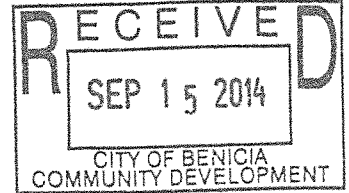




SOLANO COUNTY
Department of Resource Management
Administration Division
675 Texas Street, Suite 5500
Fairfield, CA 94533
www.solanocounty.com



Telephone No: (707) 784-6765
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Bill Emlen, Director
Terry Schmidbauer, Assistant Director

September 8, 2014

Amy Million, Principal Planner
City of Benicia
Community Development Department
250 East L Street
Benicia, CA 94510

RE: Valero Benicia Crude by Rail Project Draft Environmental Impact Report

Dear Ms. Million:

Solano County Department of Resource Management has reviewed the City of Benicia's Draft Environmental Impact Report ("DEIR") related to the project at the Valero Benicia Refinery (Valero Project). The purpose of the Valero Project is to install new equipment, pipelines, and infrastructure to allow the refinery to receive a portion of its crude oil feedstock deliveries by rail tank car. This may result in the daily delivery of up to 70,000 barrels of crude oil by rail to the refinery, which will divert up to approximately 80% of Valero's crude oil deliveries away from marine vessel deliveries.

As part of this project, it is necessary for the crude to be delivered using the Union Pacific Railroad's (UPRR) line that runs through incorporated cities and unincorporated areas of Solano County. In unincorporated Solano County, UPRR's route includes portions that run through marshlands and other sensitive habitat. We feel that the DEIR underestimates potential impacts to these sensitive areas. Additionally, based on our discussion with other emergency response agencies, and review of our own authority as a Certified Unified Program Agency, we feel that the DEIR does not fully address issues related to emergency response, such as updates to county-wide emergency response plans and provisions for training and equipment for emergency responders, or provide all mitigation measures necessary to prevent accidents from occurring or provide for completely effective response to accidents should they occur.

Based on review of the documents, the Department of Resource Management has comments and suggested mitigation measures for the following impact statements provided in the DEIR:

Building & Safety
David Cliche
Chief Building
Official

Planning Services
Mike Yankovich
Program Manager

Environmental
Health
Vacant
Program Manager

Administrative
Services
Suganthi Krishnan
Sr. Staff Analyst

Public Works-
Engineering
Matt Tuggle
Engineering Manager

Public Works-
Operations
Wayne Spencer
Operations Manager

1. Impact Statement 4.7-2 describing that the Valero Project "could pose significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment". This impact is listed as "Less Than Significant" with no mitigation measures provided. The Department of Resource Management disagrees with this finding as written and believes this is a significant impact that requires mitigation.

Information used to support the DEIR's "Less Than Significant" with no mitigation required finding includes the following:

- Valero has committed to the use of the more protective CPC 1232 tank cars: Valero is in the process of purchasing or leasing CPC 1232 tank cars, which are more protective than DOT 111 tank cars, for use in the unit trains that will transport crude oil from Roseville to Benicia.

The Department concurs that CPC 1232 tanks cars are more protective than DOT 111 tank cars. While the DEIR uses CPC 1232 tank cars in its analysis, there appears to be only a voluntary commitment by Valero to utilize them, and there is no mitigation measure requiring only the use of the more protective CPC 1232 tank cars by Valero for this project. Therefore, the Department recommends a specific mitigation measure be added to ensure that CPC 1232 tanks cars, or tank cars that provide better protection, will be used once the facility begins to receive crude by rail from this project (see recommended mitigation measure M1 below).

- Implementation of a 40 MPH speed limit in High Threat Urban Areas reducing potential for derailment and spills: The speed of the unit trains will be reduced to 40 miles per hour for High Threat Urban Areas (HTUAs), which includes cities along the route from Roseville to Benicia, and that a release of crude oil would be less likely to occur with the use of the more fortified CPC 1232 rail cars and the reduced speeds.

