

Legislative Proposal Request Form

Title

Concerning Oil Transportation Safety (HB 1449)

Sponsor(s)

As Environmental and Sustainability Programs/WWU Students for Renewable Energy

Describe the issue

While in the past, 90% of the crude oil for Washington's refineries came by tanker from Alaska and other sources, there is an increasing shift towards other modes of transportation, including by rail and to pipeline. Crude by rail transportation has increased dramatically in the last three years, reflecting the unprecedented trend across the nation and neighboring Canada. But since 2012, nearly a dozen plans have emerged to ship crude oil by train to Northwest refineries and port terminals. Moving large quantities of oil by rail would be a major change for the Northwest's energy economy, but so far the proposals have largely escaped notice.

There are particular concerns about the types of oil being transported - Bakken crude - due to its potential volatility and public safety hazards.

These hazards came to light in a tragic rail accident in Quebec in which 47 people lost their lives as crude by rail tank cars derailed and burned. There is also a trend towards more transportation by rail and vessel of diluted bitumen in its various forms. This oil raises particular concern with respect to potential spill impacts and response issues related to its potential propensity to submerge or sink. This oil also has a relatively high content of toxic polynuclear aromatic hydrocarbons (PAHs).

Why should Western work on it?

Oil by rail projects, especially if resulting in exports, would harm the WWU community by conflicting with the planned WWU waterfront facilities and programming; by decreasing access, health, safety, and quality of experience of students at the proposed WWU waterfront facilities and by putting at risk the renowned sustainability of Bellingham and WWU that attracts prospective students. The proposals present considerable risk from numerous impacts from any serious accidents, spills or adverse events that would affect all residents of Bellingham including the WWU community.

WWU and the AS have both made commitments to help decrease its reliance on fossil fuels, and allowing the unchecked expansion of oil-by-rail is inconsistent with those long term goals. WWU has committed in its Strategic Plan "to demonstrate engaged excellence in environmental stewardship and sustainable practices through our programs, scholarship, and actions." WWU is also signatory to the President's Climate Commitment, stating that "we believe colleges and universities must exercise leadership in their communities and throughout society by modeling ways to minimize global warming emissions," and has demonstrated

that commitment in the past by launching the Office of Sustainability, which fosters "a sustainable WWU protects local and global ecology, upholds social equity, creates economic vitality, and maintains human health."

There is considerable precedent for the AS to advance these goals also. The Associated Students has pledged in its Mission Associated Students of Western Washington University Board of Directors Statement and Strategic Plan to be "a collaborative environment where faculty, staff, and students contribute to the mission of the University," and its that the objective of the Associated Students is, "to ensure student representation in decisions that impact students." In the Charge and Charter of ASWWU, the AS is committed as "as the primary representative of students shall make every effort to meet the needs and concerns of students," which includes the public safety risks and climate justice concerns presented by a massive, unchecked expansion in the transport of dangerous crude oil by rail.

What is the solution?

There also needs to be responsibility for who pays for the oil spills and recovery. There needs to be more work done to prevent oil spills with new technology and safer practices.

What are you advocating for?

HB 1449/SB 5087 Concerning Oil Transportation Safety has passed, but we will be advocating that strict enforcement will be implemented, and stronger bills be put in place.

Who do you have as support so far?

The legislation was introduced at the request of Governor Jay Inslee and is sponsored in the Senate by Senators Rolfes, Ranker, McCoy, Billig, Cleveland, Jayapal, Darneille, Conway, Chase, Hasegawa, Lias, Hargrove, Pedersen, Keiser, Fraser, Kohl-Welles, Habib, Nelson, Frockt, McAuliffe and Representatives Farrell, Carlyle, Fitzgibbon, Ortiz-Self, Peterson, Walkinshaw, Gregerson, Senn, McBride, Robinson, Tarleton, Pollet, Cody, Ormsby, Riccelli, Kagi, Blake, Fey, Hudgins, Lytton, Bergquist, Sells, Takko, Tharinger, Jinkins, Wylie, S. Hunt, Stanford, Reykdal, Sawyer, Appleton, Van De Wege, Clibborn, Ryu, Goodman, Kilduff. Countless cities and municipalities have expressed concern over oil rail safety and have passed resolutions expressing concerns. Some of those cities and counties include: Olympia, Seattle, and Bellingham. Various tribes such as the Quinault Nation and the Columbia River Inter-Tribal Fish Commission also express their concern over current safety standards. The Port of Olympia, The Washington State Council of Fire Fighters, and the Columbia River Gorge Commission have all indicated support for increased safety measures as well.

Who needs to be moved/potential opposition?

The legislation for Oil Transportation Safety historically has been blocked by Senator Doug Ericksen by failing to schedule previous bills for a hearing in the Senate Environment Committee. Improving oil transportation safety is nominally supported by

the oil industry and its lobbyist organization, the Western States Petroleum Association, but they oppose this specific proposal.

Provide any legislative background and context for the issue. *(Has this issue been worked on recently, how far did it get, other legislative history, where is the public at with issue, etc.)*

In April 2014, the Washington State Legislature directed and funded the Department of Ecology (Ecology), in consultation with the Utilities and Transportation Commission (UTC), Washington

Military Department's Emergency Management Division (EMD), the Federal Railroad Administration (FRA), and the Department of Transportation (WSDOT), to conduct a study on marine and rail oil transportation. In June 2014, Governor Inslee issued an Oil Transport Directive to Ecology to act more swiftly to assess the safety of oil transportation in Washington and to provide recommendations sooner.

The Legislature's and the Governor's action is driven by the rapid changes in how crude oil is moving through rail corridors and over Washington waters, creating new safety and environmental risks. With this in mind, this study has focused on developing recommendations to foster public health and safety, environmental protection, and respect for tribal treaty rights. The 2014 Washington Marine and Rail Oil Transportation Study was designed to analyze existing information to determine the best way forward for legislative, regulatory, and budgetary actions that will maximize protection of public safety and the protection of the environment,

Tribal Treaty rights, and the State's natural and economic resources, given a continuously changing future pattern of crude oil transport. The Study identified gaps in information and recommends future analyses to fill those gaps in understanding to better serve the citizens of Washington. The initial report included the preliminary findings and recommendations for the

Marine and Rail Oil Transportation Study as directed by the Legislature's Budget Proviso (ESSB 6002)¹ and Governor's Directive 14-062 of June 11, 2014. A public hearing was held in late October in Olympia to seek public input on the draft Study, and almost 1,000 people attended with over 300 signed up to testify. Comments received during this process were considered in developing recommendations.

In the Legislative 2015 session, the HB 1449/SB 5087 Concerning Oil Transportation Safety was passed, but will need strong support from legislators and constituents to be strictly implemented and to further current oil transportation safety standards.

Sources used:

Washington State Bill Analysis, HB 1449:

<http://lawfilesexternal.wa.gov/biennium/2015-16/Pdf/Bill%20Reports/House/1449%20HBA%20ENVI%2015.pdf>

Department of Ecology, Washington State Marine and Oil Transportation Study

WWU Office of Sustainability, WWU Sustainability Goals and

Commitments: <http://www.wvu.edu/sustainability/commitments/>

ASWWU Bylaws, Charge and Charter

Sightline Institute, The Northwest's Pipeline on Rails:

<http://www.sightline.org/research/the-northwests-pipeline-on-rails/>