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RESOLUTION NO. 2015-10

**A RESOLUTION OF THE ALBANY CITY COUNCIL OPPOSING
TRANSPORTATION OF FOSSIL FUEL MATERIALS, INCLUDING CRUDE
OIL, COAL, AND PETROLEUM COKE, ALONG CALIFORNIA WATERWAYS,
THROUGH DENSELY POPULATED AREAS, THROUGH THE EAST BAY,
AND THROUGH THE CITY OF ALBANY**

WHEREAS, new technologies have resulted in the development of unprecedented amounts of both domestic and foreign oil, natural gas, and other petroleum products and derivatives, which will significantly increase the volume of petroleum products moving by rail; and

WHEREAS, the last few years have seen a dramatic rise in transport of crude by rail nationwide – the volume of crude by rail shipments in Northern California increased by 50 percent in 2013 alone – accompanied by a similar rise in accidents, nearly 100 in 2013; and

WHEREAS, this increase in crude by rail transportation has resulted in several recent derailments, spills, and fires which have resulted in the loss of human life and billions of dollars of damages, which, illustrates the potential catastrophic impacts which could occur in our community and environment from the transport of petroleum by rail; and

WHEREAS, a Federal Surface Transportation Board proceeding regarding the transportation of coal by rail found that coal dust can destabilize rail tracks and can contribute to train derailments; and

WHEREAS, the Department of Transportation has concluded that the increase in crude by rail transport poses an “imminent hazard” warranting emergency measures to abate the serious risks to communities and the environment; and the National Transportation Safety Board recently made recommendations to avoid urban areas when transporting crude; and

1 **WHEREAS**, hauling crude oil, coal and petcoke into California involves
2 traversing some of the most challenging mountain passes in the nation, greatly increasing
3 the probability of serious accidents; and

4 **WHEREAS**, previous rail car derailment explosions in North America show
5 Albany emergency responders do not have sufficient equipment and supplies to
6 adequately respond to a catastrophic explosion of a rail car derailment; and

7 **WHEREAS**, the rail lines that will carry this petroleum run through and by
8 Albany's parks, business and industrial areas, and along our waterfront, creeks, and other
9 natural areas; and

10 **WHEREAS**, coal and petcoke are commonly transported via open-top rail cars
11 and a large volume of those materials escape during transit, contaminating urban areas,
12 farmland, and waterways across California with coal dust, petcoke and chunks of coal;
13 and

14 **WHEREAS**, trains delivering crude oil, coal and petcoke traveling through the
15 Bay Area will follow routes adjacent to the San Francisco Bay Estuary and local creeks,
16 and routes adjacent to the Sacramento River and Sacramento-San Joaquin Delta, posing a
17 serious threat to these ecosystems, and to California's agricultural irrigation and drinking
18 water supplies; and

19 **WHEREAS**, coal and petroleum coke contain toxic heavy metals - including
20 mercury, arsenic, and lead - and exposure to these toxic heavy metals in high
21 concentrations is linked to cancer and birth defects in humans and can be harmful to fish
22 and wildlife; and

23 **WHEREAS**, new coal and petcoke export terminals and crude by rail operations
24 are expected to result in a massive increase in train traffic in California, causing concerns
25 about blocked roads inhibiting the travel of emergency vehicles, pedestrians , and other
26 vehicle traffic; and

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1 **WHEREAS**, increased rail traffic in California from coal, petcoke and crude oil
2 will lead to an increase in diesel emissions in communities along rail lines; and

3 **WHEREAS**, the extraction of and the refining of extreme extracted crude oils
4 such as Bakken and Tar Sands knowingly result in increased greenhouse gas emissions
5 and toxic air contaminant co-pollutants; and

6 **WHEREAS**, the transport of large volumes of fossil fuels such as petroleum is
7 not compatible with the City of Albany's role as a leader in addressing climate change or
8 with the City's established goal of reducing greenhouse gas emissions by 25% by the year
9 2020; and

10 **WHEREAS**, many other communities have passed resolutions against coal and
11 crude by rail transport including the cities of Berkeley, Oakland, Richmond, and Davis;
12 and
13

14 **WHEREAS**, the City of Albany is deeply concerned about the threat to life,
15 safety and the environment of potential spills and fires from the transport of petroleum by
16 rail; and

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council
18 hereby opposes using existing rail lines to transport hazardous crude, coal and petcoke
19 along California waterways, through densely populated areas, through the City of Albany,
20 and resolves to:

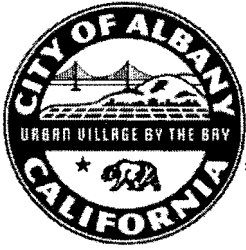
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- 22
- 23 • Address impacts to public health, safety, property, air quality and surface and
24 groundwater caused by the transport of coal, petroleum coke, and crude oil
25 through the City of Albany by actively enforcing applicable local public health,
26 safety, building, electrical, nuisance, and fire codes and by actively enforcing
27 applicable federal environmental statutes delegated to the City of Albany;
 - 28 • Work through the California League of Cities, California League of Counties, and
29 other relevant organizations to articulate opposition;

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- Strongly urge the State of California to adopt legislation requiring disclosure of the volumes, types of petroleum, petroleum products, and petroleum derivatives; transportation routes; and the frequency and duration of transfers of petroleum, so that the state and local communities can be fully informed of and plan for the risks posed by the transport of petroleum by rail;
- Strongly urge the U.S. Department of Transportation (DOT) 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 federal requirements;
- Request that any railroad company that operates rail lines through Albany consider restrictions on the shipment of petroleum products along those routes until adequate study by relevant state, local, and federal government agencies have determined that the transport of petroleum by rail meets established public safety and environmental protection standards;
- Request that the Albany Fire Department review and, if needed, update the City's incident response plans for the increasing risk imposed by the transport of petroleum by rail.



PETER MAASS, MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2015-10

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 2nd day of March, 2015, by the following votes:

AYES: Council Members McQuaid, Nason, Pilch, and Mayor Maass

NOES: Council Member Barnes

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 3rd
day of March, 2015.

Eileen Harrington
DEPUTY CITY CLERK