

Introduced by: Councilmembers Clarke and Reisinger

Prepared by: Department of Legislative Reference

*Cohen, Henry*  
*DORSEY*  
*Stokes*  
*Bullard*  
*Pinkett*  
*Steele*  
Date: October 11, 2019

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-050

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Prohibiting Crude Oil Terminals**

FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City; defining a certain term; and generally relating to crude oil terminals.

BY repealing and reordaining, with amendments

Article 32 - Zoning  
Section(s) 1-218  
Baltimore City Code  
(Edition 2000)

BY adding

Article 32 - Zoning  
Section(s) 1-304(v-1)  
Baltimore City Code  
(Edition 2000)

*Handwritten signatures:*  
*R. DORSEY*  
*Henry Bullard*  
*Steele*  
*Stokes*  
*Clarke*  
*Reisinger*  
*Bill H.*  
*Clarke*

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

- |  |   |
|--|---|
| <input type="checkbox"/> Baltimore City Public School System             | <input type="checkbox"/> Department of Public Works               |
| <input type="checkbox"/> Baltimore Development Corporation               | <input type="checkbox"/> Department of Real Estate                |
| <input checked="" type="checkbox"/> City Solicitor                       | <input type="checkbox"/> Department of Recreation and Parks       |
| <input type="checkbox"/> Comptroller's Office                            | <input checked="" type="checkbox"/> Department of Transportation  |
| <input type="checkbox"/> Department of Audits                            | <input type="checkbox"/> Fire Department                          |
| <input type="checkbox"/> Department of Finance                           | <input type="checkbox"/> Health Department                        |
| <input type="checkbox"/> Department of General Services                  | <input type="checkbox"/> Mayor's Office of Employment Development |
| <input type="checkbox"/> Department of Housing and Community Development | <input type="checkbox"/> Mayor's Office of Human Services         |
| <input type="checkbox"/> Department of Human Resources                   | <input type="checkbox"/> Mayor's Office of Information Technology |
| <input type="checkbox"/> Department of Planning                          | <input type="checkbox"/> Office of the Mayor                      |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Police Department                        |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Other: _____                             |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Other: _____                             |

**Boards and Commissions**

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Estimates                                  | <input type="checkbox"/> Environmental Control Board                |
| <input type="checkbox"/> Board of Ethics                                     | <input type="checkbox"/> Fire & Police Employees' Retirement System |
| <input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals    | <input type="checkbox"/> Labor Commissioner                         |
| <input type="checkbox"/> Comm. for Historical and Architectural Preservation | <input type="checkbox"/> Parking Authority Board                    |
| <input type="checkbox"/> Commission on Sustainability                        | <input checked="" type="checkbox"/> Planning Commission             |
| <input type="checkbox"/> Employees' Retirement System                        | <input type="checkbox"/> Wage Commission                            |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____                               |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____                               |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____                               |

CITY OF BALTIMORE  
ORDINANCE **18-110**  
Council Bill 17-0150

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Introduced by: Councilmembers Clarke, Reisinger, Cohen, Henry, Bullock, Pinkett, Dorsey,  
Middleton, Burnett, Sneed, Stokes  
Introduced and read first time: October 16, 2017  
Assigned to: Land Use and Transportation Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: February 26, 2018

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**AN ORDINANCE CONCERNING**

**Zoning – Prohibiting Crude Oil Terminals**

FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City;  
defining a certain term; and generally relating to crude oil terminals.

BY repealing and reordaining, with amendments

Article 32 - Zoning  
Section(s) 1-218  
Baltimore City Code  
(Edition 2000)

BY adding

Article 32 - Zoning  
Section(s) 1- 304(v-1) and 1-304(v-2)  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**  
Laws of Baltimore City read as follows:

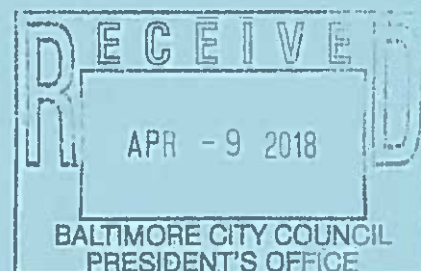
**Baltimore City Code**

**Article 32. Zoning**

**Title 1. General Provisions**

***Subtitle 2. Rules of Interpretation***

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.



**Council Bill 17-0150**

**§ 1-218. Uses prohibited citywide.**

(a) *Application of section.*

This section and its listing of certain prohibited uses:

- (1) is not exhaustive; and
- (2) may not be construed to imply that any use not listed here is a permitted or conditional use.

(b) *Listing.*

The following uses are prohibited in all zoning districts of the City:

- (1) CRUDE OIL TERMINALS;
- (2) [(1)] incinerators;
- (3) [(2)] junk or scrap storage and yards;
- (4) [(3)] nuclear power plants;
- (5) [(4)] solid waste sanitary landfills;
- (6) [(5)] storage on barges and belt conveyor systems used for the transfer of materials, but this prohibition does not apply to the continuous process of unloading or loading processed metal (as defined in § 1-308) for and during its transfer to or from a docked barge or vessel awaiting shipment; and
- (7) [(6)] vehicle dismantling facilities.

***Subtitle 3. Definitions***

**§ 1-304. "Chimney" to "Day-care center: Child".**

(v-1) CRUDE OIL.

(1) IN GENERAL.

CRUDE OIL MEANS ANY NATURALLY OCCURRING LIQUID PETROLEUM EXTRACTED FROM GEOLOGICAL FORMATIONS BENEATH THE EARTH'S SURFACE WHICH REQUIRES FURTHER REFINEMENT BEFORE CONSUMER USE.

(2) EXCLUSIONS.

"CRUDE OIL" DOES NOT INCLUDE FINISHED PRODUCTS DERIVED FROM PETROLEUM INCLUDING BUT NOT LIMITED TO ASPHALT.

Council Bill 17-0150

1 (v-2) CRUDE OIL TERMINAL.

2 (1) IN GENERAL.

3 "CRUDE OIL TERMINAL" MEANS A FACILITY THAT RECEIVES, STORES, TRANSFERS,  
4 SHIPS, OR PROCESSES CRUDE OIL.

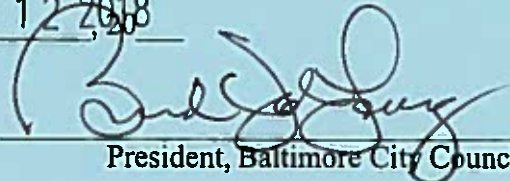
5 (2) EXCLUSIONS.

6 "CRUDE OIL TERMINAL" DOES NOT INCLUDE FACILITIES OWNED OR OPERATED BY A  
7 RAIL CARRIER, AS DEFINED IN U.S. CODE TITLE 49, SUBTITLE IV, PART A, CHAPTER  
8 101, § 10102 {"DEFINITIONS"}.

9 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
10 are not law and may not be considered to have been enacted as a part of this or any prior  
11 Ordinance.

