

## City Council Agenda Item

Meeting Date: 06/28/2016

Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds (5 min.)

Staff Lead: Andrew Pierce

Department: City Council  
Preparer: Andrew Pierce

### Background/History

The recent oil train derailment and fire in the Columbia River gorge area of Mosier, Oregon highlighted the continued risk of trains carrying crude oil via train through populated areas and natural habitats.

Due to projected increased in Crude Oil train traffic in the Northwest United States many localities and governments in the region are taking action to address the potential threats posed by the transportation of crude oil via train.

### Staff Recommendation

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### Narrative

#### (Text Borrowed from the National Conference of State Legislatures)

The United States is producing more oil than it has in 30 years, and extraction companies are increasingly relying on railroads to deliver these products to refineries. Recent technological advances such as hydraulic fracturing and horizontal drilling are driving the increase in oil and natural gas extraction by unlocking access to resources in Canada and the U.S. that were previously considered too costly to develop. In 2014, the U.S. became the No. 1 producer of oil in the world-overtaking Saudi Arabia and Russia-and that upward trend has continued into 2015. While the U.S. produced an average of 8.7 million barrels of crude oil per day in 2014, during the first six months of 2015 that number rose to an average of more than 9.4 billion barrels per day, according to the U.S. Energy Information Administration. The U.S. hasn't extracted that volume of crude since the early 1970s.

Leading the way are Texas and North Dakota, which combined account for almost half of domestic production. In some cases, production levels have reached pipeline capacity, forcing producers to identify alternative transportation methods. Many have turned to the railways, which have experienced incredible growth in crude oil transport. In fact, the number of carloads carrying oil in 2014 rose by more than 5,000 percent when compared with the numbers in 2008, according to the Association of American Railroads (AAR).

North Dakota's Bakken region accounts for much of this growth, with more than half of its production-around 700,000 barrels per day in early 2015-moving out of the region on rail. That crude oil is moved to refineries predominantly on the East and West Coasts, where it is processed into useful petroleum products like heating oil, diesel fuel or gasoline.

According to the U.S. Department of Transportation (DOT), just 2.6 percent of petroleum products were transported by rail in 2009. Now, approximately 11 percent of these products are carried on Class I railroads, according to AAR. Although oil still makes up less than 2 percent of total rail freight, the volume of oil transported by rail has grown exponentially. Specifically, it's the difference between 9,344 carloads terminated on U.S. Class I railroads in 2008, compared with 540,383 carloads in 2014.

Despite the fact that almost all of these carloads reach their destination without accidents, several high-profile incidents have brought the issue into the national spotlight and led some to call for greater rail safety standards for crude oil transports. In 2013, a derailment and explosion killed 47 people and spilled 1.5 million gallons of crude oil in Lac Mégantic, Quebec. An analysis of federal data from DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) estimated that 1.15 million gallons of crude oil spilled from rail cars in the U.S. in 2013. The topic came to the forefront again in early 2015 after several derailments and spills occurred within a matter of weeks. However, railroads are carrying a much greater volume of fuel than in preceding decades. According to AAR, railroads carried over 11.5 billion gallons of fuel in 2013, and 99.99 percent of carloads reached their destination without a release caused by an accident. Overall rail safety and accident prevention has also improved dramatically in recent years. Rail accidents are down nearly 85 percent since 1980, and around 25 percent since 2000, according to Federal Railroad Administration data. Similarly, the number of hazardous materials spills has fallen by almost 60 percent since 2000-and this at a time when the number of hazmat cars has risen by nearly 15 percent.

### **Railroad Classes**

About 570 freight railroads operate in the U.S., according to the AAR. These railroads are classified into categories primarily based on operating revenue, which is adjusted annually for inflation through regulations outlined by the Surface Transportation Board. Class I railroads are those having annual operating revenues of more than \$467 million as of 2013. There are two Canadian railroads and two Mexican railroads that have enough operating revenue to qualify them as Class I. There are currently seven Class I railroads operating 94,300 miles of road in the U.S. This accounts for 68 percent of freight rail mileage and 94 percent of revenue. Non-Class I railroads-more commonly known as regional or short line railroads-vary in size from small operations carrying a few loads per month to much larger, multi-state operations. Although crude oil transported by rail primarily occurs on Class I railroads, regional and short line railroads can also be used when moving crude oil shorter distances and as a way to connect to the larger railroad system.

**RESOLUTION NO. [#####]****A RESOLUTION URGING THE PROPHIBITION OF THE  
TRANSPORT OF CRUDE OIL BY RAIL THROUGH THE  
CITY OF EDMONDS**

WHEREAS, the City Council has a responsibility and a duty to protect the health and safety of its citizens; and

WHEREAS, as a signatory member of the Safe Energy Leadership Alliance (“SELA”), Edmonds has committed itself to being a regional and national leader in addressing the adverse impacts of climate change unequivocally linked to the burning of fossil fuels; and

WHEREAS, Edmonds has committed itself to protecting the environment and natural resources of our community, the State of Washington, the United State of America, and the Earth; and

WHEREAS, the burning of fossil fuels in the production of energy is unsustainable and is in stark contradiction to the goals of Edmonds to mitigate and combat the effects of climate change; and

WHEREAS, the transport and use of large volumes of crude oil is not compatible with the City of Edmonds’ role as a regional and national leader in addressing climate change; and

WHEREAS, trains carrying crude oil frequently traverse the rail lines that run through the City of Edmonds; and

WHEREAS, the volume of crude oil developed and transported by rail, emanating mainly from the Bakken shale formation in North Dakota, through and into the state of Washington is estimated to increase approximately three-hundred percent from the current level of approximately 19 trains weekly to 57 trains weekly by 2020; and

WHEREAS, the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration has determined that crude oil from the Bakken shale formation may be more flammable, with a lower flash point, than traditional heavy crude oil; and

WHEREAS, rail incidents involving crude oil have increased nearly fifteen-hundred percent between 2010 and 2014, and current trends show no evidence of the number of incidents diminishing; and

WHEREAS, recent derailments, spills, and fires, such as the recent derailment and fire in the Columbia River Gorge area of Mosier, Oregon, as well as the multiple recent derailments, fires, and oil spills resulting in devastating destruction to both communities and the environment, including the derailment and subsequent explosion and fire in Lac-Mégantic, Québec, which caused the deaths of 47 people, the evacuation of thousands of people, and the destruction of

many homes and businesses evidence the necessity to take appropriate measures to safeguard our residents and environment; and

WHEREAS, the rail lines that transport crude oil from the Bakken shale formation run through and by Edmonds' residential, natural, and commercial areas, including: parks, neighborhoods, businesses, a ferry terminal, a senior center, and along Edmonds' waterfront, marshes, and other natural areas; and

WHEREAS, a potential similar derailment, fire, evacuation, and loss of property and life would be devastating to the City of Edmonds and its residents; and

WHEREAS, the City of Edmonds is deeply concerned about the threat to life, property, and the environment resulting from derailments leading to oil spills, explosions, and fires from the transport of crude oil by rail;

WHEREAS, prior resolutions passed by this Council addressing the issue of the transportation of fossil fuels via rail have not been adequately addressed by the governments of the State of Washington or the United States of America, have not led to a decrease in the transportation of coal and other fossil fuels through our community, and did not account for the increases in transportation of fossil fuels via rail through Edmonds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDMONDS, THAT:

Section 1: The City Council of the City of Edmonds strongly urges the United States Department of Transportation and the United States Congress to prohibit the transportation of crude oil by rail through the City of Edmonds.

