

**CITY OF STEVENSON, WASHINGTON
RESOLUTION 2014-279**

**A Resolution stating the City of Stevenson’s concerns and opposition to
the transportation of crude oil through the Columbia River Gorge**

WHEREAS, the City Council and Mayor have the authority to protect the health, safety and general welfare of its citizens and have determined that the transport by rail or barge of crude oil is contrary to the health, safety and general welfare of its citizens; and

WHEREAS, the City is committed to being a leader in protecting and sustaining the community, the local economy, the environment, the air quality, the water quality, and drinking water supplies, as well as reducing carbon emissions in the Columbia River Gorge; and train derailments can lead to crude oil spills that pose a significant public health risk; and

WHEREAS, because the rail alignment runs through our downtown area, the impact of existing and proposed oil trains is potentially catastrophic in terms of loss of life and devastation of the Stevenson community, environment and economy in the event of a derailment, particularly due to the continued use of unsafe legacy DOT-111 tanker cars; and

WHEREAS, oil tank cars are moving through the Gorge now and the volume is projected to increase dramatically [according to the Association of American Railways (AAR) the volume of crude oil shipped by rail has increased from 9,500 carloads in 2008 to 400,000 carloads in 2013], all of it destined to existing or proposed oil terminal facilities in the Northwest; and most of it unusually explosive [According to the Federal Pipeline and Hazardous Materials Safety Administration (PHMSA)], making an even greater hazard due to the extreme fire danger from high winds and dry forests in the Columbia Gorge; and

WHEREAS, tar sands crude or bitumen from Alberta and Utah is known to be extremely difficult to handle; if a derailment and spill occurs the oil would sink into Northwest rivers making clean-up difficult, if not impossible; and

WHEREAS, derailment poses a significant threat for which we lack a specific emergency response plan; and

WHEREAS, the City experiences strong and steady job growth due to our exceptional quality of life, attracting people who can move their companies anywhere in the world; this growth and quality of life is endangered by intensified crude oil transport through the Gorge; and

WHEREAS, the City oversees or contracts for the operation of the Stevenson police and fire departments, which are responsible for maintaining order and emergency response within our city limits, and through a series of mutual aid agreements, for assisting in emergency responses throughout much of the Gorge, on both sides of the Columbia River; and

WHEREAS, the Washington State Legislative Board of the Brotherhood of Locomotive Engineers and Trainmen’s letter of August 2014, in response to the Governor of Washington’s Washington State Marine and Rail Oil Transport Study, cite concerns about the risk to public health and safety of crude oil trains because of faulty operational practices, inadequate maintenance, poor federal regulatory oversight, and lack of accountability in all areas of railroad operations management; and these factors are more likely to cause accidents and derailment; and

WHEREAS, the City and other local jurisdictions charged with protecting our urban centers, farm lands, river systems, economic viability, and our natural environment, struggle to maintain our Fire Fighters and First Responders, and in January 2014 the National Transportation Safety Board stated that communities will bear the cost of cleaning up spills and explosions, the transport of increasingly large volumes of crude oil through the Columbia River Gorge places an unacceptable burden on us that we are unwilling and refuse to accept; and

WHEREAS, since January 2013 in the United States and Canada, ten catastrophic derailment incidents involving explosions, spills and death have occurred that have harmed other communities and could occur in our towns, on our farm lands and in our river systems; in July 2010, an oil spill caused more than 1 million gallons of tar sands crude to flow into Michigan’s Kalamazoo River, much of which sank to the river bottom and still remains today after \$1 billion in clean-up efforts; according to the PHMSA more than 1.15 million gallons of crude oil was spilled in U.S. rail incidents in 2013; and in 2013 through early November, there were 137 crude releases as compared to just one in 2009; and

WHEREAS, the U.S. Department of Transportation (USDOT) is designating new safety standards and requirements for oil tank rail cars and evaluating potential new rules for the transportation of flammable liquids; and the increase in the production of Bakken crude oil has placed such a demand for tank cars that 92,000 DOT-111 cars (designed 50 years ago but not to contain crude oil) are being used to transport flammable liquids, with only approximately 15% of those tank cars built to the latest industry safety standards (as yet unproven as safe), in contrast to the Canadian government, which has ordered the phase-out of the use of these puncture-susceptible DOT-111 tank cars; and

