Danger on the Tracks:
Oil-by-Rail’s Threat to Lake Champlain and the Adirondack Region

SUMMER 2018
Executive Summary

THE TAR SANDS AT OUR DOORSTEP REPORT, published Spring 2015 by the National Wildlife Federation, Environmental Advocates of New York, and the Vermont Natural Resources Council, laid out the major threat that tar sands oil poses to the Lake Champlain region, the Adirondacks, and Vermont. If brought to the region, this viscous, tar-like heavy crude oil has the potential to destroy the health of communities and ecosystems, as it is nearly impossible to clean out of waters once inevitably spilled.

The report also addressed another severe threat to the region – the transport of oil-by-rail along aging tracks that hug Lake Champlain on their way into the Hudson River valley and down to Albany. This dangerous practice involves train oil-tank cars carrying explosive light fracked oil from the Bakken fields largely in North Dakota to the Lake Champlain region, threatening our communities, natural resources, and wildlife. This report follows up Tar Sands at our Doorstep by focusing on the continued threat of oil-by-rail transport in this area.

Our region’s safety continues to be too reliant on the whims of the oil market, despite the decline in oil movement by rail since its peak in 2014, as well as the regional successes in blocking infrastructure that would lock in long term oil-by-rail transit. At the federal level, while there has been a phase out of the one of the most dangerous train oil tankers, existing tankers still pose serious risk. Additionally, planned rollbacks in standards requiring cars and trucks to be more fuel efficient promise to increase demand for oil – rather than lessening it. This will likely result in more oil-by-rail traffic through our communities and our treasured natural resources. Making matters worse, market trends are showing signs of increasing oil prices, which would make substantial oil-by-rail traffic a reality in the region again. For instance, there are indications that the fracking industry is becoming more efficient and the oil market is having a resurgence.

Ultimately, we need strong federal action to eliminate this risk to the region.
Momentum to eliminate the high risks of transporting oil through the treasured Lake Champlain region is growing and the last few years have brought landmark victories in the effort to stop infrastructure projects designed to increase local oil-by-rail transport.

**For example:**

Strong grassroots opposition in towns and cities along the Albany-to-New Jersey route of the proposed Pilgrim Pipeline, including organized opposition by groups such as Coalition Against the Pilgrim Pipeline as well as conservation groups like the National Wildlife Federation, Environmental Advocates of New York, and Riverkeeper, has stalled activity on this proposed pipeline. If built, the pipeline would have allowed for more oil-by-rail traffic to come into Albany by increasing the capacity of the industry to move oil to refineries in the Mid-Atlantic. However, many municipalities in harm’s way passed resolutions in opposition of the project helping lead the New York Department of Environmental Conservation (DEC) to determine in September 2016 that the pipeline has the potential for significant impacts, including contributing to climate change, that would have to undergo review.3

Years of advocacy by conservation groups, including the National Wildlife Federation and Environmental Advocates of New York, have been successful in fighting the Global Partners, LP proposed oil heating facility at the Port of Albany. This proposed heating facility would likely increase rail traffic by allowing this thick, dangerous oil to be heated and loaded from trains onto barges and likely sent to coastal refineries and abroad. The project stalled when DEC reversed a determination that Global’s application was complete and indicated that the project may require thorough environmental review including accounting for lifecycle climate impacts. The company went to court to challenge DEC’s ruling, but the court upheld the agency’s action.4 Global recently announced it was withdrawing its permit application, effectively pulling the plug on the project for now.5

After strong support from many environmental groups, the “Tanker Avoidance Zones” bill was signed into law in 2017, protecting the Hudson River from the threat of oil barges by, among other things, giving DEC the authority to establish tanker avoidance zones where it would be unlawful for petroleum bearing tankers to navigate.6
A Region Under Threat

LAKE CHAMPLAIN IS ONE OF THE LARGEST FRESHWATER LAKES IN AMERICA OUTSIDE OF THE GREAT LAKES. It provides drinking water for hundreds of thousands of New York, Vermont, and Quebec residents and generates millions of dollars from tourism and recreational opportunities. The Lake Champlain Basin also provides habitat for more than 80 fish species, 300 bird species, 20 amphibian and reptile species, 50 species of mammals, and countless plants and insects. The Adirondack Park is the largest protected public area in the contiguous United States, designated as “forever wild” by the New York State Constitution. The park generates more than $1 billion in tourism spending annually.
This treasured, largely remote region is being threatened with the movement of oil-by-rail. Depending largely on oil prices, at times massive amounts of oil are being moved through this region on aging rail lines and infrastructure. A train disaster – as has happened in other regions and communities – would prove devastating for the area, placing lives, wildlife, and unique natural resources at extreme risk. With declining oil demand in the Northeast, plus the opportunity to advance policies and technologies that can wean us off oil, we should not risk remote, highly valuable areas like the Lake Champlain region and Adirondack Park with unnecessary oil-by-rail travel.