Section 2: Copies of this resolution shall be transmitted by the City Clerk to the President of the United States, the Secretary of the United States Department of Transportation, and each member of the United States Congress elected from this State, including: Senator Patty Murray, Senator Maria Cantwell, and Representative Jim McDermott; Governor Jay Inslee; each member of the Washington State delegation representing the City of Edmonds from Districts 21 and 32, including: Senator Maralyn Chase, Senator Marko Liias, Representative Cindy Ryu, Representative Ruth Kagi, Representative Strom Peterson, and Representative Lillian Ortiz-Self.



# Transporting Crude Oil by Rail: State and Federal Action

10/30/2015

Daniel Shea, Kristy Hartman and Sijia C

## Overview



The United States is producing more oil than it has in 30 years, and extraction companies are increasingly relying on railroads to deliver these products to refineries. Recent technological advances such as hydraulic fracturing and horizontal drilling are driving the increase in oil and natural gas extraction by unlocking access to resources in Canada and the U.S. that were previously considered too costly to develop. In 2014, the U.S. became the No. 1 producer of oil in the world—overtaking Saudi Arabia and Russia—and that upward trend has continued into 2015. While the U.S. produced an average of 8.7 million barrels of crude oil per day in

2014, during the first six months of 2015 that number rose to an average of more than 9.4 billion barrels per day, according to the U.S. Energy Information Administration. The U.S. hasn't extracted that volume of crude since the early 1970s.

Leading the way are Texas and North Dakota, which combined account for almost half of domestic production. In some cases, production levels have reached pipeline capacity, forcing producers to identify alternative transportation methods. Many have turned to the railways, which have experienced incredible growth in crude oil transport. In fact, the number of carloads carrying oil in 2014 rose by more than 5,000 percent when compared with the numbers in 2008, according to the Association of American Railroads (AAR).

North Dakota's Bakken region accounts for much of this growth, with more than half of its production—around 700,000 barrels per day in early 2015—moving out of the region on rail. That crude oil is moved to refineries predominantly on the East and West Coasts, where it is processed into useful petroleum products like heating oil, diesel fuel or gasoline.

According to the U.S. Department of Transportation (DOT), just 2.6 percent of petroleum products were transported by rail in 2009. Now, approximately 11 percent of these products are carried on Class I railroads, according to AAR. Although oil still makes up less than 2 percent of total rail freight, the volume of oil transported by rail has grown exponentially. Specifically, it's the difference between 9,344 carloads terminated on U.S. Class I railroads in 2008, compared with 540,383 carloads in 2014.

Despite the fact that almost all of these carloads reach their destination without accidents, several high-profile incidents have brought the issue into the national spotlight and led some to call for greater rail safety standards for crude oil transports. In 2013, a derailment and explosion killed 47 people and spilled 1.5 million gallons of crude oil in Lac Mégantic, Quebec. An analysis of federal data from DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) estimated that 1.15 million gallons of crude oil spilled from rail cars in the U.S. in 2013. The topic came to the forefront again in early 2015 after several derailments and spills occurred within a matter of weeks. However, railroads are carrying a much greater volume of fuel than in preceding decades. According to AAR, railroads carried over 11.5 billion gallons of fuel in 2013, and 99.99 percent of carloads reached their destination without a release caused by an accident. Overall rail safety and accident prevention has also improved dramatically in recent years. Rail accidents are down nearly 85 percent since 1980, and around 25 percent since 2000, according to Federal Railroad Administration data. Similarly, the number of hazardous materials spills has fallen by almost 60 percent since 2000—and this at a time when the number of hazmat cars has risen by nearly 15 percent.

## Railroad Classes

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2013. There are two Canadian railroads and two Mexican railroads that have enough operating revenue to qualify them as Class I. There are currently seven Class I railroads operating 94,300 miles of road in the U.S. This accounts for 7.2.b percent of freight rail mileage and 94 percent of revenue. Non-Class I railroads—more commonly known as **regional or short line railroads**—vary in size from small operations carrying a few loads per month to much larger, multi-state operations. Although crude oil transported by rail primarily occurs on Class I railroads, regional and short line railroads can also be used when moving crude oil shorter distances and as a way to connect to the larger railroad system.

## Federal Action

The Federal Railroad Administration (FRA), one of 10 agencies under the DOT, has primary jurisdiction over railroad safety, covering the safety of track, grade crossings, rail equipment, operating practices, and movement of hazardous materials (hazmat). DOT’s Pipeline and Hazardous Materials Safety Administration (PHMSA) and the U.S. Department of Homeland Security’s Transportation Security Administration (TSA) issue safety standards for railways. The National Transportation Safety Board (NTSB), an independent federal agency, is responsible for making recommendations to prevent future incidents. Unlike the FRA, the NTSB has no regulatory authority although the FRA often agrees with the recommendations provided by the NTSB. In an effort to improve safety and reduce the potential for rail spills, government agencies in the U.S. and Canada have adopted additional safety standards and issued new regulations for crude oil railcars. The U.S. Department of Transportation (DOT), for instance, issued an emergency order in May 2014 that requires railroad operators to notify local emergency responders whenever oil shipments travel through their states. Canada has also announced that it will phase out the use of older rail cars used to transport oil by May 2017.

In May 2015, the DOT announced a final rule to strengthen safety standards for transportation of flammable liquids by rail. The rule was developed by PHMSA and FRA, in coordination with Canada. The rule establishes a variety of new standards, including: enhanced tank car standards, new braking standards, new testing and sampling requirements to determine product stability, and new operational protocols, such as routing requirements, speed restrictions and informing local agencies.

### TIMELINE OF FEDERAL AGENCY EFFORTS TO ADDRESS RAIL SAFETY CONCERNS

Date	Summary
5/28/2015	DOT announces that the May 2014 Emergency Order regarding emergency response notifications for shipments of petroleum crude oil by rail will remain in full force and effect until further notice while the agency considers options for codifying the May 2014 disclosure requirement on a permanent basis.
5/1/2015	DOT announces Final Rule to strengthen the safe transportation of flammable liquids by rail. The Final Rule applies to trains transporting large volumes of flammable liquids and will make significant and extensive changes to improve accident prevention, mitigation, and emergency response. A summary of the key provisions contained in the Final Rule is also available.
4/17/2015	PHMSA issued a Safety Advisory to remind hazardous materials shippers and carriers of their responsibility to ensure that current, accurate and timely emergency response information is immediately available to first responders. PHMSA and FRA issued a Safety Advisory to remind railroads operating a high-hazard flammable train that certain information may be required by PHMSA and/or FRA personnel during the course of an investigation immediately following an accident. FRA issued an Emergency Order to require that trains transporting large amounts of Class 3 flammable liquid through certain highly populated areas adhere to a maximum authorized operating speed of 40 mph. FRA issued a Safety Advisory recommending that railroads use highly qualified individuals to conduct the brake and mechanical inspections and recommends a reduction to the impact threshold levels the industry currently uses for wayside detectors that measure wheel impacts to ensure the wheel integrity of tank cars in those trains. FRA issued a Notice and comment request seeking to gather additional data on tank cars carrying petroleum crude oil in any train involved in an FRA reportable accident. FRA

Acting Administrator sent a letter to the Honorable Edward Hamberger, president of the Association of American Railroads, asking continued commitment of its member railroads to address the safety issues presented.

