

November 12, 2014

Philadelphia City Council President Darrell L. Clarke
City Hall
Philadelphia, PA 19107-3290

**Re: Trains carrying highly dangerous Bakken crude oil through the City –
Proposed Resolution**

Dear Council President Clarke,

We are a Coalition of organizations that represent City residents, workers, and members of active organizations who are very concerned about the movement of trains carrying Bakken crude oil through Philadelphia. We have been working with Councilmen Kenyatta Johnson and Curtis Jones to raise public awareness about the new dangers that these trains present and the actions we propose for City Council.

We have developed the draft of a resolution that we are requesting City Council adopt that would provide urgently needed protection for the City. We request that you, and interested members of City Council, meet with us to discuss the actions we propose in the resolution. This is a matter of urgency due to the risk of accidents, pollution or even catastrophe that would result in the event of a train mishap.

Explained more fully below, the transport by rail of crude oil through Philadelphia endangers the City because:

- Twice a day, mile long trains of highly volatile and flammable domestic crude oil carried in substandard tank cars rumble through Philadelphia;
- The largest customer in the nation for Bakken crude oil is located in Philadelphia and companies forecast the traffic will significantly increase in the next year;
- Accidents and explosions have increased since Bakken crude oil transport by rail has increased, resulting in loss of life, huge damages, and pollution releases;
- Philadelphia barely escaped disaster when a train with oil tank cars derailed, endangering the Schuylkill River and many Philadelphians in January this year;
- Hundreds of thousands of people are within the railway's ½ mile evacuation zone should there be a catastrophic derailment here like those that have occurred elsewhere;
- Recently proposed changes to crude-by-rail transportation standards don't require immediate upgrades and what is required doesn't make the oil trains safe;
- Philadelphia can take action to protect the City, outlined in the draft resolution, including improving emergency response planning.

Our concerns, in more depth, include:

- Two unit trains of approximately 120 tank cars carry Bakken Shale crude oil into Philadelphia every day¹ totaling up to 3.6 million gallons of oil on each train. Philadelphia is at risk every day due to the danger of pollution, accidents and explosion from oil trains.
- The National Transportation Safety Board (NTSB) found “...that DOT-111 tank cars are inadequately designed to prevent punctures or breaches and that the catastrophic release of hazardous materials can be expected when derailments involve DOT-111 cars”.² PHMSA, FRA, and the Association of American Railroads (AAR) agree with NTSB that the current DOT111 cars are inappropriate for Bakken crude and that tank car design must be improved and new standards included in regulation.³
- The Pipeline Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA) analyzed the Bakken crude oil, finding that the volatility level is high with “...a high gas content, low flash point, a low boiling point and high vapor pressure”⁴ so “...there is an increased risk of a significant incident involving this material due to significant volume that is transported, the routes and the extremely long distances it is moving by rail”.⁵ It is more likely to ignite and catch fire in an accident and the tank cars are prone to puncture and explode if derailed.
- As crude-by-rail traffic has increased, so have accidents, posing significant risks to life, property and the environment.⁶ One hundred and nineteen incidents involving crude-by-rail mishaps occurred in 2013.⁷ The most devastating was in Lac Megantic, Quebec where 47 people died and much of the town was blown up.⁸ In Philadelphia, the immediate blast zone includes South and Northwest Philadelphia, Children’s Hospital, Rittenhouse, the Art Museum District, University City, Logan Square, JFK Plaza, the Schuylkill River and many neighborhoods and city parks⁹.

¹ <http://www.csxcrudebyrail.com/index.cfm/resources/news/philadelphia-energy-solutions-and-csx-partner-for-refinery-direct-solution/>

² US Government Accountability Office, *OIL AND GAS TRANSPORTATION, Department of Transportation Is Taking Actions to Address Rail Safety, but Additional Actions Are Needed to Improve Pipeline Safety*, GAO-14-667, August 2014, Figure 8, p. 42. <http://www.gao.gov/products/GAO-14-667>, p. 40

³ *Ibid*, p. 42-43.

⁴ PHMSA and FRA, “Operation Safe Delivery”, 7.23.14, p. 16 <http://1.usa.gov/1uiDFPT>

⁵ *Ibid*.