Much of the Upper Hudson River inside of the Adirondack Park is protected from development within the Wild, Scenic and Recreational Rivers System and the Adirondack Forest Preserve. But it remains vulnerable to oil spills from obsolete rail car storage on tracks leading to defunct mining operations. From the federal dam in Troy to New York Harbor, the Hudson River is among the world’s most productive coastal estuaries. Running some 150 miles, it hosts “more than 200 species of fish … The estuary’s productivity is ecologically and economically valuable to much of the Atlantic Coast; key commercial and recreational species like striped bass, bluefish, and blue crab depend on nursery habitat … Bald eagles, herons, waterfowl, and other birds feed from the river’s bounty. Tidal marshes, mudflats, and other significant habitats in and along the estuary support a great diversity of life.”

The oil being shipped by rail through the region is Bakken crude oil, a light unrefined oil extracted by hydraulic fracturing in the North Dakota region. Bakken crude is an exceptionally volatile substance more prone to explosion than other types of crude oil. At the recent peak of oil-by-rail shipments in 2014, millions of gallons of Bakken crude oil were being transported along Lake Champlain. Low oil prices have made such levels of shipment uneconomical for the moment, but as gas prices creep back up, the region could see increased levels of traffic again. Even current levels of shipping present a risk.

The rail infrastructure used in shipping is aging in several places. The tracks run through dozens of New York communities and along Lake Champlain for nearly 100 miles, within inches of the shoreline in many areas. Bridges that cross ravines and rivers that flow into the lake are exceptionally old, with most of the retrofits occurring in the early 1900s. Many bridges date back to the late 1800s and are simply unfit to transport explosive materials (see Appendix).

The extreme threat posed by oil-by-rail to communities in the region is embodied by the Lac-Mégantic tragedy. On July 6, 2013, an unsecured train in Lac-Mégantic, Quebec rolled down a descending grade, derailed, and released 1.6 million gallons of Bakken crude from its cars. The Bakken crude, much more volatile than conventional crude oil, caught fire and fueled explosions that left 47 dead, destroyed a substantial part of the town, and contaminated a portion of the nearby lake and river.

In April 2016, the National Wildlife Federation, the Lake Champlain Committee, and the Adirondack Council announced the delivery of a letter to the New York and Vermont Congressional delegations calling for a “federal legislatively imposed ban on the transport of oil along Lake Champlain and the Hudson River.” The letter had signers from more than 80 New York and Vermont environmental, business, recreational, and other organizations, in addition to former members of state agencies, current and former state legislators, and both the Plattsburgh and Burlington City Councils. Town and city resolutions have also been passed in key communities calling for varying levels of action to protect communities against the risks of oil-by-rail, including Plattsburgh, Westport, Keene, Champlain, Saranac, and Clinton and Ulster Counties.

While the amount of oil-by-rail moving through the region has declined in the last couple of years, the threat remains and a long-term solution is needed.

This report updates information on the threat of crude oil shipments to the region as market forces indicate that shipments may again increase.

The report highlights the existing long-term threat, takes stock of safety efforts and local strategies to contain the threat, and marks the victories that have already been achieved.
Local Victories to Constrain Oil-by-Rail in the Lake Champlain and Adirondack Region

Pilgrim Pipeline
The fight against pipeline oil infrastructure in the region has achieved significant progress since 2015. Conservation and citizen groups rallied in response to Pilgrim Pipeline, LLC’s plans to construct a 178 mile bi-directional pipeline to carry millions of gallons of petroleum a day. The proposed pipeline would link Albany, New York and Linden, New Jersey, carrying Bakken oil and running through communities and environmentally sensitive areas, including the Hudson Valley and the Catskills. New York and New Jersey residents banded together in 2015 to form the Coalition Against Pilgrim Pipeline. The coalition consists of 40 groups in New York and New Jersey with the purpose of calling on their governors to oppose the proposed pipeline, and has now become a force fighting oil infrastructure in the region. The pipeline project is now stalled thanks to many municipalities along the route that have passed resolutions in opposition of project and the New York Department of Conservation (DEC) determining in September 2016 that the pipeline has the potential for significant impacts, including climate impacts, that would have to undergo review.