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<b>2/5/2015</b>	DOT submitted a draft Final Rule on the safe transportation of flammable liquids (including crude oil) by rail to the Office of Management and Budget for formal review.
<b>12/11/2014</b>	PHMSA hosted a follow-up meeting with emergency response officials to address gaps in preparedness and training since Feb. 10, 2014 engagement.
<b>7/23/2014</b>	DOT releases a comprehensive rulemaking proposal to improve the transportation of large quantities of flammable materials by rail, including a Notice of Proposed Rulemaking for enhanced tank car standards, an Advanced Notice of Proposed Rulemaking seeking to expand oil spill response planning requirements for shipments of flammable materials and a report summarizing the analysis of Bakken crude oil data gathered by PHMSA and FRA.
<b>6/18/2014</b>	FRA declares that details regarding oil train shipments are not sensitive security information. Previously DOT had ordered railroads to give state officials specifics on oil-train routes and volumes so emergency responders can better prepare for accidents. Some states have agreements restricting the information's release for business and security reasons.
<b>5/7/2014</b>	DOT issues an emergency order requiring all railroads operating trains containing more than 1 million gallons or approximately 35 tank cars of oil being transported from the Bakken region—North Dakota, Montana, Saskatchewan and Manitoba— to notify State Emergency Response Commissions (SERCs) about the operation of these trains through their states. PHMSA and FRA also issue a safety advisory requesting companies to take all possible steps to avoid the use of DOT-111 tank cars when transporting Bakken crude oil, which may be more flammable than other heavy crude.
<b>4/24/2014</b>	DOT announces that the agency plans to release a comprehensive rulemaking package containing options for enhancing rail tank car standards.  Following a Canadian announcement that it will require certain railcars to be taken out of service as well as retrofitting other railcar designs over the next three years.
<b>4/9/2014</b>	FRA announces its intention to issue a proposed rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations.
<b>3/6/2014</b>	DOT issued an emergency order requiring additional testing on the transportation of crude oil by rail.
<b>2/25/2014</b>	DOT issues an emergency order requiring stricter standards to transport crude oil by rail.
<b>2/21/2014</b>	DOT and AAR release an agreement regarding a number of safety enhancements to further reduce the risk from transporting the growing level of crude oil in the U.S. DOT notes that the enhancements will focus on increased track inspections, enhanced braking systems, increased use of rail traffic routing, lower speeds depending on location and cargo, increased community relations, increased trackside safety technology, increased emergency response training and tuition assistance and additional emergency response capability planning.
<b>2/4/2014</b>	PHMSA reports that oil being transported from the Bakken shale formation was not properly classified in certain instances. The department issues \$93,000 in proposed civil penalties.

Attachment: Oil Train Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds

<b>1/2/2014</b>	PHMSA issues a safety alert saying that the type of crude oil being transported from the Bakken region may be more flammable than other heavy crude.
<b>11/20/2013</b>	PHMSA and FRA issues a safety advisory reinforcing the importance of proper characterization, and selection of a packing group for Class 3 materials.
<b>8/29/2013</b>	FRA and PHMSA launches Operation Classification in North Dakota's Bakken region to verify that crude oil is being properly classified.

In addition to action proposed by federal agencies, some Members of Congress have called for new rules governing railcars carrying crude oil. In 2015, Congress has introduced several bills to improve the emergency response and the safety of crude oil by rail, including the Surface Transportation Reauthorization and Reform (STRR) Act of 2015, the House of Representatives' multiyear transportation bill. The STRR Act requires a variety of rail-centric reforms, including half-inch thick thermal jackets for tank cars, requiring railroads transporting Class 3 flammable liquids to maintain comprehensive oil spill response plans, and mandating a study and testing of electronically controlled pneumatic (ECP) braking systems. The bill also allocates more than \$1.4 billion over the life of the bill to help improve safety for grade crossings. It remains unclear if any of these bills will become law this session, although DOT's new safety rule address some of the issues raised in the proposed bills.

### FEDERAL LEGISLATION INTRODUCED IN 2015

Bill	Introduced	Status	Summary
<b>H.R. 3651</b>	9/30/2015	Pending	Amends Positive Train Control Enforcement and Implementation Act of 2015 to extend implementation deadlines to Dec. 31, 2016.
<b>S.R. 1462</b>	5/22/2015	Pending	Requires a variety of safety improvements, including the retrofitting and phasing-out of certain tank cars, speed restrictions, crude oil stability requirements, positive train control requirements and spill response plans.
<b>S.R. 1175</b>	4/30/2015	Pending	Establishes a Hazardous Liquids Rail Spill Liability Account, set a fee on certain hazardous flammable liquids, and creates high hazard preparedness training standards.
<b>S.R. 1006</b>	4/16/2015	Pending	Incentivizes early adoption of positive train control, sets a maximum extension to June 30, 2016, and requires Class I railroad carriers to submit progress reports.
<b>H.R. 1789</b>	4/14/2015	Pending	Ensures the safety of DOT-111 tank cars by improving standards for new tank cars and upgrading existing tank cars.
<b>S.R. 859</b>	3/25/2015	Pending	Crude-By-Rail Safety Act establishes regulations and standards regarding maximum crude volatility, tank car design, enhanced braking, along with other safety initiatives.
<b>H.R. 1290</b>	3/4/2015	Pending	Provides for a study by the Transportation Research Board of the National Academies on the impact of diverting crude oil traffic to avoid urban areas.

## State Action

State inspectors enforce federal and state requirements. State rail transport laws address a number of issues including registration and permit programs, routing requirements, notification, financial liability, emergency response planning and training, inspection, enforcement and shipment restrictions. At least 19 bills to provide funding assistance or stricter standards were introduced in seven states in 2015. Of these, there were eight resolutions, the majority of which urged the federal government to take action in order to increase crude-by-rail safety. New Jersey, which is home to three active oil refineries, introduced eight bills in 2015, of which six were resolutions. Three bills in Minnesota focused on increase funding for safety projects at rail crossings on active crude oil routes, while Washington and California introduced bills aimed at enhancing state emergency response capabilities with regard to crude oil transport by rail.

### STATE LEGISLATION INTRODUCED IN 2015

State	Bill	Status	Summary
California	A.B. 102	Pending	Creates the Regional Railroad and Surface Transportation Accident Preparedness and Immediate Response Task Force to develop a plan and be responsible for providing regional and onsite response in the event of the release of hazardous materials from a rail car or accident.
Illinois	H.R. 512	Enacted	Urges the railroad industry to educate and inform public officials on its handling of hazardous materials and to maintain its commitment to safe and effective transport.
Minnesota	H.B. 1251	Pending	Directs the state to assess an annual fee not to exceed \$32.5 million on Class I Rail Carriers that operate in the state, and directs that money into the rail grade crossing safety improvement account.
	H.B. 2018	Pending	Appropriates \$11 million in FY 2016 and \$22.8 million in FY 2017 to safety improvement projects for railroad at-grade crossings in the state which are used to transport crude oil.
	H.B. 11a	Failed	Allocates \$64 million to the Minn. Commissioner of Transportation for safety improvement projects at rail crossings on active crude oil routes, and grants the commissioner the authority to assess an annual fee not to exceed \$32.5 million on Class I Rail Carriers that operate in the state, and directs that money into the rail grade crossing safety improvement account.
Nebraska	L.R. 338	Enacted	Urges the Federal Railroad Administration to adopt a rule requiring a train crew of at least two individuals.
New Jersey	A.R. 157	Pending	Urges the U.S. Department of Transportation to prohibit the transport of crude oil through certain populated areas.
	S.B. 2419	Pending	Prohibits any person from bringing action against a local public agency for cleanup and removal costs or other expenses associated with a discharge of hazardous substances.