12 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
13 after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of MAR 12 2018

  
\_\_\_\_\_  
President, Baltimore City Council

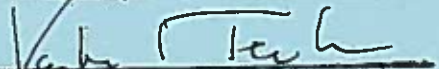
Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of MAR 12 2018

  
\_\_\_\_\_  
Chief Clerk

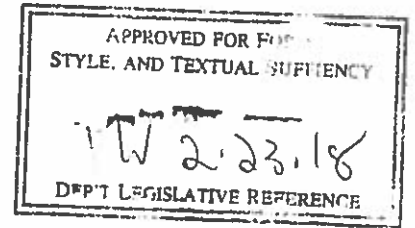
Approved this 27 day of March, 2018

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency  
This 19th Day of March 2018  
  
\_\_\_\_\_  
Chief Solicitor



AMENDMENTS TO COUNCIL BILL 17-0150  
(1<sup>st</sup> Reader Copy)



By: The Land Use and Transportation Committee  
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 12, after "1-304(v-1)" insert "and 1-304(v-2)"; and, on page 2, in line 18, after "(v-1)" insert "CRUDE OIL."

(1) IN GENERAL.

CRUDE OIL MEANS ANY NATURALLY OCCURRING LIQUID  
PETROLEUM EXTRACTED FROM GEOLOGICAL FORMATIONS BENEATH  
THE EARTH'S SURFACE WHICH REQUIRES FURTHER REFINEMENT  
BEFORE CONSUMER USE.

(2) EXCLUSIONS.

"CRUDE OIL" DOES NOT INCLUDE FINISHED PRODUCTS DERIVED  
FROM PETROLEUM INCLUDING BUT NOT LIMITED TO ASPHALT .

(v-2)".

**ADOPTED**





# BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: February 21, 2018

BILL#: 17-0150

BILL TITLE: Ordinance - Zoning - Prohibiting Crude Oil Terminals

MOTION BY: Clark      SECONDED BY: Worsey

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon				
Stokes, Robert	<input checked="" type="checkbox"/>			
<b>TOTALS</b>	<u>6</u>	<u>1</u>		

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



# The Daily Record

11 East Saratoga Street  
Baltimore, MD 21202-2199  
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11479675  
Case #:  
Description:

BILL NO. 17-0150. - The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 21, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 Holliday Street to conduct a public hearing on City

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

2/5/2018

Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0150

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 21, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 Holliday Street to conduct a public hearing on City Council Bill No. 17-0150

CC 17-0150 ORDINANCE - Zoning - Prohibiting Crude Oil Terminals - FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City; defining a certain term; and generally relating to crude oil terminals.

BY repealing and reordinating, with amendments

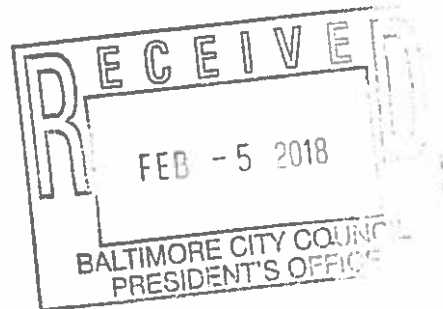
Article 32 - Zoning  
Section(s) 1-218  
Baltimore City Code  
(Edition 2000)

BY adding  
Article 32 - Zoning  
Section(s) 1-304(v-1)  
Baltimore City Code  
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Edward Reisinger  
Chair.

16





TO: Councilwoman Mary Pat Clarke, District 14  
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council  
DATE: January 9, 2018

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**RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING**

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The Land Use and Transportation Committee has scheduled the following City Council Bill for public hearing:

**Bill: City Council Bill No. 17-0150**

**Date: Wednesday, February 21, 2018**

**Time: 1:00 P.M**

**Place: City Council Chambers, 4<sup>th</sup> floor of City Hall, 100 Holliday Street.**

At the expense of the applicant, notice of this public hearing:

- 1) Must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

**Newspaper Advertisement**

You may choose any of the following newspapers for advertising purposes: The Daily Record, Baltimore Sun, or Afro-American.

**Wording for Newspaper Advertisement**

The information that must be advertised and posted appears between the double lines on the attached page; the deadline date is indicated below.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.



THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A  
NEWSPAPER **BY TUESDAY, FEBRUARY 6, 2018** AS OUTLINED ON THE PREVIOUS PAGE.

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BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON BILL NO. 17-0150

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 21, 2018 at 1:00 p.m. in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 Holliday Street to conduct a public hearing on City Council Bill No. 17-0150.

CC 17-0150 ORDINANCE - **Zoning - Prohibiting Crude Oil Terminals** - FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City; defining a certain term; and generally relating to crude oil terminals.

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BY adding

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Section(s) 1-304(v-1)  
Baltimore City Code  
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Edward Reisinger

Chair

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SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council  
c/o Natawna B. Austin  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202  
(410) 396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

Mary Pat Clarke  
Baltimore City Council, District 14  
100 Holliday Street, Room 501  
Baltimore, Maryland 21202  
(410) 396-4814







**Baltimore**  
Development Corporation

## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna B. Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO

**DATE:** February 20, 2018

**SUBJECT:** City Council Bill No. 17-0150  
Zoning – Prohibiting Crude Oil Terminals

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The Baltimore Development Corporation (BDC) has reviewed City Council Bill 17-0150 and opposes this legislation. The bill seeks to prohibit new or expanded crude oil terminals throughout Baltimore City.

Beyond the constitutional issue presented by the Law Department, BDC is concerned that the legislation may adversely impact job retention and growth as well as business retention and expansion, particularly in the Port of Baltimore. The Port is critically important to the City of Baltimore and to the thousands of Baltimore residents that benefit from that important economic engine and its family sustaining wages. If passed, this legislation may cause Port-related industries to look elsewhere in the region for job growth and investment.

BDC respectfully requests an unfavorable report for Council Bill 17-0150.

cc: Kyron Banks



CITY OF BALTIMORE

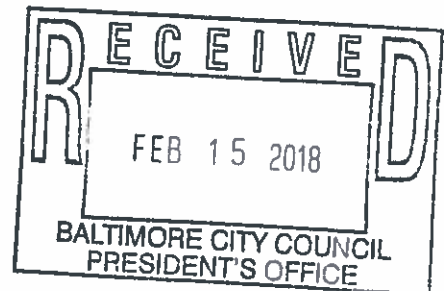
CATHERINE E. PUGH,  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

February 15, 2018

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202



Re: City Council Bill 17-0150 – Zoning – Prohibiting Crude Oil Terminals

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0150 for form and legal sufficiency. The bill would prohibit new or expanded crude oil terminals throughout Baltimore City.

Proper subject of regulation

The Interstate Commerce Commission Termination Act ("ICCTA"), codified at 49 U.S.C. §§ 10101 et seq., preempts State and local law "that may reasonably be said to have the effect of 'managing' or 'governing' rail transportation." *PCS Phosphate Co. v. Norfolk S. Corp.*, 559 F.3d 212, 218 (4th Cir.2009). Under the ICCTA, if a local regulation attempts to manage or govern rail transportation, it will be preempted by the regulatory authority of the federal Surface Transportation Board ("STB"). The ICCTA grants the STB "exclusive" jurisdiction over "transportation by rail carriers." 49 U.S.C. § 10501(b)(1). It defines the term "transportation" to include a "yard, property [or] facility ... of any kind related to the movement of [property] by rail..." 49 U.S.C. § 10102(9)(A). Thus, the powers of the STB are broad in scope and impact not only the movement of rail freight but extend to the facilities used in handling rail freight. *See Norfolk S. Ry Co. v. City Of Alexandria*, 608 F.3d 150,(4th Cir. 2010) (City regulation of transloading operations of a railroad facility owned and operated by the railway pre-empted by STB regulations).