Global Partners
The proposed oil heating facility at the Port of Albany by Global Partners, LLC has been another major, long-standing fight in New York. If permitted, the facility would enable dangerous tar sands oil to be loaded from trains to barges in Albany, thereby having the potential to allow for oil train traffic carrying Canadian tar sands crude through New York. The project has been stalled since DEC reversed a determination that Global’s application for the project was complete and indicated that the project may require thorough environmental review, including accounting for lifecycle climate impacts. The company went to court to challenge DEC’s handling of the application, but the court recently upheld DEC’s action. Global recently announced it was withdrawing its application, effectively pulling the plug on the project for now. If Global tries to move forward again, it will likely require comprehensive environmental review. In addition, in a letter to Global Partners in 2016, DEC specifically addressed potential dangers around oil-by-rail traffic and crude transport, stating that Global must explain steps it intends to take to address these risks.

Hudson Anchorage Proposal
A proposal by the Tug and Barge Industry last year to establish 10 new anchorage grounds in the Hudson River was met with fierce opposition from a range of groups including federal, state, and local officials who raised concerns that the proposal would turn the Hudson River into a parking lot for barges, many of which could carry volatile crude oil. The proposal would have covered more than 2,400 acres of the river and threatened the fish and wildlife habitat, drinking water resources, and economy of New York. Strong advocacy led to Governor Cuomo signing “tanker avoidance zones” legislation in October 2017. This law gives DEC the authority to establish “tanker avoidance zones,” areas where it would be unlawful for petroleum-bearing vessels to navigate in the Hudson River. Although it doesn’t put an end to industry’s request for new anchorages, it gives the state more authority to protect the Hudson River from barges carrying petroleum. As of June 2017, the Coast Guard has suspended its proposal and conducted a robust stakeholder engagement process called the PAWSA, has released its report, and has formed a new safety management committee consisting of diverse stakeholder groups.
Other Efforts

In an attempt to put the cost of an oil spill on the polluter, the New York state legislature has, since 2014, proposed the New York Surety Bill. The bill would require that major facilities, vessels, and railroad companies demonstrate that they have the financial security to cover the cost of an oil spill. This bill has consistently passed the Assembly, but has never passed the Senate. It is important that this bill pass in order to put the financial risk of an oil spill on those responsible for the spill.

The storage of oil tankers in the Adirondacks is an issue intertwined with crude oil transport by rail in the region that is sure to continue in the future. At the end of 2017, Saratoga & North Creek Railway proposed to store railroad oil cars, comprised of hundreds of rail tank cars that used to carry oil, on tracks running through several central Adirondack communities between Warren and Essex counties indefinitely. The obsolete tankers are prone to leakage that could contaminate the Upper Hudson River. In addition, when linked for 22 miles of track between the hamlet of North Creek and the former mine at Tahawus (just one of many unused railroads in the park) they would form a formidable barrier to wildlife access to the river. Railcars started to be delivered for storage in October 2017. The Adirondack Council hired Washington, D.C. lawyers who specialize in railroad law to work with local, state, and federal officials to remove this threat to water and wildlife. In one of Governor Cuomo’s 2018 State of the State proposals, he vowed to take legal action against the railroad companies. State agencies issued cease-and-desist orders to the railroad operator. The New York State Attorney General commenced a complaint with the federal Surface Transportation Board. At the request of conservationists, New York State Comptroller Thomas DiNapoli pressured an owner of some of the rail cars (a Berkshire-Hathaway subsidiary) to remove its cars. New York State’s pension fund holds millions of shares of Berkshire-Hathaway stock. This action removed two-thirds of the 80-plus oil tankers stored inside the park in March of 2018. The remaining tank cars were removed May 10, 2018 after Warren County officials canceled the railroad operator’s contract to lease a portion of the line from the taxpayers.

Pressure needs to be kept on the state to ensure that old, hazardous rail cars are never again dumped in New York’s forever wild lands.
How Oil-by-Rail Enters the Region

The oil being transported by rail along Lake Champlain originates mainly in the Bakken shale formation in North Dakota. This Bakken crude oil is transported by rail from North Dakota to Montreal, Quebec, and from there is shipped south along the western shores of Lake Champlain. It travels across the Hudson River and many other waterways before entering the Port of Albany where oil shipments are offloaded onto barges and ships destined largely for coastal refineries.

Factors with the Potential to Revive Crude Oil Transport by Rail

Oil markets are fluid; conditions can change and oil transport can easily have a resurgence. The recent decline in oil-by-rail shipments are already showing signs of reversing, though trends are somewhat volatile. As detailed below, though the line is not steady, there are indicators that as the fracking industry becomes more cost efficient and oil prices tick upward, oil production in the Bakken is having a resurgence and more oil is again flowing to the East Coast. These factors signal that the decline in oil shipments through the Lake Champlain region may be temporary and shipments are already increasing.

