

RESOLUTION NO. 48-15

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RICHMOND OPPOSING THE MINING, EXPORT AND BURNING OF COAL, AND THE TRANSPORTATION OF COAL AND PETROLEUM COKE (“PETCOKE”) ALONG CALIFORNIA WATERWAYS, AND THROUGH DENSELY POPULATED AREAS INCLUDING THE CITY OF RICHMOND

WHEREAS Richmond has roads, rail lines and marine shipping terminals capable of transporting large quantities of petcoke and coal materials; and

WHEREAS the California Assembly passed, and Governor Brown signed, Joint Assembly Resolution No. 35 in September 2012 urging the President and Congress to restrict the export of coal for electricity generation to any nation that fails to adopt regulations on greenhouse gas emissions or hazardous air emissions as restrictive as those adopted by the U.S.; and

WHEREAS in Washington and Oregon, 27 cities passed similar resolutions opposing coal transport and export, and hundreds of other public officials – including Governors Kitzhaber and Inslee, state and federal agencies, tribes, health entities, religious leaders and other community leaders, have recognized the harms of coal by making statements of concern about coal transport and export. The State of Washington Department of Ecology, through its SEPA process, is requiring a comprehensive cumulative impacts analysis of proposed coal export facilities and rail transport from mine to port to plant spanning the Powder River Basin to Asia for the proposed Longview and Bellingham coal export facilities; and

WHEREAS coal and petcoke are commonly transported via open-top rail cars and there is evidence that a large volume of those materials escape during transit. The Port of Oakland memo dated February 19, 2014, “Environmental Issues Associated With Handling Export Coal,” estimates that even if a surfactant is applied, 6 tons of coal dust are still released by a 125-car train over the course of a 400-mile trip, or 12-18 tons over the course of a 800-1,200 mile trip. According to at least one report from the BNSF Railway, each coal car in a 125-car coal train loses, on average, 500 pounds of coal per car in transit, for a total of up to 60,000 lbs lost per train on an average trip. Uncovered rail cars could contaminate cities, towns, farmland, forestland, streams, and rivers across California with coal dust and chunks of coal; and

WHEREAS a federal Surface Transportations Board proceeding on coal by rail transportation found that coal dust is a “pernicious ballast foulant” that can destabilize rail tracks and contribute to train derailments. Between July 2012-2013 at least 40 coal trains in the U.S. derailed, causing four victims to lose their lives, large amounts of coal to spill, major delay to other rail users, and significant costs to repair the damage; and

WHEREAS , the transportation of coal in open rail cars and accumulation of coal on or near rail lines has been known to create public safety hazards, including train derailments, explosions and fires; and

WHEREAS new coal and petcoke export terminals are expected to result in an increase in train traffic in California, causing concerns about blocked roads, causing great inconvenience, increasing costs to business and commerce, inhibiting the travel of emergency vehicles, pedestrians, access to waterways near the rail lines for fishing and other recreational use, and other vehicle traffic, and potentially catastrophic train derailments; and

WHEREAS increased rail traffic in California from coal can lead to an increase in diesel emissions in communities along rail lines, and exposure to particulate matter from diesel engines has been linked to impaired pulmonary development in adolescents; increased cardiopulmonary mortality; measurable pulmonary inflammation; increased severity and frequency of asthma attacks, emergency room visits, and hospital admissions in children; increased rates of heart attacks and strokes in adults; increased risk of cancer; and increased asthma and lung disease in children; and

WHEREAS coal contains toxic heavy metals – including mercury, arsenic, and lead – and exposure to these toxic heavy metals in high concentrations is linked to cancer and birth defects; and

WHEREAS petroleum coke contains Polycyclic Aromatic Hydrocarbons (PAHs) and heavy metals – including arsenic, copper, mercury, nickel, and zinc – at levels that are harmful to fish and wildlife as well as humans; and

WHEREAS trains delivering coal traveling through the Bay Area will follow routes adjacent to the San Francisco Bay, Estuary, and its tributaries, and routes adjacent to the Sacramento River and Sacramento-San Joaquin Delta, Richmond Riviera, and Santa Fe Channel posing a serious threat to these ecosystems, and to California’s agricultural irrigation and drinking water supplies; and

WHEREAS hauling coal into California involves traversing some of the most challenging mountain passes in the nation, areas with earthquake faults and numerous unsafe old steel and timber bridges over major waterways, increasing the probability of serious accidents; and

WHEREAS trains and/or trucks delivering coal and petcoke pass through densely populated neighborhoods in Richmond, North Richmond and neighboring communities, and the potential of a catastrophic accident involving the transportation of coal and petcoke products, such as a coal train derailment, is a real danger; and

WHEREAS the cumulative impacts of combined coal/petcoke train and truck traffic through Richmond and other parts of California, in addition to the cumulative upstream and downstream greenhouse gas impacts of these fossil fuels, must be analyzed.

