



June 22, 2015

Mr. Steven King
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S. W.
P.O. Box 47250
Olympia, WA 98504-7250

Sent via email: comments@utc.wa.gov

RE: Rulemaking to Consider Adoption of Rules Relating to Rail Safety (TR-151079)

Mr. King:

Thank you for the opportunity to comment on the Washington Utilities and Transportation Commission's ("UTC") rulemaking process on rail safety. This is an issue of great importance to the State and particularly Grays Harbor.

We incorporate by reference the comments of Friends of San Juans, Grays Harbor Audubon, Washington Audubon, One America, Physicians for Social Responsibility, Re Sources for Sustainable Communities,, Washington Environmental Council, The Lands Council, and Dan Leahy.

As you know, we have experienced 12 devastating crude oil derailments and explosions across Canada and the United States:

- Lac Megantic, Quebec, Canada – 47 people died in this derailment on 7/6/2013
- Gainsford, Alberta, Canada – community evacuated and fire on 10/19/2013
- Aliceville, Alabama, USA – spill into wetland complex on 11/8/2014
- Casselton, North Dakota, USA – community evacuated and explosion on 12/30/2013
- Plaster Rock, NB, Canada – multi-day fire, explosion, and spill on 1/7/2014
- Vandergrift, Pennsylvania, USA – derailment and spill on 2/13/2014
- Lynchburg, Virginia, USA – derailment and spill into James River on 4/30/2014
- Gogama, Ontario, Canada – six day fire and derailment on 2/14/2014
- Mount Carbon, West Virginia – explosion, community evacuation, spill into the Kanawha River and shut down of water supplies on 2/16/2015
- Galena, Illinois, USA – explosion and multi-day fire on 3/5/2015
- Heimdal, North Dakota, USA – community evacuation, fire and spill on 5/6/2015

The UTC has asked for public comments on the following questions:

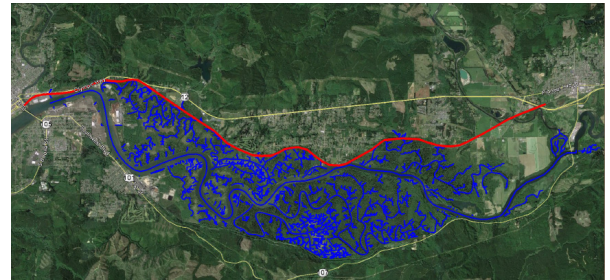
- 1) What is your definition of a reasonably likely worst-case spill of oil?
- 2) What is the reasonable per-barrel cleanup and damage cost of spilled oil?
- 3) What risk factors should the Commission consider in establishing safety standards at private crossings?

These are somewhat difficult to quantify and specify as with real estate it depends on “location, location, location.”

1) Each present day tanker car is capable of holding about 31,000 US gallons or 740 barrels of crude oil. One could argue that spillage from a single car could develop long-lasting, devastating impacts if spilled into the Chehalis Surge Plain or anywhere along the over 100 crossing of the PSAP railway corridor. Multiplying this volume by 105 – 120-car unit trains makes the risk value even greater and the worst case scenario unfathomable in its long impacts. The route into and through Grays Harbor has unique functions and values to the assets of the State of Washington and the hemispheric importance of its migratory birds, signature runs of salmon and the constitutionally protected rights of our local Native American citizens. Even though the rail companies brag about a 99.997% safe delivery, the 2.7 billion gallon volume of crude proposed for delivery to the 3 proposed terminals in Grays Harbor could possibly result in 2,000 barrels of crude oil spill incidents per year.

The Chehalis Surge Plain hosts over 136 miles of tidally influenced shorelines. A spill anywhere along this part of the route would be particularly devastating to this important ecosystem. The rail route is depicted in red.

Map created by Jarred Figlar-Barnes



2) The downtown area of Lac Megantic was leveled and 47 citizens were essentially vaporized. The release of the crude oil into the environment had real impacts beyond the tragedy of lost lives and property. Real costs are now being estimated at over \$78,000 per barrel. Given this figure, there would be a \$157,500,000 risk potential each year to just Grays Harbor, its rivers and estuary.

3) Rural communities are often more acutely impacted by rail traffic and the potentials for issues related to increased rail transport. For example, the PSAP short line, now owned by Genesee & Wyoming which runs from the City of Centralia and terminates in the City of Hoquiam, snakes along the Chehalis River on its way to its destination of Hoquiam. The City of Elma is totally bifurcated by the rail corridor and a typical unit train would completely shut off access to the entire town. This particular short line has over 100 water crossings, many of which are fish-bearing, and the bridges and rails were built over 100 years ago. In addition to the River, the line crosses much of the prime agricultural and ranching land within the county. Any crude oil spills would have significant impacts on agriculture and also impact cattle and dairy farms. The rail industry is attempting to shrink its crew size, while it expands the length of its trains into 1-1/2-mile long vehicles. This is unacceptable for grain cars and unconscionable for any hazardous commodities.

We hope that you will consider our comments and realize that certain commodities need to be carefully considered and appropriately indemnified before they are allowed into the public common.

Thank you,

Arthur (R.D.) Grunbaum
President

