



Seattle City Council

November 24, 2014

Scott Ferguson, Prevention Section Manager
Spill Prevention, Preparedness & Response Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Subject: Public Comments for the 2014 Marine and Rail Oil Transportation Study

Dear Mr. Ferguson,

Thank you for the opportunity to comment in response to the recent Washington State Department of Ecology Marine and Rail Oil Transportation Study - Preliminary Findings and Recommendations. The Seattle City Council appreciates Governor Inslee's leadership in taking action to address the rapid changes in crude oil transportation in our State. This letter outlines Seattle City Council's concerns and offers recommendations for Ecology and Governor Inslee to consider moving forward.

We understand that you have already received comments on behalf of the City from Assistant Chief Vickery of the Seattle Fire Department, as well as Councilmember Rasmussen, in his capacity as Chair of the Council's Transportation Committee. These comments underscore the recognition that Seattle bears great risk to public safety, health, and the environment from increased oil transport by rail. On July 24, 2014, this risk came into sharp focus when several tank cars derailed in Seattle under the Magnolia Bridge.

While the accident did not result in any injury or oil spillage, many other recent derailments have caused explosions and multiple deaths. An oil train accident that results in fire, explosion and/or spill in Seattle would be catastrophic for our community in terms of risk to life, property, and the environment. Such an event would also pose considerable risk to emergency first responders in the short-term and potentially devastating economic consequences for the City and region in the long-term. Seattle residents and other municipalities currently bear the costs and risks of oil transport through the city, while railroad and oil companies reap the financial benefits.

Many of the measures recommended in the report require additional funding to implement. We support the recommendation to modify the railroad regulatory fee structure to help mitigate and respond to the risk of oil transport accidents. For example, the transport of oil by rail should be subject to the same requirements for oil spill contingency plans that currently apply to oil spills at transfer stations and marine oil spills. Currently, RCW Chapter 90.56 excludes rail carriers from its requirements. In addition, the oil spill prevention and oil spill response accounts maintained pursuant to RCW Chapter 90.56 should be funded by rail carriers in the same manner as other facilities that handle bulk oil transfers, to the fullest extent allowable under Federal law.

In the event of a severe accident, rail carriers should also carry liability insurance at a level that reflects the dangers posed by the transport of bulk oil by rail. Currently, RCW Chapter 88.40 requires specific levels of liability insurance for the transport of oil by marine vessel, but excludes

City Hall, 600 Fourth Avenue, Floor 2, PO Box 34025, Seattle, Washington 98124-4025
(206) 684-8888 Fax: (206) 684-8587 TTY: (206) 233-0025

<http://www.seattle.gov/council>

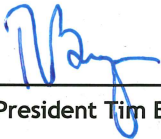
An EEO employer. Accommodations for people with disabilities provided upon request.

rail carriers from the same requirement. We support the recommendation in the report to amend RCW 88.40 and extend financial responsibility requirements to rail carriers, to the fullest extent allowable under Federal law.

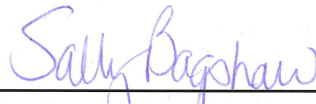
In addition to supporting measures that would transfer the increased costs and financial risk of oil transport to the rail companies, we urge Governor Inslee to take bold steps to limit the capacity of refineries to receive oil-by-rail shipments. Allowing for the expansion of oil refineries to receive product via rail will result in significantly higher volumes of crude oil traveling through our City, and correspondingly a higher risk to public safety, health, and the environment.

Residents of Seattle and Washington are demanding that their elected leaders protect them from the dangers of transporting fossil fuels running through Seattle and other Washington communities every day. We applaud this study as a first step towards addressing the significant adverse impacts of petroleum transport, and we look forward to continuing to work with the State on this matter.

Sincerely,



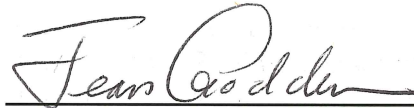
Council President Tim Burgess



Councilmember Sally Bagshaw



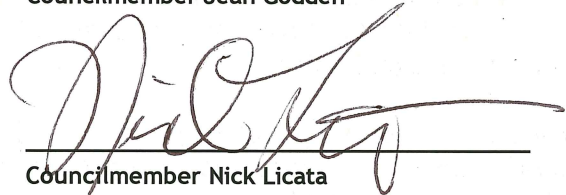
Councilmember Sally Clark



Councilmember Jean Godden



Councilmember Bruce A. Harrell



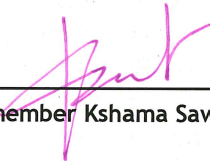
Councilmember Nick Licata



Councilmember Mike O'Brien



Councilmember Tom Rasmussen



Councilmember Kshama Sawant