Infrastructure also influences the amount of oil that travels through the region. Especially given market fluidity, it is important to stop infrastructure projects that could spur additional oil-by-rail transport. For example, cancellation of the Global Partners oil heating facility expansion plans will help ensure that heavy tar sands crude oil does not threaten the region. Likewise, keeping Pilgrim Pipeline from being constructed will keep 400,000 barrels per day of extra crude oil export capacity from being added. Preventing long term infrastructure from being built can help turn investment toward long term solutions that reduce oil dependence instead of increase it.

Crude Oil Transport by Rail Trends

**GRAPH SHOWING:**
National Crude Oil-by-rail Transport

**PEAK NATIONALLY:** October 2014, 35,255 thousand barrels

**MOST RECENT DATA:** March 2018, 12,567 thousand barrels
NATIONALLY, oil train movements have declined since their peak in October 2014 at 35,255 thousand barrels per month. The decline in oil train traffic since 2014 corresponds with the decline in global oil prices. Volumes declined through 2016 due to a global glut of crude oil and have continued to decline through 2017. However, starting in the fall of 2017, movements of oil-by-rail started fitfully increasing.

Bakken oil and transporting it by rail is relatively expensive and oil prices need to be high to make it economical. When prices are lower, this relatively expensive oil is not economical for the industry to produce and transport. By August 2017, there were only about 8,201 thousand barrels of crude transported by rail nationally. This leapt up to 14,220 barrels in January 2018 before falling to 10,135 barrels in February 2018 and then rising back to 12,567 thousand barrels in March.

REGIONALLY, crude oil-by-rail shipments from the Midwest to the East Coast declined from 2015 through 2017, but are steadily on the uptick. The Midwest region includes North Dakota, where Bakken oil is derived, and represents the majority of the crude by-rail shipments that the East Coast has been receiving. Rail shipments from the Midwest to the East Coast declined from the peak of 13,754 thousand barrels in November 2014 to only 244 thousand barrels in August 2017, but have climbed back up to shipments of 3,118 thousand barrels in March 2018.

Rail shipments from Canada to the East Coast have been more volatile in trend, from the peak of 3,128 thousand barrels in May 2014 to a low of 22 thousand barrels in July 2017 before an uptick starting in August 2017 that has jumped to 1,963 thousand barrels in December 2017 before declining back to 881 thousand barrels in March. Rail shipments from Canada largely transport tar sands oil which, like Bakken, cannot compete well at low prices. Preventing the Global Facilities oil heating facility from occurring will help ensure that if demand changes, it will be difficult to ship tar sands oil through the region because the region will not have the infrastructure to accommodate it.
The Impact of Clean Car Standard Rollbacks on Oil-by-Rail Transport

The only way to reduce and eliminate the threat of oil-by-rail is to remove oil trains from the tracks. Ultimately, as long as there is a need for oil, there will be pressure to move oil-by-rail, especially as domestic production continues to be a priority. Currently, our transportation sector is largely dependent on oil. There are many ways to decrease and eventually eliminate that dependence, including the electrification of vehicles, increasing investment in public transit, and developing our communities in ways that foster bike and pedestrian transportation. Another way is increasing the efficiency of our existing fleet of vehicles.

The U.S. Environmental Protection Agency (EPA) has signaled its intention to roll back standards under the Clean Air Act for fuel economy and greenhouse gas emissions for cars and light trucks. These standards – called Corporate Average Fuel Economy or CAFE standards – have served to dramatically reduce air pollution while making cars far more fuel efficient since the Clean Air Act’s passage almost a half century ago. The EPA’s plans would reportedly freeze standards for cars and light trucks at 2020 levels, around 36 miles per gallon (mpg). This compares with current standards that would require fleet efficiency levels at 51.4 mpg by 2025. This rollback exceeds what even the auto industry requested.

This rollback will mean more oil use and continued oil reliance. The Rhodium group has estimated that under Obama-era standards, fleetwide fuel economy rises from 32 mpg today to between 44 and 46 mpg in 2025, depending on market forces. The proposed rollback would result in averages that reach only between 36 and 42 mpg by 2025. This is illustrated by the below chart:

AS RHODIUM EXPLAINS:
“Freezing CAFE standards at 2020 levels would increase US oil consumption by between 126,000 and 283,000 barrels per day in 2025, depending on oil prices. By 2030 the impact grows to 221,000-644,000, assuming no change in post-2025 standards, as more of the vehicle fleet has been sold under the MY 2020-2025 rules. By 2035 US oil consumption is between 252,000 and 881,000 barrels per day higher. The upper end of the range equates to more transportation oil consumption than currently occurs in any state other than California and Texas, and more than total annual oil production in Alaska.”

