

**TOWN OF PERU  
TOWN BOARD MEETING  
April 27, 2015**

Resolution No. \_\_\_\_\_

**Addressing Safe Rail Transport  
Of Crude Oil in New York State**

**WHEREAS**, the Town of Peru is encouraged by the many actions the State of New York has taken as a result of Executive Order 125, which directed state agencies to conduct a coordinate review of NYS crude oil incident prevention and response capacity; and

**WHEREAS**, upon its review of “The Transporting Crude Oil in New York State: A Review of Incident Response and Prevention Capacity in December of 2014,” the *Clinton County Oil Train Task Force* acknowledges the State’s extensive, appropriate actions to monitor and improve the safe transport of oil by rail and supports its recommendations for further action; and

**WHEREAS**, the State of New York, in the aforementioned document, recognizes that the railroad and oil producers must act to protect New Yorkers; therefore, BE IT

**RESOLVED** that the Town of Peru urges the railroad and oil producers act to protect New Yorkers by taking the following actions recommended by the State of New York.

1. Because the dissolved gases in Bakken crude contributed to the severity of the Lac-Megantic incident, *crude oil producers should invest in critical equipment that would reduce the volatility of Bakken crude.*
2. Crude oil producers, railroads, shippers, storage, trans-loading facilities, and out of state refineries who profit from the industry boom, *must take responsibility to commit to the highest possible standards to insure safe operations.*
3. Global Partners announced that it would phase out the use of unsafe DOT 111 tankers in favor of CPC 1232, which provide some additional protections. However, in the April 30, 2014, incident at Lynchburg, Virginia, CPC 1232 cars were breached along with DOT-111 tankers. We agree with the State’s conclusion that *finalizing the new federal tank car standard for high-hazard flammable trains is an urgent problem that should be of the highest priority in order to safeguard our communities. In addition, we request that the industry commit to voluntary actions regarding safer standards while federal regulations are finalized.*
4. Class I railroads should *finalize the implementation of a web-based information access system to provide real-time information about hazardous materials to affected municipalities and their first responders.*
5. The rail and oil production industry should *clarify a commitment to expand community engagement requirements outlined but not explained in the voluntary measures taken by the railroads.*
6. Class I railroads should *conclude their computer model-based route risk analysis which accounts for 27 factors affecting the transportation of hazardous material; and*

**BE IT FURTHER RESOLVED**, that the the *Clinton County Oil Train Task Force* shall send copies of this Resolution to Federal Department of Transportation, Federal Railroad

Administration, Pipeline and Hazardous Materials Safety Administration, National Transportation Safety Board, Amtrak, CSX Transportation, Canadian Pacific Rail, United States Department of Transportation Secretary Anthony Foxx, U.S. Senator Charles E. Schumer, U.S. Senator Kristin Gillibrand, U.S. Congress Member Elise Stefanik, New York State Governor Andrew Cuomo, New York State Department of Transportation Commissioner Joan McDonald, New York State Department of Environmental Conservation Commissioner Joe Martins, New York State Emergency Management Office, New York State Senator Betty Little, and New York State Assembly Member Janet Duprey.

**Motion:**

**Seconded by:**

**Discussion:**

<b>Roll Call:</b>		<b><u>YES</u></b>	<b><u>NO</u></b>
	<b>Kregg Bruno</b>		
	<b>James Douglass</b>		
	<b>Peter Glushko</b>		
	<b>Donald McBrayer</b>		
	<b>Brandy McDonald</b>		

**Carried:**

**TOWN OF PERU  
TOWN BOARD MEETING  
April 27, 2015**

**Resolution No.**

**Federal Support to Address Transporting  
Crude Oil in New York State**

WHEREAS, some of the most volatile crude oil extracted is being transported along railroads bound for distribution from Albany and destined for East Coast ports and refineries; and

WHEREAS, more than 400,000 carloads of crude oil were transported in this country in 2013, compared to 9,500 carloads in 2008, and a substantial proportion of the most volatile crude oil is transported through New York State and adjacent to sensitive ecosystems; and