The Department cannot concur with the analysis of High Threat Urban Areas (HTUAs) used in the DEIR. It is correct that the American Association of Railroads and their members have adopted a 40 mile per hour speed limit for trains transporting crude oil in HTUAs. However, according to the U.S. Department of Transportation press release dated February 21, 2014 (Attachment 1), this voluntary agreement is only for trains utilizing the older DOT 111's, not using the CPC 1232's as Valero is proposing for this project. Also, HTUAs exclude most of Solano County per the U.S. Department of Homeland Security, Transportation Security Administration definition contained in the Code of Federal Regulations, 49 Part 1580, Appendix A (pages 443 and 444; Attachment 2). That document states that the HTUA for the Bay Area is defined as only extending 10 miles beyond Vallejo, and the HTUA for the Sacramento Area is defined as only extending 10 miles beyond Sacramento. As the project proposes to use CPC 1232 tank cars, and most of the UPRR route within Solano County is more than 10 miles from Vallejo and Sacramento, large portion of Solano County is not included within a HTUA, or covered by any voluntary speed restriction agreement as stated in the DEIR. The Department recommends an additional mitigation measure to ensure train speeds do not exceed 40 MPH throughout Solano County (see recommended mitigation measure M2 below).

By way of example is the Lynchburg, Virginia derailment incident that occurred in April 2014 and is discussed in the DEIR. In this incident, a train traveling at 23 MPH derailed along the James River, resulting in rupture of two CPC 1232 cars and

release of 30,000 gallons that was mostly consumed by fire on the James River (proposed Code of Federal Regulations, Docket No. PHMSA-2012-0082 (HM-251), Table 3; Attachment 3). Therefore, the use of CPC 1232 tank cars at low speeds does not alone mitigate the potential impact from a train derailment. Additional mitigation measures should be required to reduce the likelihood of derailment and to ensure proper and quick responses to spills and fires, and possible explosion, should a derailment occur to support the concept of less than significant.

- Less impact due to lower population density in unincorporated areas of Solano County: Tank car rupture in certain portions of Solano County will have less of an impact due to the lower population density in those areas.

The Department cannot agree with the assertion that impacts will be less in areas with lower population density given the environmentally sensitive conditions along much of the route in unincorporated Solano County. Solano County has direct experience with infrequent petroleum releases in the Suisun Marsh, resulting in significant impacts to the marsh. For example, in 2004 there was a similar, unlikely and infrequent event of a pipeline release of 84,966 gallons of diesel within the Suisun Marsh. This resulted in the deployment of significant resources from the federal, state, and local agencies, and personnel and contractors from the responsible party, to mitigate the environmental harm from the incident. Environmental restoration from the incident was required for six years after the release, and Solano County staff was consistently involved throughout this process. This event, though infrequent, clearly resulted in a significant impact and has a direct parallel to the Valero project.

An example from outside Solano County is the train derailment at Aliceville, Alabama in November 2013 that resulted in a crude oil release into a swamp, impacting wildlife and disrupting commerce. The Aliceville derailment resulted in a deployment of resources from federal, state, and local agencies, as well as the responsible party, to extinguish the resulting fire and mitigate the impacts of the release. As of April 2014 this effort was still ongoing. This, too, shows that infrequent events in sensitive habitats do cause significant impacts. Additional mitigation measures are required to reduce the likelihood of derailment and to ensure proper response should it occur.

Given the above concerns, the Department believes that the project does have significant impact and additional mitigation measures are necessary. The Department understands that UPRR's transportation of commodities is interstate commerce and is regulated by federal law and regulations. However, Valero, as recipient of the crude products by rail, does have the ability to obtain commitments from UPRR to improve tank car and rail line safety for Valero's project. The Department requests the following mitigation measures to be implemented prior to receipt of crude by rail at Valero as a result of this project:

- M1. CPC 1232 tank cars will be used for the project. Valero will ensure that UPRR uses Valero's CPC 1232 tank cars, or tanks cars owned by Valero that are more protective once developed and available, within Solano County for this project.
- M2. Crude rail unit train speeds will be reduced throughout Solano County. Valero will obtain a commitment from UPRR to reduce crude oil train speeds to no more than 40 miles per hour throughout all of Solano County, including the cities of Dixon, Vacaville, Fairfield, Suisun City, and the unincorporated areas.

