King County

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Steven V. 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

RE: King County Comments Oil Transport Safety Rule Update – Docket TR-151079

Dear Mr. King:

Thank you for the opportunity to submit comments on the Washington Utilities and Transportation Commission (UTC)'s update to state rules establishing annual reporting requirements for railroads on financial responsibility, safety standards for private crossings, and opportunities for first-class cities to opt in to the Commission crossing safety program.

I am the chair of the Safe Energy Leadership Alliance (SELA), a coalition of more than 160 local, tribal, and state leaders from across Washington, Oregon, Idaho, Montana, California, and British Columbia working to raise awareness of the health, safety, environmental, and economic risks of oil transport and coal export. SELA represents a broad range of urban and rural areas with different interests, but a shared mission—to protect the health and safety of our communities.

SELA met with Governor Inslee in November to review findings of the 2014 Marine and Rail Oil Transportation Study (2014 Study) and provide input on the Governor's proposed oil transport safety legislation. Several SELA members testified in the Legislature in support of stronger requirements for disclosure, financial assurance, safety standards, and financial and technical support for local cities, counties, tribes, and first responders to plan, train, and prepare for the dramatically increasing risk of oil spills and explosions in our region.

I recognize that the UTC is working within a complex federal and state regulatory and administrative framework governing oil transport safety. I encourage the UTC to pursue the strongest standards for oil transport safety possible given your agency authorities, and to use the 2014 Study as guidance in addressing critical safety gaps in cooperation with local communities and first responders.

The UTC posed three questions in the solicitation for comments:

What is your definition of a reasonably likely worse-case spill of oil?
According to the 2014 Study, approximately 19 unit trains a week pass through Washington State, each carrying up to 3 million gallons of Bakken crude oil. If the proposed facilities and refinery expansions to accommodate rail imports are permitted and fully built over the next few years, the weekly unit train number could jump to 137 or more.

A worst case spill of oil would be the derailment, spill, fire, and explosion of an entire unit train. The very real potential for derailment and explosion of a large number of cars was demonstrated in the in the Lac-Mégantic disaster, where a 72-car oil train derailed and 60 to 63 cars ruptured and exploded, spilling about 1.6 million gallons of oil.

The scope and impact of a derailment, spill, and explosion should take into account the wide range of community types and environments along oil transport route. The Puget Sound region's north-south rail lines carry oil trains through our most densely populated areas, commercial and industrial areas, under the central business district in the City of Seattle, past our two ports in Seattle and Tacoma, and in close proximity to major recreation venues. A worst-case scenario should account for potential loss of life and property, immediate and long-term health impacts from exposure to toxins, and long-term disruption of the movement of people, freight, and goods in the Central Puget Sound region, and associated loss of income to businesses.

Rail lines follow and cross river corridors and trace the sensitive shoreline of Puget Sound. In many cases, the water bodies within the spill or blast zone for a train derailment provide habitat for ESA-listed species and are used for treaty-defined resources such as salmon and shellfish. The worst-case scenario should also account for harm to natural resources, loss of access to treaty resources including treaty-defined usual and accustomed fishing, hunting and gathering areas and associated loss of income.

What is the reasonable per-barrel cleanup and damage cost of spilled oil?
A per-barrel cleanup and damage cost of an oil spill is difficult to determine given the Puget Sound Region's highly varied land uses and public and private infrastructure located adjacent to the rail lines. However, using the Lac- Mégantic (a small rural community of about 6,000 people in Quebec) oil spill disaster as a baseline, the cleanup cost has been estimated at $78,800 per-barrel, or about $3 billion in the case of the Lac-Mégantic to rebuild the town and complete environmental cleanup. In the Puget Sound metropolitan area, with more intense development patterns, higher population density, and large-scale infrastructure investments, the per-barrel cleanup cost should be substantially higher than the Lac Mégantic per-barrel cleanup estimate. As noted above, the cost of clean-up and damage should also factor in cost to restore water supplies and habitat, compensation for loss of tribal access to treaty resources, and lost income.

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

Risk factors that should be considered in prioritizing the inspection and improvements of the private crossings should at a minimum include:

- Proximity of private rail crossings to community uses such as schools, emergency responders (police and fire stations), and health facilities
- Proximity to tank farm holding highly flammable content and oil and gas pipelines
- Proximity to private homes and multi-family structures
- Proximity to public gathering places such as parks, trails, and sports arenas
- Proximity to public arterials and freeways
- Proximity to train stations, light rail stations, and transit stations
- Proximity to job centers and economic infrastructure such as seaports, airports, multimodal freight and goods transfer points, warehousing districts, and commercial office centers
- Proximity to environmentally sensitive areas including shorelines, rivers, wetlands, and water supplies
- Proximity to tribal treaty resource areas such as critical salmon habitat and shellfish beds
- High train-auto and train-pedestrian accident locations

Thank you again for the opportunity to comment on UTC's rulemaking to strengthen oil transport safety.

Sincerely,

Dow Constantine
King County Executive
Chair, Safe Energy Leadership Alliance

cc: Jason Lewis, Transportation Policy Advisor, Washington Utilities and Transportation Commission
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