	A.R. 171	Pending	Urges the U.S. Department of Transportation to promulgate regulations concerning the transport of crude oil by rail that ensures the safety of the state's residents who live near railroads.	7.2.b
	S.R. 94	Pending	Urges Congress to require upgrades to rail tank car design and to prohibit rail carriers from carrying flammable and combustible liquids near populated areas where feasible.	
	A.R. 180	Pending	Urges the U.S. Department of Transportation to expedite the rulemaking process in order to issue regulations concerning the transport of flammable and combustible liquids by rail and to require certain design standards for rail tank cars.	
	S.C.R. 165	Pending	Urges Congress to pass the Crude-By-Rail Safety Act.	
	A.B. 4283	Pending	Requires owners or operators of certain trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials by rail.	
	A.R. 257	Pending	Urges Congress to enact legislation imposing greater safety requirements on shipments of crude oil by rail.	
<b>Oregon</b>	H.J.M. 3	Failed	Urges Congress to enact legislation requiring stabilization of crude oil prior to transport.	
<b>Washington</b>	S.B. 5087 H.B. 1449	Pending	Provides for oil spill response planning, oil spill prevention planning, creates an oil spill prevention account and emergency management council, requires evidence of financial responsibility from transporters of crude oil in the state.	
	S.B. 5834	Pending	Provides for oil spill response planning, oil spill prevention planning, creates an oil spill prevention account and emergency management council, requires evidence of financial responsibility from transporters of crude oil in the state.	
	S.B. 5057	Pending	Provides grants for emergency responders to assist with oil spill and hazardous material response, requires evaluation of state's response capabilities.	

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**7.2.b**

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## Final marine & rail oil transportation study

Given the rapid and significant changes in how crude oil moves through Washington (particularly since crude by rail entered the picture three years ago), it is important to look at the impacts this evolving practice has on public health and safety, and the environment.

In April 2014, the Washington State Legislature authorized the Washington Department of Ecology to [study potential risks posed from oil transported by rail and vessel](#), as well as identify ways to mitigate the risks.

Two months later, in an effort take as many actions as possible, Governor Jay Inslee requested [preliminary findings and recommendations](#) by October 1, 2014. The preliminary report was delivered on time and a [draft](#) of the full study was provided to the Governor and Legislature on December 1, 2014.

The final version of the study was delivered March 2, 2015.

### Study confirms risks

Key findings show that in 2013 an estimated 11.8 billion to 12.7 billion gallons of oil shipped by railroad through the U.S. That equates to a 42-fold increase in oil transported by rail nationally since 2008.

Washington State increased from zero shipments of oil in 2011 to 0.7 billion gallons in 2013. Today the state receives approximately 19 unit trains a week, each carrying as much as 3 million gallons of Bakken crude, mostly destined to refineries in Washington and California.

If the proposed facilities and refinery expansions to accommodate rail imports are permitted and fully built over the next few years, the weekly unit train number could jump to 137 or more.

It is more important than ever for the state to have adequate resources to continue to address impacts to public health and safety, and environmental protection resulting from the changing energy picture.

### Organizational Members and Contributors

Washington Department of Ecology

Washington Military Department, Emergency Management Division

Washington State Utilities and Transportation Commission

Washington State Department of Transportation

Tribal governments and commissions

Other federal and state agencies

Other public and private organizations

**For more information**  
[ecy.wa.gov](http://ecy.wa.gov)

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## Differences between the draft & final studies

Three changes of note resulted from the December 1, 2014 draft study to the March 1, 2015 final report.

### Stabilization

The study team added findings on the Bakken crude conditioning/stabilization steps that North Dakota took to reduce the volatility of crude oil before shipping it by rail. This topic is raised often, including at legislative hearings.

A recommendation was changed from the draft study to call on the Northwest Area Committee to sample the oil and characterize the hazards presented to first responders. The committee is asked to communicate the results and potential health/environmental threat(s) to Washington response organizations.

### Draft Washington Pilotage Commission recommendation moved to executive summary

At the request of the Office of Financial Management, an existing draft recommendation for the Washington Pilotage Commission and rulemaking was moved into the executive summary because the action is contained in proposed legislation.

### Salish Sea Workshop

An appendix was added to capture results from the January 7-8, 2015 Salish Sea Workshop in Bellingham. The workshop reviewed 10 years of waterway studies and connected their assumptions, findings, and recommendations to identify steps to reduce risk within the current energy and transportation environment.

## Final study content

The final study includes a list of 43 findings and recommendations. The recommendations are a mix of risk mitigation steps at the federal and state levels addressing rail, marine, facility, emergency and spill response.

The recommendations include direction on improving infrastructure, facility design, industry operational processes and practices, expanding sensitive area protections, emergency and spill response equipment caching, personnel training, and planning improvements.

The study serves as a base document to address risk and the changing transportation energy picture for years to come.

## Public Comments

The team gathered comments from the public and other interested parties throughout the study process.

More than 1,000 comments helped shape and inform the report. Comments collected through December 1, 2014, were compiled into a Frequently Heard Comments document that was submitted to the Legislature with the final study and is available [online](#).



Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)

# CRUDE OIL BY RAIL

SHARE

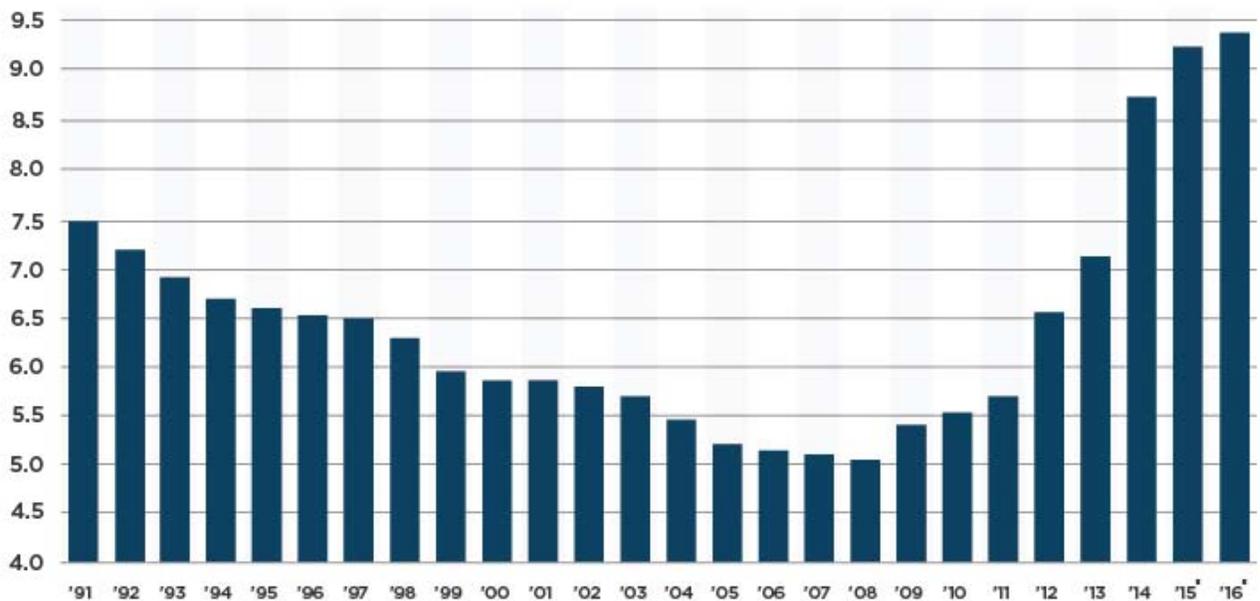
## CRUDE OIL BY RAIL

### TRANSPORTATION OF CRUDE OIL BY RAIL

In light of increased volumes of crude oil moving by rail, the nation's freight railroads have done top-to-bottom reviews and improved their operations and federal regulators have issued new regulations governing the transportation of crude oil by rail (CBR). The result: freight railroads move unit oil trains under rules as rigorous as those required for more [hazardous materials](#). Thanks to a nationwide rail network infused by years of major private investment reaching into the hundreds of billions of dollars, railroads are safely and efficiently transporting what America's economy needs and helping the nation achieve energy independence.

