July 21, 2014

Anthony Foxx
Secretary of Transportation
U.S. Dep’t of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Secretary Foxx,

We are filing this letter in support of the petition filed by Earthjustice on behalf of the Sierra Club and ForestEthics on July 15, 2014, seeking issuance of an emergency order prohibiting the shipment of Bakken and other highly flammable crude oil in legacy DOT-111 tank cars.

The City of Seattle is deeply concerned about the threat to life, safety and the environment of potential spills and fires from the transport of petroleum by rail. More oil has spilled from rail accidents in 2013 than the last 38 previous years combined. Just in the last year, there have been a number of high profile derailments of DOT-111s carrying Bakken crude that have led to massive oil spills, catastrophic explosions, evacuations, and deaths. The volume of petroleum-by-rail moving through Seattle is expected to triple to over one million barrels per week over the next few years, primarily from the Bakken formation. The rail lines that will carry this petroleum run through and by Seattle’s neighborhoods, parks, business and industrial areas, sporting arenas and stadiums, and along our waterfront, creeks, and other natural areas.

In March of 2014, the Seattle City Council passed a resolution that among other measures, strongly urges the U.S. Department of Transportation (DOT) to increase federal tank car design and operation regulations for petroleum product shipments and aggressively phase out older-model tank cars used to move flammable liquids that are not retrofitted to meet new federal requirements.

However, we understand that a final rule on the new federal tank car requirements may not be fully in place for a year or more. In the meantime, huge volumes of explosive crude oil continue to travel through our communities in unsafe rail cars. Canada recently required the immediate phase-out of some DOT-111s, and a longer phase-out of the remaining DOT-111 cars, which have a surcharge on their use. In the absence of similar standards in the U.S., the likely result will be that newer, safer cars will be used to ship crude oil in Canada while the U.S. fleet will end up with the most dangerous tank cars.

We therefore seek to protect the public from oil spills and explosions now, rather than wait for the rulemaking process to put new tank car standards in place. Banning the shipment of highly flammable crude oil in legacy DOT-111 tank cars is necessary to abate the unsafe conditions posing an imminent hazard to human life, communities, and the environment.

We urge the Secretary to issue an emergency order imposing such a ban immediately.

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Sincerely,

Council President Tim Burgess

Councilmember Sally Clark

Councilmember Bruce A. Harrell

Councilmember Mike O'Brien

Councilmember Sally Bagshaw

Councilmember Jean Godden

Councilmember Nick Licata

Councilmember Tom Rasmussen

Councilmember Kshama Sawant