

Heavily redacted forms showed exactly where oil moved in the state through 2012, but ODOT says it did not have reports for 2013, a year when oil-by-rail shipments increased 250 percent in Oregon.

PHOTO BY ROB DAVIS/THE OREGONIAN

ODOT to keep public in dark

The state agency will stop asking railroads for information about trains carrying hazardous crude oil

By Rob Davis | The Oregonian Wednesday, April 23, 2014

he Oregon Department of Transportation, the state's rail safety overseer, says it will no longer ask railroads for reports detailing where crude oil moves through the state after The Oregonian successfully sought to have them made public.

Railroads "provided us courtesy copies with the understanding we wouldn't share it -- believing it might be protected," ODOT spokesman David Thompson said in an email. "We now know that the info is NOT protected; so do the railroads."

The result? At a time of heightened public concern about increasing volumes of crude oil moving by rail in Oregon, ODOT is reducing the flow of information that has benefited not only the public but its own employees.

State law requires railroads to annually submit detailed reports saying what dangerous substances they've moved, where and in what volume. They're due to emergency responders across the state by March 1 of each year. That hasn't been happening.

The reports have been sent to ODOT instead, which historically acted as a central hub, providing the information on request to firefighters across the state.

ODOT officials say that process needs reform. But as ODOT begins working to change those disclosure rules, its officials say they no longer need any reports.

"The exact quantity of those specific shipments doesn't impact our work," said Shelley Snow, another ODOT spokeswoman. "Our focus is on any and all shipments traveling through the state."

If ODOT safety inspectors need to know anything about hazardous material trends, Snow said, they can call railroads to ask.

The reports ODOT has received are the public's only way to know how much oil moves by rail through specific corridors in Oregon. They provide the most comprehensive view of the volumes hauled through Portland, Salem, Bend, Eugene and Klamath Falls.

They've also been valuable for ODOT's employees. Michael Eyer, a retired ODOT rail safety inspector, said he used the annual reports to do his job. The reports helped Eyer spot trends, see whether new hazards were moving and decide where to target his field inspections.

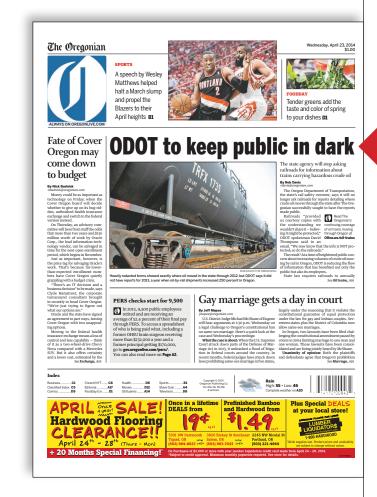
"It was our only institutional memory," Eyer said. "There's no other place to get the data, no other way to have this information."

Railroads won't tell the public how much hazardous material such as crude oil they move, saying it's a security risk, even though the tank cars move openly in labeled containers.

The Oregonian in March obtained an order from the state Department of Justice that required ODOT to release the reports. Not disclosing them "could infringe on the public's ability to assess the local and statewide risks" posed by crude oil rail shipments, a Justice Department attorney said.

The heavily redacted forms showed exactly where oil moved in the state through 2012. But ODOT said it did not have reports for 2013, a year in which oil-by-rail shipments increased 250 percent in Oregon.

The Oregonian requested 2013 records on April 14, more than a month after they were due. ODOT said it still didn't have them and didn't plan to seek them from railroads.



The decision typifies the unusual lengths

to which ODOT goes to accommodate the railroads it regulates. Though it is supposed to be an independent safety watchdog, ODOT's rail division treats the companies it oversees as cooperative stakeholders.

Barbara Smith WarnerBarbara Smith Warner

"I'm certainly concerned by what I hear and want to find out about that," said state Rep. Barbara Smith Warner, a Portland Democrat who's taken an interest in oil train safety.

Eyer and another retired ODOT rail official said the agency's move is a bad idea that could threaten public safety.

"Because of your records request, they're trying to bail out," Eyer said. "I don't think for safety it's the wisest decision. It puts us in a situation where no one knows the overall picture. Things will fall through the cracks."

If the reports aren't collected, new rail inspectors hired by ODOT won't have any background material to know what's historically moved around the state, Eyer said. "Any new inspector coming in will be dependent on the kindness of strangers," he said.

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