### U.S. CRUDE OIL PRODUCTION IS AT RECORD LEVELS

Millions of Barrels Per Day



U.S. crude oil production is at near record levels and railroads have stepped up as the critical link in helping deliver U.S. energy independence. As the safest form of freight transportation, railroads are the preferred mode for handling this increased volume of crude oil. However, to ensure that the movement of crude oil by rail meets the highest standards for safety and efficiency, railroads have undertaken top-to-bottom reviews of their operations and made important enhancements to operating procedures. Railroads have also petitioned the government for stronger tank car standards for cars used to move this critical resource, some of which were included in a final rulemaking by the Pipeline and Hazardous Materials Safety Administration on the movement of flammable liquids by rail.

Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)

Notes: E = Estimate  
Source: U.S. Energy Information Administration, *Short Term Energy Outlook*, April 2015



## COMMUNITY PREPAREDNESS AND FIRST RESPONDER TRAINING

Railroads play a vital role in the economic well-being of large and small towns throughout the U.S. — all with a commitment to safety. In communities railroads serve they assist local officials and first responders in preparing for rail incidents, especially those involving hazardous materials such as crude oil.

[Learn more about first responder training >](#)

Freight Rail Safety: Crude By Rail Safety Efforts



## ENHANCED RAIL OPERATIONS FOR CRUDE OIL

Freight railroads have rigorous employee safety training requirements and strict operating procedures that govern the handling and movement of hazardous goods, including crude oil. [Federal regulation](#) and self-imposed safety practices dictate train speeds, equipment and infrastructure inspections, procedures for how to handle and secure trains carrying hazardous materials, and much more.

Railroads also use a sophisticated routing model, developed in partnership with the [Federal Railroad Administration](#) (FRA), the [Pipeline and Hazardous Materials Safety Administration](#) (PHMSA), the [Transportation Security Administration](#) (TSA), and the [Federal Emergency Management Agency](#) (FEMA) to help determine the safest and most secure routes for transporting hazardous materials.

Since July 2013, in coordination with government officials, railroads have imposed additional, voluntary operating procedures for shipments containing crude oil including:

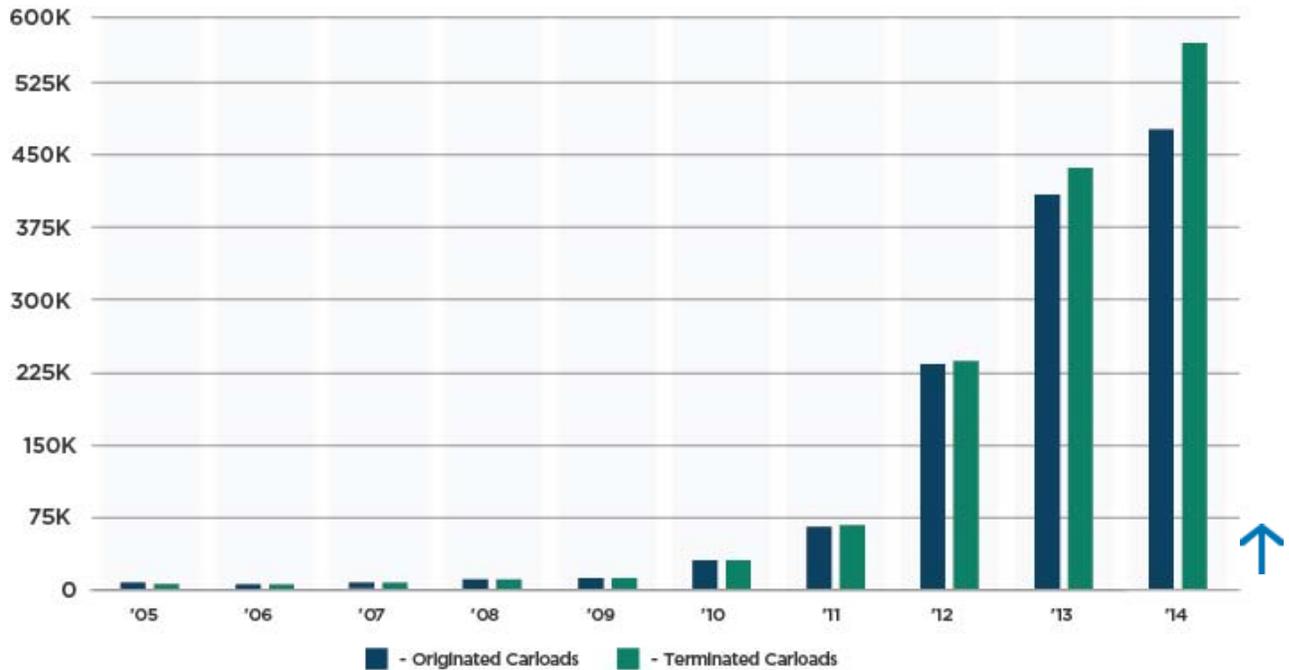
- instituting speed restrictions for certain trains carrying crude oil;
- protocols to help prevent trains operating on mainline tracks or sidings from moving unintentionally;
- increased track inspections along crude oil routes;

- installation of additional safety technologies — wayside wheel bearing detectors that alert railroads to problems with rail cars — along crude routes; and
- equipping crude oil unit trains with enhanced braking systems.

In April 2015, PHMSA, in coordination with FRA, issued a final rulemaking on the movement of flammable liquids by rail, including crude oil and ethanol. The final rule includes new operational requirements for certain trains transporting a large volume of Class 3 flammable liquids.

### RAILROADS MOVING MORE CRUDE OIL

Originations vs. Terminations, 2005-2014



America's freight railroads are supporting the nation's energy renaissance by moving domestic energy resources such as crude oil. In fact, rail shipments of crude oil have skyrocketed in recent years with railroads originating a record 493,146 carloads in 2014. In light of increased volumes of crude oil moving by rail, freight railroads have implemented new operational protocols and advocated for stronger tank car design standards, while federal regulators have issued new regulations to help ensure this important commodity is moved safely.

Notes: Data are for U.S. Class I railroads  
 Source: Association of American Railroads



### ADVOCATING FOR SAFER TANK CARS

Freight railroads have led the charge to ensure flammable liquids like crude oil are moved in rail cars built to stringent design and construction standards. Railroads have proposed enhanced government design and construction regulations for crude oil tank cars and advocated for the swift retrofit or phase out of older tank cars.

- In 2011, the rail industry's Tank Car Committee, comprised of shippers, rail car manufacturers and railroads, voluntarily implemented standards that exceed those of the federal government.
- In November 2013, freight railroads stepped up the call for even more rigorous standards for tank cars carrying flammable liquids, including asking that existing tank cars be retrofitted to meet these higher standards or phased out if they do not.

requires, including asking that existing tank cars be retrofitted to meet these higher standards or phased out if they cannot be made safer.

- In May 2015, PHMSA, in coordination with FRA, [issued a final rulemaking](#) on the movement of flammable liquids by rail, including crude oil and ethanol. The final rule includes enhanced tank car standards.