Facilities not owned or substantially controlled by a railroad – that is, by an independent party – can be the subject of local regulation. For example, in *New York & Atl. Ry. Co. v. Surface Transp. Bd.*, 635 F.3d 66 (2d Cir. 2011), a railway entered into an agreement with a company to build and own a facility to transload construction materials delivered by the railway. The railway contracted with a second company to operate the facility. In reviewing the ICCTA, the New York Court noted that "where the railroad maintains the appropriate control over the transload facility,

Not Favorable



the STB exercises its exclusive jurisdiction and federal preemption applies” 635 F.3d at 74. But “the issue before this court ... is whether the STB exercises exclusive jurisdiction ... even when such facilities are not operated by, or under the control of, a “rail carrier.” 635 F.3d at 71. The 2nd Circuit, in fact, concluded that the record “failed to demonstrate NYAR exercised sufficient control over the Facility to bring it within the STB’s jurisdiction.” 635 F.3d at 73. Given these findings, the Court ruled that a local zoning regulation was not preempted by the ICCTA.

The ICCTA permits state and local governments, pursuant to their police powers, to regulate “certain areas affecting railroad activity; for example, local electric, building, fire, and plumbing codes are generally not preempted.” *City Of Alexandria*, 608 F.3d at 158. The 4th Circuit explains that local regulations are not preempted under the ICCTA when they exhibit four characteristics. They must: (1) protect public health and safety; (2) be settled and defined; (3) be obeyed with reasonable certainty; (3) entail no extended or open-ended delays; and (4) be approved (or rejected) without the exercise of discretion on subjective questions. 608 F.3d at 160.

The Law Department points out that “zoning, in general, is a valid exercise of the police power.” *Anne Arundel County Com'rs v. Ward*, 186 Md. 330, 338 (1946). Council Bill 17-0150 amends the City’s zoning ordinance to prohibit new or expanded crude oil terminals in the City. Moreover, with an eye toward the pre-emptive power for the ICCTA, the bill expressly excludes from its effect crude oil terminals “owned and operated by a rail carrier....” CB 17-0150, page 2, lines 23-25. On its face, therefore, the bill is a permissible exercise of police power.

#### Problems with the bill

The Law Department notes that the term “crude oil” is not defined in CB 17-0150. Neither does the bill refer to any established definition appearing in another law, regulation or publication. We might assume the term “crude oil” means oil that has yet to be processed and refined into various petroleum products, but that would be substituting the Law Department’s supposition for the bill’s intended scope of regulation. Furthermore, a “crude oil terminal” presumably is a storage facility for crude oil, but the exact nature of the storage and the facility are undefined. In effect, is the intent of the bill to prohibit storage of the product for any length of time in any vessel of any size or capacity or must the storage and facility exhibit certain characteristics before the prohibition would apply?

As it is, the lack of defined terms makes the bill as drafted unconstitutionally vague; that is, CB 17-0150 today does not sufficiently “inform those who are subject to it what conduct on their part will render them liable to its penalties.” *McFarlin v. State*, 409 Md. 391, 410-11 (2009) (“a statute must be ‘sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties’”). To this end, we point out that a violation of the zoning ordinance may result in both civil and criminal penalties. *See* City Code, Art 32, §§ 19-213 & 19-215.

The bill also raises Equal Protection concerns. Legislation that discriminates against the storage of one product but not others satisfies the Equal Protection Clause of the 14<sup>th</sup> Amendment only if there is a plausible reason for the classification. *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992) (“Unless a classification warrants some form of heightened review because it jeopardizes exercise



of a fundamental right or categorizes on the basis of an inherently suspect characteristic, the Equal Protection Clause requires only that the classification rationally further a legitimate state interest.”). Under this standard, “the relationship of the classification to its goal [cannot be] so attenuated as to render the distinction arbitrary or irrational.” *Id.* at 11-12.

We assume that CB 17-0150 is premised on health and safety concerns raised by the flammability of crude oil and the possibility that it may ignite. If the City were to allow the storage of products that equal or exceed the flammability of crude oil, its prohibition on the storage of crude oil could be deemed an unreasonable classification; that is, the prohibition of one product would not serve a legitimate governmental interest when the storage of other similar products is permitted.

The Law Department possesses no more information about this subject than what is available in the media. Its review, however, suggests that natural gas and gasoline, for example, are generally more flammable than all types of crude. Among the different types of crude, Brakken shale light crude apparently is the most volatile of the crude oils. Its shipment, rather than the shipment of other types, has been responsible in recent years for explosions resulting from train derailments. A review of the media suggests, however, that Brakken crude is less volatile than gasoline and natural gas, yet the storage of these other, more dangerous products in Baltimore is not subject today to any proposed prohibition. If these or similar assertions can be firmly established as fact by knowledgeable industry representatives, the Law Department would be forced to conclude that CB 17-0150 violates Equal Protection. In this event, the Law Department would be unable to approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Special Assistant City Solicitor





CITY OF BALTIMORE

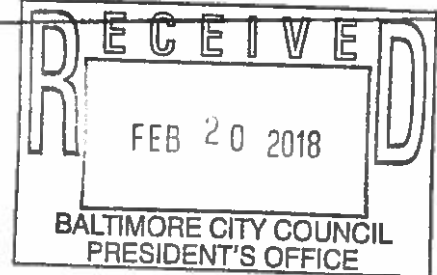
CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

DAVID C. TANNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

February 20, 2018



The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**RE: CC Bill #17-0150: Zoning – Prohibiting Crude Oil Terminals**

Ladies and Gentlemen:

City Council Bill No. 17-0150 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0150 is to amend Article 32 of the Baltimore City Code to prohibit new or expanded crude oil terminals throughout Baltimore City; defining certain terms relating to crude oil terminals; and generally relating to crude oil terminals.

Upon review, the BMZA is unable to report favorably on this bill as currently drafted for several reasons. First, the bill file lacks any evidence as to the purpose, necessity, feasibility, or impact of said prohibition from a land use perspective. Second, the outright prohibition of certain uses of land irrespective of zoning district requires extensive consideration of both direct and indirect consequences of legislative action. There is no record before the BMZA as to the consideration of these potential consequences. Third, local zoning regulation in matters impacting federal jurisdiction (e.g. telecommunications operations regulated under the Federal Communication Commission, rail operations regulated by the Federal Railroad Administration, etc.) are often restricted and preempted by federal law. There is no record before the BMZA as to the potential conflict of law between federal, state, and local law with respect to the local land use regulation impacted by Bill No. 17-0150. BMZA agrees with and defers to the Law Department on this issue as outlined in their report and recommendation. Lastly, the impact of citywide land use prohibitions attach to land in perpetuity and remove the ability for pinpoint regulation of specific uses in specific areas. Regulation – not prohibition – is often a better tool for local government to address specific risk and potential harm(s) of specific uses in neighborhoods and to communities citywide.

