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SLOAN NELSON

Railroads skirt the truth

Companies claim they must keep oil train routes secret for national security reasons

By Rob Davis | **The Oregonian**
Saturday, May 17, 2014

As crude oil shipments have proliferated and raised safety concerns across the country, railroads have refused to acknowledge their routes and frequencies, details that anyone patient enough to stand trackside could learn.

Railroads companies have claimed that they’re prohibited by federal law from divulging those details for national security reasons.

But they’re not.

Oil trains are big and obtrusive. They’re a mile long or more. They haul more than 100 tank cars, labeled on all four sides with placards that identify what’s inside. They’re moving in the open in growing numbers through Portland, Vancouver, Wash., and other Northwest cities.

And while they carry flammable, dangerous oil – five oil train derailments created sky-high fireballs since last July, the worst killing 47 people in Quebec – no accidents have been caused by terrorism.

Asked about where oil trains go, companies including Union Pacific and BNSF Railway Co. have said federal law

classifies crude oil as “sensitive security information,” information that’s not classified but not public, part of a post-Sept. 11 security push.

Those rules limit public disclosures of a narrow set of risky commodities including poisonous gases, radioactive material and explosives like dynamite.

Crude oil isn’t classified as a sensitive security commodity, a U.S. Department of Transportation spokesman, Michael England, confirmed.

Union Pacific representatives, meeting recently with The Oregonian’s editorial board, claimed it was, saying they were legally prohibited from publicly sharing information about oil train routing, volumes or schedules.

“There’s terrorist issues, identifying what’s a train carrying that people could do something to,” said Scott Moore, a Union Pacific spokesman. “Right or wrong, that’s one of the ways we think we’ve helped deliver things securely is people don’t always know what’s going on. We’re not going to tell him or her when and where.”

The claim has had legs. The Oregon Department of Transportation cited public safety risks in March when it unsuccessfully fought The Oregonian’s efforts to make the state’s oil train routes public. The agency was later overturned by Oregon Attorney General Ellen Rosenblum’s office.

Some aspects of moving hazardous materials are considered restricted: Vulnerability assessments, the names of railroad security employees, security plans.

In practice, Union Pacific has talked about some oil train routes, relying on national security claims when the company didn’t want to comment.

In late April, when a hiker photographed a mile-long crude oil train moving on Oregon’s side of the Columbia River Gorge, Union Pacific acknowledged the train was moving oil. The company, which had previously said it wasn’t moving mile-long oil trains through the gorge, said it was the first to ply the Oregon side.

Shortly after, a reader of The Oregonian said he thought he saw an oil train on the Oregon side of the gorge weeks before. The reader, Daniel Highkin, said he was taking his kids on a spring break trip March 22 when he spotted a train hauling at least 50 to 60 black tank cars through the gorge, a month earlier than the railroad said they moved.

If true, the report would undercut Union Pacific’s claim. But the company wouldn’t discuss it. “For competitive and national security reasons, we do not disclose to the general public details regarding train movements,” a Union Pacific spokesman said.

In a subsequent statement, the company said its interpretation of federal law was “conservative” and that it was evaluating whether the information ordered to be disclosed by the U.S. Department of Transportation “should be released without restriction, or whether its release is subject to legal protections that prohibit further unrestricted disclosure.”

BNSF has also refused to talk about specific oil train routes. When the Washington state legislature pushed a bill earlier this year to increase oil train disclosure, BNSF opposed it, telling lawmakers that national security was an important consideration. A BNSF spokeswoman reemphasized that point.

“Although BNSF does not publicly release this data, it does and will continue to share pertinent information with emergency planners and responders,” BNSF spokeswoman Courtney Wallace said.

State Rep. Jessyn Farrell, a Washington Democrat who sponsored the disclosure bill there, said she found it

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Webby revelation threatens image
By Jeff Meigs
Senatorial candidate Monica Webby and many of her fellow Republicans portrayed the release of a Portland police raiding report Friday as much ado about nothing. But political analysts and consultants said the story could prove dangerous to her campaign.
Portland political and public relations consultant Len Bergstein called it a "stain" across the carefully constructed image that Webby, a pediatric neurosurgeon and first-time candidate, had tried to build around her campaign.
Webby remained the front-runner in her GOP primary race against state Rep. Sison Cozart of Bend. But Cozart, combined with other recent stories that raised questions about her medical practice, he said it could hinder her ability to successfully take on Democratic Sen. Jeff Merkley in the general election.
The story, first reported by Politico early Friday morning, revealed that teacher executive Andrew Miller in April 2013 had called police after Webby had made several unwanted visits to his home after he had broken up with her. He accused her of "stalking" him and "harassing" his employees.
See Webby, A9

