



# Town of Charlotte

ESTABLISHED 1762

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November 14, 2016

State of Vermont Transportation Board  
14 Baldwin Street  
Montpelier, VT 05602

Re: Comments on Impacts of Rail-Related Activity in Villages

To the State of Vermont Transportation Board:

The Transportation Board is being proactive in seeking local input on railroad operations; we welcome and appreciate this opportunity. There are significant impacts from the present rail traffic through Charlotte, due in part to the FRA and EPA rules that allow Vermont railroads to store large quantities of hazardous materials throughout Vermont in towns such as Charlotte. The State's 2015 Revision to the Rail Plan suggests doubling the volume of freight by 2035 and adding passenger service to Burlington in the next few years. These proposed increases will likely exacerbate the impacts already being experienced.

Like many towns in Vermont, Charlotte has an active rail line running through our town. For more than 140 years the use of this rail line has evolved. Trains that once traveled just a few times per day and carried people, milk, stone, lumber and other freight now carry large volumes of oil, gasoline, propane, other hazardous materials. In addition, the line through Charlotte, which has not carried regular passenger service in decades, is now being considered for high speed passenger Amtrak service from New York to Burlington.

Increasing rail freight traffic and adding passenger rail service brings increased challenges and risks to our community. Passenger trains typically operate at higher speeds than freight trains; and more trains per day increases the potential that a vehicle/train collision could occur at one of the ungated or private agricultural road crossings in Charlotte.

In the past year Vermont Rail Systems and a Texas based pipeline company began storing large quantities of hazardous materials such as propane on siding in Charlotte and other Vermont towns. The former passenger siding in the west village of Charlotte is now a storage depot for 1.2 million gallons of propane. We believe that hazardous material cargos should be stored in secure locations, not left on a passing siding where they put the entire village center, its inhabitants and buildings at risk should a spill, fire or collision occur.

Following are specific areas of concern posed by the present and proposed increases in the use of the rail line running through our town:

**Lack of consideration of local input into the siting of rail-related infrastructure:** To date, town zoning regulations and town plans have been ignored by rail operators, who cite Federal preemption over local or state regulations and permit reviews. The EPA permit process does not consider the potential impacts from a hazardous material leak, fire or explosion on adjacent public infrastructure such

as power distribution substations, health centers, childcare facilities, state highways, or municipal buildings such as town offices, fire stations, and senior centers, or on residences and businesses. All of these are in close proximity to the propane storage site located in Charlotte and would be impacted by a hazardous material leak, fire or explosion at the site. The EPA permit process also does not consider the potential impact of a stored hazardous material leak on significant wetlands and waterways that lead to Lake Champlain that are adjacent to the storage site.

*What provisions will be made to allow local communities that are directly impacted by rail-related traffic and associated hazards to have input on present or proposed increases in rail related activities?*

**Insufficient liability coverage for railroad operators in Vermont:** What are the insurance coverages in place for railroads operating in Vermont for collisions, spills, and life and property destruction should a hazardous material spill, fire, explosion, or environmental damage occur? Recent hazardous material spills and fires in the US and Canada have caused damage that exceeded hundreds of millions of dollars. The most recent Amtrak derailment in Philadelphia in May, 2015 resulted in damage and loss payments of over \$265 million. Yet the contract between the State of Vermont and Vermont Rail Systems (VRS) requires VRS to have a minimum of only \$1 million of liability insurance per occurrence.

*Adequate insurance coverage should be required for all operators; additionally, protections should be put in place should the operator elect to declare bankruptcy, leaving Vermont taxpayers and/or property owners to cover the damages, as has occurred following catastrophic rail accidents in other parts of the US and Canada.*

**Appropriate protections at road crossings:** Charlotte has two town road crossings; both have signs and lights, but only one (Ferry Road) has gates. Additionally, Charlotte has at least six private/agricultural crossings; none have clear sight lines, and only one has stop signs and a mirror.

*Gates should be installed at all town road crossings, and appropriate signage and sight/safety aids should be installed at all private crossings.*

**Emergency responder training and equipment:** There has been an increase during the past year of training for emergency responders to deal with rail-transported hazardous materials. However, there is a need for additional training, including training specific to passenger rail accidents. Following such training, any specialized tools and equipment identified in the training that can help emergency responders should be made available to communities where passenger rail currently exists and where it is proposed in the future.

*Training should be provided to emergency responders in host communities, and specialized equipment should be made available for sharing between host communities so each town doesn't need to buy their own.*

**Fire suppression supplies:** Water quantities necessary for the suppression of fires that can result from hazardous material spills does not exist in many Vermont communities, including Charlotte. Additionally, we understand that there are limited quantities of specialized fire suppression foam concentrate stored in just a few locations around the state.

*Consideration should be given to the fact that, should a rail-related hazardous material spill occur in most communities in Vermont, there would not be adequate water supplies to deal with the resulting fire.*

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*Additionally, there is a need to increase the stock pile of fire suppression foam concentrates that are specific to the types and quantities of hazardous materials being transported through Vermont by rail, and insure that these materials are stored within one hour of any community impacted by rail traffic.*

**Financial impacts on the property owners and the communities:** Consideration should be given to the impacts on property owners and communities adjacent to the rails with increases in rail traffic and associated hazards and noise. Negative impacts on quality of life in these areas often have measurable impacts on property values.

*Financial compensation to property owners and communities should be considered.*

**Other states have addressed similar issues:** New York has increased inspections of hazardous material tank cars, which has uncovered numerous deficiencies. Lawmakers in California are considering fees on hazardous materials being stored on their rails. These are two examples of initiatives that could work here in Vermont to improve safety.

*Vermont should be looking at what other states are doing to make their rail operations safer for the public and for host communities.*

Thank you again for the opportunity to comment. We hope that these concerns will be considered as the Transportation Board, other State agencies, and the legislature considers the present rail operations and before additional freight volume and new passenger service is added to the Western rail corridor.

Respectfully submitted;

Lane Morrison, Chair  
On behalf of the Town of Charlotte Selectboard