For these reasons BMZA is unable to provide a favorable report on Bill No. 17-0150 at this time as the record before it lacks the details necessary to provide a comprehensive review.

*Not favorable*




Sincerely,

A handwritten signature in black ink, appearing to be 'Derek J. Baumgardner', written over a horizontal line.

**Derek J. Baumgardner**  
**Acting Executive Director**

**CC: Mayors Office of Council Relations**  
**Office of the City Council President**  
**Legislative Reference**



FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE  MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill Report 17-0150		

TO Mayor Catherine E. Pugh

DATE: February 23, 2018

TO: Respective City Council Land Use and Transportation Committee  
 FROM: Department of Transportation  
 POSITION: Oppose  
 RE: Council Bill 17-0150

**INTRODUCTION** – The proposed bill, as written, seeks to ban the storage, transfer, shipping, and processing of crude oil within Baltimore City, with the exception of facilities owned or operated by a rail carrier.

**PURPOSE/PLANS** – As written, this bill seeks to prohibit new or expanded crude oil terminals throughout Baltimore City, by repealing and reordaining, with amendments Article 32- Zoning, Section(s) 1-218, Baltimore City Code (Edition 2000), and adding Article 32- Zoning, Section(s) 1-304(v-1), Baltimore City Code (Edition 2000).

**BRIEF HISTORY** – “Crude Oil” is a broad term, as it refers to an unrefined, naturally occurring fossil fuel used to create petroleum products. The product, once refined, can be used to produce gasoline, diesel, kerosene, asphalt, heating oils, and a plethora of other products.

Crude oil, in its unrefined state, has varying densities, viscosities, and volatilities, and are frequently identified using their region of origin. There are four definitive types of crude oils, varying from very light, to heavy fuels, each used to produce distinct types of petroleum products.

**FISCAL IMPACT** – Not applicable at this time.

**AGENCY/DEPARTMENT POSITION –**

The Department of Transportation respectfully **opposes** City Council Bill 17-0150.

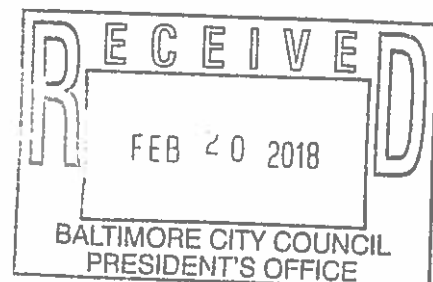
If you have any questions, please do not hesitate to contact Ms. Katelyn McCauley, at Katelyn.McCauley@baltimorecity.gov or (443) 677-9391.

Sincerely,



Michelle Pourciau  
 Director

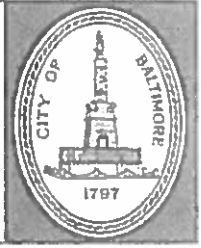
*opposes*





<b>FROM</b>	NAME & TITLE	<b>Niles R. Ford, PhD, Chief of Fire Department</b> <i>17</i>
	AGENCY NAME & ADDRESS	<b>Baltimore City Fire Department 401 East Fayette St. 21202</b>
	SUBJECT	<b>City Council Bill #17-0150 Response to Zoning-Prohibiting Crude Oil Terminals</b>

CITY OF  
BALTIMORE  
**MEMO**



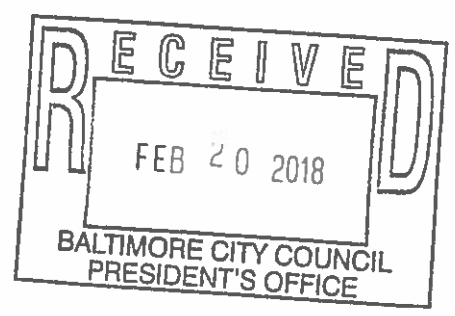
**TO** **The Honorable Bernard C. Young, President  
And All Members of the Baltimore City Council  
City Hall, Room 408**

DATE: **February 15, 2018**

**FOR** the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City; defining a certain term; and generally relating to crude oil terminals.

The Fire Department does not object to City Council Bill 17-0150 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.

*no obj*







CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 17-0150

Zoning - Prohibiting Crude Oil Terminals

Committee: Land Use and Transportation

Chaired By: Councilmember Edward Reisinger

Hearing Date: February 21, 2018
Time (Beginning): 1:00 PM
Time (Ending): 3:30 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~200
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, III Leon
Stokes, Robert

Bill Synopsis in the file? [X] yes [ ] no [ ] n/a
Attendance sheet in the file? [X] yes [ ] no [ ] n/a
Agency reports read? [X] yes [ ] no [ ] n/a
Hearing televised or audio-digitally recorded? [X] yes [ ] no [ ] n/a
Certification of advertising/posting notices in the file? [X] yes [ ] no [ ] n/a
Evidence of notification to property owners? [X] yes [ ] no [ ] n/a
Final vote taken at this hearing? [X] yes [ ] no [ ] n/a
Motioned by: Councilmember Clarke, Mary Pat
Seconded b..... Councilmember Dorsey, Ryan
Final Vote: Favorable with Amendment



## Major Speakers

*(This is not an attendance record.)*

- Ms. Rebecca Tabb, Office of the City Council President
  - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
  - Ms. Katelyn McCauley, Department of Transportation
  - Mr. Victor Tervalo, Department of Transportation
  - Ms. Leah Kelly, Environmental Integrity Project
  - Mr. Fritz Edler, Railroad Workers United
  - Ms. Keisha Allen, President, Westport Neighborhood Association
  - Rabbi Burg, Beth Am Synagogue
  - Ms. Chauna Brocht, Blast Zone Resident
  - Ms. Laalitha Surapaneni, M.D. MPH Physicians for Social Responsibility
  - Mr. Larry Bannerman, Turner Station Conservation Teams
  - Mr. Doug Myers, Chesapeake Bay Foundation
  - Mr. John Shade, International Longshoreman Association Local No. 333
  - Mr. Jeff Fraley, Baltimore Industrial Group (BIG)
  - Public Testimony (See Sign-In Sheet)
- 

## Major Issues Discussed

1. Mr. Victor Tervalo discussed the Law Department's report. He commented about the regulation of commodities; whether the classification of crude oil was arbitrary; and whether regulation of crude oil causes an equal protection problem.
2. Agency representatives confirmed their specific agency's position on the bill.
3. Major speakers provided written and/or oral testimony and information pertaining to their position on the bill.
4. Ms. Leah Kelly challenged the Law Department's position and shared information about case law and State actions pertaining to crude oil terminals.
5. Mr. Fritz Edler spoke about the dangers of crude oil terminals.
6. Ms. Keisha Allen spoke about the threats associated with living near industrial areas.
7. Ms. Chauna Brocht spoke about unsafe railways and the dangers of crude oil terminals.
8. Ms. Lasslitha Surapaneni spoke about health concerns associated with air pollution in Baltimore.
9. Mr. Larry Bannerman spoke about flammable commodities and electrical lines being near railroads.
10. Mr. Doug Myers spoke about constraining the growth of oil and gas infrastructure.
11. Mr. John Slade spoke in opposition to the bill. He spoke about the loss of jobs at the Port of Baltimore due to the prohibition on crude oil terminals.
12. Mr. Jeff Fraley spoke in opposition to the bill. He shared findings from his research on: how dangerous crude oil is in comparison to other commodities; whether CSX transports crude oil through Baltimore; whether the bill will ban trains traveling through Baltimore; whether the bill will prohibit crude oil in Baltimore or adjoining counties; whether other commodities will be targeted; whether the bill is opposed by labor; whether the Law Department thinks the bill is unconstitutional based on



the definition; whether the Maryland Port Administration is opposed to the bill, as well as other related comments.

