lighter, smaller 16,640-US-gallon (62,989 L) capacity tanker has a higher load limit of 204,300 pounds (92,700 kg). It is stenciled and placarded for 50% sodium hydroxide aqueous solution, which has a specific gravity of 1.5. This car is also equipped with an insulating jacket and external heating pipes to melt frozen contents if necessary.

## Contents

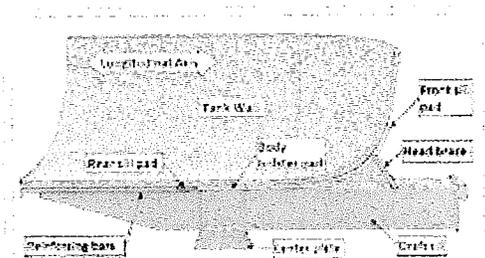
- 1 Construction
- 2 Regulations
- 3 Accident investigations
  - 3.1 Completed
  - 3.2 Ongoing
    - 3.2.1 Lac-Mégantic derailment
- 4 New construction standards
- 5 See also
- 6 References

## Construction

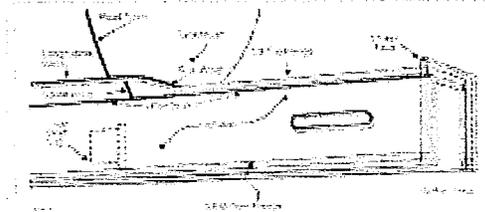
The DOT-111 tank cars are constructed with a draft sill design. Draft sills incorporate the draft gear behind each coupler that is designed to transfer longitudinal draft (tension) and buff (compression) forces throughout the length of a train. The draft sills are attached to steel pads that are attached to the tank. If the cars do not incorporate a continuous center sill extending the entire length of the car, the two draft sills at each end are referred to as stub sills, and the tank carries draft forces between couplers. In this case, reinforcing bars may be extended underneath the tank between the draft sills. Body bolsters and their associated body bolster pads centered above the railcar trucks support the tank and protect it against lateral forces. The draft sill center plate serves as the attachment point between the tank car body and the truck assembly. (See schematic cutaway at right.)<sup>[11]</sup>

The body bolster pads and front sill pads are attached to the tank with fillet welds. At the rear edge of the front sill pad, a butt weld attaches the front sill pad to the body bolster pad and to the fillet weld attaching the body bolster pad to the tank shell. Fillet welds at the interior and exterior sides of the head brace attach the head brace to the front sill pad, and an exterior fillet weld attaches the head brace to the draft sill. To the rear of the head brace, the draft sill is welded to the front sill pad, body bolster pad, and reinforcing bars.<sup>[11]</sup>

Because rail cars have no front or rear, for descriptive purposes, the ends of the cars are designated "A" and "B." The B end of the car is the end equipped with the wheel used to manually set the car's hand brakes. The end without the brake wheel is the A end. As trains are assembled, either end of a tank car may be placed in the front or rear position. The tank shells are constructed of several rings welded together, with six rings in a typical configuration. By convention, ring-1 is at the A end, and if there are six rings, ring-6 is at the B end.<sup>[11]</sup> The tank rings can be welded in a "straight barrel" configuration, or with a "slope bottom" sloping down to a bottom outlet valve at the center of the tank.<sup>[12]</sup>



Schematic cutaway view (not to scale) of end of tank car showing major components.



