STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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October 11, 2013

Millennium Bulk Terminals EIS
C/o ICF International
710 Second Avenue, Suite 550
Seattle, WA 98104

RE: Millennium Bulk Terminal Environmental Impact Statement Scoping Comments

Dear Co-Leads:

The Utilities and Transportation Commission (UTC or Commission) appreciates the opportunity to comment on the scope of the Environmental Impact Statement (EIS) for the proposed Millennium Bulk Terminal (MBT) project.

The UTC has responsibility under state law for ensuring the safety of the more than 2,600 public railroad crossings in Washington state.[1] Among other things, the UTC inspects the surface conditions of railroad crossings and establishes required clearances over, beside and between railroad tracks. The UTC also reviews railroads' requests to increase train speeds within the limits of a city; establish new crossings at, above or below grade; and alter or close a railroad crossing.

Millennium Bulk Terminals Longview, LLC (MBTL), proposes to build the new coal export facility on a portion of the former Reynolds Aluminum smelter in Cowlitz County. Over 100 acres of the existing 416 acre industrial site would house the facilities for unloading, storage, reclaiming, and loading ships with coal. MBTL proposes to complete the project in two phases and estimates that the project could add eight loaded and eight empty trains in Washington state each day, including some as long as 8,000 feet. In the Commission's view, the EIS should

[1] The UTC's authority does not include railroad crossing located within the limits of first class cities, RCW 81.53.240. These cities are Aberdeen, Bellingham, Bremerton, Everett, Richland, Seattle, Spokane, Tacoma, Vancouver, and Yakima.

evaluate the potential impact of the MBT project on the safety of the public on and around all railroad lines and crossings that would be used to deliver coal or other commodities to the terminal.

This significant increase in train traffic could potentially require upgrades to the rail infrastructure, including new or expanded sidings, new crossings and alterations or closures of existing crossings.

Each new at-grade railroad crossing brings the possibility of risks to public safety that must be evaluated and mitigated to the extent possible. The UTC monitors accidents and fatalities at public railroad crossings. Approximately 40 accidents have occurred at railroad crossings in each of the past 10 years, including seven fatalities per year. Moreover, the trend has shown that accidents are increasingly occurring in western Washington near population centers. Because coal for export from MBT would need to move through populated western Washington communities, it is likely that without proper planning the increase in train traffic could result in an upturn in the number of railroad crossing accidents or fatalities in Washington state.

Moreover, closures of existing railroad crossings bring potential disruption to communities as vehicle traffic must be rerouted, farms divided and businesses isolated from their customers. Understanding the scope of such potential disruption should be a focus of the EIS.

The EIS should further examine whether the additional train traffic would significantly increase wear and tear of existing crossings, necessitating increased inspections by UTC rail safety staff and increased maintenance costs for the railroads. At present, the UTC inspects each rail crossing at least once every 36 months. If increased train traffic is shown to quicken deterioration of crossing surfaces and signal equipment, the UTC will need to find additional staffing and resources to take on the additional rail inspection work. In addition, costs for maintaining or replacing crossing surfaces and signal equipment for railroad companies will likely increase because of the rise in usage.

Increased train traffic, particularly multiple trains a day at lengths up to 8,000 feet, would also likely result in an increased number and duration of blocked crossings. UTC defines a blocked crossing as one where a train sits at a crossing without moving for 10 minutes or more. This happens when two trains occupy the same track and one must move to a siding, or side track, to allow the other to pass. It also happens when a long train must be stopped to add or subtract cars. Blocked crossings pose an inconvenience to the public because motorists must stop and wait for the train to vacate the crossing. Blocked crossings also cause increased public safety risks because emergency response vehicles cannot go over a crossing to reach an emergency on the other side.

Finally, because the rail corridor will experience additional train traffic, the UTC would need to be prepared to review proposals from the railroads to modify train speeds within cities and towns. While the UTC has very little direct jurisdiction over train speeds because of federal preemption, it is responsible for reviewing and commenting on any train speed increase proposed by a railroad.

In sum, the impact of increased train traffic in Washington state must be carefully evaluated from a safety standpoint and appropriate planning must be undertaken to mitigate any risks identified.

Thank you for the opportunity to comment on the scope of the EIS for the MBT project. We look forward to assisting the lead agencies in any way as they prepare the EIS. Please contact me at (360) 664-1115 or sking@utc.wa.gov if we can provide additional information.

Sincerely,

Steven V. King
Executive Director and Secretary

cc: David W. Danner, Chairman, UTC