13. The committee asked the speakers questions, reviewed and discussed the bill.

14. Councilman Reisinger read into the record the committee's discussion of the zoning standards that were used to review the bill. He indicated the following:

"Article 32, Section 508(c) requires that certain standards be noted and considered. The Committee has considered:

- 1) That the bill is consistent with the goals of the City's Sustainability Plan, which is part of the City's Comprehensive Plan, in its attempt to reduce hazardous materials
- 2) That the bill is premised on public safety concerns, which is consistent with the regulatory intent of the Zoning Code.
- 3) And that the bill, if adopted, will create nonconformities."

15. Councilwoman Clarke offered an amendment to define "crude oil" and to state what is excluded from the definition of "crude oil." The committee approved the amendment.

**Further Study**

Was further study requested?

Yes  No

If yes, describe.

**Committee Vote:**

Reisinger, Edward, Chairman..... Yea  
 Middleton, Sharon, Vice Chair..... Yea  
 Clarke, Mary Pat..... Yea  
 Costello, Eric ..... Nay  
 Dorsey, Ryan ..... Yea  
 Pinkett, Leon..... Yea  
 Stokes, Robert:..... Yea

Jennifer L. Coates, Committee Staff

Date: February 22, 2018

cc: Bill File  
OCS Chrono File





# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation      Chairperson: Edward Reisinger  
 Date: February 21, 2018      Time: 1:00 PM      Place: Clarence "Du" Burns Chambers  
 Subject: Ordinance - Zoning - Prohibiting Crude Oil Terminals      CC Bill Number: 17-0150

**PLEASE PRINT**

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY
						FOR	AGAINST	
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wahne Lubitha	Sunafaweni	707	S. President Street	21202	LSUKAFAN@JHS14.EDU	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Bannerman	Bannerman	205	Sellers Point Rd	21222	Y5salbane@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chauna	Brought	2509	Guilford Ave.	21218	chauna.brought@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
John	SHADE	1524	E FOLT AVE (MCKESS)	21230	JSHADE@141953.COM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jeff	FACEY	1250	Benthic Avenue	21226	jeff@truckscorporation.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Colin	Brinegan	215	Charles Plaza	21201	colin.brinegan@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HEISHA ALLEN	ALLEN		2210 Sidney Avenue	21230	kajal15@AMH.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Leah	Kelly	7000	3000 Vermont Ave, NW	20005	lkelly@environmentaldefenders.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jermaine Jones	Jones	2701	W. Patapsco. ave	21230	J.Jones@mbafl.cio.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jennifer Kunze	Kunze	1402	Hollins St	21223	jkunze@cleanwater.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation      Chairperson: Edward Reisinger  
 Date: February 21, 2018      Time: 1:00 PM      Place: Clarence "Du" Burns Chambers  
 Subject: Ordinance - Zoning - Prohibiting Crude Oil Terminals      CC Bill Number: 17-0150

**PLEASE PRINT**

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE** ➔

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY
						FOR	AGAINST	
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Valerie</del>	<del>HALL</del>		2421 Aaron St	21230	medic414vho@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<del>KARL</del>	<del>EDLER</del>		RWA	20011	1KFEDLER@HIS.COM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Jonathan Bond</del>	<del>Reidy</del>		2905 N. Charles St 304	21218		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<del>SAULEH</del>	<del>SIDDIQUI</del>		JOHNS HOPKINS UNIV	21218	siddiqui@jhu.edu	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Taylor</del>	<del>Smith-Hams</del>	1402	Hollins St	21223	jkunze@cleanwater.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<del>IVARIC</del>	<del>West</del>	1102	2408 FITZMAURICE	21217	MINI-FINESTOCK@NETFLIX	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bill	Kee		2438 Eotan PI	21217		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Soledad	Salame		2338 EUTAW PI	21217	soledad.salame@aol.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Barbara	Robinson		2100 Bolton St		Barbara.Robinson@senate.state.md.gov	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation      Chairperson: Edward Reisinger  
 Date: February 21, 2018      Time: 1:00 PM      Place: Clarence "Du" Burns Chambers  
 Subject: Ordinance - Zoning - Prohibiting Crude Oil Terminals      CC Bill Number: 17-0150

PLEASE PRINT						WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY	
FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
elle	1013195eckman		913 southern rd	21204	elleckman@gmail	<input checked="" type="checkbox"/>			

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**CITY OF BALTIMORE  
CITY COUNCIL HEARING ATTENDANCE RECORD**

**Committee:** Land Use and Transportation      **Chairperson:** Edward Reisinger  
**Date:** February 21, 2018      **Time:** 1:00 PM      **Place:** Clarence "Du" Burns Chambers  
**Subject:** Ordinance - Zoning - Prohibiting Crude Oil Terminals      **CC Bill Number:** 17-0150

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY	
							FOR	AGAINST	YES	NO
<b>PLEASE PRINT</b>										
<b>IF YOU WANT TO TESTIFY PLEASE CHECK HERE</b>										
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Andrew	Hinz	1727	1427 Park Ave	21217	ahinz61@outlook.com	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		

(\*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**BALTIMORE CITY COUNCIL  
LAND USE AND TRANSPORTATION COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.*

**The Honorable Edward Reisinger  
Chairperson**

**PUBLIC HEARING**

**Wednesday, February 21, 2018**

**1:00 PM**

**Clarence "Du" Burns Council Chambers**

***City Council Bill # 17-0150***

***Zoning - Prohibiting Crude Oil Terminals***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac “Yitzy” Schleifer  
Shannon Sneed  
*Staff: Marguerite Currin*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: D’Paul Nibber*

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Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
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Robert Stokes – Vice Chair  
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Bill Henry  
Mary Pat Clarke  
*Staff: Marguerite Currin*

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Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Jennifer Coates*

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Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac “Yitzy” Schleifer  
*Staff: Richard Krummerich*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Jennifer Coates*  
- *Larry Greene (pension only)*

**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**OFFICE OF COUNCIL SERVICES**

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

**BILL SYNOPSIS**

**Committee: Land Use and Transportation**

**Bill 17-0150**

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**Zoning - Prohibiting Crude Oil Terminals**

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**Sponsor:** Councilmember Clarke

**Introduced:** October 16, 2017

**Purpose:**

For the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City; defining a certain term; and generally relating to crude oil terminals.

