

TOWN OF OGDEN DUNES

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September 29, 2014

Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Notice of Proposed Rulemaking: Hazardous Materials - Enhanced Tank Car Standards and
Operational Controls for High-Hazard Flammable Trains
RE: Docket No. PHMSA-2012-0082 (HM-251)

Thank you for the opportunity to comment on these proposed rules that have implications for the residents of Ogden Dunes as well as surrounding areas. According to the Department of Transportation (DOT), the volume of crude oil carried by rail increased by 423 percent between 2011 and 2012. Here in Ogden Dunes we have certainly witnessed this increase first-hand since the only way to egress from our town is to travel over Norfolk-Southern and South Shore-South Bend Railroad tracks. The other three sides of our town are bounded by the Indiana Dunes National Lakeshore and Lake Michigan, leaving us few options for escape if an explosion happened. Exhibit A more accurately portrays our location and situation.

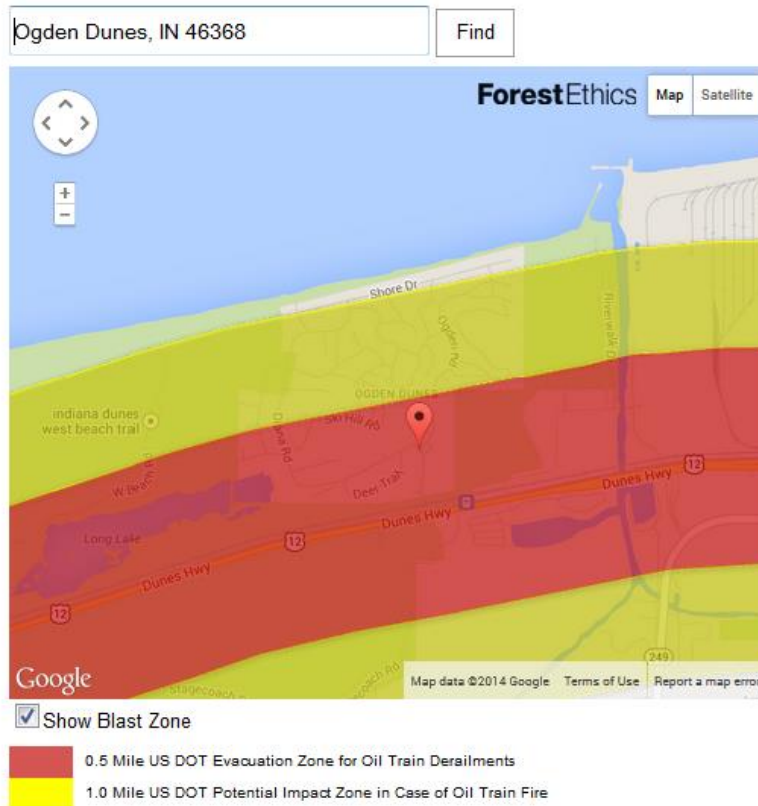
Considering the time it takes to build and approve pipelines that could alternatively carry Bakken crude oil, we see the number of crude oil trains increasing rather than decreasing or stabilizing. The impact on our town is also increased by the fact that nearly every train that is headed for refineries on the east coast passes by our town, which lies on the far south end of Lake Michigan and was incorporated in 1928. The result is that our town feels very vulnerable to rail disasters, and therefore we are grateful that these rules have finally been proposed.

We understand that the U.S. economy is dependent on the efficient movement of goods and services across our country. We also get that having rules that are too stringent could actually put more trucks on the road due to rail congestion that might be created by slower "high-hazard flammable trains" (HHFTs). More trucks means more impacts on road infrastructure and air quality, which is important since this area has to work hard to stay in attainment for ozone and particulate matter standards. However, all things considered, it is our belief that HHFT's pose a significant enough risk to life, property, and the environment of Ogden Dunes and the surrounding community that these risks overcome the inconveniences these rules might cause.

While we support this rulemaking effort, there are a few areas in which we would like to provide comments:

A HHFT is defined in these rules as a train comprised of 20 or more carloads of a Class 3 flammable liquid. These rules are supposed to ensure that the rail requirements are more closely aligned with the risks posed by the operation of these trains. We would like to know

how it was determined that any number less than 20 would have less risk to life, property and the environment? It is our belief that it would only take the explosion of just a few cars to have a significant impact on a community like ours. As a matter-of-fact, research by the organization Forest Ethics has shown that more than ½ of our town lies in an evacuation zone defined by the U.S. DOT, and the other northern half would also be impacted. A visualization of these impacts can be found below:



The Town of Ogden Dunes is also concerned that “stabilization” was not introduced into the rules, which is an important feature of transporting these same kinds of liquids in pipelines. Stabilization is a process that removes the natural gas liquids from the oil, making it unlikely to explode and cause massive destruction to homes, lives, people, wildlife and infrastructure.