PER RHODIUM’S ANALYSIS, HERE’S WHAT THESE INCREASE LOOK LIKE:

These rollbacks will increase and prolong our reliance on oil, which will almost certainly mean more oil-by-rail. The EPA’s plan is a dangerous and unnecessary step backward that, among many other harmful impacts, will almost certainly put areas like the Lake Champlain and the Adirondacks at higher risk for an oil-by-rail disaster and for a longer period of time.
SINCE THE EXPANSION OF OIL-BY-RAIL, train incidents involving crude oil have been alarmingly frequent. Around the peak of oil-by-rail transport, the amount of train incidents spiked – rail incidents involving crude oil jumped nearly sixteen-fold between 2010 and 2014.33 In some instances, trains caught fire and exploded. In others, oil was leaked into nearby bodies of water. In many instances, towns were evacuated and communities were threatened.34 Although there has been a decline in rail incidents corresponding with a decline in oil-by-rail transport, incidents remain a very real threat and every derailment reminds us of what is at stake.

According to the Pipeline and Hazardous Materials Safety Administration (PHMSA) database, there have been 11 incidents nationwide involving a tank rail car carrying petroleum since the start of 2016 through October 2017.35

Notable Recent Incidents

There were six incidents involving a tank car carrying petroleum in New York in 2015 alone.38 A recent incident in New York, while not involving crude oil, highlights oil-by-rail’s unavoidable dangers. A train derailed near the banks of the Hudson River in Newburgh, New York in March of 2017 after it hit a boom lift and jumped the tracks.39 The train had tankers carrying sulfuric acid and sodium hydroxide (lye), raising concerns about a hazardous substance spill. Although no hazardous materials spilled and no one was seriously injured, the incident left people wondering what would have happened if the freight train had been transporting volatile crude oil.

In June 2016, a train carrying crude oil from North Dakota derailed along the Columbia River gorge near Mosier, Oregon. Fourteen of its oil tank cars caught fire, sending black plumes of smoke in the air. Mosier residents were evacuated and the fire burned for six hours. 42,000 gallons of oil were spilled, contaminating the nearby Columbia River.40 It was only because of low winds that day that the fire did not spread and cause a much more catastrophic disaster.

Even more recently, a train carrying crude oil derailed in Plainsfield, Illinois in June 2017. The disaster caused approximately 25 cars to derail and estimates of up to 45,000 gallons of oil to subsequently leak from three of the cars. This triggered a massive cleanup effort and threatened the DuPage River, which lies just over 1,000 feet from where the train derailed.41
A RESURGENCE IN OIL-BY-RAIL TRANSPORT will once again reveal immense lapses in rail safety standards that will continue to threaten communities and wildlife. We still have a deteriorating rail infrastructure and inadequate safety measures, illuminating the need to stay vigilant and keep oil-by-rail out of the area. Included in the Appendices are a list of ages of railroad bridges involved in oil transport in the Lake Champlain region and the Adirondack Park and a map of the emergency evacuation zone from Montreal to Albany with the number of buildings within each city within the blast zone.

National Rail Safety
As stated earlier, the rail infrastructure being used to transport crude oil is aging and outdated. A report, Deadly Crossing - Neglected Bridges & Exploding Oil Trains, published by Waterkeeper Alliance, Riverkeeper and Stand.Earth (formerly ForestEthics) in November 2015 explored the inadequate federal inspections and oversight of rail bridges.42

Waterkeeper did citizen inspection of rail bridges in 15 states and found 46% of the bridges inspected had deficiencies, including cracks or pieces missing, significant rusting and/or deterioration or rotting of the foundation of the bridges.43

The train cars involved in the Lac-Mégantic tragedy were DOT-111 cars, considered to be among the least protective cars and often referred to as “Pepsi cans on wheels.” The Fixing America’s Surface Transportation (FAST) Act, signed into law in December 2015, gave crude oil shippers until early 2018 to phase out the DOT-111 tank cars.44 Oil firms have steadily abandoned using these tank cars in recent years.