### Fact Sheets

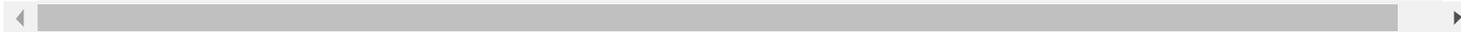
- [Crude Oil by Rail Safety Measures](#) PDF
- [Electronically Controlled Pneumatic \(ECP\) Brakes](#) PDF
- [Railroads and Community Safety](#) PDF
- [Chronology of Crude-by-Rail Safety Actions](#) PDF

### Press Releases

- [New U.S. Rules Governing Flammable Liquids Moved by Rail Enact Misguided Braking Requirement That Threatens Rail Capacity and Service](#)
- [Association of American Railroads Responds to Safety Advisories and Emergency Order issued by Federal Railroad Administration](#)
- [AAR Calls for Regulations to Enhance the Safe Transport of Flammable Liquids and Keeps the Rail Network Efficient](#)
- [AAR Responds to U.S. DOT Proposed Rule on Safety of Moving Flammable Liquids by Rail](#)
- [Freight Railroads Taking Significant Steps to Advance Crude by Rail Safety](#)

### Background Papers

- [Moving Crude Oil Safely by Rail](#) PDF
- [U.S. Rail Crude Oil Traffic](#) PDF
- [High Tech Advances Improve Safety](#) PDF
- [Positive Train Control](#) PDF
- [Railroads Moving America Safely](#)





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Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)



Local News

# Oil train derails, catches fire in Columbia River Gorge



Originally published June 3, 2016 at 1:19 pm Updated June 4, 2016 at 8:53 am



1 of 12 An oil train burns near the Oregon town of Mosier after derailling Friday. (Alan Berner / The Seattle Times)

## A Union Pacific oil train has derailed and smoke and flames can be seen in Mosier, Ore., in the Columbia River Gorge.

By [Seattle Times staff](#)

MOSIER, Ore. — The fiery derailment of oil-train cars in the Columbia River Gorge east of Portland Friday afternoon has rekindled debate about the drawbacks of the Pacific Northwest’s role in crude-oil transport.

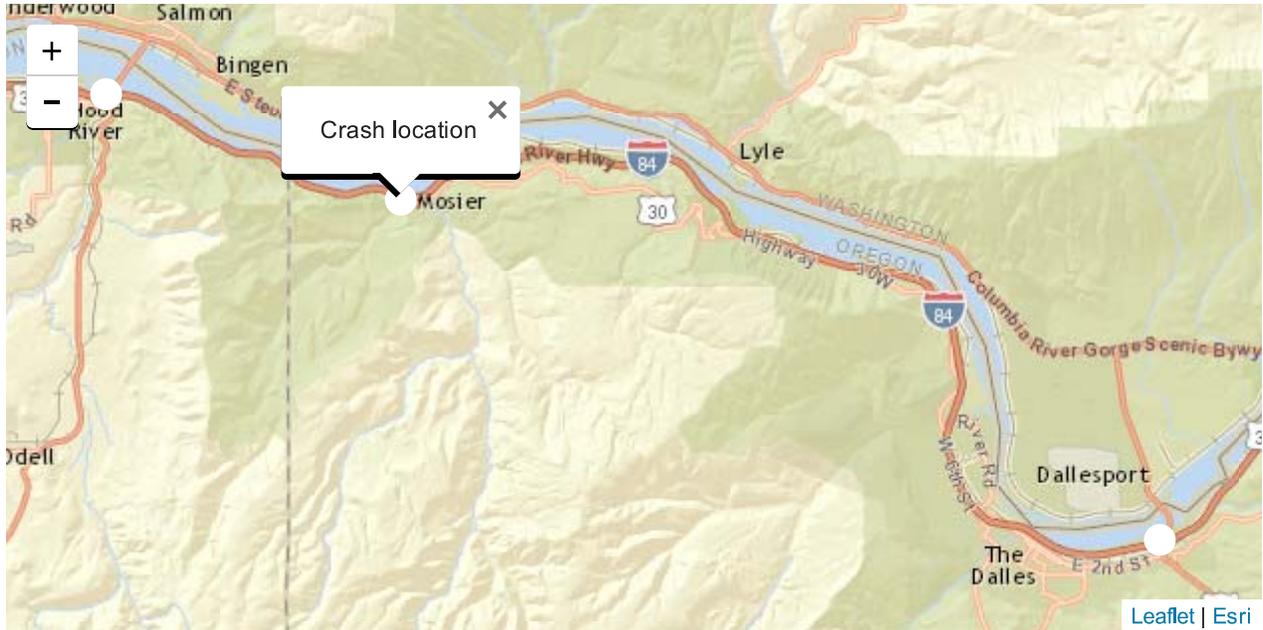
Several rail cars in the 96-car Union Pacific Railroad train bound for Tacoma derailed

Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)

here about 12:20 p.m., railroad and state officials said. Emergency responders quickly swarmed the area. Hours later, the extent of the environmental impact on the region remained unknown. No injuries or fatalities were reported.

Some residents of Mosier, which is about 70 miles east of Portland, were under mandatory evacuation orders. The train derailed less than a half-mile from the center of town. Other people stayed, though, and discussed the crash.

### Location of oil train derailment and fire in Oregon



“I just think this is why all of us wonder why we should have more oil trains coming through the Gorge,” said Megan Farrell, a schoolteacher.

Soon after news of the incident spread, many state and local leaders issued statements of sympathy for this town of about 450 residents, stressing that the derailment underscores the risks of the growing number of crude-oil trains traveling through the region.

“While it is fortunate that there aren’t any reports of people being injured in today’s derailment, there is surely harm to our natural environment from oil spills,” state Rep. Jessyn Farrell, D-Seattle, said in a statement.

#### Related stories

- [‘We are playing catch-up’ to oil-train threats in Washington state](#)
- [A string of fiery oil train accidents in the U.S. and Canada](#)

Hazardous-materials teams were at the site into the evening. The train originated in Eastport, Idaho, and was headed to the U.S. Oil & Refinery Co. refinery in Tacoma with highly volatile Bakken crude oil. Eleven oil tankers derailed, officials said. Four of them continued to burn into the evening.

The Washington state Department of Ecology’s team was monitoring the smoke and runoff into the evening and confirmed at 7 p.m. that no oil had entered the Columbia River.

Kristen McNall, a Mosier resident, high-tech consultant and volunteer for the Mosier Fire Department, was working on logistics for an estimated 100 firefighters from all over the region. “We’ve got people from all over, from Portland, and the Yakama Nation,” she said.

### Cause is unknown

Herb Krohn, legislative director for the International Association of Sheet Metal, Air, Rail and Transportation Workers, the union that represents workers on the train, said the derailment occurred 18 cars back from the front of the train, on relatively straight track.

“When the derailment happened, they looked back, and saw smoke,” Krohn said.



**DerekHiser**  
@DEREKHISER

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Video from upper deck

1:19 PM - 3 Jun 2016

101 58

Generally when a derailment happens that far back from the head of a train, it is caused by equipment failure rather than human error, Krohn said.

Krohn said it could be months before investigators know the derailment's cause.

As a precaution, the Oregon Department of Transportation shut down a roughly 27-mile stretch of Interstate 84, which reopened before midnight Friday. Also, about 200 students in Mosier schools were evacuated to the Wahtonka Community School campus in The Dalles, according to Susan Vallie, community coordinator for Mosier Schools.

Ironically, the derailment occurred as the Washington state Department of Ecology was holding public hearings on rules to make oil transport by rail safer in the state. That includes advance notice to towns of oil shipments, so response plans can be in place, said Lisa Copeland, spill communication manager for the Department of Ecology.