**Effective:** 30<sup>th</sup> day after enactment

**Hearing Date/Time/Location:** February 21, 2018 /1:00 p.m./Clarence "Du" Burns Chambers

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**Agency Reports**

Planning Commission

Board of Municipal and Zoning Appeals

Department of Law

Department of Transportation

Fire Department

Unfavorable

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## Analysis

### Current Law

Article 32 – Zoning; Section(s)1-218; Baltimore City Code (Edition 2000)

### Background

CC Bill 17-0150, if approved, would prohibit new or expanded crude oil terminals throughout Baltimore City. Article 32- Zoning currently prohibits the following uses in all zoning districts:

- Incinerators
- Junk or scrap storage and yards
- Nuclear power plants
- Solid waste sanitary landfills
- storage on barges and belt conveyors systems used for the transfer of material, but does not apply to the continuous process of unloading or leading processed metal for and during its transfer to or from a docked barge or vessel awaiting shipment; and
- vehicle dismantling facilities

Crude oil is often defined as a mixture of naturally occurring hydrocarbons that is refined into diesel, gasoline, heating oil, jet fuel, kerosene, and literally thousands of other products called petrochemicals. Heavier crudes yield more heat upon burning. According to Maryland's Attorney General, crude oils with the highest vapor pressures, such as those produced from the Bakken Shale formations in North Dakota, have the highest concentrations of propane, butane, ethane, and other highly volatile gases (in excess of 9.0 psi) and are a key contributor to crude oil's explosiveness and flammability.

The U.S. Department of Transportation's Pipeline and Hazardous Material Safety Administration estimates that an oil train derailment in Baltimore could cost about \$5 billion in damages. The "oil blast zone" in Baltimore could harm up to 165,000 people. Consequently, a crude oil explosion created by a derailment or explosion at a facility could have a disastrous impact on the public health, safety and welfare of Baltimore residents and infrastructure.

Bill 17-0150 would prohibit "crude oil terminals" that receive, store, transfer, and ship or processes crude oil. The prohibition does not include facilities owned or operated by a rail carrier in U.S. Code Title 49, Subtitle IV, Part A, Chapter 1010, Section 10102. There are two

facilities in Baltimore that are currently permitted to transfer crude oil. One is located at Farirfiled Terminal in Curtis Bay and another in Canton. The terminals would be barred from expanding. Since 2016 several municipalities (Portland, OR and Vancouver, WA) have proposed regulations for the construction of fossil fuel infrastructure such as crude oil terminals.


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### Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** State of Maryland Attorney General, Brian Frosh, Press Release (Received 2/15/18); Clean Water Action of Maryland (2/14/18); Chesapeake Bay Foundation of Maryland (2/15/18); <http://www.businessdictionary.com/definition/crude-oil.html>

---

Analysis by: Jennifer L. Coates   
Analysis Date: February 17, 2018

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE  
COUNCIL BILL 17-0150  
(First Reader)**

---

Introduced by: Councilmembers Clarke, Reisinger, Cohen, Henry, Bullock, Pinkett, Dorsey,  
Middleton, Burnett, Sneed, Stokes

Introduced and read first time: October 16, 2017

Assigned to: Land Use and Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Department of Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Prohibiting Crude Oil Terminals**

3 FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City;  
4 defining a certain term; and generally relating to crude oil terminals.

5 BY repealing and reordaining, with amendments

6 Article 32 - Zoning  
7 Section(s) 1-218  
8 Baltimore City Code  
9 (Edition 2000)

10 BY adding

11 Article 32 - Zoning  
12 Section(s) 1- 304(v-1)  
13 Baltimore City Code  
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**  
16 **Laws of Baltimore City read as follows:**

17 **Baltimore City Code**

18 **Article 32. Zoning**

19 **Title 1. General Provisions**

20 ***Subtitle 2. Rules of Interpretation***

21 **§ 1-218. Uses prohibited citywide.**

22 (a) *Application of section.*

23 **This section and its listing of certain prohibited uses:**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.



**LAND USE AND TRANSPORTATION COMMITTEE**

**BILL 17-0150**

**AGENCY REPORTS**

Department of Law	Unfavorable
Board of Municipal Zoning Appeals	
Department of Transportation	
Planning Commission	
Fire Department	

**Council Bill 17-0150**

1 (1) is not exhaustive; and

2 (2) may not be construed to imply that any use not listed here is a permitted  
3 or conditional use.

4 (b) *Listing.*

5 The following uses are prohibited in all zoning districts of the City:

6 (1) CRUDE OIL TERMINALS;

7 (2) [(1)] incinerators;

8 (3) [(2)] junk or scrap storage and yards;

9 (4) [(3)] nuclear power plants;

10 (5) [(4)] solid waste sanitary landfills;

11 (6) [(5)] storage on barges and belt conveyor systems used for the transfer of  
12 materials, but this prohibition does not apply to the continuous process of  
13 unloading or loading processed metal (as defined in § 1-308) for and during its  
14 transfer to or from a docked barge or vessel awaiting shipment; and

15 (7) [(6)] vehicle dismantling facilities.

16 *Subtitle 3. Definitions*

17 § 1-304. "Chimney" to "Day-care center: Child".

18 (V-1) *CRUDE OIL TERMINAL.*

19 (1) *IN GENERAL.*

20 "CRUDE OIL TERMINAL" MEANS A FACILITY THAT RECEIVES, STORES, TRANSFERS,  
21 SHIPS, OR PROCESSES CRUDE OIL.

22 (2) *EXCLUSIONS.*

23 "CRUDE OIL TERMINAL" DOES NOT INCLUDE FACILITIES OWNED OR OPERATED BY A  
24 RAIL CARRIER, AS DEFINED IN U.S. CODE TITLE 49, SUBTITLE IV, PART A, CHAPTER  
25 101, § 10102 {"DEFINITIONS"} .

26 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
27 are not law and may not be considered to have been enacted as a part of this or any prior  
28 Ordinance.

29 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
30 after the date it is enacted.

**CITY OF BALTIMORE**

**CATHERINE E. PUGH,**  
Mayor



**DEPARTMENT OF LAW**  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

February 15, 2018

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0150 – Zoning – Prohibiting Crude Oil Terminals

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0150 for form and legal sufficiency. The bill would prohibit new or expanded crude oil terminals throughout Baltimore City.

Proper subject of regulation

The Interstate Commerce Commission Termination Act (“ICCTA”), codified at 49 U.S.C. §§ 10101 et seq., preempts State and local law “that may reasonably be said to have the effect of ‘managing’ or ‘governing’ rail transportation.” *PCS Phosphate Co. v. Norfolk S. Corp.*, 559 F.3d 212, 218 (4th Cir.2009). Under the ICCTA, if a local regulation attempts to manage or govern rail transportation, it will be preempted by the regulatory authority of the federal Surface Transportation Board (“STB”). The ICCTA grants the STB “exclusive” jurisdiction over “transportation by rail carriers.” 49 U.S.C. § 10501(b)(1). It defines the term “transportation” to include a “yard, property [or] facility ... of any kind related to the movement of [property] by rail....” 49 U.S.C. § 10102(9)(A). Thus, the powers of the STB are broad in scope and impact not only the movement of rail freight but extend to the facilities used in handling rail freight. *See Norfolk S. Ry Co. v. City Of Alexandria*, 608 F.3d 150,(4th Cir. 2010) (City regulation of transloading operations of a railroad facility owned and operated by the railway pre-empted by STB regulations).