Gay marriage in Oregon
Friday's U.S. District Judge Michael J. McShane announced he would rule Monday on a lawsuit challenging the state's ban on same-sex marriages.
Monday McShane will issue his ruling at noon. If he overrules the ban, counties could begin issuing marriage licenses immediately.
Waiting period: Oregon law requires a three-day waiting period after a license has been issued before a ceremony can take place.
However, Multnomah County will waive the waiting period if a waiver is requested when the license is issued. Multnomah County will waive the waiting period, but only if applicants provide a good reason, such as imminent military deployment or someone being so ill they could die before having a chance to see the marriage.
Check back Monday: Get the latest on McShane's ruling at oregonlive.com/politics

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Oregon's oil train routes
By Rob Davis
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And although they carry flammable, dangerous oil — five oil train derailments have created sky-high fireballs since July, the worst killing of people in Quebec — no accidents have been caused by terrorists.
Asked where oil trains go, companies including Union Pacific

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disingenuous that railroads refused to talk about oil routes when the location of ships moving oil on waterways are disclosed in real time and available online.

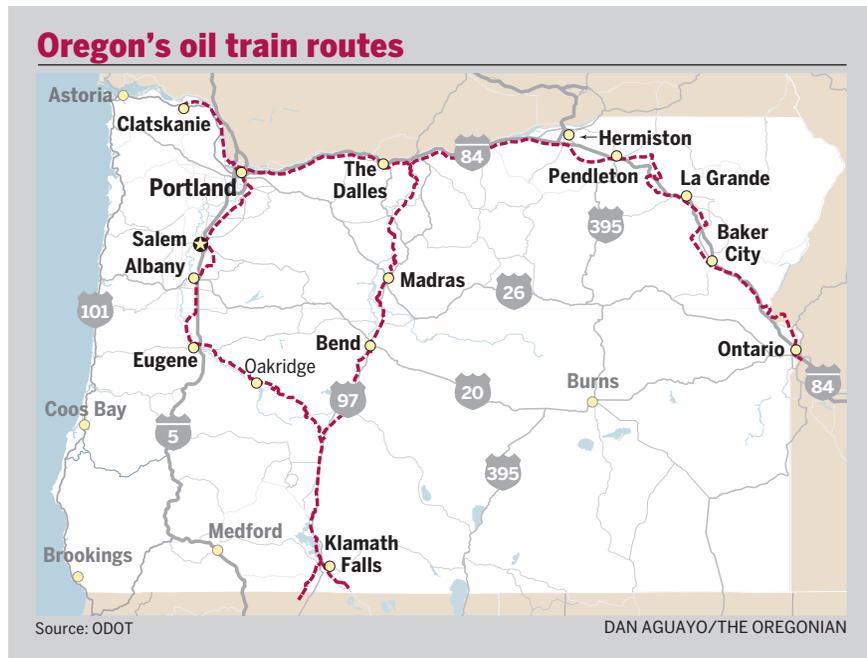
“We know there are safety risks,” Farrell said of oil trains. “But I don’t think it’s the risks they’re saying.”

Michael Eyer, a former Oregon rail safety inspector, said the railroads’ tendency toward secrecy was institutional. “Part of it is that we’re the railroad and we run on private property and that’s the way we’ve done things,” he said.

Eyer said crude oil trains are too prominent to move surreptitiously.

“There’s no reason to keep this material secret,” he said. “You try and hide a mile-and-a-half long train. It’s really an odd argument.”

The federal government recently moved to increase transparency, issuing an emergency order May 7 calling oil trains an “imminent hazard” and directing railroads to tell first responders where crude moves so they can prepare for accidents.



Railroad companies moving oil from North Dakota now have 30 days to tell state officials where they haul crude, the volume and number of trains they expect to move weekly through each county.

Companies that refuse to provide the information will be prohibited from hauling large amounts of North Dakota crude. Sens. Ron Wyden and Jeff Merkley, Oregon Democrats, are pushing for the restriction to apply to all crude, not just North Dakota oil.