Draft sill structural and weld details

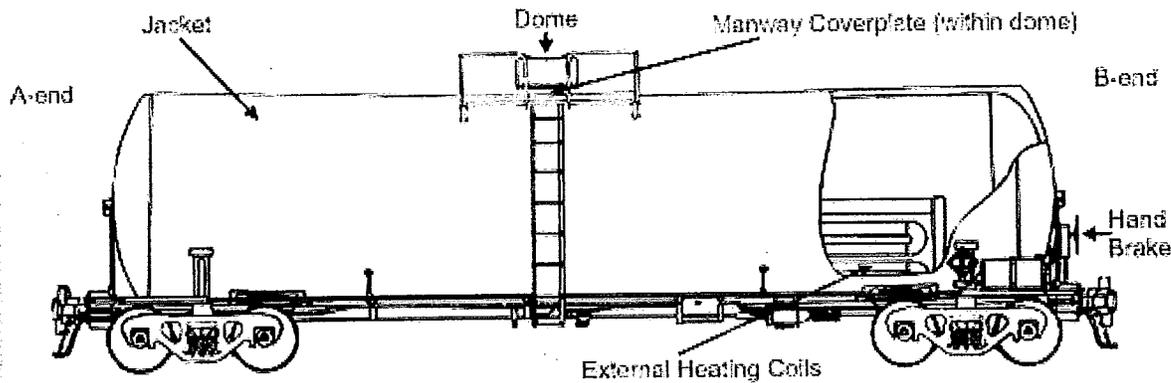


Diagram of a DOT-111J100W1 tank car with an insulating jacket and external heating coils. It has a capacity of 20,000 US gallons (76,000 L; 17,000 imp gal).

## Regulations

The relevant US regulatory framework is found at 49 CFR Part 179. An overview of "49 CFR Part 179 - SPECIFICATIONS FOR TANK CARS" is available online.<sup>[13]</sup> while the Means of Containment of the Transport of Dangerous Goods Regulations of Canada is found in Part 5.<sup>[14]</sup> The US regulations call for the employment DOT-xxx containment standards, where 'x' substitutes to a numeral between 0 and 9, while the Canadian TDG Regulations have latterly a CSA/CGSB-xx.xxx container standard nomenclature, although as noted by Powers,<sup>[1]</sup> the DOT-111 standard seems to apply in Canada.

A 2013 Senate of Canada committee report proposed mandatory minimum insurance for rail companies.<sup>[15]</sup> Currently the railway industry lags the pipeline industry in value of mandatory insurance coverage, to a ratio of 1:40.<sup>[15]</sup>

Railway operators are not required to inform Canadian municipalities about hazardous goods in transit.<sup>[16]</sup> The 2013 Senate committee (see above) recommended the creation of an online database with information on spills and other incidents from rail cars.<sup>[15]</sup>

DOT-112 tank cars and DOT-114 tank cars have been required since 1979 under Regulation SOR/79-101 of the Canada Transportation Act for the transportation of gases such as propane, butane, or vinyl chloride.<sup>[17]</sup> Transportation Safety Board of Canada Railway Investigation Report R94T0029<sup>[18]</sup> section 1.13.1 documents DOT-112 tank car and DOT-114 tank car standards: the DOT-111 tank "cars are not considered to provide the same degree of derailment protection against loss of product as the classification 112 and 114 cars, designed to carry flammable gases." DOT-111 tank cars may have been employed in trains such as those of the Lac-Mégantic derailment because crude oil is largely not a gaseous product at standard temperature and pressure.

## Accident investigations

A report on "The State of Rail Safety in Canada" was commissioned by Transport Canada in 2007.<sup>[19]</sup> The report contains a 10-year statistical examination of its subject. Section 6 is entitled "Accidents involving dangerous goods". A formal review of the Railway Safety Act was empanelled by the Minister in February 2007.<sup>[20]</sup> The review, which was tabled in Parliament later that year, has a different take on the subject.