Facilities not owned or substantially controlled by a railroad – that is, by an independent party – can be the subject of local regulation. For example, in *New York & Atl. Ry. Co. v. Surface Transp. Bd.*, 635 F.3d 66 (2d Cir. 2011), a railway entered into an agreement with a company to build and own a facility to transload construction materials delivered by the railway. The railway contracted with a second company to operate the facility. In reviewing the ICCTA, the New York Court noted that “where the railroad maintains the appropriate control over the transload facility,

the STB exercises its exclusive jurisdiction and federal preemption applies” 635 F.3d at 74. But “the issue before this court ... is whether the STB exercises exclusive jurisdiction ... even when such facilities are not operated by, or under the control of, a “rail carrier.” 635 F.3d at 71. The 2nd Circuit, in fact, concluded that the record “failed to demonstrate NYAR exercised sufficient control over the Facility to bring it within the STB’s jurisdiction.” 635 F.3d at 73. Given these findings, the Court ruled that a local zoning regulation was not preempted by the ICCTA.

The ICCTA permits state and local governments, pursuant to their police powers, to regulate “certain areas affecting railroad activity; for example, local electric, building, fire, and plumbing codes are generally not preempted.” *City Of Alexandria*, 608 F.3d at 158. The 4th Circuit explains that local regulations are not preempted under the ICCTA when they exhibit four characteristics. They must: (1) protect public health and safety; (2) be settled and defined; (3) be obeyed with reasonable certainty; (3) entail no extended or open-ended delays; and (4) be approved (or rejected) without the exercise of discretion on subjective questions. 608 F.3d at 160.

The Law Department points out that “zoning, in general, is a valid exercise of the police power.” *Anne Arundel County Com'rs v. Ward*, 186 Md. 330, 338 (1946). Council Bill 17-0150 amends the City’s zoning ordinance to prohibit new or expanded crude oil terminals in the City. Moreover, with an eye toward the pre-emptive power for the ICCTA, the bill expressly excludes from its effect crude oil terminals “owned and operated by a rail carrier....” CB 17-0150, page 2, lines 23-25. On its face, therefore, the bill is a permissible exercise of police power.

#### Problems with the bill

The Law Department notes that the term “crude oil” is not defined in CB 17-0150. Neither does the bill refer to any established definition appearing in another law, regulation or publication. We might assume the term “crude oil” means oil that has yet to be processed and refined into various petroleum products, but that would be substituting the Law Department’s supposition for the bill’s intended scope of regulation. Furthermore, a “crude oil terminal” presumably is a storage facility for crude oil, but the exact nature of the storage and the facility are undefined. In effect, is the intent of the bill to prohibit storage of the product for any length of time in any vessel of any size or capacity or must the storage and facility exhibit certain characteristics before the prohibition would apply?

As it is, the lack of defined terms makes the bill as drafted unconstitutionally vague; that is, CB 17-0150 today does not sufficiently “inform those who are subject to it what conduct on their part will render them liable to its penalties.” *McFarlin v. State*, 409 Md. 391, 410-11 (2009) (“a statute must be ‘sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties’”). To this end, we point out that a violation of the zoning ordinance may result in both civil and criminal penalties. See City Code, Art 32, §§ 19-213 & 19-215.

The bill also raises Equal Protection concerns. Legislation that discriminates against the storage of one product but not others satisfies the Equal Protection Clause of the 14<sup>th</sup> Amendment only if there is a plausible reason for the classification. *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992) (“Unless a classification warrants some form of heightened review because it jeopardizes exercise

of a fundamental right or categorizes on the basis of an inherently suspect characteristic, the Equal Protection Clause requires only that the classification rationally further a legitimate state interest.”). Under this standard, “the relationship of the classification to its goal [cannot be] so attenuated as to render the distinction arbitrary or irrational.” *Id.* at 11-12.

We assume that CB 17-0150 is premised on health and safety concerns raised by the flammability of crude oil and the possibility that it may ignite. If the City were to allow the storage of products that equal or exceed the flammability of crude oil, its prohibition on the storage of crude oil could be deemed an unreasonable classification; that is, the prohibition of one product would not serve a legitimate governmental interest when the storage of other similar products is permitted.

The Law Department possesses no more information about this subject than what is available in the media. Its review, however, suggests that natural gas and gasoline, for example, are generally more flammable than all types of crude. Among the different types of crude, Brakken shale light crude apparently is the most volatile of the crude oils. Its shipment, rather than the shipment of other types, has been responsible in recent years for explosions resulting from train derailments. A review of the media suggests, however, that Brakken crude is less volatile than gasoline and natural gas, yet the storage of these other, more dangerous products in Baltimore is not subject today to any proposed prohibition. If these or similar assertions can be firmly established as fact by knowledgeable industry representatives, the Law Department would be forced to conclude that CB 17-0150 violates Equal Protection. In this event, the Law Department would be unable to approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Special Assistant City Solicitor

LAND USE AND TRANSPORTATION COMMITTEE

**BILL 17-0150**

**Communications**

Coates, Jennifer

---

**From:** Arthur Cohen <artc12health@yahoo.com>  
**Sent:** Tuesday, February 13, 2018 6:18 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Comments in support of City Council Bill #17-0150.  
**Attachments:** Maryland Railroad Safety Stats - July 27, 2017.pdf



February 13, 2018

On Wednesday, February 21, your Committee will be holding a hearing on City Council Bill #17-0150 proposing the prohibition of new or expanded crude oil terminals in Baltimore City.

***b'more mobile*** urges the Committee to report this bill out favorably, with a strong recommendation that it be passed by the entire City Council.

