

## THE TRANSPORTATION OF HAZARDOUS CARGOES THROUGH CITIES

### Why is the issue so important?

U.S. railroads carry 1.8 million shipments per year, often in 90-ton cars, of hazardous industrial chemicals like chlorine gas, sulfuric acid, ammonia, hydrogen fluoride, pesticide ingredients, and other chemicals. Many of these pass through major metropolitan areas in cities such as Philadelphia, Washington D.C., Boston, Chicago and Cleveland.<sup>1</sup>

The shipment of hazardous substances poses a security threat to communities because hazardous gas clouds could form upon the ignition or rupture of the cargo. Chlorine gas, for example, was widely used as a chemical weapon during World War One. An accident or criminal attack involving just one chlorine tank could lead to substantial human injuries and fatalities. There is increased concern that



hazardous shipments could become a target of terrorism.<sup>2</sup> However, many Americans who are most vulnerable to the danger remain completely unaware of it.

Philadelphia's railroad system is at risk not only because it is a major destination for shipments of hydrogen fluoride used in oil



refineries<sup>3</sup>, but also because it is a major stopping point for through traffic of hazardous cargoes. For example, CSX trains have been known to temporarily store hazardous cargoes near residential areas such as Schuylkill River Park on 25<sup>th</sup> and Locust.<sup>4</sup> Much of this hazardous cargo is only passing through mid-transit, before continuing along the main rail line that runs between New York City and Washington D.C.

These shipments pose an unnecessary risk, since alternative routes exist that would prevent hazardous cargoes from passing through highly populated cities that are most likely to be targets of terrorism. The cargo could be rerouted by means of the railroad interchange agreements that are already in common use for controlling the flow of everyday rail traffic.<sup>5</sup>

### What past actions have been taken?

For years, the federal government provided no regulations for limiting these risks, and it was up to individual cities to try to negotiate with the rail companies or force them to re-route their toxic cargoes to less populated areas. Although legislation has recently been proposed by many state and local governments, only Washington D. C. has succeeded in passing a prohibition to limit hazardous cargoes from entering city boundaries.

However, the railroad companies challenged the D.C. prohibition in court, and the implementation of this public safety measure has therefore been delayed.<sup>6</sup> Throughout the nation, the vast the majority of toxic shipments are still being routed through high risk residential and commercial zones within cities.

Both the federal and local legislative actions have faced opposition by President Bush, even though one of his former top homeland security officials, Richard Falkenrath, considers the rail transportation of hazardous materials to be the greatest vulnerability in the country today.<sup>7</sup>

#### What new progress has been made?

In 2007 Congress amended the 9/11 Commission Act to include a provision for protecting urban corridors and re-routing hazardous cargoes to more rural, less vulnerable routes. This new transportation security measure will apply to “high consequence targets”.

The amendment limits hazardous, security sensitive materials from passing through High Threat Urban Areas. Exceptions to this prohibition are made for the following circumstances: if the shipment’s origin or destination is in the area of concern, if there is no practical alternative route, or if an attack would not result in harm beyond rail property.<sup>8</sup>

Although President Bush has signed the popular legislation into law, he and the railroads have historically been opposed to it. It may take 2 to 4 years before the federal government and the railroads write the complex regulations and begin to implement them.<sup>9</sup> In the meantime, the railroad route from Wilmington through Philadelphia to New York continues to face what some call

the highest security risk in the nation.



#### Do we need to take any further actions?

The new amendment will greatly improve transportation security in Philadelphia by limiting the amount of hazardous materials entering its immediate vicinity. However, more work remains to be done to reduce risks today.

Local and state governments can enact legislation to strengthen the federal rail safety mandate. They can work to ensure that all potential target cities are protected under federal law, especially since there is some uncertainty as to what is considered a “High Threat Urban Area”.<sup>10</sup>

More critically, local action can be taken to speed up the process of improving transportation security in Philadelphia. Two to four years is too long to wait for the new legislation to be implemented. For these reasons, Philadelphia City Council should take action urging the rail industry and the federal government to fast track the implementation of these reforms as soon as possible.

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3.  
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Gwen Schafer, “Fluoride Alert”, <http://www.philadelphiaweekly.com/view.php?id=9340>  
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[http://www.brookings.edu/opinions/2005/0329terrorism\\_falkenrath.aspx](http://www.brookings.edu/opinions/2005/0329terrorism_falkenrath.aspx)  
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