- M3. Improvements to crude rail train controls and braking will be implemented. Valero will obtain a commitment from UPRR to implement the following for trains used in the project within Solano County: 1) use distributed power, in the form of an engine 2/3 the length of the unit train; and 2) use positive train control, which is the use of a system that will monitor and control train movement to prevent collisions with other trains. The use of these systems will increase the braking capability of each train to prevent an accident, or, in the event of an incident, reduce the impact from a derailment.
- M4. Improvements to track safety. Valero will obtain a commitment from UPRR to increase track safety specifically within Solano County by: 1) performing at least one more internal rail inspection each year above those required by the Federal Rail Administration regulations; 2) conduct at least two high-tech track geometry inspections each year; and 3) increase trackside safety technology by installing wayside wheel bearing detectors in Solano County (at least two within county boundary).
- M5. Response capabilities, equipment, and procedures to respond to accidental releases will be provided. Valero will obtain a commitment from UPRR to provide information on an ongoing basis on UPRR's capabilities, equipment and procedures to respond to incidents in Solano County. Valero will also provide the Solano County Certified Unified Program Agency information on all of Valero's response capabilities.
- M6. Assistance in training local fire departments and districts on responding to crude by rail incidents and fighting industrial fires shall be provided during the life of the project.
- o Valero will sponsor emergency response drills free of charge for local emergency response agencies regarding crude by rail within Solano County. Valero must obtain a commitment from UPRR to participate in drills and exercises. If UPRR is unable to participate, Valero will still use their CPC 1232 tank cars at their facility and obtain assistance from the TransCAER organization for the drill and/or exercise. The drills/exercises will be coordinated through the Solano County Office of Emergency Services in coordination with the Solano County Fire Chiefs Association, and
 - o Valero will work with the Solano County Emergency Manager and the Solano County Fire Chiefs Association on an ongoing basis to offer and pay for personnel from Solano County fire departments and districts located along the railroad transportation corridor to obtain industrial firefighter training.
- This training will ensure a qualified cadre of locally available fire personnel to address any fires from a train derailment involving the rail transport of crude oil within Solano County.
- M7. Valero will ensure adequate foam and equipment are available along the route used to deliver their crude. Valero will work with Solano County Emergency Manager and the Solano County Fire Chiefs Association to establish caches of foam and necessary equipment at various fire departments/districts facilities within Solano County located in the vicinity of the railroad transportation corridor.
- M8. Valero will work on an ongoing basis with the Solano County Emergency Manager and the Solano County Fire Chiefs Association to establish a

maintenance program to ensure the viability of the equipment and foam caches located throughout Solano County.

- M9. Valero will provide the Department of Resource Management and Solano County Office of Emergency Services with the anticipated schedule of unit trains arriving to the Valero Benicia Refinery on an ongoing basis. This will allow emergency responders to schedule staff and stage equipment appropriately to be ready for response.
2. Impact Statement 4.7-7 regarding impairing implementation of, or physically interfering with, an adopted emergency response plan or emergency evaluation plan is listed as less than significant with mitigation. The Department of Resource Management disagrees that this impact is fully mitigated as described in the DEIR.

The DEIR discusses that Valero responds to emergencies at the Valero Benicia Refinery, that the City of Benicia has overall responsibility within the City, and that the Valero Project would not pose a potentially significant new impact to existing City of Benicia emergency/evacuation response plans. However, the DEIR does not address the impact to emergency/ evacuation response plans within the remainder of Solano County. The Environmental Health Service Division, as the Solano County Certified Unified Program Agency (CUPA), is responsible for preparing and revising the Solano County Area Plan, which is the countywide contingency plan for responding to hazardous materials incidents mandated by state law. The potential impacts and necessary updates to the Area Plan have not been addressed in the DEIR. The Department of Resource Management requests the following mitigation measures be implemented:

