Coal Trains and the Tongue River Railroad: Ride the Surf(ace Transportation) Board

We have an opportunity for federal review of the impacts of coal train traffic and to require the railroads to pay their fair share.

The Impact of Coal Exports

Coal companies are proposing to ship over 100 million tons of coal per year through three proposed ports in the Pacific Northwest. If these projects are built, they will mean dozens of additional coal trains per day passing through cities, towns, and rural communities from Powder River Basin coal mines in Wyoming and Montana to ports in Washington and Oregon.

This increase in coal train traffic will have a significant impact on quality of life in these communities by damaging air quality with coal dust and diesel emissions, blocking important traffic crossings for hours a day (slowing commerce and preventing emergency vehicles from responding to local emergencies), and more.

Not only will these trains negatively impact our communities; unless things change, local governments will also bear the cost of any necessary improvements (overpasses, underpasses, quiet zones, etc.) made to address these problems. There is, however, an opportunity to both engage the federal government to get engaged and analyze the impacts of increased coal train traffic, as well as potentially change the balance of power and bring railroad companies to the table to help pay local infrastructure costs.

Enter the Tongue River Railroad (TRR).

The Proposed Tongue River Railroad

The Tongue River Railroad (jointly owned by Burlington Northern Santa Fe, Arch Coal, and candy billionaire Forest Mars, Jr.) is a proposed new railroad designed to haul coal from the largest proposed new strip mine in the United States (the Otter Creek coal mine) and connect it to the existing rail line west for export through west coast ports. The Tongue River Railroad would add from 7 to 14 trains per day to the rail system headed toward the ports.

The proposed railroad is currently being analyzed by the Surface Transportation Board (STB), the permitting agency in this instance. The STB is the sole federal agency charged with oversight over the rail system and, in response to public pressure, committed to looking at the down-line impacts the large value of coal added by the TRR would have on rail communities, as well as the impact of the TRR on the rail system more generally (the Final Scope of Study is available at http://www.tongueriverreis.com/documents/final_scope_of_study.pdf). However, despite this commitment, we have yet to receive evidence that the STB has reached out to impacted communities for this study, and worry that the federal government’s first (and at this juncture, only) analysis of the impacts of coal trains on communities risks being both shoddy and lacking, which could set a dangerous precedent for future review at the ports.
The Solution - STB should be an instrument for Coal Train Oversight and Infrastructure Funding

Northern Plains Resource Council has been fighting the proposed Tongue River Railroad in front of the Surface Transportation Board (formerly the Interstate Commerce Commission) for more than 30 years. Through that process, we’ve learned a few things. One lesson is that the STB is more responsive to public pressure, especially elected officials, than many federal agencies and boards.

We therefore think it is both worthwhile and imperative that cities (as well as other representative bodies and individual elected officials) get involved in this process. Cities should, for instance, pass resolutions aimed at the Surface Transportation Board that express specific concerns about the impacts that coal train traffic facilitated by the TRR would have on their town, call for a thorough study, and ask to be consulted with or involved in the federal government’s analysis here.

There is another potentially powerful tool at play here as well. Communities should ask the Surface Transportation Board to utilize the Tongue River Railroad proceeding to require the railroad companies to bear additional costs of any necessary infrastructure upgrades (overpasses, underpasses, quiet zones, etc.) additional coal train traffic will have on their town.

Making the Railroad Pay: A Proven Approach

Traditionally, railroads are required to pay only 5% of the cost of community infrastructure upgrades like overpasses. However, the federal Surface Transportation Board has the power to require the railroad to pick up a significantly greater chunk of the tab and has done so in the past.

In the case of Canadian National Railroad Company’s (CN) acquisition of a small local railroad in the Chicago suburbs to transform it into a busier, longer haul line, the STB acknowledged the transaction would have a substantial adverse effect on vehicular traffic and local mobility and safety at grade crossings and that it was appropriate that CN’s share of the cost should be more than the traditional railroad share for grade separations. Its decision was upheld in 2011 in the U.S. District of Columbia Court of Appeals. The Court found that the Board’s decision to require CN to pay as much as 78.5% of the cost of one grade separation and 67% of the cost of a second grade separation was entirely consistent with the Board’s policy of requiring railroads to mitigate transaction-related impact, but not pre-existing conditions. (See also pp. 56-57 Heavy Traffic Ahead).

The STB, however, is limited in avenues to exercise this authority. It can only intervene in the instance of new railroads, railroad mergers and acquisitions, and railroad abandonments. The only current open proceeding before the Surface Transportation Board that would currently give them the power to assert jurisdiction over the shipment of Powder River Basin coal through west coast ports is the Tongue River Railroad.

We therefore find it both reasonable and prudent for cities, towns, and other representative bodies and officials, in addition to asking the STB to participate in a thorough analysis of the impacts of coal trains put on the rail system and run through their communities by the TRR, to ask the Surface Transportation Board to utilize the open Tongue River Railroad proceeding to ensure that taxpayers are not footing the bill for industry profits by requiring the railroads to pay an increased share of rail traffic mitigation costs.