WHEREAS, oil tank cars built since 2011 meet the new CPC 1232 standard, the AAR “now supports even more stringent standards...retrofits of existing cars...and an aggressive phase-out of cars that cannot meet retrofit requirements”; the design of those new cars is unsettled and does not have a proven record of safe utilization (one of the tank cars that ruptured in Lynchburg, Virginia **was** a CPC 1232 tank car and was traveling 24 mph, well below the recently agreed upon 40 mph speed limit for urban areas, causing a spill, explosion and fire and resulting in the evacuation of a portion of the downtown area and the spill of 50,000 gallons of crude oil into the James River); and

WHEREAS, Union Pacific plans to increasingly move mile-long trains of crude oil and bitumen from Utah on the Oregon side of the Columbia River Gorge (according to the Oregon Department of Transportation); the number and length of proposed trains transporting the oil will affect local emergency response capabilities by blocking road crossings; and diesel exhaust from the trains will increase air pollution and affect public health, causing lung damage, worsening allergies and asthma, and increasing the risk of lung and cardiovascular diseases.

NOW THEREFORE BE IT RESOLVED that the City of Stevenson opposes transporting crude oil through the Columbia River Gorge either by rail or by barge; and

BE IT FURTHER RESOLVED that the City supports economic growth that does not jeopardize the City of Stevenson's commitment to fight the serious impacts of climate change; and

BE IT FURTHER RESOLVED that the City strongly urges the Governor of Washington and the Governor of Oregon to use the powers of each state to oppose crude oil transport through the Columbia River Gorge; and

BE IT FURTHER RESOLVED that the City agrees with the concerns expressed in the July 2014 resolution passed by the Columbia River Gorge Commission; and

BE IT FURTHER RESOLVED that the City urges the Federal Government to immediately implement safety regulations regarding train speeds and rail car designs that have not proven safe to transport flammable crude oil; and

BE IT FURTHER RESOLVED that the cited hazard and potential damage require that the owners and operators transporting crude oil by rail or barge assume all risk and be sufficiently bonded and insured; and

BE IT FURTHER RESOLVED that the City requests that the railroad submit an emergency environmental clean-up plan in case of a derailment affecting our community, local economy, watersheds and recreational areas; and the City further insists that the railroad and barge transportation of crude oil be fully insured against the risk of catastrophic fire and explosion, loss of life and property, environmental destruction and damage and any other harm connected with a derailment or accident; and

BE IT FURTHER RESOLVED that the City requests that an Environmental Impact Statement that identifies and measures the impacts on our community be completed prior to approval of permits; that at least one environmental impact scoping hearing be held in Stevenson and the results of continued environmental monitoring of noise, air, groundwater, and surface water quality be shared with local and state agencies; and

BE IT FURTHER RESOLVED that the City urges the State of Washington to require coordination of state agencies concerning the state's preparedness and capacity to respond to an accident involving transportation of crude oil by rail or barge; and

BE IT FURTHER RESOLVED that the City transmit copies of this resolution to the Governors of Washington and Oregon, to the Columbia River Gorge Commission, to the County Commissions of Skamania, Klickitat, Hood River, Wasco, Clark, and Multnomah counties, to each state Senator and Representative in both Washington and Oregon whose districts fall within the Columbia River Gorge, to the Washington Department of Ecology, to the Washington State Fire Marshal, to the Washington Department of Transportation, to the Oregon Division of State Lands, to the Oregon Department of Environmental Quality, to the Oregon Department of Fish and Wildlife, to the Oregon State Fire Marshal, to the Oregon Department of Transportation, and to each member of the Congressional Delegations of Washington and Oregon; and

BE IT FURTHER RESOLVED that passage of this resolution shall not preclude the City from taking additional future actions to protect residents from the effects of oil trains or barges.

PASSED by the Council of the City of Stevenson this 18th day of December, 2014.

Frank Cox, Mayor

ATTEST:

APPROVED AS TO FORM:

Nick Hogan, City Clerk

Kenneth B Woodrich, PC
City Attorney