THE SEATTLE TIMES

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Also, about a month ago, BNSF Railway and Union Pacific participated in emergency-preparedness training with various county agencies and the U.S. Forest Service. The scenario: an oil-train derailment and wildland fire, BNSF spokesman Gus Melonas said. The exercises involving about 60 people took place at the exact site of Friday's derailment, Melonas said.

## The shale-oil revolution

In the past decade, U.S. wildcatters figured out how to coax crude oil from shale-rock formations, unleashing a surge in oil supply that has brought down gasoline prices, lessened America's reliance on oil exports and redrawn the map of production and transportation of energy in the U.S.

As a result, Washington and Oregon have become critical corridors as dozens of trains carry light crude, much of it bound for refineries in Western Washington. It has helped offset a rapid decline in the production of crude from Alaska, the refineries' traditional source of supply.

A significant amount of the oil comes from North Dakota's bountiful Bakken shale formation — light crude that's highly valued because it can be easily turned into gasoline, but also is much more flammable and dangerous in case of a spill.

Each week, more than 15 oil trains cross Skamania and Klickitat counties, on the Washington side of the Columbia. Western Washington sees significant train traffic, with 18 trains traveling through Pierce County per week and 15 per week in King County.

In a November 2015 filing with the Washington Military Department, Union Pacific told state officials that it planned to send up to one train per week with more than 35 cars carrying Bakken crude through 10 Washington counties, including Thurston and Pierce.

At least 10 oil-train derailments and explosions have occurred over the past two years, according to a compilation by the Sightline Institute, a Seattle think tank.

Oil-train traffic is poised to ramp up significantly in Washington, with terminals planned in Vancouver, Anacortes and the Port of Grays Harbor.

The project planned by Tesoro in Vancouver could put four to five more oil trains per day through the Columbia Gorge, each with as many as 120 oil cars in trains a mile and a half long.



Sources: Esri; Western Organization of Resource Councils; BNSF Railway

MARK NOWLIN / THE SEATTLE TIMES

Times reporters Sara Jean Green, Lynda Mapes, Angel Gonzalez, Jessica Lee, Christine Clarridge, Hal Bernton and The Associated Press contributed.

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Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)

# Seattle City Council (council)

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## Oil Train Safety

Not long ago a train passing through our city ran off the tracks underneath the Magnolia Bridge, derailing three of its 100 tank cars carrying **Bakken crude** oil from North Dakota to a refinery in Anacortes, WA. We are thankful that no oil spilled or ignited, considering Bakken is highly flammable and easily ignited at normal temperatures by heat, static discharges, sparks, vapors, or flames.

**This oil train derailment was not an isolated incident.** Several North American incidents involving crude oil transported by rail have resulted in death, injury, and substantial damage to property and the environment in recent years.

# OIL TRAINS

## DERAILMENTS, FIRES & EXPLOSIONS

### A TIMELINE

2013 - 2016

In the last seven years, the number of rail car loads carrying flammable oil has increased by 5,000% from 9,500 to 493,126. In 2013 alone, far more oil was spilled from rail accidents in the U.S.—more than 1.15 million gallons—than in the previous four decades, combined. Seattle must act to protect our people, property, and natural environment, but Federal law severely limits the ability of local jurisdictions to regulate oil trains. Councilmember O'Brien has consistently been a strong advocate for safer transport of oil by rail, insisting that the federal government adopt higher standards for tank cars carrying crude oil, safer operational standards, detailed incident response plans, higher regulatory fees that would cover the cost of incident response, greater liability coverage for railroads to respond to oil trains disasters, and restrictions on the volume of oil being transported near Seattle's sporting arenas, stadiums, and beneath the City.



**JUNE 2016 / COLUMBIA RIVER GORGE / MOSER, OREGON**

A Union Pacific train hauling crude oil derailed in the Columbia River Gorge, sparking a large fire.

- 2015 -



**NOVEMBER 2015 / WATERTOWN, WISCONSIN**

More than a dozen cars loaded with crude oil derailed from a Canadian Pacific Railway train prompting the evacuation of dozens of homes near Watertown, Wisconsin.



**JULY 2015 / CULBERTSON, MONTANA**

More than 20 cars from a 108-car Burlington Northern Santa Fe

Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)

oil train derailed east of Culbertson, Montana, spilling an estimated 35,000 gallons of oil.



**MAY 2015 / HEIMDAL, NORTH DAKOTA**

A tiny North Dakota town was evacuated after a train carrying crude oil derailed and 10 cars burst into flames.



**MARCH 2015 / GALENA, ILLINOIS**

Twenty-one cars of a 105-car Burlington Northern Santa Fe train hauling oil from the Bakken region of North Dakota derailed about 3 miles outside of a small town in Illinois.



**FEBRUARY 2015 / TIMMINS, ONTARIO**



A train carrying crude oil derails in northern Ontario, Canada spilling oil and causing a fire.



**FEBRUARY 2015 / MOUNT CARBON, WEST VIRGINIA**



Train derailment in West Virginia unleashed a huge fireball, destroyed a home, forced residents to evacuate and closed downstream public water supply intakes.



**JANUARY 2015 / PHILADELPHIA, PENNSYLVANIA**

An 11-car CSX train — containing crude oil — derails in South Philadelphia prompting a hazmat situation

- 2014 -



**APRIL 2014 / LYNCHBURG, VIRGINIA**



A CSX train—made up of CPC-1232 model tank cars that have been called more protective than faulty DOT-111 cars, and traveling at low speeds on a flat stretch of track—derailed, spilling a fireball of Bakken crude oil into the James River.



**FEBRUARY 2014 / VANDERGRIFT, PENNSYLVANIA**

A 120-car train carrying heavy Canadian crude from Pittsburgh to Pennsylvania derails and spills 4,000 gallons of oil.

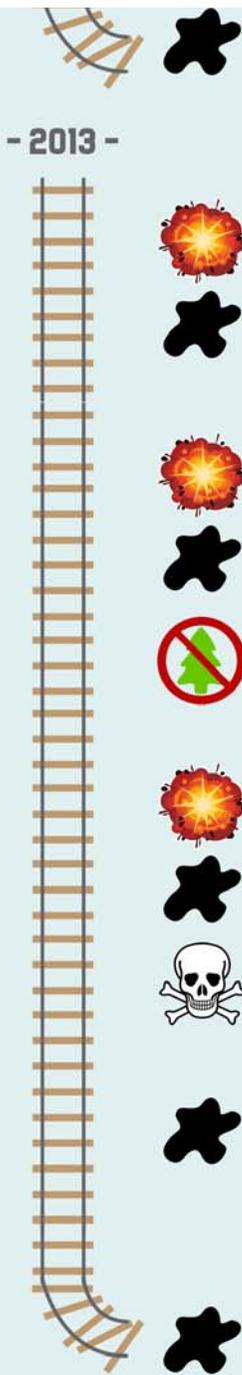


**JANUARY 2014 / PLASTER ROCK, NEW BRUNSWICK**



Derailed causes an explosive fire and forces area residents to leave their homes as the oil and propane burn.

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**JANUARY 2014 / PHILADELPHIA, PENNSYLVANIA**

A 120-car train carrying heavy Canadian crude from Pittsburgh to Pennsylvania derails and spills 4,000 gallons of oil.

**DECEMBER 2013 / CASSELTION, NORTH DAKOTA**

A Bakken crude oil train derailment in Casselton, N.D., prompted the evacuation of thousands of people living as far away as five miles after a fireball spewed caustic smoke.

**NOVEMBER 2013 / ALICEVILLE, ALABAMA**

The derailment of 25 Bakken crude oil tank cars caused an explosive fire and an intractable spill in fragile wetlands.

