

## TRANSPORT:

# Md. oil train disclosure case nudges rail industry toward transparency

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*Published: Tuesday, September 8, 2015*

Officials in Maryland are expected to reveal oil train data this week following a legal battle over the information's disclosure.

Environmentalists and some state regulators welcomed the quiet end to a pair of industry-led lawsuits Friday as a win for safety and transparency.

The U.S. Department of Transportation ordered railroads last year to share crude routing and traffic statistics with state emergency responders in the wake of several oil train derailments and fires. Freight railroads began reporting the data to commissions across the country with the expectation that it would be shielded from public records requests.

But when the McClatchy Co. and Associated Press sought oil train data from Maryland's Department of the Environment last summer, the agency found no reason to block the information's release. Two railroads hauling crude through the Maryland area, CSX Corp. and Norfolk Southern Corp., filed suit to prevent their crude oil reports from going public.

Last month, a Baltimore City Circuit Court judge ruled against the railroads but gave them until Sept. 4 to appeal ([Greenwire](#), Aug. 17).

CSX spokesman Rob Doolittle said Friday that the company was not planning to appeal the court's decision, noting in a statement that "the safe movement of these shipments and every load of freight is CSX's top priority."

"The company will continue to work with state agencies and first responder organizations to ensure they have the information they need to fulfill their emergency planning responsibilities," Doolittle added.

A representative for Norfolk Southern did not reply to emails seeking comment last week, but spokesman David Pidgeon said in a statement after last month's ruling that the company would respond to the decision "at the appropriate time and venue."

A clerk at the Baltimore court said two hours before the deadline Friday that the office had not yet received an appeal from either railroad. A spokesman for the Maryland Department of Environment also said Friday that the agency had not

heard whether Norfolk Southern would challenge the ruling.

The apparent resolution of the Maryland cases fits into the broader, halting shift toward transparency in the North American crude-by-rail business, often over objections from industry. For years, upon request, railroads have provided fire departments and local first responders with lists of the top hazardous materials passing through their communities. But a string of fiery oil train accidents across small towns in the United States and Canada left many leaders calling for a more comprehensive and open approach ([\*EnergyWire\*](#), June 9, 2014).

"I think this broader interest in all these national volumes is probably causing some consternation among companies," said David Willauer, who often works between local governments and shippers as manager of transportation technological hazards at the consultancy IEM. He noted at a rail safety event Thursday that specific routing and traffic information can be closely guarded in the "very competitive" fuel logistics industry. Yet, "the best information for first responders to know is the volume [of hazardous material] transported through their community," he said.

Elisabeth Treseder, policy adviser at the American Petroleum Institute, said that companies moving hazmat must perform a "balancing act" with public disclosure and public security.

"We need to tread carefully when it comes to information," she said at the same safety event, hosted by the Alliance for Innovation and Infrastructure.

Environmental groups aren't convinced by security concerns, pointing out that anyone with the patience to plan an attack on an oil train could simply keep an eye out for milelong strings of tank cars. DOT's May 2014 Emergency Order, which remains in effect, only applies to trains hauling a million or more gallons of crude from North Dakota's Bakken Shale play.

"It's no secret where there are crude trains being pulled through communities," said Devorah Ancel, an attorney with the Sierra Club. Still, she said sharing more information can help first responders as well as community members who may want to move if too many oil trains pass near their homes.

Ancel called last month's decision in Baltimore "a victory for communities in Maryland who have been threatened by the increase in crude-by-rail traffic coming through their backyards."