- M10. Valero Benicia Refinery personnel will assist the Department of Resource Management, Environmental Health Services Division, as the CUPA, in revising the Solano County Hazardous Materials Area Plan to better address hazardous materials incidents at the refinery, and the response to incidents during the transportation of hazardous materials to or from Valero, including response at the refinery and along transportation routes.
- M11. Valero Benicia Refinery personnel will sponsor and commit to having annual drills and/or exercises coordinated with the Solano County Office of Emergency Services, fire departments/districts, and other responders within Solano County that exercise components of the Area Plan. Valero will obtain input from Solano County CUPA on the drill design to verify it addresses components of the Area Plan.
3. Impact Statement 4.5-3 discusses the slumping and subsidence of soils, including those resulting from seismic activity, and the rail tipping potential. The Department of Resource Management cannot adequately evaluate whether Mitigation Measure 4.5-3 is sufficient to address any rail tipping potential because a geotechnical report that incorporates site specific geologic data is not included as an attachment to the DEIR. Therefore the DEIR should include the geotechnical report prepared for the construction of the rail spur or a previous geotechnical report that includes site specific data from the area of the proposed rail spur.

In conclusion the Department of Resource Management requests that DEIR address and incorporate the comments stated herein. For questions, you may also contact Matthew Geisert at 707-784-3314 or Terry Schmidtbauer at 707-784-3157.

Sincerely,



Bill Emlen
Director, Solano County Department of Resource Management

Attachments:

1. U.S. Department of Transportation press release dated February 21, 2014
2. Department of Homeland Security, Transportation Security Administration in the Code of Federal Regulations, 49 Part 1580, Appendix A (page 443 and 444).
3. Proposed Code of Federal Regulations, Docket No. PHMSA-2012-0082 (HM-251), Table 3.

cc: Linda Seifert, Chair, Board of Supervisors
Erin Hannigan, Vice Chair, Board of Supervisors
James Spering, Member, Board of Supervisors
John Vasquez, Member, Board of Supervisors
Skip Thomson, Member, Board of Supervisors
Birgitta Corsello, County Administrator
Donald Ryan, Emergency Manager

**Freight Railroads Join U.S. Transportation Secretary Foxx in
Announcing Industry Crude By Rail Safety Initiative**

WASHINGTON, D.C., Feb. 21, 2014 – The nation’s major freight railroads today joined U.S. Transportation Secretary Anthony Foxx in announcing a rail operations safety initiative that will institute new voluntary operating practices for moving crude oil by rail. The announcement follows consultations between railroads represented by the Association of American Railroads (AAR) and the U.S. Department of Transportation (DOT), including the leadership of the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

The announcement today covers steps related to crude by rail operations. Additional issues relating to the safe transport of crude oil, such as tank car standards and proper shipper classification of crude oil, are being addressed separately.

“We share the Administration’s vision for making a safe rail network even safer, and have worked together to swiftly pinpoint new operating practices that enhance the safety of moving crude oil by rail,” said AAR President and CEO Edward R. Hamberger. “Safety is a shared responsibility among all energy-supply-chain stakeholders. We will continue to work with our safety partners – including regulators, our employees, our customers and the communities through which we operate – to find even more ways to reinforce public confidence in the rail industry’s ability to safely meet the increased demand to move crude oil.”

Under the industry’s voluntary efforts, railroads will take the following steps:

Increased Track Inspections – Effective March 25, railroads will perform at least one additional internal-rail inspection each year above those required by new FRA regulations on main line routes over which trains moving 20 or more carloads of crude oil travel. Railroads will also conduct at least two high-tech track geometry inspections each year on main line routes over which trains with 20 or more loaded cars of crude oil are moving. Current federal regulations do not require comprehensive track geometry inspections.

Braking Systems – No later than April 1, railroads will equip all trains with 20 or more carloads of crude oil with either distributed power or two-way telemetry end-of-train devices. These technologies allow train crews to apply emergency brakes from both ends of the train in order to stop the train faster.

Use of Rail Traffic Routing Technology – No later than July 1, railroads will begin using the Rail Corridor Risk Management System (RCRMS) to aid in the determination of the safest and most secure rail routes for trains with 20 or more cars of crude oil. RCRMS is a sophisticated analytical tool, developed in coordination with the federal government, including the U.S. Department of Homeland Security (DHS), PHMSA and FRA. Railroads currently use RCRMS in the routing of security sensitive materials. This tool takes into account 27 risk factors – including volume of commodity, trip length,

population density along the route, local emergency response capability, track quality and signal systems – to assess the safety and security of rail routes.

