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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 247 Session of  
2015

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INTRODUCED BY RAFFERTY, YAW, GREENLEAF, BARTOLOTTA, MENSCH,  
SABATINA, YUDICHAK, WHITE AND FOLMER, NOVEMBER 20, 2015

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REFERRED TO TRANSPORTATION, NOVEMBER 20, 2015

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A RESOLUTION

1 Urging the United States Department of Transportation to work  
2 with tank car manufacturers and owners, crude oil shippers  
3 and the rail industry in adopting a higher pool fire  
4 survivability standard and assisting with additional Federal  
5 funds to sustain the training of emergency first responders  
6 to ensure communities across the Commonwealth of Pennsylvania  
7 and the rest of the United States benefit from the safe  
8 transportation of Crude by Rail shipments.

9 WHEREAS, The volume of Crude by Rail (CBR) shipments has  
10 significantly increased in the Commonwealth of Pennsylvania as  
11 well as the rest of the United States by major Class 1 Railroads  
12 such as CSX transportation (CSX) and Norfolk Southern (NS) due  
13 to technological advances in oil and natural gas extraction in  
14 the Bakken Shale region of North Dakota; and

15 WHEREAS, The Association of American Railroads (AAR) reports  
16 that railroads carried over 11.5 billion gallons of fuel in 2013  
17 and 99.99% of carloads reached their destination without a  
18 release caused by an accident; and

19 WHEREAS, The Pipeline and Hazardous Materials Safety  
20 Administration and the Federal Railroad Administration under the  
21 United States Department of Transportation (USDOT) have primary

1 jurisdiction over the regulation and oversight responsibilities  
2 of hazardous materials transported by rail under the Hazardous  
3 Materials Transportation Act and the Federal Rail Safety Act;  
4 and

5 WHEREAS, The USDOT announced a final rule to strengthen safe  
6 transportation of flammable liquids by rail on May 1, 2015,  
7 that:

8 (1) requires a new, enhanced tank car standard and an  
9 aggressive, risk-based retrofitting schedule for older tank  
10 cars carrying crude oil and ethanol;

11 (2) requires a new braking standard for certain trains  
12 that will offer a superior level of safety by potentially  
13 reducing the severity of an accident and the "pile-up  
14 effect";

15 (3) designates new operational protocols for trains  
16 transporting large volumes of flammable liquids, such as  
17 routing requirements, speed restrictions and information for  
18 local government agencies; and

19 (4) provides new sampling and testing requirements to  
20 improve classification of energy products placed into  
21 transport;

22 and

23 WHEREAS, Tank cars that transport crude oil, ethanol and  
24 other flammable materials are not owned or maintained by  
25 railroads; and

26 WHEREAS, The Senate Transportation Committee and the Senate  
27 Environmental Resources and Energy Committee held a joint  
28 hearing on June 9, 2015, to collect testimony from various  
29 stakeholders, including CSX and NS on the safe transportation of  
30 CBR shipments; and

1       WHEREAS, CSX and NS testified that they must address the  
2 opportunities to reduce the risk of tank cars failing in an  
3 accident and improved tank car construction standards for new  
4 builds and retrofits are vital; and

5       WHEREAS, AAR also recommended a thermal conductivity standard  
6 for a thermal blanket that prior modeling shows would generally  
7 achieve 800 minutes of survivability in a pool fire as compared  
8 to the 100 minute pool fire survivability standard specified in  
9 the final rule; and

10       WHEREAS, CSX and NS testified that they trained emergency  
11 first responders in this Commonwealth as a result of a meeting  
12 with USDOT through a rail operations safety initiative that  
13 instituted various new voluntary safety operating practices  
14 regarding the movement of crude oil by rail that included  
15 training and tuition assistance for local first responders and  
16 creating local emergency response resource inventories;  
17 therefore be it

18       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
19 strongly urge the United States Department of Transportation to  
20 work with tank car manufacturers and owners, crude oil shippers  
21 and the rail industry in adopting a higher pool fire  
22 survivability standard and provide additional Federal funds to  
23 sustain the training of emergency first responders to ensure  
24 communities across the Commonwealth of Pennsylvania and the rest  
25 of the United States benefit from the safe transportation of CBR  
26 shipments; and be it further

27       RESOLVED, That copies of this resolution be transmitted to  
28 the Secretary of the United States Department of Transportation  
29 and every member of Congress from Pennsylvania.