

The Charlotte Observer | Feb. 13, 2005

DANGER ON BOARD

Has train safety gone far enough?

SCOTT DODD, BRUCE HENDERSON and HEATHER VOGELL

More than 60 freight trains a day roll through the Charlotte region, past schools, skyscrapers and Bank of America Stadium, carrying deadly chemicals that can burn lungs, melt skin and corrode steel.

Nearly all arrive safely. But a handful of deadly accidents throughout the United States, such as last month's crash in Graniteville, S.C., are fueling a cross-country push to improve safety and security in an industry that has been largely overlooked.

"I'm sorry to say, since 9-11 we have essentially done nothing in this area," Richard Falkenrath, a former White House homeland security adviser, told Congress last month.

And despite increased fines against railroads, "significant safety problems persist" that raise questions about regulators' oversight, a federal audit released last week said.

In the Charlotte region, nearly 800,000 people live within a mile of a major rail line, an Observer analysis found. That's 90,000 more than a decade ago.

At the same time, rail shipments of gases -- including chlorine, which killed nine people in Graniteville -- jumped 63 percent nationwide between 1997 and 2002, a study says.

N.C. manufacturing is "just inundated" with chlorine and ammonia, two deadly chemicals shipped by rail, said Scott Bullard with the state emergency management agency.

Yet emergency planners don't know how much hazardous material passes daily through uptown Charlotte and the region's small towns. Federal, state and local agencies told the Observer they don't keep track, and the railroads won't provide that information for security reasons.

"We don't know on any given route, at any given time of the day, what's on those trains," said Edd Hauser, who studies transportation and homeland security at UNC Charlotte.

The railroads, citing security risks and practical difficulties, have fought proposals that would require them to tell local officials when, where and what kinds of toxic chemicals move through their communities, and to reroute the most hazardous shipments around major cities.

And while the federal government has overhauled airline security since the 9-11 attacks, the Transportation Security Administration has yet to apply the same scrutiny to railroads -- which also fall under its jurisdiction.

"If a terrorist were to attack that sector, there is the potential for casualties on the scale or in excess of 9-11," Falkenrath testified last month.

The rail industry, in response, says it is by far the safest way to ship hazardous materials. After 9-11, railroads borrowed CIA techniques to identify potential threats, retrained employees and spent \$100 million on expanded security patrols, electronic surveillance and hazardous shipment tracking, the Association of American Railroads says.

Railroads spend more than any other transportation sector, the association says, on capital improvements for safety -- about 18 percent of annual revenues, which were \$36.6 billion in 2003. Trackside sensors, for instance, catch mechanical glitches.

"When an accident occurs, it costs us money, it costs us people and efficiency," association spokesman Tom White said. "There's nothing greater in the world than self-interest, and that has allowed us to operate safely for more than a century."

But after the Graniteville crash, public officials -- from members of Congress to small-town mayors -- are starting to demand more safety measures and information about the risks.

"We all want to know," said Bob Young, mayor of Augusta, Ga., 10 miles from Graniteville. "The casualties, the property damage that could result from this, have the same impact as a weapon of mass destruction."

What we don't know

Cities in the Piedmont grew up around railroads, and some of the heaviest-traveled tracks slice through bustling business districts, aging mill villages and fast-growing suburbs.

An Observer review found 21 hospitals, 91 government buildings and 385 schools within a mile of the region's freight routes -- the distance of the evacuation zone around the Graniteville crash.

"The railroad is a big part of our life every day," said Ed Humphries, manager of the Gaston County town of Stanley, about 20 miles northwest of Charlotte. Five to six trains rumble through his downtown daily.

The two major East Coast railroad companies, CSX and Norfolk Southern, both have major freight lines through the region.

The busiest is the Norfolk Southern track through uptown Charlotte, according to state records. The company says an average of 38 trains cross the city daily. CSX said it runs 22 trains a day through Charlotte.

Neither company, citing security reasons, regularly reports to local or state emergency officials how much hazardous material their trains carry through the region. The federal transportation agency that polices hazmat says it doesn't collect such information.

There is no nationwide railroad equivalent to the federal air traffic control system, although companies have dispatch centers to track their own trains.

Tens of thousands of substances, from cement to cyanide, are classified as hazardous materials by the federal government. Some dangerous gases, such as chlorine and ammonia, are shipped under pressure and can expand into poisonous clouds when released.

Accidents occur far less frequently with trains than with trucks, which also carry hazardous materials.

But because rail cars can haul larger amounts than a truck, the consequences can be far greater. One expert compares it to the difference between a car wreck and a jetliner crash.

Many fire departments, especially in larger cities, train extensively for hazardous material spills and buy special protective gear -- some with new federal homeland security money. But even the most equipped and prepared teams don't know what they might face.

After Graniteville, North Carolina's deputy secretary of crime control and public safety asked his emergency management officials to check their records and see what they showed about the volume of hazardous material being shipped through the state. The answer: not much.

Economic studies can tell them how many tons of chemicals are produced in the state and how many are delivered here, but not what passes through.

The only way to find that out, said N.C. Emergency Management Director Ken Taylor: "You put a person out there in a lawn chair and simply count cars."

Knowing more about what's in hazmat shipments would help emergency managers prepare for the worst, said Susan Cutter, director of the University of South Carolina's Hazards Research Lab.

"Graniteville is tiny," she said. "If you put that bull's-eye on Charlotte, or Atlanta, or midtown Manhattan, you could have a catastrophic event."