Lower Speeds – No later than July 1, railroads will operate trains with 20 or more tank cars carrying crude oil that include at least one older DOT-111 car no faster than 40 miles-per-hour in the federally designated 46 high-threat-urban areas (HTUA) as established by DHS regulations. In the meantime, railroads will continue to operate trains with 20 or more carloads of hazardous materials, including crude oil, at the industry self-imposed speed limit of 50 miles per hour.

Community Relations - Railroads will continue to work with communities through which crude oil trains move to address location-specific concerns that communities may have.

Increased Trackside Safety Technology – No later than July 1, railroads will begin installing additional wayside wheel bearing detectors if they are not already in place every 40 miles along tracks with trains carrying 20 or more crude oil cars, as other safety factors allow.

Increased Emergency Response Training and Tuition Assistance – Railroads have committed by July 1 to provide \$5 million to develop specialized crude by rail training and tuition assistance program for local first responders. One part of the curriculum will be designed to be provided to local emergency responders in the field, as well as comprehensive training will designed to be conducted at the Transportation Technology Center, Inc. (TTCI) facility in Pueblo, Colo. The funding will provide program development as well as tuition assistance for an estimated 1500 first responders in 2014.

Emergency Response Capability Planning – Railroads will by July 1 develop an inventory of emergency response resources for responding to the release of large amounts of crude oil along routes over which trains with 20 or more cars of crude oil operate. This inventory will include locations for the staging of emergency response equipment and, where appropriate, contacts for the notification of communities. When the inventory is completed, railroads will provide DOT with information on the deployment of the resources and make the information available upon request to appropriate emergency responders.

Railroads will continue to work with the Administration and rail customers to address other key shared safety responsibilities, including federal tank car standards and the proper shipper classification and labeling of oil moving by rail. PHMSA is currently reviewing public comments on increasing federal tank car standards.

To learn more about all railroads do to continuously improve the safety of America's rail system, please visit www.aar.org.

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For more information contact: AAR Media Relations at media@aar.org or 202-639-2345.

About AAR: The Association of American Railroads (AAR) is the world's leading railroad policy, research and technology organization focusing on the safety and productivity of rail carriers. AAR members include the major freight railroads of the U.S., Canada and Mexico, as well as Amtrak. Learn more at www.aar.org. Follow us on Twitter: AAR_FreightRail or Facebook: www.facebook.com/freightrail.

Transportation Security Administration, DHS

Pt. 1580, App. A

(6) Discharge, discovery, or seizure of a firearm or other deadly weapon on a train or transit vehicle or in a station, terminal, facility, or storage yard, or other location used in the operation of the passenger railroad carrier or rail transit system.

(7) Indications of tampering with passenger rail cars or rail transit vehicles.

(8) Information relating to the possible surveillance of a passenger train or rail transit vehicle or facility, storage yard, or other location used in the operation of the passenger railroad carrier or rail transit system.

(9) Correspondence received by the passenger railroad carrier or rail transit system indicating a potential threat to rail transportation.

(10) Other incidents involving breaches of the security of the passenger railroad carrier or the rail transit system operations or facilities.

(d) Information reported should include, as available and applicable:

(1) The name of the passenger railroad carrier or rail transit system and contact information, including a telephone number or e-mail address.

(2) The affected station, terminal, or other facility.

(3) Identifying information on the affected passenger train or rail transit vehicle including number, train or transit line, and route, as applicable.

(4) Origination and termination locations for the affected passenger train or rail transit vehicle, including departure and destination city and the rail or transit line and route.

(5) Current location of the affected passenger train or rail transit vehicle.

(6) Description of the threat, incident, or activity.

(7) The names and other available biographical data of individuals involved in the threat, incident, or activity.

(8) The source of any threat information.

