

## Attachment I

# Chronology of Recent Federal Actions Concerning the Safe Transport of Energy Products

Available on-line at the following site: <http://www.phmsa.dot.gov/hazmat/osd/chronology>

PHMSA and FRA are committed to immediate and long-term solutions to prevent derailments involving flammable liquids and, in the event of a derailment, the consequences such an incident could have on individuals and communities. The PHMSA/FRA action plan includes unannounced spot inspections, sampling, and monitoring the movement and classification of crude oil within and out of oil fields throughout the U.S. In addition, we are engaging all stakeholders involved in shipping crude oil and other flammable liquids by rail to find common solutions to operational issues.

Date	Description
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<b>May 28, 2015</b>	DOT <a href="#">announces</a> that the May 2014 <a href="#">Emergency Order</a> regarding emergency response notifications for shipments of petroleum crude oil by rail will remain in full force and effect until further notice while the agency considers options for codifying the May 2014 disclosure requirement on a permanent basis.
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<b>May 1, 2015</b>	DOT <a href="#">announces</a> Final Rule to strengthen the safe transportation of flammable liquids by rail. The <a href="#">Final Rule</a> applies to trains transporting large volumes of flammable liquids and will make significant and extensive changes to improve accident prevention, mitigation, and emergency response. A <a href="#">summary</a> of the key provisions contained in the Final Rule is also available.
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<b>April 17, 2015</b>	PHMSA issued a <a href="#">Safety Advisory</a> to remind hazardous materials shippers and carriers of their responsibility to ensure that current, accurate and timely emergency response information is immediately available to first responders. PHMSA and FRA issued a <a href="#">Safety Advisory</a> to remind railroads operating a high-hazard flammable train that certain information may be required by PHMSA and/or FRA personnel during the course of an investigation immediately following an accident. FRA issued an <a href="#">Emergency Order</a> to require that trains transporting large amounts of Class 3 flammable liquid through certain highly populated areas adhere to a maximum authorized operating speed of 40 mph. FRA issued a <a href="#">Safety Advisory</a> recommending that railroads use highly qualified individuals to conduct the brake and mechanical inspections and recommends a reduction to the impact threshold levels the industry currently uses for wayside detectors that measure wheel impacts to ensure the wheel integrity of tank cars in those trains. FRA issued a <a href="#">Notice and comment request</a> seeking to gather additional data concerning rail cars carrying petroleum crude oil in any train involved in an FRA reportable accident. <a href="#">FRA Acting Administrator sent a letter</a> to the Honorable Edward Hamberger, president of the Association of American Railroads, asking continued commitment of its member railroads to address the safety issues presented.
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<b>February 5, 2015</b>	USDOT submitted a draft Final Rule on the safe transportation of flammable liquids (including crude oil) by rail to the Office of Management and Budget for formal review.
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<b>December 11, 2014</b>	PHMSA hosted a follow-up meeting with emergency response officials to address gaps in preparedness and training since February 10, 2014 engagement.
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<b>July 23, 2014</b>	USDOT releases comprehensive rulemaking proposal to improve the safe transportation of large quantities of flammable materials by rail, including a <a href="#">Notice of Proposed Rulemaking</a> for enhanced tank car standards, an <a href="#">Advanced Notice of Proposed Rulemaking</a> seeking to expand oil spill response planning requirements for shipments of flammable materials, and a <a href="#">report</a> summarizing the analysis of Bakken crude oil data gathered by
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Date	Description
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PHMSA and FRA.

**May 13, 2014** Secretary Foxx dispatched a letter to 48 state governors and select city mayor's alerting them about the issuance of Emergency Order OST-2014-0067 and urging them to facilitate coordination between the rail industry, State Emergency Response Commissions and local first responders.

**May 7, 2014** USDOT issues [Emergency Order](#) requiring railroad carriers to inform first responders about crude oil being transported through their towns and communities.

