



# City Council Agenda Bill

## 20284

Bill Number

**Subject:** Resolution supporting increased safety standards for rail tank cars

**Summary Statement:** The City of Bellingham has a commitment to public safety, a healthy environment, and a safe infrastructure for the health and safety of its citizens. Through adoption of this resolution, the City will support an increase in the use and implementation of safety standards for rail-tank cars, and encourage efforts of industry to retrofit or replace rail-tank cars to meet puncture resistant standards.

**Previous Council Action:** NA

**Fiscal Impact:** NA

**Funding Source:**

**Attachments:** Resolution

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Council Vote Requested	27-Jan-2014	Pass Resolution	Mayor Kelli Linville	05

**Council Committee:**  
  
Committee of the Whole  
Cathy Lehman, Chair

**Agenda Bill Contact:**  
Brian Heinrich, x8117

Reviewed By	Initials	Date
Legal		
Mayor	RL	1/27/14

**Committee Actions:**

**Council Action:**

Legal  
 Mayor  
 RL  
 1/27/14  
 14

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SUPPORTING INCREASED SAFETY STANDARDS FOR RAIL TANK CARS THAT TRANSPORT OIL, ETHANOL, AND OTHER FLAMMABLE LIQUIDS THROUGH BELLINGHAM, AND CALLING ON THE FEDERAL U.S. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION TO ADOPT AS SOON AS POSSIBLE IN 2014 RULES REQUIRING SAFETY RETROFITTING OF EXISTING RAIL CARS.**

**WHEREAS**, Public Safety is the City's primary goal; and

**WHEREAS**, the Legacies and Strategic Commitments, adopted in July 2009, state that the City of Bellingham is, among other things, a Safe and Prepared Community, and strives to:

- Prevent and respond to emergencies
- Ensure safe infrastructure
- Increase community readiness and resilience

**WHEREAS**, rail freight operations impacts thousands of communities across all regions of the United State of America; and

**WHEREAS**, rail lines through Bellingham pass near the homes of thousands of Bellingham residents and near numerous businesses, recreation sites, and the City's sewage treatment plant; and

**WHEREAS**, safe rail operations are of critical interest to local governments, and there is a demonstrable need for (1) preventing catastrophic rail accidents that have occurred most recently on four separate in various locations in Canada and the United States; and (2) local governments to provide the primary emergency response to rail accidents that happen within their jurisdiction; and (3) local governments and communities to have a mechanism to recover the clean-up costs, environmental remediation costs, medical expenses, and any other damages and/or claims that are not reimbursed by the responsible party; and

**WHEREAS**, rail transports 11% of the nation's oil, according to the Association of American Railroads; and

**WHEREAS**, according to the Association of American Railroads, the transport of crude oil by rail tank car has increased from 9,500 carloads in 2008 to about 400,000 carloads in 2013, and is likely to increase still further; and

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**WHEREAS**, there are 92,000 rail tank cars carrying oil, ethanol, and other flammable liquids, with the vast majority (85%) not meeting puncture-resistance and other standards that apply to new tank cars; and

**WHEREAS**, in 2011, railroads and shippers voluntarily established tougher standards for new tank cars, but only 15%, approximately 14,000 rail tank cars, of the tank cars in use meet this standard; and

**WHEREAS**, the railroad industry, which does not own the majority of tank cars authorized to travel on the nation's railways, has recently urged federal regulators to toughen the existing standards for new tank cars and require that existing tank cars used to transport flammable liquids, including crude oil, be retrofitted with advanced safety-enhancing technologies, or if not upgraded, aggressively phased out; and

**WHEREAS**, Bellingham can expect to see an increase of at least two 100-car unit trains traveling to regional refineries [how often?]; and

**WHEREAS**, regional refineries share our commitment and concern for the communities in which their employees live, work, recreate, and raise families; and

**WHEREAS**, BP has committed to dedicating 400 new rail cars to their Cherry Point facility that are newly designed and incorporate higher-grade steel, shielding for the tank heads and rollover protection, but other rail cars traveling the rail corridor through Bellingham may not be similarly equipped; and

**WHEREAS**, improvements in the rail infrastructure as well as rail operational and maintenance safety requirements should continue to be a priority; and

**WHEREAS**, in the event of a derailment and/or spill, significant adverse effects to habitat, both marine and near-shore, as well as air and water quality could occur; and

**WHEREAS**, the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Administration issued a safety alert on January 2, 2014 stating that "the type of oil being transported from the Bakken region may be more flammable than traditional heavy crude oil," and requiring additional testing and other safety measures in response; and

**WHEREAS**, there is compelling rationale for making long overdue changes in safe rail operations whether through the retrofitting of existing rail tank cars or through increased standards on new tank cars or both.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:** THE CITY OF BELLINGHAM SUPPORTS THE IMPLEMENTATION OF INCREASED SAFETY STANDARDS FOR RAIL-TANK CARS, AND ENCOURAGES EFFORTS OF INDUSTRY TO RETROFIT OR REPLACE RAIL-TANK CARS AS SOON AS POSSIBLE TO MEET PUNCTURE RESISTANT AND OTHER SAFETY STANDARDS. WE

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FURTHER CALL UPON THE FEDERAL U.S. DOT'S PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION TO ADOPT AS SOON AS POSSIBLE IN 2014 RULES REQUIRING AN ACCELERATED RETROFITTING OF EXISTING CARS TO AN EQUAL STANDARD TO THAT REQUIRED OF NEWLY MANUFACTURED RAIL CARS.

**PASSED** by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Council President

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

**ATTEST:** \_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
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