

Assembly Joint Resolution No. 42

RESOLUTION CHAPTER 152

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

[Filed with Secretary of State August 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 42, 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 public safety measures regulating the transport by rail of those liquids.

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

WHEREAS, Transportation of crude oil and petroleum products by rail has more than doubled nationally since the beginning of 2011, thereby requiring increased infrastructure to load and unload tank cars transporting crude oil; and

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

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

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

WHEREAS, In the Federal Railroad Safety Act (FRSA) (49 U.S.C. Sec. 20101 et seq.), the United States Congress directed the Secretary of Transportation to "prescribe and issue orders for every area of railroad

safety,” whereby this federal power granted to railroad companies preempts local and regional authority; and

WHEREAS, This preemption of state and local laws is one of the biggest hurdles for communities that want better and stronger safeguards for crude-by-rail shipments that will pass through their 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, 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, 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, the following: (1) the enforcement of rail industry compliance with United States Department of Transportation regulations requiring that state and local emergency officials be notified of large crude oil-by-rail shipments; (2) the development by rail companies of more robust emergency response plans, and removal by producers of volatile elements, including flammable natural gas liquids that may be present in Bakken crude oil before it is loaded onto rail cars; (3) the rapid phase-out of United States Department of Transportation DOT-111 tank cars from crude oil-by-rail service; and (4) the installation of the system known as Positive Train Control on all routes used to transport lighter crude oils such as Bakken; and be it further

Resolved, That the Legislature urges the President and Congress to pass federal legislation this year mandating the critical public safety measures described in the federal Crude-By-Rail Safety Act (H.R. 1804) cosponsored by Congressman Mike Thompson, and the Bakken Crude Stabilization Act of 2015 (H.R. 1679) sponsored by Congressman John Garamendi, that were not addressed in the Fast Act, including (1) the establishment of maximum volatility standards for crude oil transported by rail; (2) the imposition of increased fines for violation of those standards; and (3) the adoption of regulations by the United States Department of Transportation requiring

rail carriers to develop a confidential close-call reporting system; and be it further

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

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