

**RESOLUTION OF THE
CITY OF MINNEAPOLIS**

By Reich, Palmisano, and Bender

Urging legislation to enhance freight rail safety.

Whereas, the transportation of crude oil in the United States, as reported by the Association of American Railroads has increased from 65,000 carloads in 2011 to 493,000 in 2014; and

Whereas, the transportation by rail of ethanol has increased nationally from approximately 70,000 railcars in 2005 to approximately 304,000 railcars in 2013 and of the 270,000 railcars hauling ethanol and originating in the United States, eight percent originated in Minnesota; and

Whereas, freight trains have been increasing in length and unit trains can now be a half mile to a mile long and can create significant emergency service response time delays when at grade crossings are blocked; and

Whereas, Minneapolis is one of the busiest rail hubs in the nation, including several hundred contiguous acres of rail activity at Northtown and Shoreham yards, and its geographic location along rail lines hauling Bakken crude from North Dakota, Tar Sands oil from Alberta, and ethanol from points to the west of Minneapolis, and, as reported by the Minnesota Department of Transportation, on average, seven oil-carrying trains pass through Minnesota daily, with as many as six through the Twin Cities. Each train carries on average 3.3 million gallons of oil among 110 loaded cars; and

Whereas, as the trains transporting oil and ethanol pass through residential neighborhoods and near schools, parks and commercial districts; and

Whereas, improvements to rail lines in Greater Minnesota have resulted in the rerouting of 11 to 23 oil trains each week through the western suburbs and Minneapolis, and

Whereas, the rerouted oil trains pass not only additional Minneapolis residential neighborhoods, but also through Downtown, by Target Field and Target Center, and cross the Mississippi River; and

Whereas, 326,000 Minnesota residents live within one-half mile of train routes and tracks that carry crude oil and ethanol, and thereby live in an evacuation zone that would be impacted by an explosion and/or fire involving an oil or ethanol train; and

Whereas, the rerouting of oil trains through Minneapolis downtown and neighborhoods, puts an additional 99,000 Minnesotans at risk; and

Whereas, at least six cities in the U.S. and Canada have had fires and explosions since 2013 involving trains transporting oil; and

Whereas, railroads, as common carriers, transport numerous commodities including oil and ethanol and are primarily responsible for costs related to accidents and the availability of insurance to pay for railroad incidents has been limited; and

Whereas, the Minnesota Department of Transportation(MNDoT) has completed a Report on the Improvements to Highway - Rail Grade Crossings and Rail Safety for rail corridors transporting Bakken Crude oil and identified 683 rail-highway crossings along 700 miles of the corridors; and

Whereas, the MNDoT report contains a listing of the recommended safety improvements for at grade crossings and priority grade separation projects; and

Whereas, the legislature has approved \$2.0 million to improve 9 of the 683 at grade crossings and MNDoT has identified a funding gap of \$243.67 million for 15 high-priority grade separation projects throughout the state; and

Whereas, there are 330 railroad bridges that pass over public highways and streets in Minnesota and 38 are located in Minneapolis and the inspection reports of the railroads are not shared with state and local governments; and

Whereas, state and local bridge inspectors including Minneapolis officials have raised concern about the structural integrity of the bridges and have been unable to obtain inspection reports; and

Whereas, the National Transportation Safety Board has advised that transportation of crude oil and ethanol by rail in densely populated areas poses specific dangers; and

Whereas, older model (DOT-111) tank cars full of crude oil will still be allowed on rail lines passing through Minneapolis for at least two more years, despite the fact that they have a “high incidence of failure during accidents” and “can almost always be expected to breach in derailments that involved multiple car-to-car impacts,” according to a 2012 Railroad Accident Report from the National Transportation Safety Board; and

Whereas, on May 15, 2015, the U.S. Department of Transportation with assistance from its agencies- the Pipeline and Hazardous Materials Safety Administration and the Federal Railway Administration-, the U.S. Department of Energy and the U.S. Environmental Protection Agency after approximately one year of development issued a final rule for the safe transportation of flammable liquids including oil and ethanol; and

Whereas, the final rule is intended to reduce the risk of an incident involving trains transporting oil and ethanol and other hazardous liquids and includes several requirements, including enhanced standards for new and existing tank cars for use in a high hazardous, flammable train (HHFT); improved braking systems to mitigate damage in derailments; reductions in operating speeds of trains transporting oil, ethanol and similar cargoes and procedures and criteria to assess the risk of routes for HHFTs; and

Whereas, a HHFT is a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed through a train; and

Whereas, The U.S. Conference of Mayors adopted a resolution entitled “Keeping Communities Safe Through Comprehensive Actions to Improve Rail Safety,” which calls for specific additional steps to be taken by the federal government to keep our communities safe including:

- Urging the U.S. Department of Energy to accelerate its timeline for completion of a study concerning how crude oil properties affect its combustibility in rail accidents and U.S.