NOW, THEREFORE, BE IT RESOLVED that the Richmond City Council opposes the mining, transport, burning, and export of coal in general; and

BE IT FURTHER RESOLVED that the Richmond City Council opposes the use of existing rail lines and roadways to transport coal and petcoke along California waterways, through densely populated areas, and through the City of Richmond; and

BE IT FURTHER RESOLVED that it is the policy of the City of Richmond to not allow city property, including city-owned properties managed by the Port of Richmond, to be used for the storage or export of coal or petcoke; and

BE IT FURTHER RESOLVED that the City Council shall direct staff to:

- Carefully evaluate CEQA documents and any draft permit approvals, such as air permits or zoning changes, for transport of coal and petcoke, for potential adverse impacts on public health, safety and the environment, and submit comments addressing any such adverse impacts, as well as any omissions or discrepancies;
- Include in all CEQA comments a request for a region-wide cumulative impacts analysis to fully account for the direct, indirect and cumulative impacts associated with multiple proposals for coal and petcoke transport and export in California communities;
- Submit a letter to Governor Jerry Brown requesting a cumulative impacts analysis similar to the Washington Department of Ecology for coal mining, transport and burning;
- Oppose coal and petroleum coke transport through the City of Richmond and support increased state and federal regulations regarding coal and petroleum coke transport through the City of Richmond by working with local stakeholders and other groups, including considering filing amicus briefs in support of public entities and environmental organizations that file lawsuits;
- Address impacts to public health, safety, property, air quality, and surface and groundwater caused by the transportation of coal and petcoke through Richmond by

actively enforcing and/or encouraging aggressive enforcement of all applicable local state and federal laws and regulations and engaging in state and federal regulatory processes;

- Alert and communicate with other cities along the transportation route, and support their opposition to coal and petcoke transport, as well as efforts for stronger regulation;
- Work through the California League of Cities, California League of Counties, and other relevant organizations to articulate opposition to coal and petcoke transport, as well as support for stronger regulations;
- Alert State legislative representatives and lobbyists in Sacramento and enlist their help;
- Lobby federal Senators and Representatives for help at the federal level
- Submit a letter to rail carriers involved in transport of coal and petroleum coke in Richmond requesting:
 - railroads involved in coal and/or petroleum coke proposals make public any plans for new or expanded rail facilities or significant rail traffic volume increases and that the railroad provide representatives to meet periodically with local citizen groups and local government officials from Richmond to seek mutually acceptable ways to address local concerns;
 - railroads immediately contact the Railroad Operations and Safety Branch of the California Public Utilities Commission to ensure the timely implementation of adequate and updated plans for investigation, inspection, infrastructure improvement, or any other mechanism available to the California Public Utilities Commission to improve and maintain safe operating practices and transport of materials by rail;
 - rail carriers conduct environmental monitoring in the City of Richmond, including but not limited to groundwater and air monitoring, and submit environmental monitoring and testing information to local government entities on an annual basis for 10 years or until the City of Richmond determines that there is no significant environmental impact from activities conducted by the railroad;
 - railroads take proactive measures to prevent rail accidents, offset congestion, and reduce community impacts by drafting road improvement plans for grading, widening, or otherwise providing crossings at intersections that would be impacted by rail traffic increases, and to pay in full for these upgrades;

BE IT FURTHER RESOLVED that the City Council will direct staff to expedite CEQA analysis and approve permits for projects designed solely to reduce harmful emissions or required to comply with environmental laws, including consideration of a negative declaration for proposed covered storage of fossil fuels.

I CERTIFY that the foregoing resolution was adopted at a regular meeting of the City Council on May 19, 2015, by the following vote:

AYES: Councilmembers Beckles, Martinez, McLaughlin, Pimplé, Vice Mayor Myrick, and Mayor Butt.

NOES: Councilmember Bates.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT
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. 48-15**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 19, 2015.