Despite this advancement, the U.S. Department of Transportation (DOT) in early December 2017, released an updated Regulatory Impact Statement regarding electronically controlled pneumatic (ECP) brakes in accordance with the FAST Act. Through this, they determined to rescind the 2015 mandate requiring tank cars carrying highly explosive liquids to be equipped with ECP brakes by 2021.45 This requirement was an effort to make hazardous tank cars safer as ECP brakes reduce stopping distances and therefore pile-up scenarios. DOT now claims that the ECP brakes are not feasible. This is an instance of industry deregulation at the cost of public and environmental health and safety. This is a step backward in train safety that puts communities at risk.
New York’s Rail Safety

The New York Department of Transportation, along with the Federation Railroad Administration, have been conducting inspections of New York track, including CSX mainline track, and crude oil tank cars since late 2014. There have been at least 12 inspections conducted since this time. Each inspection includes the number of critical defects that must be addressed immediately and non-critical defects that must be fixed within 30 days found on the different sections of track. The inspections focus on track, track hardware, and tank car mechanical safety equipment, including wheels, brakes, and couplers. A recent track inspection, conducted in February 2017, found four critical defects and 42 non-critical defects. While track inspections are important, the amount of defects being found highlights what poor condition the state’s tracks are in.

Intentions to develop New York geographic response plans were announced by the governor in 2015. These geographic response plans, which DEC would be the lead agency, would be location-specific guides to oil spill response for the 21 counties affected by crude oil transport. These are not easily accessible to the public and it is unclear if they have been implemented. While there have been some efforts to prepare towns for an oil train disaster, like an oil spill response training session in Plattsburgh in 2016 and the several emergency response trailers dispatched along the oil-by-rail corridor by the state, these actions do not remove the threat of oil-by-rail, though they can better prepare a community to respond to it.

Ironically, this protective action could have long-term consequences for water-quality in the communities along the railroad tracks inside the Adirondack Park. Among other emergency response items inside these trailers is a supply of firefighting foam. This foam can be spread on the ground to suppress explosions during railroad accidents, by covering pools of oil that gather on the ground around the accident site. Local officials agreed that distribution of the foam would boost public safety in the event of a spill and fire.

However, this foam also contains a class of chemicals called Per- and Polyfluoroalkyl Substances (PFAS) that are known to the U.S. EPA to be a health hazard at very low levels when found in drinking water. Those health hazards include cancer. The EPA is developing a national action plan for the identification and remediation of PFAS contamination.
Local Community Efforts to Protect against Oil Infrastructure

**ACROSS THE COUNTRY, THERE HAVE BEEN NEW STRATEGIES** and advances in the fight against oil infrastructure. Groups are limiting fossil fuel expansion at a local level by using regulatory processes to protect communities. City and county legislatures are rejecting proposals and prohibiting the siting of new oil infrastructure facilities. These actions are crucial – investments in oil infrastructure now enable oil-by-rail transport in the long term. By shifting investment away from oil infrastructure and toward clean energy, we can strongly reduce the threat of oil-by-rail.

The following are just a few examples of recent actions and lessons we can learn from their successes:

On the West Coast, where there is a continued threat of oil-by-rail, there have been several instances of progress by targeting fossil fuels at a local level. For example, the city of Portland, Oregon passed a zoning ordinance to ban all new fossil fuel storage facilities and the expansion of existing terminals in the city. This was after a massive grassroots movement in Portland and in direct response to multiple planned controversial fossil fuel projects. The resolution was the first of its kind in the country. Although the Oregon Land Use Board of Appeals quickly attempted to reverse the city ordinance, the ban was ruled constitutional in January 2018. This ruling is significant as it paves the way for other cities to use zoning laws to ban the expansion of fossil fuel infrastructure.

Recently, in January 2018, Washington Governor Jay Inslee rejected a permit for what would have been the nation’s largest oil-by-rail terminal. The Vancouver Energy Project would have received 360,000 barrels of North American crude oil per day by rail at the port of Vancouver along the Columbia River. The decision followed strong opposition by citizen and conservation groups and a recommendation by the state energy panel to reject the permit in light of the extreme danger posed by oil-by-rail transport. In addition, the Whatcom County Council in Washington State approved a third six-month moratorium on crude oil exports out of Cherry Point in September 2017. This action was an “emergency moratorium” in the face of public safety and environmental risks.

Other examples include the city council of Benicia, California which unanimously rejected a proposal to receive oil trains to Valero Corp’s oil refinery in the city October 2016. Later that same month, the city of San Luis Obispo, California planning commission rejected an oil company’s plans to build a facility that would allow it to receive oil train shipments.

On the East Coast, members of the Baltimore City Council in October 2017 proposed changing the city’s zoning laws to add oil terminals to the list of banned facilities in the city. The two existing facilities in Baltimore would stay but could not be expanded. This action was taken as a preventative measure that if oil-by-rail traffic does pick back up, limiting terminal capacity would mean less oil train traffic running to Baltimore.
Efforts to promote clean energy are key to reducing the demand that drives oil-by-rail transit.

