

## Targus, Lorri (UTC)

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**From:** Sigrid Asmus <essay@nwlinc.com>  
**Sent:** Thursday, July 02, 2015 5:24 PM  
**To:** UTC DL Records Center  
**Subject:** Comments on UTC Rail Safety Rulemaking, Docket # TR-151079

Dear Mr. King,

The risk of an oil spill here in Washington is already great and only growing. As someone who lives in the Blast Zone immediately north of BNSF's Interbay base and only a block from the main line, I'd like to answer each of the questions you ask:

(1) What is your definition of a reasonably likely worse-case spill of oil?

- First and foremost, a worst-case spill must take into account where the train is traveling and what is alongside that train, as well as what type of crude oil the train is hauling. The risk is not theoretical, as we have seen in the 11 large-scale crude oil derailments since the tragic accident in Lac Megantic in July of 2013. In that accident, an estimated 1.6 million gallons spilled. It is reasonable to assume that a worse case spill would be the whole 120 car unit train of over 1 million gallons, and up to 3.5 million gallons, of crude oil. The derailment could result in a spill of tar sands or Bakken crude oil and could be in a forested area sparking fires, into the Columbia River during salmon migration, through the middle of a densely populated area like Seattle, or in a rural community where it will be difficult or impossible to get resources to the scene - or where there may be no resources.

Worst-case problems also include the rails and railbeds themselves. Most rail was laid in the 1970s, and for example the trestle supporting the rails that cross near Padilla Bay in the Bellingham area are a hundred years old and rotting. Further, old rails and railbed were not constructed to safely support today's new, extremely heavy locomotives, nor the weight of 100+ car trains loaded with oil, factors increasing the likelihood of destructive events.

(2) What is the reasonable per-barrel cleanup and damage cost of spilled oil?

- It is hard to assess the price of human life, environmental quality, clean water, and the lives of other species, but these are not merely minor costs that large oil companies should be allowed to write off as the "cost of doing business."

It is crucial that detailed, real-life estimates of cleanup costs and measures be established under the law, and that lawmakers include robust enforcement provisions guaranteeing payment by oil interests of damages they cause to lives, businesses, hospitals, cities, and full restoration of the damage caused by derailments, spills, and explosions -- as well as loss of life.

As we saw after the Lac Megantic, of the 47 people who died many have never been fully accounted for. An event of that type in Bellingham, Everett, Spokane, Seattle, Tacoma, or Vancouver -- as well as any of a hundred small cities -- would knock out major portions both business and residential areas and damage Washington State's future.

The UTC must take the widest range of negative impacts into account. Major elements must include the impact of damages on human health and livelihoods, and on environmental quality and health. Railroad lines split many communities in half, and police, emergency services, and hospitals are often less than a few blocks from these rail lines, so that they would be taken out first, making the ability of communities to respond to a leak or explosion almost impossible.

I ask that you map the full extent of the area of impact of a serious incident for every community through which rail lines pass, in addition to valuable agricultural lands in areas like Wenatchee. This is particularly crucial because the dangers of oil-by-rail will have a disparate impact on communities proximate to the rail and crossings. We must have realistic, long-term estimates of the economic impacts of a spill and/or explosion itself, and the actual cost of personnel, equipment, and other materials needed to clean up a spill. Figures should also be calculated for the replacement of businesses, schools, hospitals and other municipal facilities destroyed or damaged by a major incident.

(3) What risk factors should the Commission consider in establishing safety standards at private crossings?

- The risk factors are numerous and include: age of the rails and railbed, especially when these involve bridges, trestles, and stream crossings. Other risks that must be considered include the number and weight of trains; the type of oil or other explosive or toxic materials being carried; number of crossings, the location of crossings within and near communities and over waterbodies; the full history of earlier derailments, rail company reports and responses, and the rail and railbed maintenance schedule; and finally, the type of car being used and the length and weight of both the locomotive and the entire train.

Thank you for taking my public comment on how to assess the impacts and risks. I ask the UTC to act immediately to strengthen its role in the area of rail safety, and to become our representative and leader in authoritatively assessing how and what types of impacts are evaluated.

As a citizen of Washington, I am counting on you to accurately reflect the full impact of the extended risk now being placed on Washington State and its people, and to hold your ground against industry pressure to weaken your recommendations.

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