

The Crude-By-Rail Safety Act

Sponsored by Senators Cantwell, Baldwin, Feinstein, and Murray

Calls for Rules on Volatility

- Requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) to issue an interim rule within 90 days limiting volatile components of crude oil (propane, butane, methane, and ethane) that is shipped by rail.
- The interim rule must be followed by a final rule, informed by research conducted by the Department of Energy, within 2 years.
- Mandates PHMSA conduct testing, inspections, record keeping and audits of oil shipped by rail to verify that unsafe levels of propane, butane, methane and ethane are not present.

Prohibits Use of Unsafe Tank Cars

- Immediately prohibits use of all DOT-111 tank cars and unjacketed CPC-1232 tank cars for crude oil. Existing jacketed CPC-1232s may remain in service but will be required to be upgraded over time.
- This legislation takes 37,700 unsafe cars off the rails. Rail industry data on tank car production capacity, submitted to the Office of Management and Budget, shows approximately 40,000 tank cars can be manufactured or retrofitted every year.

Establishes Strongest Tank Car Standards To-Date

- New tank cars must include thermal protection, full-height head shields, jackets, a 9/16th inch shell, pressure relief valves, and electronically-controlled pneumatic (ECP) brakes.

Requires Railroads to Establish Response Plans for Spills

- Requires railroads to prepare comprehensive oil spill response plans for large accidents and spills. Current regulations only require basic response plans that are insufficient for large spills.

Increases Fines for Transportation and Volatility Violations

- Create new fines for violating volatility standards, up to \$1 million per day of violation, and for failing to inspect rails as required.
- Significantly increase existing fines for all hazardous materials transportation violations, up to \$1 million per day of violation.

Other Key Provisions

- *Required Disclosure* – Requires railroads and shippers to disclose crude-by-rail movements to State Emergency Response Commissions and Local Emergency Planning Committees along hazmat rail routes.
- *Close-Call Reporting System* – Requires railroads to implement a confidential close-call reporting systems so that employees can anonymously report safety problems.