## Completed

During a number of accident investigations over a period of years, the U.S. National Transportation Safety Board has noted that DOT-111 tank cars have a high incidence of tank failures during accidents.<sup>[3]</sup> Previous NTSB investigations that identified the poor performance of DOT-111 tank cars in collisions include a May 1991 safety study as well as NTSB investigations of a June 30, 1992, derailment in Superior, Wisconsin;<sup>[21]</sup> a February 9, 2003, derailment in Amara, Illinois;<sup>[22]</sup> and an October 20, 2006, derailment of an ethanol unit train in New Brighton, Pennsylvania.<sup>[23]</sup> In addition, on February 6, 2011, the Federal Railroad Administration (FRA) investigated the derailment of a unit train of DOT-111 tank cars loaded with ethanol in Arcadia, Ohio, which released about 786,000 US gallons (2,980,000 l; 654,000 imp gal) of product.<sup>[24]</sup> The Transportation Safety Board of Canada also noted that this car's design was flawed

<b>Market REPORT</b> Details on Page C6	<b>DOW</b> 15,521.97 -36.86	<b>NASDAQ</b> 3,599.14 -14.03	<b>S&amp;P 500</b> 1,685.33 -6.32
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# Industries fight safety retrofit of rail cars

**Oil firms, railroads cite technical challenges, costs**

By MATTHEW DALY  
Associated Press

WASHINGTON — The oil industry and U.S. railroads are resisting the Obama administration's attempt to boost safety standards for the type of rail car involved in a fiery, fatal explosion in Canada, citing costs and technical challenges.

Industry groups say it is impractical to retrofit tens of thousands of existing tank cars used to haul oil, even as they have adopted voluntary standards to ensure that cars ordered after October 2011 meet tough

requirements recommended by federal transportation experts following a deadly ethanol train derailment and explosion in Illinois two years earlier.

A proposed rule to beef up rail car safety was initially scheduled to be put in place last October, but it has been delayed until late September at the earliest. Officials blamed the delay on the time it has taken to seek and review petitions from industry groups and the public. A final rule isn't expected until next year.

The agency is considering a plan intended to fix a dangerous design flaw in a rail car commonly used to haul oil and other hazardous liquids from coast to coast. The soda-can shaped car, known as the DOT-111, has

come under scrutiny from safety experts because of its tendency to split open during derailments and other major accidents.

Defects in the car's structure were noted as far back as 1991. The rail industry estimates that retrofitting older cars would cost at least \$1 billion, not including lost-service time for cars removed from the fleet for repairs. "By comparison, derailment costs totaled approximately \$64 million over the past five years," the Association of American Railroads said in a 2011 petition to the federal government. Extra weight from retrofitting cars might even cause overloads, potentially

RAIL CARS, Page C7

# Port releases Tesoro-Savage lease

**It requires firms to have \$40 million in liability insurance**

By AARON CORVIN  
Columbian staff writer

The Port of Vancouver on Monday released a copy of the lease it approved for 42 acres last week with Tesoro Corp. and Savage Companies to build the largest oil-handling terminal in the Pacific Northwest.

The 429-page document shows the companies are required to maintain \$25 million in "pollution legal liability insurance," which would cover, among other

**On the Web**  
Read the 429-page Tesoro-Savage lease.  
columbian.com/documents

things, claims for "bodily injury, property damage (including third-party claims)" and "natural resources damages."

The pollution insurance would come on top of \$15 million in liability insurance, according to the lease.

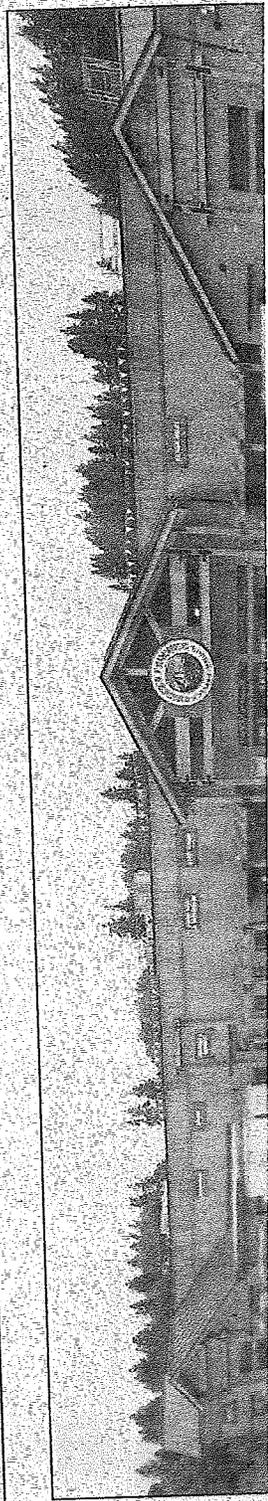
Citing the "deliberative process" exemption under state law, the port did not provide a copy of the draft lease before commissioners unanimously approved it on July 23. The port released the document after media,

including The Columbian, made formal requests under state public records law. The port redacted parts of the lease agreement.