**May 7, 2014** PHMSA and FRA issued a [Safety Advisory](#) requesting companies to take all possible steps to avoid the use of DOT 111 tank cars when transporting Bakken crude oil.

**May 1, 2014** DOT sent a comprehensive PHMSA rulemaking package to the White House Office of Information and Regulatory Affairs (OIRA). The proposal includes options for enhancing tank car standards and retrofitting. We look forward to working collaboratively with OIRA on the Administration's proposal and initiating the formal comment process as soon as possible.

**April 1, 2014** As an outgrowth of the Working Groups established at the August 2013 Emergency Meeting of FRA's RSAC, two of the working groups produced recommendations that were adopted by the full RSAC for consideration in future rulemakings.

Based upon the efforts of the *Securement* Working Group and the approval of the full RSAC, the FRA plans to issue a Notice of Proposed Rulemaking (NPRM) later this year.

The RSAC recommendations on train securement would prohibit certain unattended freight trains or standing freight cars on main track or sidings and require railroads to adopt and implement procedures to verify securement of trains and unattended equipment for emergency responders. It would also require locomotive cabs to be locked and reversers to be removed and secured. Railroads would also be required to obtain advance approval from FRA for locations or circumstances where unattended cars or equipment may be left.

Additionally, the full RSAC approved four recommendations of the *Hazardous Materials Issues* Working Group relating to identification, classification, operational control and handling of certain shipments. The four recommendations, directed to the Pipeline and Hazardous Materials Safety Administration (PHMSA), include amending or revising the definitions of "residue" and "key train," and clarifying its regulatory jurisdiction over the loading, unloading and storage of hazmat before and during transportation. (See May 1, 2014 entry below.) Review all recommendations [here](#).

The third Working Group, established to consider *Appropriate Train Crew Size* requirements was unable to reach a consensus. However, the valuable input received during their deliberations will allow FRA to move forward with developing a [proposed rule on train crew size](#) that will protect the public while recognizing the nuance of railroad operations. A Notice of Proposed Rulemaking requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations is expected later this year.

**March 6, 2014** To provide further clarity for shippers and to prevent attempts to circumvent the requirements in our recent Emergency Order concerning the safe transport of crude oil by rail, the Department issued an [amended version](#) that specifies which tests are required, while also prohibiting shippers from switching to an alternate classification that involves less stringent packaging.

**February 25,** USDOT issues [Emergency Order](#) requiring stricter standards to transport crude oil by rail

Date	Description
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2014

<b>February 20, 2014</b>	Transportation Secretary Foxx <a href="#">sent a letter to the Association of American Railroads (AAR)</a> with a list of actions to be voluntarily taken immediately by industry to dramatically improve the safety of railroads transporting crude oil and the communities they move through. AAR President and CEO Edward Hamberger signed the agreement that same day, subsequently followed by individual member railroads. Other railroad signatories include: Genesee & Wyoming, Inc., the Iowa Interstate Railroad, Iowa Pacific Holdings, Wheeling and Lake Erie Railway Company.
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<b>February 12, 2014</b>	In response to the Secretary's <i>Call to Action</i> , the American Short Line and Regional Railroad Association (ASLRRRA) identified five actions that it believes small railroads can voluntarily take to contribute to a safer national rail network:
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1. Train Speed: Unit trains of crude oil will operate at a top speed of no more than 25 mph on all routes.
2. Emergency Response: Railroads will develop a program of best practices to ensure a seamless system of timely and effective emergency response to crude oil spills.
3. Recovery and Environmental Remediation: Railroads will sign master service agreements with qualified environmental cleanup providers to ensure prompt and effective remediation in all areas subjected to unintentional discharge of crude oil.
4. Tank Car Standards: ASLRRRA will support and encourage the development of new tank car standards.
5. Risk Reduction Program: Contingent upon securing a 6-12-month pilot project grant from FRA, ASLRRRA plans to create the Short Line Safety Institute.

