

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors: Hines, Bonacic, Paduch

Co-Sponsors: Berkman, Anagnostakis, Benton, Bonelli, Cheney, Dillard, DiSalvo, Eachus, Kemnitz, Kulisek, Ruskiewicz, Simmons, Sullivan, Turnbull, Vero, Brescia

Agenda No. 11

RESOLUTION NO. 181 OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE EXPRESSING CONCERNS ABOUT TRANSPORTING CRUDE OIL BY RAIL, BARGE AND SHIP AND CALLING UPON FEDERAL AND STATE AGENCIES TO ENACT STRINGENT RULES AND REGULATIONS FOR SUCH TRANSPORT AND TO URGE AND ENCOURAGE THE EXPLORATION OF ALTERNATIVE MEANS FOR THE TRANSPORTATION AND DISTRIBUTION OF CRUDE OIL.

WHEREAS, crude oil is increasingly being transported along railroads from production fields in the west (particularly from the Bakken shale oil formation of North Dakota and heavy tar sands oil fields of Alberta, Canada) to ports including Albany, New York for transfer to barges and ships to be transported on the Hudson River to East Coast refineries; and

WHEREAS, the nationwide volume of crude oil transported by rail has increased to more than 400,000 carloads in 2013 compared to 9,500 carloads in 2008, a more than 40-fold increase, and as much as 20% of the volatile crude oil extracted from the Bakken formation is transported through New York State communities and ecosystems; and

WHEREAS, crude oil from the Bakken shale deposits has been proven to be more explosive and more corrosive than typical crude oils, and heavy, sinking oils from tar sands formations have been found to be more viscous than typical crude oils, making the protection of public safety and environmental health from these particular types of oils, as well as spill response and remediation, more difficult and more dangerous; and

WHEREAS, crude oil is mainly transported in class DOT-111 rail tank cars designed for general purpose liquid transport, not for hazardous cargos, despite the fact that these railcars lack even the most basic safety measures (such as shields, pressure vents, or double hulls) despite repeated recommendations from the National Transportation Safety Board over the past thirty years (most recently in March 2012 and January 2014) that they not be used for crude oil transport; and

WHEREAS, class DOT-111 railcars are unacceptably dangerous, particularly in light of the state of railroad enforcement, inspection, oversight, and safety, highlighted by the testimony of the Chair of the Surface Transportation Board who testified in April, 2014, that "no community is prepared for a worst-case scenario" for crude oil-by-rail disasters; and

WHEREAS, there have been a series of crude oil train derailments in the United States and Canada that have led to loss of life, loss of property, and significant economic and environmental damage, including the loss of 47 lives in Lac-Megantic, Quebec, in July 2013; and

WHEREAS, there have been at least five oil train derailments with railroad cars carrying Bakken oil in New York State since December 2013, including those in West Nyack, Town of Ulster, Selkirk, Cheektowaga and Albany; and

WHEREAS, CSX Corporation was fined \$10,000 for failing to timely report its two February 2014 oil train derailments in Ulster and Selkirk, New York; and

WHEREAS, a train carrying crude oil blocked access to about 60 homes in the Town of Saugerties on March 31, 2014, for approximately 90 minutes without notifying local emergency responders; and

WHEREAS, joint state-federal "inspection blitzes" have identified dozens of train and rail car safety defects requiring corrective action in rail yards in Albany and Buffalo, highlighting the risks facing our communities and environment, but no such inspections have been performed on tracks in Orange County; and

WHEREAS, the *Stena Primorsk*, the first tanker carrying crude oil on the Hudson River, ran aground and pierced its outer hull just six miles downstream of the Port of Albany in December 2012, though none of the 12 million gallons of oil it carried were spilled; and

WHEREAS, recent barge accidents resulting in petroleum spills in the Mississippi River and Galveston Bay have shown that even double-hulled vessels are sometimes not protective in the case of vessel collisions as opposed to groundings; and

WHEREAS, approximately two crude oil unit trains per day currently travel through Orange County, including the City of Newburgh, and the towns of Newburgh, New Windsor and Cornwall; and near critical public infrastructure including hospitals, municipal buildings, water and sewer treatment plants, and private businesses;

WHEREAS, approximately one articulated barge per day carrying 4 million gallons and one tanker per week carrying 7 million gallons currently pass Orange County on the Hudson River; and

NOW, THEREFORE, BE IT

RESOLVED, that the Orange County Legislature recognizes that the transport of crude oil, especially Bakken and heavy crudes, by rail and marine vessel through our community presents an immediate, significant risk for people, economy and environment of our region; and be it further

RESOLVED, that the Orange County Legislature calls upon the United States Department of Transportation, the United State Environmental Protection Agency, the New York State Departments of Transportation ("DOT") and Environmental Conservation ("DEC") to: (i) immediately order a full environmental impact study of the potential impacts of increased crude oil transport by train, barge, or ship through Orange County, and, (ii) to enact stringent rules and regulations for the transportation of crude oil, and be it further

RESOLVED, that this Legislature urges and encourages federal and state agencies to explore and develop alternative means for the distribution and transportation of crude oil; and be it further

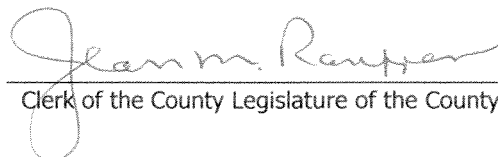
RESOLVED, the Clerk of the Orange County Legislature is hereby authorized and directed to send copies of this resolution to the United States Department of Transportation, the United State Environmental Protection Agency; U.S. Senator Charles E. Schumer, U.S. Senator Kristen E. Gillibrand, U.S. Congressman Sean Patrick Mahoney; New York State Governor Andrew Cuomo; New York State Department of Environmental Conservation (DEC) Commissioner Joe Martens; New York State Senators John Bonacic and William Larkin; and New York State Assembly Members Aileen Gunther, James Skoufis, Frank Skartados and Claudia Tenney.

DATED: AUGUST 7, 2014

**STATE OF NEW YORK
COUNTY OF ORANGE**

THIS IS TO CERTIFY THAT I, JEAN M. RAMPEN, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 7th day of August, 2014 and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said County Legislature this 8th day of August, 2014.


Clerk of the County Legislature of the County of Orange