

RESOLUTION FROM THE TOWN OF PHILIPSTOWN'S TOWN BOARD EXPRESSING CONCERNS ABOUT THE TRANSPORTING OF 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) and along the CSX River Subdivision tracks along the west side of the Hudson River through the Hudson Highlands and beyond. Oil is also transported to ports including Albany, New York for transfer to barges and ships traveling on the Hudson River through the Hudson Highlands to East Coast refineries; and

WHEREAS, approximately two crude oil unit trains per day currently travel the Hudson Highlands immediately across from Philipstown in Putnam County; and

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

WHEREAS, crude oil from the Bakken shale deposits have been proven to be far 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, tourism supported by the pristine and natural environmental and unique landscapes of the Hudson Highlands is a key part of Philipstown's economy; and

WHEREAS, several habitats in the Hudson River in the vicinity of Philipstown have been designated by the State as Significant Coastal Fish and Wildlife Habitats including Constitution Marsh and the US EPA spent 10 years on remediation of Cadmium deposits in the Marsh adjacent to the West Point Foundry Preserve; and

WHEREAS, the tidal nature of the Hudson River could cause oil from a spill to be quickly transported both up and down the river harming fish and wildlife permanently damaging Constitution Marsh; 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 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 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 the worst case scenario” for crude oil-by-rail disasters; and

WHEREAS, there have been a series of crude oil 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 has 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, 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 through the Hudson Highlands; and

WHEREAS, recent barge accidents resulting in petroleum spills in the Mississippi River and Galveston Bay have shown that even double-hulled vessels are not protective in all accidents; and

WHEREAS, on January 28, 2014 New York State Governor Andrew Cuomo signed an Executive Order recognizing that crude oil transportation by rail car and river vessels present an ongoing major risk to New York Communities and the environment, shortly after two safety recommendations by the National Transportation Safety Board reached the same conclusion and called for major system-wide reforms;

NOW THEREFORE, BE IT RESOLVED, that the Philipstown Town Board 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, our economy and the environment of our region; and be it further

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

RESOLVED, that the Philipstown Town Board 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 Town Clerk of the Town of Philipstown is hereby authorized to and directed to send copies of this resolution to the United States Department of Transportation, the United States Environmental Protection Agency; U. S. Senator Charles E. Schumer, U. S. Senator Kristen E. Gillibrand, U. S. Congressmen Sean Patrick Maloney; New York State Governor Andrew Cuomo; New York State Department of Environmental Conservation (DEC) Commissioner Joe Martens, New York State Senator Sue Serino; and New York State Assembly member Sandra Galef.