

**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.<sup>1</sup> The most devastating was in Quebec where 47 people died.<sup>2</sup> 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 Shale<sup>3</sup> which is potentially more volatile, corrosive and flammable than other types of crude oil<sup>4</sup>. 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 time<sup>5</sup> 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)<sup>6</sup>. PES, Monroe Refinery in Delaware County, PBF Refinery in Paulsboro, New Jersey, and the refinery at Delaware City, Delaware are together refining 862,000bpd.<sup>7</sup> The Philadelphia area is redeveloping as a hub for fossil fuel transport and refining, greatly expanding pipeline,

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<sup>1</sup> <http://www.noticeandcomment.com/PHMSA-2012-0082-fdt-17619.aspx>

<sup>2</sup> <http://tsb.gc.ca/eng/rapports-reports/rail/2013/R13D0054/R13D0054.asp>

<sup>3</sup> <http://www.csxcrudebyrail.com/index.cfm/resources/news/philadelphia-energy-solutions-and-csx-partner-for-refinery-direct-solution/>

<sup>4</sup> <http://1.usa.gov/1uiDFPT>

<sup>5</sup> 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.

<sup>6</sup> Greater Philadelphia Chamber of Commerce \_ News\_files <http://news.gpcc.com/2014/03/a-conversation-with-phil-rinaldi-of-philadelphia-energy-solutions/>

<sup>7</sup> <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.<sup>8</sup>

**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.<sup>9</sup> 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 2016<sup>10</sup>, and yet rail infrastructure, such as the 25<sup>th</sup> 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 25<sup>th</sup> Street Bridge.<sup>11</sup> 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

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<sup>8</sup> <http://thinkprogress.org/climate/2014/07/09/3457911/map-oil-train-blast-zone/>

<sup>9</sup> 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.

<sup>10</sup> <http://northdakotapipelines.com/us-williston-basin-oil-production/> and <http://northdakotapipelines.com/presentations/> August 7, page 2.

<sup>11</sup> <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.