Norfolk Southern says, if asked, it would give local emergency managers a list of the top 25 hazardous materials it ships throughout its 22-state system. The rail line wouldn't divulge shipments in specific locations, though, spokesman Robin Chapman said.

Charlotte's hazmat coordinator said a list could be helpful for training purposes, but the city didn't know one was available.

"What difference does it make?" said Alan Roberts, president of the Dangerous Goods Advisory Council, which represents 21 trade groups. "They should be prepared for anything that can be lawfully transported through their community."

'We have little control'

Ten years ago, when the Carolina Panthers were building their 73,298-seat stadium, Charlotte city officials were concerned because Norfolk Southern's main line runs right by.

They asked the railroad to reduce or stop hazmat shipments during games. The company agreed to reduce speeds but not limit rail traffic, city officials said.

Battalion Chief Garry McCormick, the Charlotte Fire Department's hazmat coordinator, has Panthers season tickets. He has watched trains go by during games and counted the tankers, wondering what was inside.

"I sit in the back of the end zone, with my family there," he said, "and I think about what might happen."

Graniteville made those concerns more urgent for local officials across the country.

The deadly Jan. 6 derailment of a Norfolk Southern train ripped open a 90-ton tanker of chlorine, killing nine people, forcing 5,400 to flee their homes and sending more than 500 to hospitals.

Fifty-one mayors, including Charlotte's Pat McCrory, signed a letter to the Bush administration after the wreck, urging it to make railroads divulge more about hazmat shipments.

"If it comes through our city limits, I want our people to know about it," said Doug Echols, Rock Hill's mayor.

That's the sentiment of Augusta's Mayor Young. He met with the head of the Federal Railroad Administration recently, demanding information about what comes through his city.

The administrator handed him a report prepared by CSX for the meeting, detailing exactly what was shipped through Augusta in 2003. City officials had no idea it existed, he said.

The District of Columbia City Council, meanwhile, took its own action. It voted Feb. 1 to ban largescale shipments of toxic chemicals by truck or train, becoming the first U.S. city to do so.

It's unclear, though, whether Washington or other cities, such as Charlotte, have that authority. The district's initial ban lasts 90 days. Although CSX has voluntarily rerouted its most toxic trains around Washington since the Madrid, Spain, train bombing last March, the railroad is fighting the district's ban, saying it violates interstate commerce laws.

The U.S. Centers for Disease Control and Prevention also endorsed rerouting around large cities last month. But the railroad argues it would be inefficient and could hurt businesses that depend on rail, while adding little in the way of safety and security.

Industry groups fear that if Washington is successful, more communities around the country will try to block hazmat from coming through their towns.

"We're talking about 1.2 million shipments on any given day," said Roberts, of the Dangerous Goods Advisory Council. "Everybody wants it to go somewhere else."

Pushing for stronger rules

Since 9-11 and Madrid, concerns about terrorists targeting rail lines have ratcheted up calls to improve overall safety.

In April 2003, Congress' investigative arm, the Government Accountability Office, assessed the progress made by the industry and federal government. The conclusion: "No plan to specifically address rail security has been developed."

Since the report, some new rules have been enacted. The U.S. Department of Transportation mandated that rail workers receive new security training.

But federal inspectors noted security training deficiencies in 97 of 139 checks -- or about 70 percent of the time -- in North Carolina last year, according to federal records. In South Carolina, training problems were found each of the 12 times inspectors looked.

Other proposals aimed at improving rail security have died after industry objections.

Shippers and carriers say government mandates are expensive and can get in the way of industry-led safety advancements.

They've sued to stop a new federal regulation, now under review, on hazmat loading and storage. The industries fear that would allow local governments to create a patchwork of hard-to-manage regulations.

Instead, railroads would rather help write the rules. More than 100 industry "consensus standards" have been incorporated into federal hazmat guidelines.

Railroads point to their record to show the system works well. The industry ships 1.7 million carloads a year, the railroad association says, and 99.997 percent arrive without accident.

The Dec. 10 federal transportation audit, though, said the Federal Railroad Administration needs to develop a plan for when to abandon its "partnership approach" with the railroads and levy fines instead.

The FRA said it will make necessary changes. But spokesman Steve Kulm added that in the past four years, the agency's inspections jumped 33 percent and safety violation penalties went up 141 percent - from \$4.3 million in 2000 to \$10.3 million in 2004.

Norfolk Southern paid \$186,500 and CSX \$60,600 in civil fines for hazmat violations in fiscal 2003, the latest year reported, FRA records show.

But Falkenrath, the former deputy homeland security adviser, said the government's failure to force railroads to tighten security is disappointing. "This one stands out as an enormous vulnerability that we had the authority to address," he told Congress, "... and we failed to do so."

Critics say the FRA, which is charged with policing rail traffic, lacks the authority and the manpower to ensure that hazardous materials are shipped safely.

Legislation introduced last month by U.S. Sens. Lindsey Graham, an S.C. Republican, and Charles Schumer, a New York Democrat, would require the FRA to increase the number of inspectors focusing on hazardous materials and grade crossings.

It also would raise fines for railroads that violate safety rules, from a current maximum of \$11,000 to up to \$20 million in cases where the railroads show gross negligence.

"We're trying to learn from the experience of Graniteville," Graham said in announcing the bill. "Fundamental change must occur."

Staff Writer Ted Mellnik contributed.