Because different extractions of crude oil may have different properties from location-to-location and even from within a single location, we agree with the proposal to require sampling and testing of the mined materials at certain frequencies to establish accurate properties of the medium. This way the appropriate rail equipment can be utilized and the right precautions can be taken during transport.

These rules should also require that unsafe DOT-111 tank cars be removed or retrofitted as quickly as possible. Co-mingling of the unsafe cars with newly manufactured ones simply does not solve the problem or improve safety. In addition, HHFT’s should not be exempted if one or two other types of rail cars are mixed in.

As mentioned previously, our town is bordered on two sides by the Indiana Dunes National Lakeshore, an environmentally sensitive and biodiverse area that also contains habitat for the

federally endangered Karner blue butterfly. An explosion would likely set off brush and wildfires that would potentially be difficult to control. While Karner blue habitat is fire-dependent, the population is so precarious in this area any kind of fire other than a prescribed fire could have severe consequences for surviving populations. Spills would also have devastating effects on the environment since this area lies within the watershed of Lake Michigan, one of our planet's most valuable natural resources for both humans and wildlife.

In addition to being land-locked by these railroad tracks, major town infrastructure, including the town hall, fire station and a pumping station for drinking water are all located within a short distance of the railroad tracks. Even more importantly, a major water filtration plant owned by the Indiana American Water Co. that serves Ogden Dunes, Portage, Chesterton and other communities also lies within the DOT evacuation zone.

If there was an explosion of this nature, Ogden Dunes, a small community with only 600 homes, would have to spend huge sums of money the town does not have to rebuild town infrastructure. Therefore, we would like to state that we support a recent resolution passed by the City of Chicago calling for shippers to pay a hazardous materials transport fee.

<http://www.chicagotribune.com/news/local/breaking/chi-crude-oil-trains-rules-20140909-story.html>) These fees could then be used to re-build infrastructure should an explosion happen and could also further enhance emergency response capabilities.

With respect to emergency response capabilities, this is an area that causes great concern for our community. Our Volunteer Fire Department works very hard to protect our community, and we have close working relationships with other area fire departments. However, it is our belief that while protocols can be determined in advance for this type of disaster, we are probably lacking in the amount of chemicals that would be required to fight a fire started by high-hazard flammable liquids.

The Town of Ogden Dunes is a small community that lies within the Chicago Metropolitan Area. In the proposed rules, the imposition of speed limits applies only to communities in High Threat Urban Areas as defined by 49 CFR 1580.3. These rules should instead adopt the Census Bureau's criteria for urban areas, which can be found in the *Federal Register*, Vol. 76, No. 164, dated August 24, 2011. Ogden Dunes would then be classified as being part of a High Threat Urban Area. Better yet might be the opportunity to instead use the vicinity of the rails to any populated area rather than the population amount alone.

Even more important than speed is track maintenance. We would like to request that maintenance of the rails and enforcement of rail maintenance be required if hazardous materials are being transported over those rails. Testing of materials being shipped should also be required, and the communities through which these materials pass should be notified of regular shipments.

Disaster preparedness is also crucial to making these rules successful. It might be helpful if the rules were to require the oil companies and railroads to maintain disaster plans. It is our understanding that in the Canadian disaster, neither entity had one. It is also our recommendation that state emergency officials be notified of shipments above 1-million gallons of high-hazard flammable liquids. At the very least, these liquids should be included in

commodity flow studies that then are provided quarterly to local emergency response teams. This way, emergency teams will be better prepared for what they might encounter in a spill or derailment.

Ultimately, communities like Ogden Dunes bear the risk of disaster. If your city or town was in the same position, you would want to have the best rules possible. Please consider passing these rules with our suggested additions and modifications.

Sincerely,

The Ogden Dunes Town Council:

Bill Gregory, President

Tom Clouser

Charles Costanza

Paul Panther

Alan Johnson

Jean Manna, Clerk-Treasurer

Comments prepared by Susan MiHalo, Chair of the Ogden Dunes Environmental Advisory Board, Email: smihal763@frontier.com, Phone: 219-763-4871.