[73 FR 72173, Nov. 26, 2008, as amended at 74 FR 23657, May 20, 2009]

APPENDIX A TO PART 1580—HIGH THREAT URBAN AREAS (HTUAs)

State	Candidate urban area	Geographic area captured in the data count	Previously designated urban areas included
AZ	Phoenix Area *	Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, Tempe, and a 10-mile buffer extending from the border of the combined area.	Phoenix, AZ.
CA	Anaheim/Santa Ana Area.	Anaheim, Costa Mesa, Garden Grove, Fullerton, Huntington Beach, Irvine, Orange, Santa Ana, and a 10-mile buffer extending from the border of the combined area.	Anaheim, CA; Santa Ana, CA.
	Bay Area	Berkeley, Daly City, Fremont, Hayward, Oakland, Palo Alto, Richmond, San Francisco, San Jose, Santa Clara, Sunnyvale, Vallejo, and a 10-mile buffer extending from the border of the combined area.	San Francisco, CA; San Jose, CA; Oakland, CA.
	Los Angeles/Long Beach Area.	Burbank, Glendale, Inglewood, Long Beach, Los Angeles, Pasadena, Santa Monica, Santa Clarita, Torrance, Simi Valley, Thousand Oaks, and a 10-mile buffer extending from the border of the combined area.	Los Angeles, CA; Long Beach, CA.
	Sacramento Area *	Elk Grove, Sacramento, and a 10-mile buffer extending from the border of the combined area.	Sacramento, CA.
	San Diego Area *	Chula Vista, Escondido, and San Diego, and a 10-mile buffer extending from the border of the combined area.	San Diego, CA.
CO	Denver Area	Arvada, Aurora, Denver, Lakewood, Westminster, Thornton, and a 10-mile buffer extending from the border of the combined area.	Denver, CO.
DC	National Capital Region.	National Capital Region and a 10-mile buffer extending from the border of the combined area.	National Capital Region, DC.
FL	Fort Lauderdale Area.	Fort Lauderdale, Hollywood, Miami Gardens, Miramar, Pembroke Pines, and a 10-mile buffer extending from the border of the combined area.	N/A.
	Jacksonville Area	Jacksonville and a 10-mile buffer extending from the city border	Jacksonville, FL.
	Miami Area	Hialeah, Miami, and a 10-mile buffer extending from the border of the combined area.	Miami, FL.
	Orlando Area	Orlando and a 10-mile buffer extending from the city border	Orlando, FL.
	Tampa Area *	Clearwater, St. Petersburg, Tampa, and a 10-mile buffer extending from the border of the combined area.	Tampa, FL.
GA	Atlanta Area	Atlanta and a 10-mile buffer extending from the city border	Atlanta, GA.
HI	Honolulu Area	Honolulu and a 10-mile buffer extending from the city border	Honolulu, HI.
IL	Chicago Area	Chicago and a 10-mile buffer extending from the city border	Chicago, IL.
IN	Indianapolis Area	Indianapolis and a 10-mile buffer extending from the city border	Indianapolis, IN.
KY	Louisville Area *	Louisville and a 10-mile buffer extending from the city border	Louisville, KY.

