

Assembly Joint Resolution

No. 42

Introduced by Assembly Member Dodd

June 1, 2016

Assembly Joint Resolution No. 42—Relative to the transport by rail of flammable and combustible liquids.

LEGISLATIVE COUNSEL’S DIGEST

AJR 42, as introduced, Dodd. Transport by rail of flammable and combustible liquids.

This measure would urge the United States Department of Transportation, Department of Energy, and the Office of Management and Budget to expedite the rulemaking and implementation processes for federal safety regulations governing the transport by rail of flammable and combustible liquids, including crude oil, and would also urge the President and the Congress of the United States to pass specified federal legislation mandating critical public safety improvements for the transport by rail of those liquids.

Fiscal committee: no.

1 WHEREAS, In the past decade, there has been an unprecedented
2 increase in transportation of crude oil in oil-by-rail cars due to the
3 North American oil boom, which, in combination with absent or
4 inadequate line infrastructure, has compromised the safety and
5 well-being of over 16 million Americans who live alongside
6 oil-by-rail shipping lines; and

7 WHEREAS, Transportation of crude oil and petroleum products
8 by rail has more than doubled nationally since the beginning of

1 2011, thereby requiring increased infrastructure to load and unload
2 tank cars transporting crude oil; and

3 WHEREAS, There are currently several pending plans by
4 refining companies in California, including one to ship up to 70,000
5 barrels of crude oil per day through northern California passing
6 through Roseville, downtown Sacramento, and Davis to a plant
7 on Suisun Bay, on the outskirts of Benicia; and

8 WHEREAS, The Sacramento Area Council of Governments
9 has identified the Counties of Sutter, Yuba, Placer, El Dorado,
10 Sacramento, and Yolo as “Potential Derailment Risk Zones” for
11 freight cars transporting oil to and from this refinery, and there are
12 many more areas that will be potentially at risk; and

13 WHEREAS, An environmental impact report conducted in
14 northern California concluded that those trains will present
15 significant and unavoidable risks of oil spill, environmental
16 damage, and potential loss of human life if any of them were to
17 derail while en route to the refinery; and

18 WHEREAS, In the Federal Railroad Safety Act (FRSA) (49
19 U.S.C. Sec. 20101 et seq.), the United States Congress directed
20 the Secretary of Transportation to “prescribe and issue orders for
21 every area of railroad safety,” whereby this federal power granted
22 to railroad companies preempts local and regional authority; and

23 WHEREAS, This preemption of state and local laws is one of
24 the biggest hurdles for communities that want better and stronger
25 safeguards for crude-by-rail shipments that will pass through their
26 neighborhoods; and

27 WHEREAS, Serious train incidents involving the transport of
28 crude oil are occurring on average once every seven weeks, and a
29 Department of Transportation report predicts that trains hauling
30 crude oil or ethanol will derail an average of 10 times per year
31 over the next two decades; and

32 WHEREAS, Different kinds of crude oil have different health
33 and safety risks, as some can be nearly impossible to clean up in
34 the event of a spill and others have proved exceptionally explosive,
35 and it is likely that the crude oil coming to a northern California
36 refinery could consist of different types of crude oil; and

37 WHEREAS, Rail tank cars, known as DOT-111 tank cars,
38 comprise our federal fleet of rail cars, and retrofitting is currently
39 in progress to make these cars safer; and

1 WHEREAS, There is a remote deadline by which these
2 DOT-111 rail cars must be upgraded, even though the cars that
3 are currently being used to transport crude oil have been designated
4 as substandard for shipping highly flammable liquids; now,
5 therefore, be it

6 *Resolved by the Assembly and the Senate of the State of*
7 *California, jointly,* That the Legislature respectfully urges the
8 United States Department of Transportation, the Department of
9 Energy, and the Office of Management and Budget to expedite
10 the rulemaking and implementation processes for federal safety
11 regulations governing the transport by rail of flammable and
12 combustible liquids, including, but not limited to, safety measures
13 that require the following: (1) the monitoring of rail industry
14 compliance with United States Department of Transportation
15 emergency orders specifying that state and local emergency
16 officials be notified of large crude oil-by-rail shipments; (2) the
17 stripping by producers of volatile elements, including flammable
18 natural gas liquids that may be present in Bakken crude oil before
19 it is loaded onto rail cars; (3) the rapid phase-out of United States
20 Department of Transportation DOT-111 tank cars from crude
21 oil-by-rail service; and (4) the installation of the system known as
22 Positive Train Control on all routes used to transport lighter crude
23 oils such as Bakken; and be it further

24 *Resolved,* That the Legislature urges the President and Congress
25 to pass federal legislation this year mandating critical public safety
26 improvements, including those described in the federal
27 Crude-By-Rail Safety Act (H.R. 1804), which was cosponsored
28 by Congressman Mike Thompson, and H.R. 1679, which was
29 sponsored by Congressman John Garamendi; and be it further

30 *Resolved,* That the Chief Clerk of the Assembly transmit copies
31 of this resolution to the President of the United States, to the
32 Speaker of the House of Representatives, to the Minority Leader
33 of the House of Representatives, to the Majority Leader of the
34 Senate, to the Minority Leader of the Senate, and to each Senator
35 and Representative from California in the Congress of the United
36 States.