



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

March 3, 2014

Ms. Cynthia Quarterman
Administrator
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Joseph Szabo
Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Railroad Tank Car Safety Rulemaking

Dear Administrator Quarterman and Administrator Szabo:

Due to the dramatic increase in shale oil and gas production in the Bakken region, crude oil shipped by rail has increased significantly in Minnesota over the last several years. Bakken production is approaching a million barrels of oil per day, with as many as eight loaded unit trains of oil traveling through Minnesota daily. The Twin Cities, with a population of almost three million people, see up to six crude oil trains travel through dense residential neighborhoods and downtown St. Paul every day.

The crude oil produced in the Bakken field has a high content of natural gas liquids, a low flash point, and high volatility. As witnessed in Lac-Megantic and Casselton, derailments and collisions resulting in tank car ruptures and spilled oil can erupt into dangerous fires. These fires burn extremely hot and spread at near-explosive rates. Safety is important in the railroad industry, but the potential remains that track, equipment, and/or human failure can have catastrophic results. I applaud the Federal Railroad Administration (FRA) for issuing emergency operational rules to further reduce the likelihood of accidents.

The survivability of tank cars due to collisions or derailments demands urgent action to enhance employee and public safety. The design shortcomings of general purpose, non-pressurized DOT 111 tank cars have been known for decades. As a result, the Association of American Railroads (AAR) Tank Car Committee, which includes tank car manufacturers, rail suppliers, shippers, and government regulators, issued a new construction standard to address many of the tank cars' survivability issues. These standards, grounded in research and testing, were adopted by private industry in October 2011. This has resulted in some replacement of DOT 111 cars, but not quickly enough. In November 2013, the AAR issued upgraded new car design guidance. In February 2014, the railroad supply industry association agreed to support these principles, which include additional new car upgrades and an aggressive plan for retrofits to the pre-2011 tank car fleet.

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I call upon the Pipeline and Hazardous Materials Safety Administration (PHMSA) to act as soon as possible and adopt these enhanced design elements and principles. As part of this accelerated action, I support industry suggestions that the FRA prioritize the use of new and retrofitted cars for transport of Bakken crude oil and ethanol. While debate continues about alternatives or options, the solutions offered by the AAR and the industry need to be validated and adopted by the PHMSA as soon as possible. Ongoing differences in opinions and philosophy are distractions, which only prolong potential danger to Minnesota residents.

I support an accelerated and informed rulemaking process to adopt new federal railroad tank car standards. The conversation about further enhancing rail safety should continue. And the PHMSA should adopt tank car rules as quickly as possible to improve safety for Minnesota residents.

If you have questions or wish to discuss this matter further, please contact Charlie Zelle, Commissioner, Minnesota Department of Transportation, at 651-366 -4800, or via email at charlie.zelle@state.mn.us.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is stylized and cursive.

Mark Dayton
Governor

cc: Charlie Zelle, Commissioner, MN Department of Transportation
Senator Amy Klobuchar
Senator Al Franken
Representative Tim Walz
Representative John Kline
Representative Erik Paulsen
Representative Betty McCollum
Representative Keith Ellison
Representative Michele Bachman
Representative Collin Peterson
Representative Rick Nolan