The oil terminal would handle up to 380,000 barrels of crude per day, hauled by train from North Dakota's Bakken site.

Commissioners approved the lease despite overwhelming public testimony against the oil terminal. But it was only a first step. That's because the Tesoro-Savage proposal must undergo an examination by the state Energy Facility Site Evaluation Council, which would make a recommendation to Gov. Jay Inslee, who has final say.

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The car's underlying design makes it prone to damage and catastrophic loss of hazardous materials.

Two rules?

The pipeline safety agency said in a report this month that the delay was needed to allow "additional coordination" among officials and interested groups, including rail and oil industry representatives, who have lobbied against a rule change for existing cars.

Among the possibilities: splitting the proposed rule into one that addresses new tank cars and another that addresses possible retrofits.

In comments submitted to the pipeline safety agency, industry groups asked the Obama administration to focus its rule-making on cars built after October 2011.

Requiring retrofits "could increase compliance costs significantly," the American Petroleum Institute, the Renewable Fuels Association, the American Chemistry Council and other groups said.

An unattended Montreal, Maine & Atlantic Railway train came loose July 6 and derailed down a 7-mile incline before derailling and hitting in Lac-Mégantic, the explosion killed at least 47 people.

Seventy-two of the trains year, U.S. railroads moved not be "demonized," increased traffic of rail cars carrying crude oil "war-rants increased safety measures, and that begins with putting the safest, most up-to-date tank cars on the tracks," Schumner said at a news conference last week in Albany, N.Y.

While freight rail should be "demonized," increased traffic of rail cars carrying crude oil "war-rants increased safety measures, and that begins with putting the safest, most up-to-date tank cars on the tracks," Schumner said at a news conference last week in Albany, N.Y.

making them less safe, the group said. Officials from an Illinois town near the site of a 2009 ethanol train derailment call the railroads' stance illogical. Changing federal rules to impose safety standards for new tank cars without requiring a retrofit of existing cars "will provide no real protection to the general public in derailment situations for decades to come," the village of Barrington, Ill., said in testimony submitted to the U.S. Pipeline and Hazardous Materials Safety Administration.

Prono to damage

transportation experts say Bakken oil patch in North Dakota and surrounding areas. The train that crashed in Quebec was carrying oil from North Dakota to a refinery in New Brunswick, Canada. The DOT-111 tank car represents more than two-thirds of the rail fleet carrying crude oil. The Associated Press reported in September that the DOT-111 tank car has been allowed to haul hazardous liquids from coast to coast even though transportation officials were aware of the design flaw. The AP had reviewed 20 years of federal rail accident data involving DOT-111 cars used to haul ethanol and found that the cars had been breached in at least 40 serious accidents since 2000. In the previous decade, there were just two breaches.

Sen. Charles Schumer, D-N.Y., is urging the Obama administration to phase out DOT-111 tank cars or require freight rail carriers to retrofit them to prevent potential explosions or spills. In the first half of this year, U.S. railroads moved 178,000 carloads of crude oil. That's double the number during the same period last year and 33 times more than during the same period in 2009. The Railway Association of Canada estimates that as many as 140,000 carloads of crude oil will be shipped on Canadian tracks this year, up from 500 carloads in 2009. Much of that increase is from oil produced in the Bakken oil patch in North Dakota and surrounding areas. The train that crashed in Quebec was carrying oil from North Dakota to a refinery in New Brunswick, Canada. The DOT-111 tank car represents more than two-thirds of the rail fleet carrying crude oil. The Associated Press reported in September that the DOT-111 tank car has been allowed to haul hazardous liquids from coast to coast even though transportation officials were aware of the design flaw. The AP had reviewed 20 years of federal rail accident data involving DOT-111 cars used to haul ethanol and found that the cars had been breached in at least 40 serious accidents since 2000. In the previous decade, there were just two breaches.