State	Candidate urban area	Geographic area captured in the data count	Previously designated urban areas included
LA	Baton Rouge Area*	Baton Rouge and a 10-mile buffer extending from the city border	Baton Rouge, LA.
MA	New Orleans Area Boston Area	New Orleans and a 10-mile buffer extending from the city border Boston, Cambridge, and a 10-mile buffer extending from the border of the combined area.	New Orleans, LA. Boston, MA.
MD	Baltimore Area	Baltimore and a 10-mile buffer extending from the city border	Baltimore, MD.
MI	Detroit Area	Detroit, Sterling Heights, Warren, and a 10-mile buffer extending from the border of the combined area.	Detroit, MI.
MN	Twin Cities Area	Minneapolis, St. Paul, and a 10-mile buffer extending from the border of the combined entity.	Minneapolis, MN; St. Paul, MN.
MO	Kansas City Area	Independence, Kansas City (MO), Kansas City (KS), Olathe, Overland Park, and a 10-mile buffer extending from the border of the combined area.	Kansas City, MO.
	St. Louis Area	St. Louis and a 10-mile buffer extending from the city border	St. Louis, MO.
NC	Charlotte Area	Charlotte and a 10-mile buffer extending from the city border	Charlotte, NC.
NE	Omaha Area*	Omaha and a 10-mile buffer extending from the city border	Omaha, NE.
NJ	Jersey City/Newark Area	Elizabeth, Jersey City, Newark, and a 10-mile buffer extending from the border of the combined area.	Jersey City, NJ; Newark, NJ.
NV	Las Vegas Area*	Las Vegas, North Las Vegas, and a 10-mile buffer extending from the border of the combined entity.	Las Vegas, NV.
NY	Buffalo Area* New York City Area	Buffalo and a 10-mile buffer extending from the city border New York City, Yonkers, and a 10-mile buffer extending from the border of the combined area.	Buffalo, NY. New York, NY.
OH	Cincinnati Area Cleveland Area Columbus Area Toledo Area*	Cincinnati and a 10-mile buffer extending from the city border Cleveland and a 10-mile buffer extending from the city border Columbus and a 10-mile buffer extending from the city border Oregon, Toledo, and a 10-mile buffer extending from the border of the combined area.	Cincinnati, OH. Cleveland, OH. Columbus, OH. Toledo, OH.
OK	Oklahoma City Area*	Norman, Oklahoma and a 10-mile buffer extending from the border of the combined area.	Oklahoma City, OK.
OR	Portland Area	Portland, Vancouver, and a 10-mile buffer extending from the border of the combined area.	Portland, OR.
PA	Philadelphia Area Pittsburgh Area	Philadelphia and a 10-mile buffer extending from the city border Pittsburgh and a 10-mile buffer extending from the city border	Philadelphia, PA. Pittsburgh, PA.
TN	Memphis Area	Memphis and a 10-mile buffer extending from the city border	Memphis, TN.
TX	Dallas/Fort Worth/Arlington Area Houston Area	Arlington, Carrollton, Dallas, Fort Worth, Garland, Grand Prairie, Irving, Mesquite, Plano, and a 10-mile buffer extending from the border of the combined area. Houston, Pasadena, and a 10-mile buffer extending from the border of the combined entity.	Dallas, TX; Fort Worth, TX; Arlington, TX. Houston, TX.
WA	San Antonio Area Seattle Area	San Antonio and a 10-mile buffer extending from the city border Seattle, Bellevue, and a 10-mile buffer extending from the border of the combined area.	San Antonio, TX. Seattle, WA.
WI	Milwaukee Area	Milwaukee and a 10-mile buffer extending from the city border	Milwaukee, WI.

*FY05 Urban Areas eligible for sustainment funding through the FY05 Urban Areas Security Initiative (UASI) program; any Urban Area not identified as eligible through the risk analysis process for two consecutive years will not be eligible for continued funding under the UASI program.

APPENDIX B TO PART 1580—SUMMARY OF THE APPLICABILITY OF PART 1580

[This is a summary—see body of text for complete requirements]

Security measure and rule section	Freight railroad cars NOT transporting specified hazardous materials	Freight railroad cars transporting specified hazardous materials (§ 1580.100(b))	Rail operations at certain facilities that ship (i.e., offer, prepare, or load for transportation) hazardous materials	Rail operations at certain facilities that receive or unload hazardous materials within an HTUA	Passenger railroad cars and rail transit systems	Certain rail operations (private, business/office, circus, tourist, historic, excursion)
Allow TSA to inspect (§ 1580.5)	X	X	X	X	X	X
Appoint rail security coordinator (§ 1580.101 freight; § 1580.201 passenger)	X	X	X	X	X	(1)
Report significant security concerns (§ 1580.105 freight; § 1580.203 passenger)	X	X	X	X	X	X
Provide location and shipping information for rail cars containing specified hazardous materials if requested (§ 1580.103)		X	X	X		

