

**A Resolution Urging Increased Safety Standards for Rail Transport of Oil, Ethanol,  
and Other Flammable Liquids to Anacortes and Calling on the United States  
Department of Transportation to Adopt Rules for Rail Car Safety and Required  
Disclosure of Railway and Rail Bridge Inspections**

**Whereas** public safety is a primary goal of the City of Anacortes;

**Whereas** both Tesoro and Shell operate refineries at March's Point, adjacent to the City of Anacortes's corporate boundaries and within the city's Urban Growth Area, that together are able to process ten million gallons of oil per day;<sup>1</sup>

**Whereas** the safety of refinery and railroad employees and the prevention of rail accidents is of substantial concern to the City of Anacortes;

**Whereas** refineries are transitioning from North Slope crude oil transported from Alaska by tank ship, to oil extracted from the Bakken formation transported from North Dakota by rail;

**Whereas** the number of crude oil carloads hauled by U.S. railroads surged from 10,840 in 2009 to an estimated 400,000 in 2013;<sup>2</sup>

**Whereas** more crude oil was spilled in 2013 (1.15 million gallons) than in the previous four decades (800,000 gallons from 1975 to 2012);<sup>3</sup>

**Whereas** the oil extracted from the Bakken formation includes comparatively large amounts of flammable ethane, propane, butane, and natural gasoline;

**Whereas** crude oil trains have derailed with disturbing frequency in recent months:

1. on July 6, 2013, in Lac-Mégantic, Quebec, killing nearly 50 people and destroying more than 30 buildings within the one-kilometer blast radius, requiring the evacuation of more than 1,000 people;<sup>4</sup>
2. On November 8, 2013, in rural Alabama, causing an explosion that left 11 cars burning;
3. on December 30, 2013, outside Casselton, North Dakota, causing a fire that engulfed 21 cars and spilling 400,000 gallons of oil;<sup>5</sup>
4. on January 20, 2014, in Philadelphia, Pennsylvania, leaving a tanker car and box car leaning off a bridge over the Schuylkill River;<sup>6</sup>
5. on April 30, 2014, in Lynchburg, Virginia, causing an explosion and fire and spilling 20,000 gallons of oil into the James River;<sup>7</sup>

**Whereas** Tesoro built a rail facility in 2012 that currently receives a 100-car train carrying nearly three million gallons of oil each day and has the capacity to simultaneously handle four 110-car trains;<sup>8</sup>

**Whereas** Shell Puget Sound Refinery is engaged in permitting a similar rail yard at March's Point that would double the present amount of rail traffic;

**Whereas** Tesoro and Shell have been quality partners for the Anacortes community;

**Whereas** Shell is taking significant measures to ensure safety at its proposed rail facility and has publicly committed to fully complying with the latest federal standards for rail car design at the time its facility is built;<sup>9</sup>

**Whereas** Burlington Northern Santa Fe Railway ("BNSF") operates the tracks from March Point through the rest of Skagit County, including the bridges over the Swinomish Channel and the Skagit River;

**Whereas** failure of the Swinomish Channel bridge could cause irreparable harm to Padilla Bay National Estuarine Research Preserve;

**Whereas** failure of the Skagit River Bridge could spill oil into the Skagit River upstream of the intake for the City of Anacortes's water treatment plant;

**Whereas** a railway accident that ignites the hazardous materials within the rail cars in Mount Vernon or Burlington could cause an explosion that would cripple those cities, Interstate 5, and other communities throughout the Northwest that depend on Interstate 5 for transportation and commerce;

**Whereas** the United States Department of Transportation (DOT) has reached agreement with railroads to lower speeds to 40 mph near and within very large cities, to conduct an additional track inspection per year, and provide \$5 million nationally for additional first responder training;

**Whereas**, on May 7, 2014, the United States Department of Transportation issued an emergency order requiring railroads to inform state emergency management officials about the movement of large shipments of crude oil through their states and urged shippers not to use older model tanks cars that are easily ruptured in accidents, even at slow speeds;<sup>10</sup>

**Whereas** Transport Canada has adopted a mandatory three-year phase-out of older tank cars;<sup>11</sup>

**Whereas**, on April 23, 2014, Chairwoman Deborah Hersman of the National Transportation Safety Board said that the NTSB is "very clear that this issue needs to be acted on very quickly...there is a very high risk here that hasn't been addressed;"<sup>12</sup>

**Whereas** [Whatcom County](#) and the cities of [Bellingham](#), [Seattle](#), and [Spokane](#) have each adopted resolutions expressing concern about the safety of crude oil transport by rail;

**Now therefore be it resolved by the City Council, with the Mayor concurring:**

Section 1. The City of Anacortes finds that the existing U.S. Department of Transportation rail safety agreement is insufficient to protect at-risk communities.