Along with this brief memo, we have included a draft resolution, a short promotional factsheet, and a sample cover letter. If you have any additional questions or comments, please feel free to contact Svein Newman at Northern Plains Resource Council at svein@northernplains.org or (406)-248-1154.
August 7, 2014

Daniel R. Elliott, Chairman  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Subject: Request to include Spokane in the review of the proposed Tongue River Railroad

Dear Chairman Elliott and Members of the Surface Transportation Board,

The rail lines that run through downtown Spokane could experience a substantial increase in train traffic from exporting coal from the Powder River Basin to proposed West Coast ports. We understand that the construction of the Tongue River Railroad would contribute significantly to this additional traffic.

Since these additional coal trains would impact Spokane, I strongly urge the Surface Transportation Board (STB) to consider Spokane in the Environmental Impact Statement (EIS) for the Tongue River Railroad.

We have specific concerns related to increased rail traffic, and believe that it is the responsibility of the Surface Transportation Board to ensure that communities are not forced to bear the costs of expensive safety and infrastructure upgrades to mitigate these community impacts. Our community lacks adequate funding for additional rail infrastructure projects, and we strongly believe the costs and risks must be divided fairly between the railroad and taxpayers.

Please consider including Spokane as you move forward in the review process for the Tongue River Railroad.

Thank you for your consideration.

Sincerely,

Ben Stuckart  
President, Spokane Washington City Council
Daniel R. Elliott, Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Subject: Request to include Seattle in the review of the proposed Tongue River Railroad

Chairman Elliott and Members of the Surface Transportation Board,

It has come to our attention that the rail lines that traverse Seattle could experience a substantial increase in train traffic from exporting coal from the Powder River Basin to proposed West Coast ports. We understand that the construction of the Tongue River Railroad would contribute significantly to this additional traffic, as it would connect the proposed Otter Creek coal mine to the existing rail line. Communities in and along rail lines, including Seattle, Shoreline, Tukwila, Renton, Kent and Auburn could see 20 or more coal trains rolling through town every day. This would add more than 3,000 noisy, mile-long loaded coal trains traveling through King County rail system every year.

This increased traffic in our area will have significant adverse impacts on our local environment and economy. A single slow-moving coal train can obstruct a rail crossing by six minutes or more. Adding 20 trains to the local area’s rail system would mean blocking some crossings by two hours per day. Increased traffic delays at busy rail crossings would clog commuter traffic and could slow response times for emergency responders. Added coal train traffic along the King County rail line would also limit access to neighborhoods, schools, business corridors and ferry terminals close to the train tracks. This could drive away investors for new residential, retail and commercial developments in waterfront and rail-adjacent communities in King County.

Moreover, the wide ranging health dangers of coal dust include exposure to toxic heavy metals like mercury and increased rates of asthma, especially in children. Coal dust would pollute our clean air and water. Burlington Northern Santa Fe (BNSF) railroad studies estimate up to 500 pounds of coal can be lost in the form of dust from each rail car en route. These trains will also emit diesel exhaust, which is associated with asthma, cardiopulmonary disease and increase incidences of cancer.

The City of Seattle has specific concerns related to increased rail traffic, and we contend that it is the responsibility of the STB—as the regulatory agency for the rail system—to step in and ensure that local communities are not forced to bear the costs of expensive infrastructure upgrades to mitigate impacts (e.g. overpasses, underpasses, quiet zones). The City of Seattle lacks adequate funding for these projects, and we strongly believe these costs must be shared by the railroads.
In addition to impacts from the transport itself, the increasing use of coal that these trains facilitate will cause significant adverse impacts on the environment. Mercury and other pollutants from coal-burning power plants travel from Asia to the West Coast of North America where they have been shown to poison our air, water, fish and food supply. Exporting coal promotes deeper global fossil fuel dependence. It delays the urgently needed transition to cleaner alternatives. It makes climate disruption inevitable, including extreme flooding and ocean acidification, impacting our shorelines and Puget Sound.

Since these additional coal trains would impact Seattle, we hereby request that the Surface Transportation Board (STB) consider the City of Seattle in your Environmental Impact Statement (EIS) for the Tongue River Railroad. Please formally include the City of Seattle as you move forward in the review process for the Tongue River Railroad.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

Council President Tim Burgess

Councilmember Sally Bagshaw

Councilmember Sally Clark

Councilmember Jean Godden

Councilmember Bruce A. Harrell

Councilmember Nick Licata

Councilmember Mike O'Brien

Councilmember Tom Rasmussen

Councilmember Kshama Sawant

Cc: Deb Miller, STB Vice Chair
Ann D. Begeman, Board Member
Victoria Rutson, Director, STB Office of Environmental Analysis
U.S. Senator Maria Cantwell
U.S. Senator Patty Murray