

## **SURFACE TRANSPORTATION BOARD ISSUES DECISION ON COAL DUST**

The Surface Transportation Board today acknowledged that coal dust poses a serious problem for railroad safety and operations, but found that BNSF Railway Company's attempt to mitigate those problems was not reasonable.

Arkansas Electric Cooperative Corp. had asked the Board to prevent BNSF from using a rail side emission monitoring system that sought to measure coal dust blowing from the top of coal cars. If a certain emission standard was exceeded, the shipper of the cars would have been subject to unspecified enforcement measures.

The Board acknowledged the safety and maintenance issues brought on by coal dust fouling track ballast. And it found that BNSF may require shippers to take "reasonable measures" to address the problem. But the Board found the provisions of BNSF's tariff "not reasonable" given the level of uncertainty and the available methods to control coal dust.

"Under the challenged tariff, the railroad would accept rail cars loaded with coal and then inform coal shippers at a later date whether and to what extent coal dust was released during transport," the decision said. "In addition, the tariff does not explain what consequences coal shippers would face if they are found to have tendered loaded coal cars to the railroad that subsequently released coal dust during transport. The challenged tariff also does not acknowledge any steps that, if taken by a shipper before coal cars are tendered to the railroad, would guarantee that the shipper would be deemed in compliance with the tariff."

The decision went on to say, "Rather than using this decision to define a specific, government-approved approach to the problem at hand, we expect the railroads and their customers will collaborate to develop a solution that guarantees that loaded rail cars are fit for safe travel, while also ensuring that commodity spillage during transport is minimized."

The full record of [Arkansas Electric Cooperative Corporation-Petition for Declaratory Order, Docket No. FD 35305](#), can be found at [www.stb.dot.gov](http://www.stb.dot.gov).