Section 2. The City of Anacortes urges the state and federal governments to ensure the protection of our communities and waterways from oil spills and accidents, and to provide the resources necessary for communities to adequately mitigate and manage these new or heightened risks, including sufficient training and provisioning of local first responders for spills and fires.

Section 3. The City of Anacortes urges the U.S. Department of Transportation to:

- a. Adopt new safety standards for rail tank cars that are capable of preventing leakage or explosion in the event of derailment and are no less strict than Canadian standards as soon as possible and no later than the end of 2014.
- b. Require all new refinery rail facilities to immediately comply with those new standards.
- c. Mandate the retrofitting of existing rail cars to an equivalent standard or replacement with cars that meet the new standards within an accelerated timeframe.
- d. Require railways and rail operators to obtain regular third-party safety and structural inspections of rail infrastructure, especially critical bridge infrastructure, and to share those inspections with state and local governments.

Section 4. The City of Anacortes urges Congress to support or accelerate these measures through federal legislation and appropriation.

Section 5. The City Clerk-Treasurer is directed to transmit copies of this resolution to Washington State's Congressional delegation, the director of the United States Department of Transportation, the director of the Pipeline and Hazardous Materials Safety Administration, Governor Inslee, and Washington State's 10<sup>th</sup>, 39<sup>th</sup>, 40<sup>th</sup>, and 42<sup>nd</sup> district legislative delegations.

**PASSED by the City Council this 19th day of May, 2014.**

**CITY OF ANACORTES:**

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Laurie Gere, Mayor

**ATTEST:**

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Steve Hoglund, City Clerk/Treasurer

## Attachment A

### References

- <sup>1</sup> <http://tsocorp.com/refining/anacortes-wash/> converted to gallons, and <http://www.shell.us/aboutshell/projects-locations/puget-sound/about.html>
- <sup>2</sup> <http://www.mprnews.org/story/2013/12/31/environment/castleton-derailment-oil-spill-second-day-weather-shift>
- <sup>3</sup> U.S. Senators Mark Warner and Tim Kaine, Letter to U.S. Department of Transportation Secretary Anthony Foxx (May 5, 2014), available at <http://www.scribd.com/doc/222120509/Usdot-Letter>.
- <sup>4</sup> <http://www.cbc.ca/news/canada/montreal/search-resumes-in-lac-mégantic-for-5-still-missing-1.1357940>
- <sup>5</sup> <http://news.nationalgeographic.com/news/energy/2013/12/131231-north-dakota-oil-train-fire/>
- <sup>6</sup> <http://www.nbcphiladelphia.com/news/local/Train-Derails-Schuykill-Expressway-Closed-241114931.html>
- <sup>7</sup> <http://www.vgazette.com/news/va-vg-oil-trains-0507-20140506,0,7388030.story>
- <sup>8</sup> <http://www.railworks.com/track-project/tesoro-crude-oil-unloading-facility>
- <sup>9</sup> Shell Puget Sound Refinery General Manager Tom Rizzo, Presentation to the Anacortes City Council (May 5, 2014), available at <http://stream.cityofanacortes.org/cc/05-05-2014/>.
- <sup>10</sup> <http://www.bellinghamherald.com/2014/05/07/3629341/feds-issue-emergency-order-on.html> and <http://www.dot.gov/briefing-room/us-dot-takes-new-emergency-actions-part-comprehensive-strategy-keep-crude-oil>
- <sup>11</sup> <http://www.mcclatchydc.com/2014/05/07/226820/dot-wants-new-rail-rules-for-crude.html> and <http://oilprice.com/Latest-Energy-News/World-News/Canada-to-Phase-Out-Oil-Railcars-Prone-To-Rupture.html>
- <sup>12</sup> <http://www.usnews.com/news/politics/articles/2014/04/23/rail-safety-effort-marred-by-squabbling>