Intel's PC-chip group, its largest division, had second-quarter sales of \$8.1 billion, down 7.5 percent from the same quarter a year earlier. The company was unable to compensate for that drop with an increase of less than 1 percent in server-chip sales, to \$2.74 billion. Intel's market share in smartphones is "close to zero today," and "you would measure our share in tablets as being some low number," Smith said. The company is aiming to change that by gearing its manufacturing more to producing chips that don't quickly drain batteries, he said. "We're targeting those designs and really focused on that with the full might of the company and the full power of our manufacturing engine. Intel doesn't enter into markets to have small amounts of share."

WONDERWORD By DAVID OUELLET HOW TO PLAY: All the words listed below appear in the puzzle — horizontally, vertically, diagonally, even backward. Find them and CIRCLE THEIR LETTERS ONLY. DO NOT CIRCLE THE WORD. The leftover letters spell the Wonderword. ORTHODONTISTS Solution: 13 letters



# Politics

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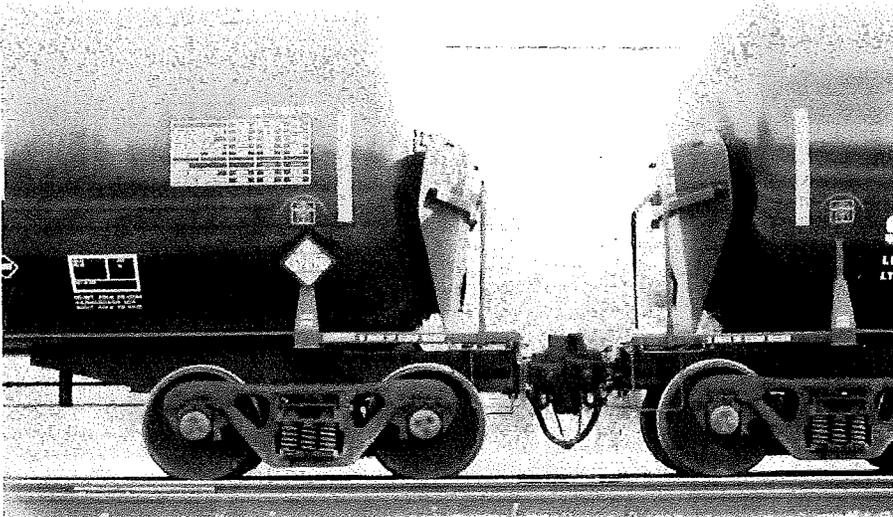
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## Michaud, Pingree push for Lac-Megantic tanker redesign

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Brian Feulner | BDN

Tankers remain on a rail off Route 2 in Hermon on Friday. *Buy Photo*



by Nick Sambides Jr.  
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 Posted July 31, 2013, at 4:53 p.m.

The state's congressional leaders are pushing federal authorities to require rail shippers to correct design flaws in oil tankers that exploded in a Quebec town on July 6, killing 47 people, they said Wednesday.

U.S. Reps. Mike Michaud and Chellie Pingree encouraged Pipeline and Hazardous Materials Safety Administration chief Cynthia Quarterman during a meeting Wednesday to authorize improvements to the 40,000 flawed DOT-111 tanker cars in service now.

"It is still too early in the investigation to determine exactly how this tragedy could have been prevented, [but] the design flaws of DOT-111 tank cars are well documented," Michaud and Pingree said in a joint statement, calling the rulemaking process "frustratingly slow."