Department of Transportation to set appropriate federal crude oil volatility regulations based on the results of this study;

- Calling on the Department of Transportation and the Department of Homeland Security to work directly with Mayors, other local leaders and State officials to create clear, timely and thorough communication protocols between railroads and local responders;
- Urging Congress to expand investments in freight rail infrastructure for projects that build safer, more reliable tracks and routes, particularly investments in at-grade crossings and rail tunnels and provide adequate funding for first responder training and equipment to respond to and mitigate the unique hazards these shipments present;
- Urging railroads, crude oil shippers, and tank care lessors to accelerate both the introduction of rail cars that meet the strongest safety standards and phase outs for unsafe rail cars; and

Whereas, the federal government has primary jurisdiction to regulate railroad use and therefore has the most influence and authority to mitigate the potential consequences associated with oil train accidents;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis urges the Congress to enact legislation that would enhance railroad safety and reduce risk and urges the U.S. Department of Transportation to adopt rules that enhances railroad safety and decreases risk. Among the actions that the federal government can take are:

- Require that the phase-out of the older model tank cars (DOT-111s) apply to not only HHFTs but all trains with tank cars;
- Require that the thermal protection standard for new and retrofitted tank cars provide first responders adequate time to react to an incident;
- Require that carriers make oil train information available to local first responders so that they are aware when such trains are traveling through their communities; and
- Provide state and local officials access to inspection reports for private bridges owned by the railroads.
- Approve a study to determine the feasibility of rerouting trains hauling crude oil, ethanol, and other high hazard, flammable materials away from residential areas.
- Develop with state and local governments clear, timely and thorough communication protocols between railroads and local responders.
- Provide additional funding to state and local governments to improve highway-rail crossings.
- Continue to monitor and assess the May 1, 2015, final rule to determine if additional measures are needed to reduce the risk of transporting oil and ethanol by rail and if the rules need to address issues such as speed by geographic area (urban, rural, residential, open space).
- Have the U.S. Department of Transportation, in consultation the Federal Railway Administration, the National Transportation Safety Board, the Surface Transportation Board, , the railroads and shippers develop minimum insurance requirements for railroads transporting oil and ethanol and/or propose fees for shippers of oil and ethanol and owners of tank cars that would be held in a fund to be used to help pay cleanup costs of an incident.
- Request that Federal agencies such as the Federal Railway Administration, the Pipeline and Hazardous Materials Administration, the U.S. Environmental Protection Agency, and the Surface Transportation Board, establish safety standards specific to densely populated areas and enable local jurisdictions to be active in reviewing and enforcing those standards.

Be It Further Resolved, that the City of Minneapolis invites railroad companies hauling crude oil, ethanol, and other high hazard, flammable materials within the City of Minneapolis, to have regularly scheduled discussions with city officials that can lead to better communication and coordination and problem resolution with the City Council, Mayor, emergency management personnel, and the public including but not limited to the following:

- Development of procedures and plans for the railroads and City of Minneapolis and its partners to respond to an incident, including the worst case scenario, involving the transport of hazardous materials by train.
- Establishment of an ongoing communication process between the railroads and first responders related to the transportation of hazardous materials, oil and ethanol.
- Plans to offer training to respond to a hazardous substance, oil or ethanol incidents as required by Minnesota Statutes 115E.042 sub.2 and as recommended by the U.S. Secretary of Transportation.
- Information pertaining to railroad bridge conditions and inspections, and remedial action plans for all railroad bridges including those that cross the Mississippi River within the City of Minneapolis.
- A process to allow the city within a reasonable amount of time prior to the start of construction for new or expanded railroad facilities within the City to review site plans, consistent with standard project review, so that city and its partners will be aware of the project and potentially have the ability to prepare to respond to an incident and to encourage compliance with city codes and ordinances.
- Procedures to reimburse for public safety and emergency management response to explosions, spills and fires resulting from the transport of hazardous materials by train within the City.
- Scheduling of trains transporting oil, ethanol and other hazardous materials so as not to travel in close proximity to Target Field or Target Center during events at these venues.
- Evidence of insurance coverage and liability limits for explosions, spills and fires within the City.
- Copies of emergency planning documents and worst case spill scenarios required under Minnesota Statutes 115 E.

Be It Further Resolved that the City of Minneapolis urges the Minnesota Legislature to:

- Authorize funding primarily from the railroads for improvements to at-grade railroad crossings and for grade separation projects so that public safety and public safety response time is reduced.
- Urge the Minnesota Pollution Control Agency to expedite public disclosure of worst case scenario oil spill response plans.