WHEREAS, Albany County has seen significant increases in crude oil transported into the Albany Port facilities and recently Albany County issued a moratorium on the expansion of the processing of crude at the Port of Albany due to concerns related to potential conditions detrimental to the public health and safety of the residents of Albany County associated with crude oil being shipped into and processed at Albany Port Global Partners petroleum facilities; and

WHEREAS, more than thirty, unit trains, each hauling upwards of 300,000 gallons of crude oil, travel weekly through communities along Lake Champlain, through sensitive environmental resources, through dense population centers, and adjacent to sewage treatment plants, residences, and businesses; and

WHEREAS, there have been tragic losses of lives and properties over the past few years as trains transporting Bakken crude have derailed, and these derailments are occurring with increasing and shocking frequency as more oil is moved by rail; and

WHEREAS, since December 2013, New York State has experienced a number of train derailments and it is only a matter of time before a county in the state experiences the effects of a derailment, which could result in an explosion and/or a significant oil spill; and

WHEREAS, crude oil from the Bakken shale deposits has been proven to be explosive and corrosive, and now crude from tar sands is also being transported which has different physical characteristics than Bakken crude but never-the-less are dangerous to human safety and the environment, thus making appropriate protection of public safety and environmental health, as well as spill response and remediation essential; and

WHEREAS, on January 28, 2014, New York State Governor Andrew Cuomo signed Executive Order 125 acknowledging that crude oil transportation by rail car and river vessels presents an unacceptable risk to communities in New York; and

WHEREAS, the National Transportation Safety Board reached the same conclusion and recommended major reforms to the rail oil transportation system; and

WHEREAS, both the DOT-111 cars and newer cars meeting the higher standard CPC-1232 present unacceptable dangers for which no community could adequately prepare, therefore now be it

RESOLVED, the Town of Peru of recognizes that crude oil from the Bakken region and heavy crudes cannot be transported safely by rail without creating a significant risk for the residents and environment in our region; and, be it further

RESOLVED the Town of Peru urges both the federal Department of Transportation and the Department of Energy to work together to develop new regulations that require the stabilization of crude oil prior to shipment; and, be it further

RESOLVED, the Town of Peru urges the Federal Railroad Administration to effectively reduce the speed of trains transporting crude oil through our communities in New York State; and, be it further

RESOLVED, the Town of Peru urges Federal and State regulators to address known, unacceptable weaknesses of the DOT-111 and CPC-1232 railcars; and, be it further

RESOLVED, the Town of Peru urges United States Department of Transportation Secretary Anthony Foxx to issue an order banning the use of class DOT-111 cars for transporting crude oil under authority granted him by Title 49 of the United States Code, section 20104(a)(1); and, be it further

RESOLVED, the Town of Peru urges the Federal Department of Transportation, the Federal Railroad Administration, and the Pipeline and Hazardous Materials Safety Administration to implement recommendations by the National Transportation Safety Board for crude oil transport by rail and to require the transporters to develop a fully vetted comprehensive response/recovery plan for all railcars transporting crude oil; and, be it further

RESOLVED, the Town of Peru urges the National Transportation Safety Board to conduct forums to update the public on regional train safety, spill response, rail operations, and public notification plans for all energy-by-rail transportation; and, be it further

RESOLVED, that the *Clinton County Oil Train Task Force* shall send copies of this Resolution to Federal Department of Transportation, Federal Railroad Administration, Pipeline and Hazardous Materials Safety Administration, National Transportation Safety Board, Amtrak, CSX Transportation, Canadian Pacific Rail, United States Department of Transportation Secretary Anthony Foxx, U.S. Senator Charles E. Schumer, U.S. Senator Kristin Gillibrand, U.S. Congress Member Elise Stefanik, New York State Governor Andrew Cuomo, New York State Department of Transportation Commissioner Joan McDonald, New York State Department of Environmental Conservation Commissioner Joe Martins, New York State Emergency Management Office, New York State Senator Betty Little, and New York State Assembly Member Janet Duprey.

