



Enviro Groups Call DOT's Oil Train Speed Limit

By John Kenne

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(April 20, 2015, 4:20 PM ET) -- Environmental groups say that the U.S. Department of Transportation's recently proposed rules addressing some issues with trains carrying large volumes of crude oil don't go far enough to protect people and the environment.

Groups like West Coast-based ForestEthics, Hudson River watchdog organization Riverkeeper and the Center for Biological Diversity called the DOT's rules "toothless" and said the 40-mile-per-hour speed limit the DOT wants imposed upon trains carrying highly flammable liquid through certain densely populated areas will do little to prevent derailments.

"The emergency order only applies to a few dozen metropolitan areas nationwide and does not apply to most of the rail system used for oil-by-rail transport," Sean Dixon, staff attorney at Riverkeeper said in a statement. "It is not adequate to deal with the risk that trains may impose on people and the environment, does not take into account track conditions and crumbling infrastructure (including bridges over water resources) and entirely, explicitly and incredulously ignores the majority of the nation — the smaller cities and suburbs and rural areas through which these trains travel."

A joint statement by ForestEthics and Riverkeeper said that the speed limit is less protective than what the BNSF Railway Co. has already imposed on its own trains and that tank cars are rated to

withstand punctures at speeds around 10 to 15 miles per hour and even enhanced tankers can only withstand punctures at speeds under 20 miles per hour.

"We would hope to see our agencies create a speed limit no faster than the crash rating of the cars themselves," Matt Krogh, director of ForestEthics' Extreme Oil Campaign, said in the statement.

The two organizations included a list of actions the DOT could have taken to make their proposed rules more effective, including calling for immediate inspection of rail bridges and imposing a weight and length limit on trains carrying crude oil.

"Everyone knows how dangerous these things are ... and then we get these little baby steps," Eddie Scher, communications director at ForestEthics told Law360 Monday.

"They're not even close."

Scher says the group has been fighting for oil train safety for a year and a half and while he doesn't think any oil should come out of the ground, if it does, it needs to be transported safely, and "this stuff is simply too dangerous for the rails."

Jared M. Margolis, staff attorney at the Center for Biological Diversity, told Law360 Monday that the center remains concerned about oil train speed through populated areas, as well as along waterways and through essential wildlife habitat.

Margolis also said that some of the recent fiery derailments happened while the trains were moving about 35 miles per hour, so the DOT's proposed rules would've done nothing to prevent these disasters.

— Editing by Ben Guilfoy.

“Allowing trains carrying highly hazardous flammable liquids to hurtle across our landscape and through our communities at speeds that exceed the safety features of the tank cars does little to ensure that the public is protected from the next oil train disaster,” Margolis said.

Margolis doesn't see speed as the main factor in oil train derailments and has filed a petition with the Pipeline and Hazardous Materials Safety Administration that asks the agency to limit oil trains to about 30 cars — 4,000 pounds — far shorter and lighter than the 100-car trains he says are common. He says that long, heavy trains can affect any track imperfection and cause derailment.

The DOT said in a Friday statement that transportation of crude oil poses a serious threat to public safety, and noted that since 2013 there have been 23 crude-related train accidents in the U.S., the majority of which happened without any release of oil. Margolis stretches the time period further, stating in his petition that eight oil train accidents in 2008 ballooned to 119 in 2013, and that in the latter year, 1.1 million gallons of oil spilled, more than the total amount lost between 1975 and 2012.