

AMENDED IN ASSEMBLY JUNE 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

Assembly Joint Resolution

No. 42

Introduced by Assembly Member Dodd

(Coauthors: Assembly Members Achadjian, Alejo, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brown, Burke, Calderon, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Daly, Eggman, Frazier, Beth Gaines, Cristina Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte, O'Donnell, Quirk, Rendon, Ridley-Thomas, Rodriguez, Salas, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, and Wood)

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 amended, 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
9 2011, thereby requiring increased infrastructure to load and unload
10 tank cars transporting crude oil; and

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

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

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

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

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

35 WHEREAS, Serious train incidents involving the transport of
36 crude oil are occurring on average once every seven weeks, and a

1 Department of Transportation report predicts that trains hauling
2 crude oil or ethanol will derail an average of 10 times per year
3 over the next two decades; and

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

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

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

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

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

1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
2 of this resolution to the President of the United States, to the
3 Speaker of the House of Representatives, to the Minority Leader
4 of the House of Representatives, to the Majority Leader of the
5 Senate, to the Minority Leader of the Senate, and to each Senator
6 and Representative from California in the Congress of the United
7 States.

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