Dakota, prompting authorities to issue a voluntary evacuation of the city and surrounding area. On November 8, 2013, a train transporting crude oil to the Gulf Coast from North Dakota derailed in Aliceville, Alabama, spilling crude oil in nearby wetlands ignited. On July 6, 2013, a catastrophic railroad accident occurred in Lac-Mégantic, Quebec, Canada, when an unsecured and unattended freight train transporting crude oil rolled down a descending grade and subsequently derailed, resulting in the unintentional release of lading from multiple tank cars. The subsequent fires and explosions, along with other effects of the accident, resulted in the deaths of 47 individuals. In addition, the derailment caused extensive damage to the town center, a release of hazardous materials resulting in a massive environmental impact that will require substantial clean-up costs,

and the evacuation of approximately 2,000 people from the surrounding area. Accidents involving HHFTs transporting ethanol can also cause severe damage. On August 5, 2012, a train derailed 18 of 106 cars, 17 of which were carrying ethanol, near Plevna, MT. Twelve of the 17 cars released lading and began to burn, causing two grass fires, a highway near the site to be closed, and over \$1 million in damages. On October 7, 2011, a train derailed 26 loaded freight cars (including 10 loaded with ethanol) approximately one-half mile east of Tiskilwa, IL. The release of ethanol and resulting fire initiated an evacuation of about 500 residents within a 1/2-mile radius of the accident scene, and resulted in damages over \$1.8 million. On June 19, 2009, near Rockford, IL, a train derailed 19 cars, all of which contained ethanol, and 13 of the derailed cars caught fire. The derailment destroyed a section of single main track

and an entire highway-rail grade crossing. As a result of the fire that erupted after the derailment, a passenger in one of the stopped cars was fatally injured, two passengers in the same car received serious injuries, and five occupants of other cars waiting at the highway/rail crossing were injured. Two responding firefighters also sustained minor injuries. The release of ethanol and resulting fire initiated a mandatory evacuation of about 2,000 residents within a 1/2-mile radius of the accident scene and damages of approximately \$1.7 million. The EPA estimated that 60,000 gallons of ethanol spilled into an unnamed stream, which flowed near the Rock and Kishwaukee Rivers.

The following table highlights the risk of HHFTs by summarizing the impacts of selected major train accidents involving trains of Class 3 flammable liquid.

TABLE 3—MAJOR CRUDE OIL/ETHANOL TRAIN ACCIDENTS IN THE U.S. [2006–2014]

Location	Date (MM/YY)	Number of tank cars derailed	Number of crude oil/ethanol cars penetrated	Speed at derailment in miles per hour (mph)	Material and type of train	Product loss (gallons of crude or ethanol)	Fire	Type of train accident or cause of train accident
LaSalle, CO	05/14	5	1	9	Crude Oil (unit)	5,000	No	To Be Determined (TBD).
Lynchburg, VA	04/14	17	2	23	Crude Oil (unit)	30,000	Yes	TBD.
Vandergrift, PA	02/14	21	4	31	Crude Oil	10,000	No	TBD.
New Augusta, MS	01/14	26	25	45	Crude Oil	90,000	No	TBD.
Casselton, ND	12/13	20	18	42	Crude Oil (unit)	476,436	Yes	Collision.
Aliceville, AL	11/13	26	25	39	Crude Oil (unit)	630,000	Yes	TBD.
Plevna, MT	08/12	17	12	25	Ethanol	245,336	Yes	TBD.
Columbus, OH	07/12	3	3	23	Ethanol	53,347	Yes	TBD—NTSB Investigation.
Tiskilwa, IL	10/11	10	10	34	Ethanol	143,534	Yes	TBD—NTSB Investigation.
Arcadia, OH	02/11	31	31	46	Ethanol (unit)	834,840	Yes	Rail Defect.
Rockford/Cherry Valley, IL.	06/09	19	13	19	Ethanol (unit)	232,963	Yes	Washout.
Painesville, OH	10/07	7	5	48	Ethanol	76,153	Yes	Rail Defect.
New Brighton, PA	10/06	23	20	37	Ethanol (unit)	485,278	Yes	Rail Defect.

Note 1. The term "unit" as used in this chart means that the train was made up only of cars carrying that single commodity, as well as any required non-hazardous buffer cars and the locomotives.

Note 2. All accidents listed in the table involved HHFTs.

Note 3. All crude oil or crude oil/LPG accidents involved a train transporting over 1 million gallons of oil.

While not all accidents involving crude oil and ethanol release as much product or have as significant consequences as those shown in this

table, these accidents indicate the potential harm from future releases. Table 4 provides a brief summary of the justifications for each provision in this

NPRM, and how each provision will address the safety risks described previously.