⁶ <http://www.noticeandcomment.com/PHMSA-2012-0082-fdt-17619.aspx>

⁷ US Government Accountability Office, *OIL AND GAS TRANSPORTATION, Department of Transportation Is Taking Actions to Address Rail Safety, but Additional Actions Are Needed to Improve Pipeline Safety*, GAO-14-667, August 2014, p. 34. <http://www.gao.gov/products/GAO-14-667>

⁸ <http://tsb.gc.ca/eng/rapports-reports/rail/2013/R13D0054/R13D0054.asp>

⁹ <http://explosive-crude-by-rail.org/>

- These trains travel over 1500 miles from North Dakota, halfway across the nation, ending in the densely populated city of Philadelphia (population of 1.5 million) where hundreds of thousands of residents and workers are within the ½ mile evacuation zone. City Hall and millions of people are threatened by air and water pollution and other fallout should an oil train catastrophe occur.
- Philadelphia had a near disaster when a train derailed on January 20, 2014. Seven cars from a 101-car CSX freight train derailed on the Schuylkill Arsenal Railroad Bridge over the Schuylkill River, just above its confluence with the main stem Delaware River. Six of the cars were carrying crude oil. One of the oil tank cars dangled from the bridge for days before crews were able to right them. The rivers are the water supply source for the Greater Philadelphia region, serving 1.5 million residents.
- Philadelphia Energy Solutions (PES) in Philadelphia is the largest oil refining complex on the Eastern Seaboard, the largest crude-by-rail facility in the U.S., and the largest customer for crude oil produced from North Dakota's Bakken Shale, processing between 330,000 and 350,000 barrels of oil per day (bpd)¹⁰. PES, Monroe Refinery in Delaware County, PBF Refinery in Paulsboro, New Jersey, and the refinery at Delaware City, Delaware are together refining 862,000 bpd.¹¹ PES is reportedly increasing its oil refinery production this year, which is expected to increase crude-by-rail traffic in Philadelphia.
- According to PHMSA, more than 1.15 million gallons of crude oil was spilled from rail cars in over 35 tank car accidents in 2013, which is more oil than was spilled in the prior 37 years combined. When oil enters a stream or river, it can significantly harm water quality, contaminate drinking water, have human health effects, impose economic burdens and can negatively impact species and their habitat. Philadelphia's entire water supply is surface water vulnerable to this type of pollution.
- The volume of crude oil carried by rail increased nationally by 423% between 2011 and 2012 and continued to increase in 2013, surpassing 400,000 train carloads.¹²
- According to a letter from U.S. Senators, the increased production of Bakken crude oil has led to rushed expansion of rail transport.¹³ Bakken Shale oil

¹⁰ Greater Philadelphia Chamber of Commerce _ News_files <http://news.gpcc.com/2014/03/a-conversation-with-phil-rinaldi-of-philadelphia-energy-solutions/>

¹¹ <http://www.blankrome.com/index.cfm?contentID=37&itemID=3214>

¹² Notice of Proposed Rulemaking, Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains, USDOT, PHMSA, Docket No. PHMSA-2012-0082 (HN-251), July 2014, p. 5.

¹³ Letter from 16 U.S. Senators to U.S. Senate Committee on Appropriations Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies dated 4.4.2014.

production is expected to continue to increase from 1 million barrels of oil per day (MMb/d) to approx.1.4 MMb/d by 2016.¹⁴

- There have yet to be any changes made that would make a derailment less likely to occur again in Philadelphia and there is nothing to prevent a catastrophic accident similar to those that are occurring along the routes these dangerous trains travel. Recently proposed changes to federal regulations allow substandard tank cars to continue to be used for a period of time¹⁵ and don't provide the safety measures needed to protect communities through which these oil trains travel.
- Philadelphia City Council can take action that will help protect Philadelphians. Although much of the regulation of these oil trains is at the federal level, there are specific actions that City Council can take now to improve safety and help prevent a full blown disaster. The City needs to improve emergency response planning.