States in the region already have ambitious clean energy targets compared to much of the nation, but more can be done. New York has a carbon reduction goal of 80% below 1990 levels economy-wide by 2050. Vermont’s goal is 50% below 1990 levels by 2028. Both states are also participants in the Transportation and Climate Initiative, a regional collaboration that seeks to develop the clean energy economy and reduce oil dependence and greenhouse gas emissions from the transportation sector. New York and Vermont are also members of the international Zero-Emission Vehicle (ZEV) Alliance, a collaboration of national and subnational governments working together to accelerate adoption of ZEVs. These collaborative efforts can provide the framework for progress towards emissions reductions, decreased reliance on oil, and further measures.
The fight against oil infrastructure in the Lake Champlain and Adirondack region has stayed strong. Thanks to those efforts and the market, rail transport in the region is down. In addition, groups across the country are figuring out new ways to fight unneeded fossil fuel infrastructure expansion at a local level. However, trains carrying oil are still moving through the region with the very real potential of many more as oil prices continue to increase. It is important that we keep pressing for long-term solutions that eliminate the threat of oil-by-rail to the Lake Champlain region.

IN ORDER TO PERMANENTLY REMOVE THE THREAT OF OIL-BY-RAIL, this report reiterates the call for a federal ban of oil-by-rail transport through this sensitive region. At the same time, we must continue local and regional efforts to reduce the threat by moving off of dangerous oil to cleaner, safer forms of energy.

Recommendations

The fight against oil infrastructure in the Lake Champlain and Adirondack region has stayed strong. Thanks to those efforts and the market, rail transport in the region is down. In addition, groups across the country are figuring out new ways to fight unneeded fossil fuel infrastructure expansion at a local level. However, trains carrying oil are still moving through the region with the very real potential of many more as oil prices continue to increase. It is important that we keep pressing for long-term solutions that eliminate the threat of oil-by-rail to the Lake Champlain region.
As such, this report makes the following recommendations ...

1. A push for regional policies that result in a shift to a cleaner, less oil-dependent transportation sector such as:
   » A price on carbon to reduce reliance on dirty fossil fuels and speed the transition to clean, renewable sources of energy.
   » Lowering transportation emissions through a model based on the success of the Regional Greenhouse Gas Initiative (RGGI) applied to the power sector of nine Northeast states.
   » A low carbon fuel standard to begin to ratchet down the carbon intensity of transportation fuels.

2. Keep strong federal fuel economy standards in place to ensure that cars and trucks continue to use less oil, reducing demand.

3. In New York, ensure that any oil infrastructure project is subjected to a climate and equity screening to make sure it is consistent with the state’s climate and clean energy goals and does not impose additional burdens on vulnerable communities.

4. Invest in and develop cleaner transportation sources like electric cars, other electric vehicles, electric charging stations and infrastructure to support clean vehicles, and commitments by states to invest in clean public transportation.

5. Deny unnecessary oil infrastructure projects and proposals that would encourage oil-by-rail in the region.

6. Impose stringent safety standards for all pipeline and rail projects, for instance:
   » Continual updating of pipeline safety and rail regulations to require safer tankers, better community preparedness, and more transparency regarding potential risks.
   » Regular rail and bridge safety inspections.
   » Preparedness and response activities by the U.S. Coast Guard and U.S. Environmental Protection Agency.

7. All parties who bring oil in and through New York and Vermont should be required to provide financial security in the form of insurance, credit, or bond at a level sufficient to cover all cleanup and decontamination costs associated with any spill or accident.

8. Local governments need to be informed of the substantial risks of tar sands oil spills, receive training and proper resources to respond to spills and other emergencies and, if such steps are not taken, the transport of these dangerous fuels should be halted.
Endnotes


7 NWF. Tar Sands at our Doorstep. Supra.


11 NWF. Tar Sands at our Doorstep. Supra.


14 See note 3, supra.

15 See note 4, supra.

16 Brian Nearing. Oil company abandons possible tar sands oil facility at Port of Albany. Supra.


22 NWF. Tar Sands at our Doorstep. Supra, at 18-20.

23 See note 2, supra.

24 See Coalition Against Pilgrim Pipeline. FAQs. Available at: www.stoppilgrimpipeline.com/pilgrim-faqs/.


26 Ibid.


31 Ibid.

32 Ibid.


34 NWF. Tar Sands at Our Doorstep. Supra, pp 18-20.


36 49 C.F.R. § 17115. Available at: www.ecfr.gov/cgi-bin/retrieveECFR?g=p&SID=991660ad3389910e368c8732354f12ccdf&mc=true&r=SECTION&n=se49.2.171_115.

