

RESOLUTION NO. 26-14

**RESOLUTION TO PROTECT OUR COMMUNITY FROM THE HAZARDS OF
INCREASING CRUDE-BY-RAIL TRANSPORT IN RICHMOND**

WHEREAS, there has recently been a substantial increase in crude oil being transported by rail in North America, including highly flammable and volatile Bakken crude oil from North Dakota; and

WHEREAS, according to the US Pipeline and Hazardous Materials Safety Administration, in the year 2013 alone more crude oil was spilled from train derailments (1.1 million gallons) than during the entire period of 1976-2012 (792,600 gallons); and

WHEREAS, in the early morning of July 6, 2013, a train carrying fracked crude Bakken oil from North Dakota derailed and exploded in Lac-Mégantic, a small town in Québec, Canada, killing 47 people and destroying the downtown; and

WHEREAS, in early November, 2013, a tanker train with 2.9 million gallons of Bakken crude oil derailed and burned in a west Alabama swamp, with an unknown amount of oil continuing to contaminate this fragile habitat, and

WHEREAS, Albany County, NY has issued a moratorium on Global Partners LP's plans to increase the processing of Bakken crude oil at the Port of Albany, since heating and storage of Bakken crude arriving to the port could pose a threat to the safety of county residents due to a combination of its extreme volatility and flammability as well as the inferiority of most of the tank cars used to rail those crude volumes into the county; and

WHEREAS, the Environmental Quality Committee and the Natural Resources and Water Committee of the California State Senate scheduled hearings on emergency response to rail accidents due to concerns over the increased transport of crude oil into California by rail and the high number of train accidents and explosions last year; and [per notice in 3/19/2014 WCTimes]

WHEREAS, local media reported on March 14, 2014, that trains were observed bringing crude oil by rail into the Kinder Morgan rail terminal in Richmond and the crude oil from these trains was being unloaded onto trucks for shipment to refineries in Contra Costa County; and

WHEREAS, the Bay Area Air Quality Management District allegedly issued Kinder Morgan a permit to receive and unload crude oil at its Richmond rail terminal without an environmental impact report; and

WHEREAS, the community of Richmond has suffered the impacts of many crude oil disasters, the most recent being the August 6, 2012 explosion and fire at the Chevron refinery that sent 15,000 residents to local hospitals; and

WHEREAS, The US National Transportation Safety Board has recently concluded the following:

“Oil spill response planning requirements for rail transportation and oil/petroleum products are practically nonexistent compared with other modes of transportation;” and

“That because conditions have significantly changed with the recent massive growth in crude oil transportation, the regulations are no longer sufficient to mitigate the risks of petroleum product releases in accidents;” and

“Current regulations do not require railroads transporting crude oil in multiple tank cars to develop comprehensive spill response plans and have resources on standby for response to worst-case discharges;” and the NTBS therefore recommends: “where technically feasible... require rerouting [of trains] to avoid transportation of such hazardous materials through populated and other sensitive areas;” and

WHEREAS, disasters such as the one in Lac-Mégantic is not only a horrific tragedy, but also a corporate crimes that we want to avoid at all costs in Richmond; and

WHEREAS, we owe it to all the people who have suffered and died to assign broad culpability by addressing the greed, deregulation and an extreme energy rush and willingness on the part of companies to gamble with human life and the environment; and

THEREFORE, BE IT RESOLVED that we call on our Congressional delegation to take steps to halt the movement of crude oil in the U.S. until this mode of transport is fully regulated such that the health, welfare and safety of people and the environment are protected; and

BE IT FURTHER RESOLVED that we direct the City Manager to send copies of this resolution to the Director and Board members of the Bay Area Air Quality Management District; Congressmen George Miller and Mike Thompson, Senators Barbara Boxer and Diane Feinstein; State Senators Mark DeSaulnier and Loni Hancock; Assembly member Nancy Skinner; Contra Costa County Board of Supervisors; and Contra Costa County Chief Environmental Health and Hazardous Materials Officer Randy Sawyer.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a special meeting thereof held on **March 25, 2014**, by the following vote:

AYES: Councilmembers Bates, Boozé, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin.

NOES: None.

ABSENT: None.

ABSTENTION: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 26-14**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on March 25, 2014.