The organizations listed below respectfully request that City Council consider the attached Resolution that outlines the actions City Council needs to take to help provide a safe environment for the City, its residents, workers, and environment. We ask that Council approve this Resolution as soon as possible with a goal of working towards reducing the potential for pollution, accidents and disaster from the transportation of crude-by-rail and to improve emergency preparedness in Philadelphia.

Representatives from our organizations are happy to meet with you at any time. We respectfully request action as soon as possible since we consider the dangers imposed by the transport of crude by rail in Philadelphia to be urgent. We look forward to providing testimony and support at any hearings you schedule.

Thank you.

Sincerely,

Berks Gas Truth, Karen Feridun, Founder
Clean Air Council, Joseph Otis Minott, Esq., Executive Director
Clean Water Action, Mary Donahue, Program Organizer
Delaware Riverkeeper Network, Tracy Carluccio, Deputy Director
Pennsylvania Federation BMWED – Teamsters, Jed Dodd, General Chairman

¹⁴ <http://northdakotapipelines.com/us-williston-basin-oil-production/> and <http://northdakotapipelines.com/presentations/> August 7, page 2.

¹⁵ Notice of Proposed Rulemaking, Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains, USDOT, PHMSA, Docket No. PHMSA-2012-0082 (HN-251), July 2014 and US Government Accountability Office, *OIL AND GAS TRANSPORTATION, Department of Transportation Is Taking Actions to Address Rail Safety, but Additional Actions Are Needed to Improve Pipeline Safety*, GAO-14-667, August 2014.

Philadelphia Interfaith Power and Light, Mordechai Liebling
Protecting Our Waters, Iris Marie Bloom, Executive Director
Rising Tide Philly, Cynthia Bertrand Holub
Sierra Club Beyond Natural Gas, Robert Gardner, Campaign Representative
350.Org Philadelphia

Cc: Philadelphia City Council Members

Attachment: Proposed Resolution

A RESOLUTION related to crude oil transport by rail through Philadelphia and the Commonwealth of Pennsylvania; urging increased safety in tank car design and an immediate ban of USDOT 111 tank cars by the Federal Government; impact assessment of risks by state; railroad company restriction of crude oil transport through Philadelphia; and update of City emergency management and incident response plans to address the potential safety, environmental, and economic impacts of fossil fuel transport by rail, including disclosure of tank car schedules.

WHEREAS, the volume of crude oil carried by rail increased 423% between 2011 and 2012 and volumes continued to increase in 2013, as the number of rail carloads of crude oil surpassed 400,000. As crude-by-rail traffic has increased, so have accidents, posing significant risks to life, property and the environment.¹⁶ The most devastating was in Quebec where 47 people died.¹⁷ Even Philadelphia had a near disaster when a train derailed on January 20, 2014; and

WHEREAS, two unit trains of approximately 120 tank cars each carry domestic crude oil into Philadelphia every day from North Dakota's Bakken Shale¹⁸ which is potentially more volatile, corrosive and flammable than other types of crude oil¹⁹. The DOT111 tank cars that are used are not designed to carry this dangerous hazardous liquid and proposed changes to federal regulations allow these substandard cars to continue to be used for a period of time²⁰ and don't provide the safety measures needed; and

WHEREAS, Philadelphia Energy Solutions (PES) in Philadelphia is the largest oil refining complex on the Eastern Seaboard, the largest crude by rail facility in the U.S., and the largest customer for crude oil produced from North Dakota's Bakken Shale, processing between 330,000 and 350,000 barrels of oil per day (bpd)²¹. PES, Monroe Refinery in Delaware County, PBF Refinery in Paulsboro, New Jersey, and the refinery at Delaware City, Delaware are together refining 862,000bpd.²² The Philadelphia area is redeveloping as a hub for fossil fuel transport and refining, greatly expanding pipeline,

¹⁶ <http://www.noticeandcomment.com/PHMSA-2012-0082-fdt-17619.aspx>

¹⁷ <http://tsb.gc.ca/eng/rappports-reports/rail/2013/R13D0054/R13D0054.asp>

¹⁸ <http://www.csxcrudebyrail.com/index.cfm/resources/news/philadelphia-energy-solutions-and-csx-partner-for-refinery-direct-solution/>

¹⁹ <http://1.usa.gov/1uiDFPT>

²⁰ Notice of Proposed Rulemaking, Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains, USDOT, PHMSA, Docket No. PHMSA-2012-0082 (HN-251), July 2014 and US Government Accountability Office, *OIL AND GAS TRANSPORTATION, Department of Transportation Is Taking Actions to Address Rail Safety, but Additional Actions Are Needed to Improve Pipeline Safety*, GAO-14-667, August 2014.