37 PHMSA Office of Hazardous Materials Safety Incident Reports Database. Supra.

38 PHMSA Office of Hazardous Materials Safety Incident Reports Database. Supra.


Authors


Thanks to Paul Blackburn, Honor the Earth, and Jeremy Cherson, Riverkeeper.
## Canadian Pacific Railroad Bridges in the Adirondack Park

From NYSDOT chart 2014

### Clinton County

<table>
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<tr>
<th>Town/Hamlet</th>
<th>Feature Crossed</th>
<th>Year Built</th>
<th>Year of Rehab</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port Kent</td>
<td>Ausable River</td>
<td>1913</td>
<td></td>
</tr>
<tr>
<td>Valcour</td>
<td>Little Ausable River</td>
<td>1894</td>
<td>1914</td>
</tr>
<tr>
<td>Valcour</td>
<td>Rt. 9N</td>
<td>1930</td>
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</table>

### Essex County

<table>
<thead>
<tr>
<th>Town/Hamlet</th>
<th>Feature Crossed</th>
<th>Year Built</th>
<th>Year of Rehab</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ticonderoga</td>
<td>LaChute River</td>
<td>1895</td>
<td>1914</td>
</tr>
<tr>
<td>Crown Point</td>
<td>Putnam Creek</td>
<td>1887</td>
<td>1914</td>
</tr>
<tr>
<td>Port Henry</td>
<td>Wilcox Creek</td>
<td>1917</td>
<td>1914</td>
</tr>
<tr>
<td>Port Henry</td>
<td>Mill Brook</td>
<td>1914</td>
<td></td>
</tr>
<tr>
<td>Port Henry</td>
<td>Bigalow Brook</td>
<td>1914</td>
<td></td>
</tr>
<tr>
<td>Westport</td>
<td>Rt. 9N &amp; 22</td>
<td>1932</td>
<td></td>
</tr>
<tr>
<td>* Westport</td>
<td>Rt. 9N</td>
<td>1917</td>
<td>1950</td>
</tr>
<tr>
<td>Wadhams</td>
<td>Bouquet River</td>
<td>1913</td>
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</tr>
<tr>
<td>Whallonsburg</td>
<td>Bouquet River</td>
<td>1913</td>
<td></td>
</tr>
<tr>
<td>Whallonsburg</td>
<td>Whallons Bay Road</td>
<td>1916</td>
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<tr>
<td>Willsboro</td>
<td>Bouquet River</td>
<td>1875</td>
<td>1914</td>
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<tr>
<td>Willsboro</td>
<td>Rt. 9N</td>
<td>1932</td>
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<tr>
<td>Willsboro</td>
<td>Highby Creek</td>
<td>1875</td>
<td>1914</td>
</tr>
<tr>
<td>Willsboro</td>
<td>Gulch</td>
<td>1890</td>
<td>1940</td>
</tr>
<tr>
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</tbody>
</table>

### Washington County

<table>
<thead>
<tr>
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<th>Feature Crossed</th>
<th>Year Built</th>
<th>Year of Rehab</th>
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</thead>
<tbody>
<tr>
<td>Fort Ann</td>
<td>Halfway Brook</td>
<td>1915</td>
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<tr>
<td>South Bay</td>
<td>South Bay</td>
<td>1892</td>
<td>1913</td>
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<tr>
<td>Dresden</td>
<td>Hick’s Bay</td>
<td>1914</td>
<td></td>
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<tr>
<td>Putnam</td>
<td>Mill Bay</td>
<td>1895</td>
<td></td>
</tr>
<tr>
<td>Ticonderoga</td>
<td>Charter Marsh</td>
<td>1914</td>
<td></td>
</tr>
</tbody>
</table>

* The Route 9N bridge in Westport is listed twice, with the second listing showing a construction date of 1917. This seems to be the original, with 1950 being the date of the most recent rehab.
## Oil-by-Rail Emergency Evacuation Zone Montreal to Albany Rail Line

### Approximate Number of Buildings within Evacuation Zone (5 mile buffer of rail line)

Total: To be calculated

#### New York
- Clinton County: 30,276
- Essex County: 11,665
- Warren County: 8,740
- Washington County: 14,515
- Saratoga County: 52,167
- Schenectady County: 57,348
- Albany County: 123,105
- Rensselaer County: 21,605

#### Vermont
- Alburgh: 854
- Isle La Motte: 567
- Grande Isle: 50
- South Hero: 60
- Colchester: 100
- Charlotte: 180
- Ferrisburgh: Awaiting Data
- Panton: Awaiting Data
- Addison: Awaiting Data
- Bridport: 450
- Shorehams: Awaiting Data
- Orwell: Awaiting Data
- Benson: 600
- West Haven: Awaiting Data

Top Schools in NY:

Top Schools in VT:
Danger on the Tracks:
Oil-by-Rail's Threat to Lake Champlain and the Adirondack Region

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