

# Info Alert

## National Conference of State Legislatures Office of State-Federal Relations

July 24, 2014

### Department of Transportation Announces Proposed Rules Regarding the Transportation of Crude Oil by Rail

On July 23, the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) [announced](#) the release of two proposed rules relating to the transportation of large quantities of crude oil by rail.

The [first rule proposes](#) enhanced rail tank car standards that would phase out the use of older cars for the shipment of flammable liquids, including most Bakken crude oil. Older tank cars that are retrofitted to comply with new tank car design standards would be allowed to continue to operate. Additional standards proposed for these trains include the requirement for specific speed restrictions, braking controls and requirements to perform a routing analysis that would consider 27 safety and security factors. Separate from rail transportation, the rule proposes a classification and testing program for certain mined gases and liquids as well as a definition for high-hazard flammable trains (HHFT). The rule also proposes requiring operators of trains containing one million gallons of Bakken crude oil to notify State Emergency Response Commissions (SERCs) or other appropriate state delegated entities about the operation of these trains through their states.

The [second proposal](#), which is an advanced notice of proposed rulemaking, pertains to potential revisions to comprehensive oil spill response plans (OSRPs) which would be expanded to include HHFTs based on thresholds of crude oil that apply to an entire train.

Both rules will be open for comment for 60 days once they are published in the federal register.

Finally, PHMSA also released a [report](#) summarizing an analysis of Bakken crude oil data gathered between August 2013 and May 2014. The data shows that crude oil from the Bakken region in North Dakota tends to be more volatile and flammable than other crude oils.

As always, if you have any questions or concerns regarding the announcement please do not hesitate to contact NCSL staff [Ben Husch](#) (202-624-7779) or [Melanie Condon](#) (202-624-3597).