²¹ Greater Philadelphia Chamber of Commerce _ News_files <http://news.gpcc.com/2014/03/a-conversation-with-phil-rinaldi-of-philadelphia-energy-solutions/>

²² <http://www.blankrome.com/index.cfm?contentID=37&itemID=3214>

storage and transportation infrastructure, exposing Philadelphia communities to increasing traffic and the threats this brings; and

WHEREAS, these trains endanger densely populated communities and business centers in Philadelphia including but not limited to South Philadelphia, Rittenhouse, the Art Museum District, University City, Northwest Philadelphia, and the Schuylkill and Delaware Rivers, threatening the health and safety of the thousands of residents that live and work within the blast zone and are exposed to hazardous air emissions from oil train traffic and idling on a daily basis and endanger the City's water supplies.²³

WHEREAS, increased production of domestic crude oil has led to rushed expansion of rail transport of Bakken and other crude oil and is expected to increase according to a letter from U.S. Senators to the Senate's subcommittee on transportation.²⁴ Bakken Shale oil production is expected to continue to increase from 1 million barrels of oil per day (MMb/d) to approx. 1.4 MMb/d by 2016²⁵, and yet rail infrastructure, such as the 25th Street bridge, is not keeping pace with the increased traffic; and

WHEREAS, the Philadelphia Office of Emergency Management has not highlighted any information about hazardous crude oil emergencies on their website and one of the "mass transit evacuation routes" on the City's evacuation route map runs five blocks east of and parallel to the faulty 25th Street Bridge.²⁶ Residents deserve to have access to all relevant information that will allow them to avoid high risk areas and prepare for an emergency evacuation to ensure the safety of their families and community;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF PHILADELPHIA:

Section 1. The City of Philadelphia strongly urges the U.S. Department of Transportation to increase federal tank car design and operation regulations for crude oil shipments and immediately ban DOT 111 tank cars and other older-model tank cars used to move flammable liquids that are not retrofitted to meet new federal requirements and the highest safety standards.

Section 2. The City of Philadelphia requests that the Governor of Pennsylvania, the Pennsylvania Department of Environmental Protection, and any other relevant state agencies refrain from permitting projects that would expand the capacity for fossil fuel transport (such as an increase in the number of trains carrying fossil fuels) through

²³ <http://thinkprogress.org/climate/2014/07/09/3457911/map-oil-train-blast-zone/>

²⁴ Letter from 16 U.S. Senators to U.S. Senate Committee on Appropriations Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies dated 4.4.2014.

²⁵ <http://northdakotapipelines.com/us-williston-basin-oil-production/> and <http://northdakotapipelines.com/presentations/> August 7, page 2.

²⁶ <http://oem.readyphiladelphia.org/evacuation#know>

Philadelphia until an assessment of the trains carrying these fuels on Philadelphia's public safety, environment, and economy is completed by the Commonwealth, and until the cumulative environmental and safety impacts of these projects are studied and addressed.

Section 3.The City of Philadelphia strongly urges CSX Transportation and other railroad companies that operate rail lines adjacent to the Delaware and Schuylkill Rivers, parks and playgrounds, schools, hospitals and densely populated communities to voluntarily halt the use of DOT 111 tank cars to transport crude oil and limit routes through Philadelphia's population centers.

Section 4.The City of Philadelphia requests that the Pennsylvania Emergency Management Agency and Philadelphia's Office of Emergency Management work together to proactively and fully disclose train schedules and routes to first responders and the public, initiate emergency response workshops specific to major oil train derailments in communities along the rails and review and update the City's emergency response plan, evacuation routes and hazardous materials response plan for the increasing risks imposed by the transport of crude oil by rail within sixty days of resolution adoption.