"We need to avoid any further delays, especially given the exponential growth of hazardous material shipments. Whether it's oil, ethanol, or some other hazardous material travelling on our nation's tracks, the American people deserve to know that these shipments are being carried in

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tanker cars that are designed to the highest safety standards," they said.

The safety administration announced Monday that it needs another year to apply recommendations from the National Transportation Safety Board that would fix flaws, first discovered in 1991, that cause the DOT-111 rail car to crack open during collisions and derailments.

The runaway Montreal, Maine and Atlantic Railway train that exploded in Lac-Megantic had 72 DOT-111 cars carrying light crude oil. Several cars cracked open and exploded when the train derailed.

The disaster has forced the closure of the track line, the layoff of at least 85 railway workers, and safety reviews in Canada and the U.S.



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Thirteen of 19 tank cars carrying denatured fuel ethanol, a flammable liquid, caught fire, killing one nearby motorist, injuring seven others and doing \$7.9 million in damage, according to the National Transportation Safety Board report on the accident.

The report lists five accidents or studies involving the DOT-111 tank cars, which are unpressurized, dating to May 1991 in which investigators found tank head and shell breaches, damaged valves and fittings, or both.

"This represents an overall failure rate of 87 percent and illustrates the continued inability of DOT-111 tank cars to withstand the forces of accidents, even when the train is traveling at 36 mph, as was the case in this accident," the report on the 2009 incident states.

Quarterman had no public response to the meeting with Michaud and Pingree, but her agency and the Federal Rail Administration announced Tuesday that they will review

federal regulations regarding rail transport of hazardous materials Aug. 27-28 in Washington, D.C.

### Similar articles:

7.12.2013  Quebec explosion prompts Michaud, Pingree to call for review of Maine's rail infrastructure	8.2.2013  Michaud, Pingree submit bill requiring 2-person crews on freight trains	7.29.2013  Report: Design flaws in rail tankers involved in Quebec disaster first discovered in 1991	7.24.2013  Michaud, Pingree meet with NTSB chairman, LePage to attend memorial for Lac-Megantic victims	7.18.2013  Feds promise more inspections of Maine railways after Quebec disaster
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## Rail safety advocate calls DOT-111 the 'Ford Pinto' of rail cars

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Mathieu Belanger | REUTERS

The remains of a burned train are seen in Lac-Megantic, Quebec in this July 8, 2013 file photo.

Posted Aug. 28, 2013, at 9:34 p.m.

WASHINGTON — The head of a rail safety group Wednesday compared a widely used train tank car to the recalled Ford Pinto in urging U.S. regulators to require upgrades that would prevent accidents like a Quebec derailment that killed 47 people.

Karen Darch, co-chairman of a coalition of communities around Chicago formed in response to a merger of railroads, said regulators dragged their feet in mandating safety improvements to the car, known as the DOT-111, amid evidence showing the tankers are more prone to rupture in a derailment than other types.

"Unfortunately, your combined track record has been less than stellar when it comes to improving the crash-worthiness of the DOT-111 tank car — the primary car used in the transport of dangerous hazmat like crude and ethanol in this country and in Canada," Darch, mayor of Barrington, Ill., told a panel of Federal Railroad Administration and Pipeline and Hazardous Materials Safety Administration officials.

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Regulators had known since 1991 that the rail car has "a high propensity to rupture in derailment scenarios," she said in comparing it to Ford's Pinto, which in the 1970s was recalled amid questions that a flawed fuel tank would catch fire in a rear-end collision.

In response to safety concerns, U.S. rail companies since 2011 have added safety features to new DOT-111s to reduce the risks of a spill or catastrophic accident. Regulators are reviewing whether more steps are needed.

Cheryl Burke, a rail safety executive for Dow Chemical Co. in Midland, Mich., said retrofitting all DOT-111s in use was "impractical if not impossible."

While she said Dow supports efforts to make rail transport safe, tank cars can't be expected to be "completely impervious to the substantial forces that occur in significant rail accidents, particularly high-speed derailments."

