

RESOLUTION NO. R2015-005

A RESOLUTION of the City Council of the City of Tumwater, Washington concerning the increased transportation of oil by train.

WHEREAS, newly applied technologies, including hydraulic fracturing, have resulted in the increased extraction of crude oil from areas such as the Bakken shale formation in North Dakota, estimated to extract well over one million barrels of oil per day; and

WHEREAS, the volume of crude oil moved by rail transportation has increased from 9,500 carloads in 2008 to over 400,000 carloads in 2013 and oil companies plan to expand rail capacity in the State of Washington to transport crude oil to various refineries and marine transfer stations; and

WHEREAS, these unit oil trains routinely contain 100 cars carrying a total of 3 million gallons of Bakken “light” crude oil which is more volatile than “heavy” crude oil; and

WHEREAS, catastrophic explosions, spills, and deaths due to derailments of tanker cars carrying Bakken crude oil have increased across the United States and Canada, including multiple accidents in March, 2015; and

WHEREAS, unit oil trains currently travel through unincorporated Thurston County, the towns of Bucoda, Tenino, and the City of Lacey on BNSF (Burlington Northern Santa Fe) lines and could travel through Rochester along the Chehalis River on the Genesee & Wyoming lines; and

WHEREAS, between April 29 and May 21, 2014, there were four derailments on the Genesee and Wyoming rail line between Centralia and Aberdeen, raising concerns about the capability of this rail line to handle volatile crude oil; and

WHEREAS, unit oil trains cross through the Deschutes River watershed which flows through the City of Tumwater and which could, in the event of an accident, cause immeasurable damage to our community, farms, creeks, and natural areas; and

WHEREAS, a derailment or accident involving a unit oil train could result in loss of life, damage to public and private property, interruption of commerce and significant risk to emergency service providers; and

WHEREAS, in July 2014, three 29,200-gallon oil cars on a slow-moving train derailed without spills or fires beneath Seattle’s Magnolia Bridge; and

WHEREAS, in January 2014, the National Transportation Safety Board stated, “Because there is no mandate for railroads to develop comprehensive plans or ensure the availability of necessary response resources, carriers have effectively placed the burden of remediating the environmental consequences of an accident on local communities on the route”; and

WHEREAS, many local jurisdictions are challenged to maintain emergency services, let alone provide them with adequate resources to respond to oil fires, derailments, and explosions; and

WHEREAS, various groups and organizations such as the Washington State Council of Firefighters, the International Brotherhood of Electrical Workers Local 77, the International Longshoremen and Warehousemen’s Local 4, and Railroad Workers United, as well as the cities of Olympia, Aberdeen, Hoquiam, Chehalis, Vancouver, Montesano, Winlock, Bellingham, Seattle, Spokane, Edmonds, Auburn, and others have registered strong opposition due to safety concerns, to the transportation and storage of crude oil in Washington state; and

WHEREAS, the seafood industry would be irreparably devastated by spills of crude oil into the coastal waters of our state; and

WHEREAS, the Washington State 2014 Marine and Rail Oil Transportation Study released March 1, 2015 makes key recommendations to the Washington State Legislature and the Federal Government concerning safety and emergency preparedness mitigation strategies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. The City of Tumwater urges Washington State to adopt legislation requiring disclosure of the volumes and types of petroleum, petroleum products, and petroleum derivatives; transportation routes; and the approximate frequency and duration of transfers of petroleum, so that state and local communities can be fully informed of and plan for the risks posed by the transport of petroleum by rail.

Section 2. The City of Tumwater urges the U.S. Department of Transportation to increase federal tank car design and operation regulations for petroleum product shipments and aggressively phase out older-model tank cars used to move flammable liquids that are not retrofitted to meet new requirements.

Section 3. The City of Tumwater urges the Washington State Department of Ecology and the Washington State Military Department Emergency Management Division, in collaboration with the Washington State Department of Fish and Wildlife, the U.S. Coast Guard, and local government emergency response entities to consider and respond to the recommendations outlined in the Washington State 2014 Marine and Rail Oil Transportation Study.

Section 4. The City of Tumwater requests that relevant Washington State agencies refrain from permitting projects that would increase the number of trains carrying petroleum through Thurston County and other Washington communities until the cumulative environmental and safety impacts of these projects are studied and addressed.

Section 5. The City of Tumwater requests that involved state and local agencies evaluate the adequacy of insurance for catastrophic loss when reviewing proposals related to oil trains and require insurance that covers catastrophic loss in amounts that are available on the insurance market.

Section 6. The City of Tumwater requests that any railroad company that operates rail lines adjacent to Tumwater's assets, including our drinking water supply, consider restrictions on the shipment of petroleum products along those routes until adequate study and response by relevant state, local, and federal government agencies.

Section 7. The City of Tumwater urges the Port of Grays Harbor Commission and the City of Hoquiam to restrict the development of marine terminals that would result in increased transportation of Bakken crude oil through urban centers and farm areas and endanger the health, safety, and welfare of our citizens and the natural environment that supports our livelihood.

Section 8. The City of Tumwater urges the Washington State Department of Transportation and the Freight Mobility Strategic Investment Board to analyze and study the potential economic effect of oil train traffic on the displacement of existing economic activity and the potential loss of access to rail transport by local and regional shippers.

Section 9. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 10. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of

the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 11. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this 7th day of April, 2015.

CITY OF TUMWATER



Pete Kmet, Mayor

ATTEST:



Melody Valiant, City Clerk

APPROVED AS TO FORM:



Karen Kirkpatrick, City Attorney