

AMENDED IN SENATE AUGUST 8, 2016

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)

(Coauthor: Senator Wolk)

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~~ *measures regulating* 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~~ *the transport* of crude oil in oil-by-rail
3 cars due to the North American oil boom, which, in combination
4 with absent or inadequate line infrastructure, has compromised
5 the safety and well-being of over 16 million Americans who live
6 alongside 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

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

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

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

WHEREAS, Most crude oil transported by rail in the United States is currently carried in tank cars, known as DOT-111 tank cars, which have been designated as substandard for shipping highly flammable liquids; and

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

WHEREAS, Federal law, the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) requires that all DOT-111 cars used to transport crude oil must be retrofitted to meet new safety standards by March 2018 or be phased out; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature respectfully urges the United States Department of Transportation, the 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, but not limited to, safety measures that require the following: (1) the ~~monitoring~~ enforcement of rail industry compliance with United States Department of Transportation emergency orders specifying regulations requiring that state and local emergency officials be notified of large crude oil-by-rail shipments; (2) the ~~stripping~~ development by rail companies of more robust emergency response plans, and removal

1 by producers of volatile elements, including flammable natural
2 gas liquids that may be present in Bakken crude oil before it is
3 loaded onto rail cars; (3) the rapid phase-out of United States
4 Department of Transportation DOT-111 tank cars from crude
5 oil-by-rail service; and (4) the installation of the system known as
6 Positive Train Control on all routes used to transport lighter crude
7 oils such as Bakken; and be it further

8 *Resolved*, That the Legislature urges the President and Congress
9 to pass federal legislation this year mandating *the* critical public
10 safety improvements, ~~including those described measures described~~
11 in the federal Crude-By-Rail Safety Act (H.R. 1804), ~~which was~~
12 (H.R. 1804) cosponsored by Congressman Mike Thompson, and
13 ~~H.R. 1679, which was sponsored by Congressman John Garamendi;~~
14 *the Bakken Crude Stabilization Act of 2015 (H.R. 1679) sponsored*
15 *by Congressman John Garamendi, that were not addressed in the*
16 *Fast Act, including (1) the establishment of maximum volatility*
17 *standards for crude oil transported by rail; (2) the imposition of*
18 *increased fines for violation of those standards; and (3) the*
19 *adoption of regulations by the United States Department of*
20 *Transportation requiring rail carriers to develop a confidential*
21 *close-call reporting system; and be it further*

22 *Resolved*, That the Chief Clerk of the Assembly transmit copies
23 of this resolution to the President of the United States, to the
24 Speaker of the House of Representatives, to the Minority Leader
25 of the House of Representatives, to the Majority Leader of the
26 Senate, to the Minority Leader of the Senate, and to each Senator
27 and Representative from California in the Congress of the United
28 States.