Regulators should do a risk analysis to determine whether particular rail fleets should be upgraded, Burke said.

Deborah Hersman, chairman of the National Transportation Safety Board, said in a 2012 letter to regulators that the DOT-111 had a "high incidence of tank failures during accidents."

According to the NTSB, about 69 percent of the U.S. rail tank car fleet are DOT-111s. A Canadian Senate committee said in a report this month the government should consider accelerating the phaseout of tank cars.

U.S. regulators are reviewing safety rules for transporting hazardous materials in response to the July 6 train derailment and explosion in Lac-Mégantic, Quebec. Some of the 72 cars, which were carrying crude from North Dakota's Bakken formation to a New Brunswick refinery, were DOT-111s.

U.S. and Canadian regulators this month imposed emergency rules designed to prevent trains that are parked and unattended from rolling free. The Federal Railroad Administration now prohibits operators from leaving trains hauling hazardous materials without an operator, unless receiving prior authorization, and requires employees to report to dispatchers the number of hand brakes used.

Canadian investigators have said that not enough force was applied to the hand brakes to the train in Quebec to keep it from moving.

The U.S. Railroad Safety Advisory Committee, which develops new safety standards and includes officials from the government, industry and labor unions, is also studying whether further actions are required. It is meeting Thursday to discuss the issue.

The panel convened Wednesday took public testimony about what changes regulators should make.

James Stem, national legislative director for Sheet Metal, Air, Rail and Transportation union, said railroads should be required to have more than one worker on a train.

The train in Quebec, which was operated by Montreal, Maine & Atlantic Railway Ltd., had a crew of one and was parked overnight when it broke free and rolled into the town, where it derailed and exploded.

The number of crude shipments by rail has increased by 443 percent since 2005. North Dakota accounts for much of the increase. About 75 percent of its oil heads to refineries by rail, with pipelines covering the remainder.

Robert Fronczak, assistant vice president for environmental and hazmat safety and operations at the Association of American Railroads, encouraged regulators to ensure shippers accurately describe the types of tank cars being used along with the cargo being carried.

Some rail operators may be using cars certified for the least hazardous loads to carry fuel that warrants a more robust rail car, he said. The government should provide some assurance that "the commodities being transported are being transported correctly and being declared correctly," Fronczak said.

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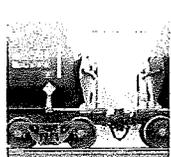


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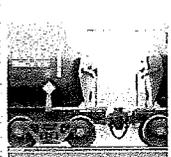
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## Report: Design flaws in rail tankers involved in Quebec disaster first discovered in 1991

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Christinne Muschi | Reuters

A view of the devastation in the downtown core where burnt tankers sit in Lac Megantic, Quebec July 12, 2013.



Nick Sambides Jr.  
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Posted July 29, 2013, at 4:35 p.m.  
Last modified July 29, 2013, at 8:31 p.m.

A plan to correct design flaws in the tanker cars coupled to the explosive runaway train that destroyed the center of a Canadian town earlier this month won't be implemented for a year, officials said Monday.

As the head of the company involved in the disaster said the freight hauler is contemplating filing for bankruptcy protection and further layoffs, the Pipeline and Hazardous Materials Safety Administration announced it needs another year to apply recommendations from the National Transportation Safety Board that would fix flaws first discovered in 1991 that causes the DOT-

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"We are at the very beginning phase of addressing a change in the rules. It takes some time," Delcambre said Monday. "The thing is, because we change rules that affect the public and the regulated industry, we want to make sure we get enough feedback and information to do a cost savings analysis to see if it is actually cost-worthy to pass the rule.

"Sometimes what may be proposed could be excessively costly to industry. We have to weigh that aspect of rulemaking, [but] we haven't even got to the point yet of doing a cost analysis," he added.

