

## What is in those Trains Singing over your Rails?

*“Halfway home we’ll be there by morning  
Through the Mississippi darkness rolling down to the sea  
And all the towns and people seem to fade into a bad dream  
And the steel rails still ain’t heard the news ...”*  
– The City of New Orleans

Railroads are nearly everywhere in Vermont. Their tracks pass through many of our downtown and residential areas. Some towns grew out of 19<sup>th</sup> century settlements near railway stations, eventually connecting our rural state to the rest of the world. But Vermonters know very little about what 21<sup>st</sup> century freight trains transport across their state. Not knowing their contents – which can be extremely hazardous – can hurt you. Badly.

Train derailments and collisions occur with an unfortunate frequency in the U.S. and Canada, whose rail lines are interconnected. In 2013 alone, rail accidents occurred on April 26, May 17, May 25, May 28 (resulting in fire), June 20 (over a river), July 6 (resulting in fire), Aug. 5, Sep. 16 (bridge collapse over a river), Sep. 19 (resulting in fire), Sep. 30, Oct. 19 (resulting in fire from a cargo of liquefied gas and crude oil), Nov. 8 (resulting in fire from a cargo of crude oil), Nov. 30, Dec. 3, and Dec. 30 (resulting in fire from a cargo of crude oil). The trend continued this year: Jan. 7 (resulting in fire from a cargo of crude oil), Jan. 19, Jan. 20 (transporting crude oil), Jan. 27 (transporting liquefied petroleum gas), Jan. 28 (transporting phosphoric acid), Jan. 30, and Jan. 31 (transporting crude oil, methane, and liquid fertilizer).

The July 6, 2013, accident occurred in Lac-Mégantic, Quebec, when an unattended 74-tank car freight train miles away loaded with crude oil from the Bakken oil fields in North Dakota started to move. Gathering speed, it rolled 7.4 miles into the center of Lac-Mégantic and derailed. Sixty of the 63 derailed cars released approximately 1.6 million gallons of crude oil, which eventually polluted 77 acres of surface area and entered the Chaudière River. Some of that oil ignited and exploded in fire, killing 47 residents and destroying more than 30 buildings in the downtown.

In August 2013, MM&A, the rail company carrying that load of crude oil, filed for bankruptcy in Canada and the U.S. But by December 18, MM&A was again allowed to operate between Sherbrooke and Lac-Mégantic, Quebec, including traveling through the devastated town itself. Rail operations in Lac-Mégantic are subject to numerous restrictions: the transport of dangerous cargo is prohibited; a train’s manifest must be released no less than four hours ahead; parking on tracks is banned within two miles of the town center; both a conductor and engineer must be on board the train; and the train’s speed must not exceed 10 mph.

The Lac-Mégantic incident was indeed terrible, but, as the list above attests, it wasn’t an isolated case. The Dec. 30 accident in Casselton, North Dakota, resulted in the derailment of 13 cars, one of which fell onto an adjacent track. A 106-car freight train carrying crude oil collided with the derailed car, resulting in an horrific fire, the evacuation of the surrounding area, a damage estimate of \$6.1 million, and the release into the environment of more than 476,000 gallons of crude oil.

And many Vermonters may remember October 22, 2007, when a freight train derailed in downtown Middlebury, spilling gasoline into Otter Creek that sparked a fire and forced the evacuation of residents because of fumes. Sixteen cars derailed; some were carrying fuel oil, others gasoline.

Last October, the VLCT Board of Directors signed two resolutions. The first urges action from the U.S. Department of Transportation to protect the public in light of the Lac-Mégantic accident and the ever increasing amount of crude oil and other flammable cargoes that trains now transport. The second establishes the Vermont League of Cities and Towns as a partner of the Cross Border Municipal Coalition for Railway Safety. (The resolutions are posted on our website, [www.vlct.org](http://www.vlct.org).) VLCT Immediate Past President Hunter Rieseberg travelled to Lac-Mégantic in January to meet with representatives from Quebec, New England, and Illinois to see both the damage and the rebuilding efforts there and to discuss ways to safeguard communities from that kind of disaster.

Indeed. What is being done?

On January 23, the Transportation Safety Board of Canada and the U.S. National Transportation Safety Board (NTSB) issued recommendations to improve the safe transportation of crude oil by rail. Saying that “the greater risk of shipping increasingly more crude oil by rail across North America demands coordinated solutions,” they urged:

- tougher standards for all Class 111 tank cars and not just new ones;
- strategic route planning and safer train operations for all trains carrying dangerous goods; and
- emergency response assistance plans along routes where large volumes of liquid hydrocarbons are being shipped.

As well, the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Administration issued two joint safety advisories to emergency responders and to rail companies that transport Bakken crude oil.

In Maine, the state legislature voted to study the transportation of crude oil through the state, but the governor vetoed the proposal. In Washington, one of Maine’s congressmen proposed “The Safe Freight Act,” a bill requiring two-person crews on freight trains; the bill has been sent to the House Transportation Committee. The Maine Municipal Association alerted its Congressional delegation to the potential dangers of transporting hazardous cargo via rail. Vermont’s Agency of Transportation is studying the NTSB report, though has not yet made any proposal to address any of the issues.

On March 6, the U.S. Senate Committee on Commerce, Science and Transportation held a hearing to discuss ways to enhance rail safety in the wake of the NTSB report noted above to the FRA on transporting hazardous materials via rail. The NTSB Vice Chair testified that for years, three issues have needed to be addressed to improve the safety of the public: (1) tank car design that is insufficient for carrying flammable materials; (2) the obligation to immediately provide accurate information about a derailed tank car’s contents to first responders so they can act appropriately; and (3) installing Positive Train Control to ensure train separation, speed enforcement, and rail worker safety, a plan that is required to be operative by December 31, 2015.

“The American Association of Railroads’ 2012 *Annual Report of Hazardous Materials Transported by Rail* states that crude oil traffic has increased by 443 percent since 2005 and that this growth is expected to continue for the foreseeable future,” said the vice chair in his testimony. “According to the FRA, the volume of crude oil transported by rail has increased dramatically in recent years, from approximately 65,600 carloads in 2011 to approximately 257,450 carloads in 2012 – an increase of 292 percent. Moreover, not only is more crude oil being transported by rail, but some of the crude oil being moved on the Nation’s railroad system – such as that originating in the Bakken formation – may have more volatile properties. Last month, the Pipeline and Hazardous Materials Safety Administration issued a safety alert advising “the general public, emergency responders and shippers and carriers that ... the type of crude oil

being transported from the Bakken region may be more flammable than traditional heavy crude oil,” with the results of further tests of Bakken crude oil forthcoming.”

In the meantime, freight trains continue to rumble through Vermont. If you toss in your bed at night wondering what they’re transporting, you have good reason.

Numerous sources contributed to this article:

- *National Transportation Safety Board Safety Recommendation to the Federal Railroad Administration, January 23, 2014, R-14-1 through -3.*
- *“Explosive Train Derailment Heightens Concerns About Transporting Bakken Crude. Chuck Haga, Reuters, Jan. 3, 2014.*
- *US and Canada Urge New Safety Rules for Crude Oil Rail Shipments, Jad Mouawad and Ian Austen, Jan. 23, 2014.*
- *Rail Safety Action Plan, Union des Municipalités du Québec, December 12, 2013.*
- Testimony of Hon. Christopher Hart, Vice Chairman, NTSB, Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security Committee on Commerce, Science and Transportation, U.S. Senate, March 6, 2014.

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