**Motion:**

**Seconded by:**

**Discussion:**

<b>Roll Call:</b>		<b>YES</b>	<b>NO</b>
<b>Excused</b>	<b>Kregg Bruno</b>		
	<b>James Douglass</b>	<b>X</b>	
	<b>Peter Glushko</b>	<b>X</b>	
	<b>Donald McBrayer</b>	<b>X</b>	
	<b>Brandy McDonald</b>	<b>X</b>	

**Carried:**

**TOWN OF PERU  
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April 27, 2015**

Resolution No. \_\_\_\_\_

Transporting Crude Oil in New York State

**WHEREAS**, the Town of Peru is encouraged by the many actions the State of New York has taken as a result of Executive Order 125, which directed state agencies to conduct a coordinated review of NYS crude oil incident prevention and response capacity; and

**WHEREAS**, upon its review of “The Transporting Crude Oil in New York State: A Review of Incident Response and Prevention Capacity in December of 2014,” the *Clinton County Oil Train Task Force* acknowledges the State’s extensive, appropriate actions to monitor and improve the safe transport of oil by rail and supports its recommendations for further action; and

**WHEREAS** of sixty-six actions taken to better prepare state and local responders in the event of a crude oil incident, the State acknowledges that full implementation of a number of other recommendations is necessary; therefore, be it

**RESOLVED**, that the Town of Peru urges the State of New York to continue its efforts to safeguard the public and environment along the affected railroad routes in our municipality as well as others throughout the state by following through on actions the State has identified in the aforesaid document as cited below:

1. Continue to create a pool of applicants for oil train inspectors through Civil Service exams in order to expedite hiring necessitated by retirement or resignation. It is essential that no time be lost when there is an opening in those positions.
2. Since limits are currently set regarding how much can be recovered from those responsible for an accident, the Navigation Law should be amended to enable greater Oil Spill Fund program capabilities. These funds are essential if we are to protect our people and precious natural resources in the event of a spill.
3. Increase preparedness-training opportunities.
4. Develop and open a one-stop web portal that provides access to emergency points of contact, training, grants, and other preparedness and response resources by the end of the year.
5. Develop a geographically tiered network of available response equipment that would enable rapid response in sharing those resources.
6. Since Geographic Response Plans (GRPs) are vital to responding to an incident, and since the EPA has obligated funding to update response plans and the United States Coast Guard has expedited updates, the New York State Comptroller is urged to release funds to pay for the State’s portion for the development of GRPs.

And, be it further

**RESOLVED** that the Town of Peru encourages NYS to continue an aggressive NYSDOT rail safety inspection program of the rail tracks and tank car equipment that includes tenacious enforcement of applicable regulations affecting train crews and all rail transport of crude oil and other hazardous materials; and, be it further

**RESOLVED** that the Town Board encourages NYS to continue an aggressive NYSDOT rail safety inspection program of the rail tracks and tank car equipment that includes tenacious enforcement of applicable regulations affecting train crews and all rail transport of crude oil and other hazardous materials; and, be it further

**RESOLVED** that the *Clinton County Oil Train Task Force* shall send copies of this Resolution to Federal Department of Transportation, Federal Railroad Administration, Federal Pipeline and Hazardous Materials Safety Administration, National Transportation Safety Board, Amtrak, CSX Transportation, Canadian Pacific Rail, United States Department of Transportation Secretary Anthony Foxx, U.S. Senator Charles E. Schumer, U.S. Senator Kristin Gillibrand, U.S. Congress Member Elise Stefanik, New York State Governor Andrew Cuomo, New York State Department of Transportation Commissioner Joan McDonald, New York State Department of Environmental Conservation Commissioner Joe Martins, New York State Emergency Management Office, New York State Senator Betty Little, and New York State Assembly Member Janet Duprey.

**Motion:**

**Seconded by:**

**Discussion:**

<b>Roll Call:</b>		<b>YES</b>	<b>NO</b>
<b>Excused</b>	<b>Kregg Bruno</b>		
	<b>James Douglass</b>	<b>X</b>	
	<b>Peter Glushko</b>	<b>X</b>	
	<b>Donald McBrayer</b>	<b>X</b>	
	<b>Brandy McDonald</b>	<b>X</b>	

**Carried:**