

that, the average quantity spilled per derailment involving the cryogenic liquids carried in DOT-113 tank cars (45,769 gallons) is approximately ten times greater than the average quantity spilled for all rail incidents involving hazardous materials (4,807 gallons) for the period of 2005 to 2017.

Finally, the special permit does not take into consideration any operating conditions that could be placed on the special permit to ensure its safety. The Federal Railroad Administration (FRA) has authorized the transportation of LNG by rail in intermodal containers in rare instances, but in each case has undertaken a comprehensive safety analysis and imposed rigorous operating conditions.⁶ In these limited instances, the FRA has required the approved operators to abide by speed restrictions, route restrictions, quantity limitations, mandatory crew minimums, mandatory LNG-specific crew training, mandatory LNG-specific training for first responders along the rail route, and FRA notification and reporting. None of these are specified in the special permit, despite the volume of LNG contemplated for transportation being significantly greater.

Introducing this level of risk to the rail network, the public, and the environment is not typically achieved through special permit.⁷ Given the serious risks at play, it is critical that PHMSA be transparent and direct in this process and fully consider the risks they are posing by rushing this special permit when so many questions and concerns remain unaddressed.

Sincerely,



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Chairman
Committee on Transportation and
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TOM MALINOWSKI
Member of Congress

⁶ See 49 C.F.R. § 174.63

⁷ A review of PHMSA's recently-issued special permits for hazardous materials transportation indicates that many of these authorize other Federal government entities to move shipments due to natural disasters or authorize private parties for one-time shipments or minor deviations from the hazardous materials regulations. None appear to introduce the same level of risk as this special permit.