<b>February 10, 2014</b>	PHMSA met with emergency response stakeholders and industry groups to discuss training and awareness related to the transport of Bakken crude.
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<b>February 4, 2014</b>	PHMSA issues <a href="#">\$93,000 in proposed civil penalties</a> after investigation into the transportation of Bakken crude oil finds companies improperly classified shipments.
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<b>January 22, 2014</b>	Secretary Foxx issues <a href="#">follow-up letter</a> to Call to Action participants summarizing industry commitments.
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<b>January 16, 2014</b>	Secretary Foxx meets with rail company CEOs and rail and energy association leadership as part of the Department's Call to Action to discuss how to maintain our safety record even as domestic crude oil production and movement has increased.
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<b>January 2, 2014</b>	PHMSA issued a <a href="#">safety alert</a> to notify the general public, emergency responders and shippers and carriers that the type of crude oil being transported from the Bakken region may be more flammable than traditional heavy crude.
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<b>November 20, 2013</b>	PHMSA and FRA issued a <a href="#">safety advisory</a> reinforcing the importance of proper characterization, classification, and selection of a packing group for Class 3 materials.
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<b>October 1, 2013</b>	FRA Administrator Szabo sends a <a href="#">letter to railroad industry organization</a> asking they detail actions they've taken in response to the Safety Advisory issued August 2.
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<b>September 6, 2013</b>	PHMSA published an <a href="#">ANPRM</a> seeking public comment on a proposed rule requiring comprehensive improvements to rail safety of flammable liquids.
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<b>August 29,</b>	<a href="#">Administrator Quatterman</a> and <a href="#">Administrator Szabo</a> address the <a href="#">Railroad Safety Advisory Committee</a> during an
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Date	Description
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<b>2013</b>	emergency session.
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<b>August 29, 2013</b>	FRA and PHMSA launched <a href="#">Operation Classification</a> in North Dakota's Bakken oil region to verify that crude oil is being properly classified.
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<b>August 27-28, 2013</b>	FRA and PHMSA host a <a href="#">joint public meeting</a> to receive public input on improving the safe transport of hazardous materials by rail
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<b>August 2, 2013</b>	FRA issued <a href="#">Emergency Order No. 28</a> , requiring railroads to properly secure rolling equipment. FRA also published a <a href="#">Safety Advisory</a> recommending additional actions.
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<b>July 29, 2013</b>	In a <a href="#">letter to the American Petroleum Institute</a> , FRA informed industry that it will use PHMSA's test sampling program to ensure that crude oil is being properly tested and classified.
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<b>July 18, 2013</b>	FRA and PHMSA <a href="#">announced a two-day public meeting</a> on August 27 and 28 in Washington, DC, to receive public input on improving the safe transport of hazardous materials by rail, including a discussion on enhanced design specifications for the DOT-111 tank cars commonly used to transport petroleum crude oil and ethanol and operational issues related to the rail transportation of hazardous materials.
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<b>December 2012</b>	FRA initiated several steps to address the risks related to increases in rail traffic in the Bakken Oil Region, the point of origin for most crude oil by rail shipments in the U.S. Under our Bakken Rail Accident Mitigation Project (RAMP), FRA conducted additional hazardous materials safety inspections in the area as well as facilitating hazardous materials safety training seminars with shippers, consignees, contractors, and sub-contractors. In addition, as a result of increased commercial motor vehicle traffic in the region associated with crude oil production, FRA worked with stakeholders, participating agencies, local officials and rail carriers on highway-rail grade crossing safety and trespass prevention, to increase law enforcement patrols at grade crossings and expanded educational outreach to professional drivers (including public service announcements and advertisements at major truck stops in the area).
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<b>October 2012</b>	PHMSA Bakken Field Working Group established to increase inspection focus on hazmat shipments by truck and rail from the Bakken region and increase awareness within the emergency response community.
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<b>September 2012</b>	PHMSA Administrator Quarterman visits North Dakota Bakken Region to observe operations at rail loading facilities and the application of U.S. DOT regulations.
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