**JULY 2013 / LAC-MEGANTIC, QUEBEC**

The death of 47 people and the total destruction of several square blocks in the village.

**MAY 2013 / JANSEN, SASKATCHEWAN**

Five cars on a Canadian Pacific Railway derail leaking 24,000 gallons of oil.

**MARCH 2013 / PARKERS PRAIRIE, MINNESOTA**

14 cars on Canadian Pacific Railway carrying Canadian crude derails leaking 30,000 gallons of oil.

Attachment: Oil Train Resolution Binder2 (1346 : Resolution Urging the Prohibition of Transportation of Crude Oil By Train Through Edmonds)





These incidents highlight the risks of catastrophe here in our city, which is why Council is invested in improving federal regulations.

### Council Action

Council has taken several steps to urge federal regulators to change oil train transport policy, considering BNSF Railway reports moving 8-16 oil trains per week through Seattle, all containing 1,000,000 or more gallons of Bakken crude.

- One day before the Seattle derailment, the Seattle City Council signed a letter to the U.S. Secretary of Transportation, urging an emergency end to shipping Bakken crude oil in older model tank train cars (DOT-111), which are considered far less safe for shipping flammable materials than newer cars built specifically for carrying crude. Seattle City Council is the first city government nationwide to call for immediate end to oil train transport near neighborhoods.
- Councilmember Mike O'Brien and Mayor Ed Murray co-sponsored oil train Resolution 31504, which was adopted unanimously by City Council. The resolution urged U.S. Department of Transportation Secretary Anthony Foxx to aggressively phase out older model tank cars used to move flammable liquids that are not retrofitted to meet new federal requirements. Yet, after seeing the impacts of the derailment in Lynchburg, VA, the Council has since called for an immediate end to the use of legacy DOT-111 train cars.
- Council was briefed by the City's Office of Emergency Management and Fire Department on their incident response plans in the case of an oil train related incident in Seattle. With the railway physically running along Puget Sound, through residential neighborhoods, underneath Downtown in a 100-year old tunnel, and alongside our very popular professional sports venues, it is critical for both the safety of our people and our environment that Seattle is adequately prepared for such an incident.

### Next Steps

Please let Councilmember O'Brien know if you are interested in staying informed of any actions the City takes on oil trains by emailing him at **mike.obrien@seattle.gov** (**mailto:mike.obrien@seattle.gov**).

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## Oil Train Derailment In-The-News

- **Videos show disputed oil trains rolling by stadiums during games**  
(<http://www.komonews.com/news/local/BNSF-declines-to-stop-running-oil-trains-past-Seahawks-games-330172941.html>) KOMO
- **Oil Train Derailment Under Busy Seattle Bridge Highlights Safety Concerns**  
(<http://kplu.org/post/oil-train-derailment-under-busy-seattle-bridge-highlights-safety-concerns>) KPLU
- **Oil Train Derails Under Magnolia Bridge**  
(<http://slog.thestranger.com/slog/archives/2014/07/24/oil-train-derails-under-magnolia-bridge>) The Stranger
- **City and state officials address oil trains in Seattle after Interbay derailment**  
(<http://www.ballardnews Tribune.com/2014/07/31/news/city-and-state-officials-address-oil-trains-sea-0>) Ballard News Tribune
- **Seattle oil train derailment further fuels concerns, opposition**  
(<http://mynorthwest.com/11/2572205/Seattle-oil-train-derailment-further-fuels-concerns-opposition>) MyNorthwest
- **Train carrying crude oil falls off tracks under busy Seattle bridge; no leaks suspected**  
(<http://q13fox.com/2014/07/24/train-falls-of-tracks-under-busy-seattle-bridge/>) Q13
- **Hazardous Oil Cars Running Through Seattle Prompt Council Call for Emergency Order** (<http://www.seattleweekly.com/home/953794-129/hazardous-oil-cars-running-through-seattle>) Seattle Weekly



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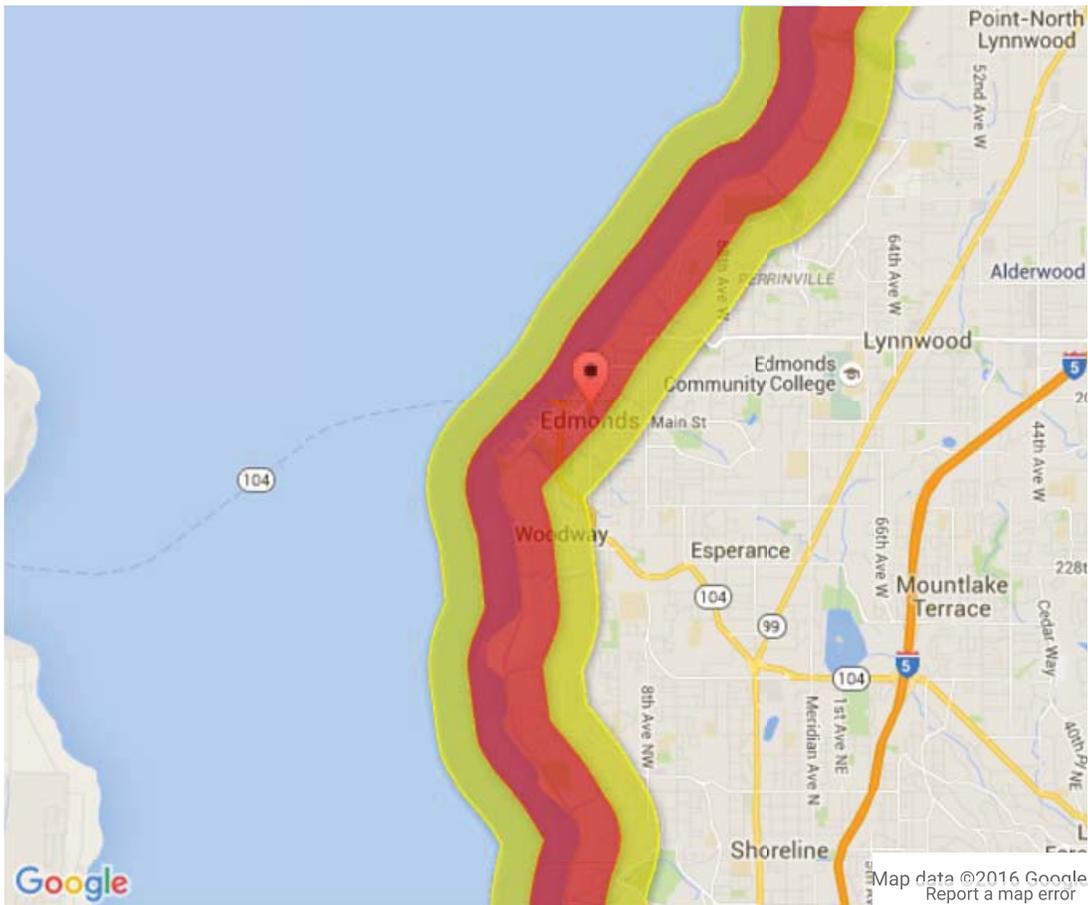
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**How close are you to oil trains and a derailment disaster? Use the blast zone map below to find out and take action.**

Edmonds, WA



Show Blast Zone

0.5 Mile US DOT Evacuation Zone for Oil Train Derailments

1.0 Mile US DOT Potential Impact Zone in Case of Oil Train Fire

to transport crude oil by rail: b  
trains.

7.2.b

- **Take precautions:** Take every possible step to ensure : oil trains avoid population ters critical water supplies, | bare equip emergency respo rs, a develop strong new rail ety that give citizens the in nati they need to protect the elve
- **Roll back preemption:** : communities the power say oil trains

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