The safety board's recommendation came not in response to the July 6 runaway freight train in Lac-Megantic, Quebec, which killed an estimated 50 people, but from a 2009 accident in which a Canadian National Railway Company freight train traveling 36 mph, derailed at a rail grade crossing in Cherry Valley, Ill., in June 2009.

Thirteen of 19 tank cars carrying denatured fuel ethanol, a flammable liquid, caught fire, killing one nearby motorist, injuring seven others and doing \$7.9 million in damage, according to the NTSB report on the accident.

The report lists five accidents or studies involving the DOT-111 tank cars, which are unpressurized, dating back to May 1991 in which investigators found tank head and shell breaches, damaged valves and fittings, or both.

"This represents an overall failure rate of 87 percent and illustrates the continued inability of DOT-111 tank cars to withstand the forces of accidents, even when the train is traveling at 36 mph, as was the case in this accident," the report on the 2009 incident states.

U.S. Reps. Mike Michaud and Chellie Pingree, both D-Maine, will be meeting with the Pipeline and Hazardous Materials Safety Administration on Wednesday. They are among several federal or state officials meeting with agencies handling rail safety or pressing for safety reviews.

The Maine Department of Transportation is reviewing state rail service per an executive order from Gov. Paul LePage. The Federal Rail Administration has been reviewing tracks at several points over the last week.

Rail industry officials also agreed to implement new safety standards for tank construction, Pingree said.

"The fact remains that there are about 40,000 tank cars out there that are already in service that don't meet those new standards. It's important to get those cars upgraded as soon as is practicably possible and it is an issue I expect will come up when we meet with the head of PHMSA this week," Pingree said in a statement on Monday.

"The federal rulemaking process is complex and can be frustrating, especially when considered in the wake of a tragedy like the one in Quebec," Michaud said in a statement, adding that he and Pingree were calling upon the administration to issue a new rule improving tanker design.

"The agency needs to get this right so that we can avoid future tragedies," Michaud said.

U.S. Sen. Angus King said he was disappointed in how long it is taking for the safety changes to be made.

"As PHMSA continues to study the proposed changes, it should also be pursuing other potential corrective safeguard measures that can be implemented immediately to protect against tragedies like the one witnessed at Lac-Megantic," King said in a statement.

The accident forced the Hermon-based railroad that owns the ill-fated train to lay off 79 of 179 workers as the Lac-Megantic tracks, key to its Maine-to-Montreal service, remain closed. The president of Montreal, Maine and Atlantic Railway parent company Rail World Inc., Ed Burkhardt, said Monday that Canadian investigators have given no timeline for the line's reopening.

The continued closure could force more layoffs or even, as some industry observers predict, the company's filing for bankruptcy. A check of the nationwide bankruptcy court database on Monday showed no filings.

Bankruptcy or more layoffs "obviously are possible and we are looking at our alternatives right now," Burkhardt said Monday. "We have several alternatives that we are studying.

"We are going to make some adjustments based on our current operation," he added in reference to layoffs. "There could be some minor adjustments."

MMA customers supply all rail cars used to haul their products, Burkhardt said.

The NTSB report cited poor performance of DOT-111 tank cars in a May 1991 safety study and investigations of a June 30, 1992, derailment in Superior, Wisc.; a Feb. 9, 2003 derailment in Tamaroa, Ill.; and an Oct. 20, 2006, derailment of an ethanol unit train in New Brighton, Pa., the report states.

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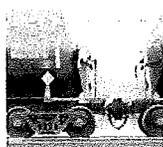
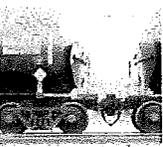
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FRA also investigated the derailment of a train of DOT-111 tank cars loaded with ethanol in Arcadia, Ohio, which released about 786,000 gallons of product on Feb. 6, 2011, the report states.

The incidents moved safety board officials to recommend that tank cars handling denatured fuel ethanol and crude oil have enhanced tank head and shell puncture resistance systems and top fittings protection that exceed the DOT-111 tank cars, the report states.

Costs for upgrading the tank cars were not provided.

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