This bill represents a sound policy for the future of our City in several respects:

1. **The storage of crude oil near densely-populated residential areas of our country has come to represent a growing threat both to public health and public safety.** The danger is greatest in areas of dense urban housing and commerce, especially (but not limited to) those located in the south and southeastern parts of Baltimore City, which currently house storage facilities for crude oil and other dangerous chemical substances. A fire or explosion in one of these storage facilities, for instance, could cause immense danger to residents of nearby areas such as Brooklyn, Curtis Bay, or Canton.
2. **Similarly, the freight rail transportation of crude oil into, out of, and through densely-populated areas of our country has come to represent a growing threat both to public health and public safety.** Much of the crude oil stored in Baltimore has arrived by rail. Our freight rail infrastructure is aging, and across-the-board cost-cutting by the major railroads is having an increasingly dangerous effect on rail safety throughout the US. ***See the attached tables showing railroad accidents over the past 17 years here in Maryland (2000 to 2016) – as posted by the Federal Railroad Administration [data for 2017 in still incomplete].*** Among Maryland's 24 counties, during the period 2000 through 2016, Baltimore City was third in number of rail accidents, second in the dollar amount of damages, and eighth in the amount of damages per resident (Source: also the Federal Railroad Administration). The Fiscal 2019 Budget proposed on February 12 by President Trump significantly reduces the amounts to be spent for railroad safety. A derailment almost anywhere within Baltimore City could have disastrous effects on the persons living, working, going to school, or worshipping nearby. Several freight derailments have occurred in Baltimore city in the last 17 years. The "poster child" for the devastating effects of this kind of disaster remains the rail tank car explosions in the town of Lac Mégantic in Quebec Province, Canada, which took place just five years ago in 2013.
3. **Finally, energy policy in Maryland, the United States generally, and increasingly throughout the world has been moving toward renewable sources of energy.** This same policy has been moving away from continued and expanded use of depletable combustible



"Bringing Pride To Our Neighborhoods"

**THE BOARD**

*President*

*George E. Mitchell*

*Members*

*Christopher Crockett*

*Eddie Brooks*

*Israel "Izzy" Patoka*

*Matthew Minson*

*Maxine Mabry*

*Minerva Eaton*

*Pearl Clark*

*R. Anthony Mills*

*Shymaine Davis*

Neighborhoods United, LLC  
5011 Arbutus Avenue  
Baltimore, Maryland 21215-2501

Phone: 443-416-1443  
Fax: 410-947-2133  
E-mail: Neighborhoodsunitednw  
@gmail.com  
Web site:  
Neighborhoodsunitednw.com

The Honorable Catherine Pugh  
Office of the Mayor,  
250 City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

The Honorable Jack Young  
Baltimore City Council President  
100 N. Holliday Street, Ste 400  
Baltimore, Maryland 21202

Dear Mayor Pugh & Council President Young,

Neighborhoods United requests that the Baltimore City Council pass council bill #47-0150, the prohibition on crude oil terminals in Baltimore City. This bill would reduce the potential number of trains carrying crude oil through city neighborhoods.

Rail lines run through some of the neighborhoods and communities in our area. This makes us highly vulnerable to crude oil train derailments and explosions which could result in fires, closures and evacuations.

We urge you to act to protect Baltimore's communities from this unnecessary risk and pass council bill #47-0150 prohibiting new or expanding crude oil terminals in Baltimore City.

Thank you for your attention to this matter.

Sincerely,

*George E. Mitchell*

George E. Mitchell  
President

received  
1-30-18 JRC





hcc

hampden community council

## Hampden Community Council

PO Box 19957 - Baltimore, Maryland 21211  
Proudly Serving the Hampden Community Since 1976

The Honorable Catherine Pugh  
Office of the Mayor  
City Hall, Ste. 400  
100 N. Holliday Street  
Baltimore, Maryland 21202

The Honorable Jack Young  
Office of the City Council President  
City Hall, Ste. 400  
100 N. Holliday Street  
Baltimore, Maryland 21202

Dear Mayor and Council President Young,

The Hampden Community Council requests that the Baltimore City Council pass council bill #17-0150, which would prohibit new or expanded crude oil terminals in Baltimore City. The goal of this bill is to reduce the potential number of trains carrying explosive crude oil through City neighborhoods.

In Maryland, crude oil trains endanger communities near rail lines and Baltimore in particular. Two facilities in Baltimore are currently permitted to ship crude oil, and various developments within the industry make Baltimore a likely spot for increased crude oil train shipments. In Baltimore, many neighborhoods are highly vulnerable to a crude oil train explosion, including Curtis Bay, Charles Village, Reservoir Hill, Westport, and Bolton Hill.

Past crude oil train derailments have resulted in tragedy. The worst example was the 2013 derailment and explosion in Lac-Megantic, Quebec that killed 47 people and devastated the town. Locally, Baltimore has seen train derailments in recent years that have resulted in fires, closures, and evacuations.

We urge you to act now to protect Baltimoreans from this unnecessary risk and pass council bill #17-0150 to prohibit crude oil terminals.  
Thank you for your time and consideration.

Sincerely,

*Matthew Stegman*

Matthew Stegman  
President, Hampden Community Council

CC: Councilwoman Mary Pat Clarke  
Councilman Leon Pinkett

received  
12-5-17 flc



The Board of the Mayfield Improvement Association is pleased to express its support for Bill #17-0150 (Prohibiting new or expanded crude oil terminals). The danger presented by trains carrying explosive crude oil is well documented. Trains currently run in close proximity to neighborhoods, schools, churches, and commercial areas, and in the event of an explosion, the loss of life and property would be nothing short of cataclysmic. The City should therefore pass this legislation in order to prevent increasing an already alarming risk of irreparable harm.

Respectfully submitted,

Deborah Mason  
President, Mayfield Improvement Association

received  
1-17-18 JRC

Individuals – Support	Received
Chauna Brocht	2/7/18
Hugh Pocock	2/6/18
Kai Jones	2/6/18
Fred Millar	2/9/18
Janis Danforth	2/12/18
Cortez Elliott, MPA	2/13/18
Rebecca A. Barclay	2/13/18
Larry Bannerman	2/13/18
Sara Rudolph	2/14/18
Andrew Hinz	2/14/18
Anna Scott	2/14/18
Stephanie Simms	2/15/18

Organizations - Support	Received
Hampden Community Council, Matthew Stegman, President	12/5/17
Mayfield Improvement Association, Deborah Mason, President	1/17/18
Neighborhood United, George E. Mitchell, President	1/30/18
B'more mobile; Arthur Cohen	2/13/18
Johns Hopkins University, Center for Systems Science and Engineering, Whiting School of Engineering; Dr. Sauleh Siddiqui, CO-Director, Assistant Professor	2/14/18
Maryland Institute College of Art, Doug Mann, Vice President & COO	2/14/18
Westport Neighborhood Association, Keisha Allen	2/14/18
Charles Village Civic Association, Inc., Kirsch M. Jones, President	2/14/18
CCAN Action Fund, Taylor, Smith- Hans, Representing 3,300 petitions and 155 small businesses, faith leaders, community associations, organizations and institutions	2/14/18
State of Maryland Attorney General, Brian E. Frosh, Press Release	2/15/18
Clean Water Action, Jennifer Kunze, Maryland Program Organizer, Representing over 8,000 members	2/14/18
Chesapeake Bay Foundation, Doug Myers, Maryland Senior Scientist	2/14/18
Lakeland's Community Association Partnership,	2/15/18
Food & Water Watch, Rianna Eckel, Maryland Organizer	2/15/18
Individuals - Support	Received
Kate Sigler	11/6/17
Matt Gardner	1/19/18
Louise Harmony	1/20/18

fossil fuels, not simply because of eventual limits on the supply side, but more importantly and immediately because of the currently harmful effects of such fuels on global climate conditions and on the quality of our air, water, and soils. Renewable sources of energy, especially solar and wind, are rapidly becoming the energy standard for the years to come. Baltimore City policy should aim to increase the role of renewable energy methods, and phase out our current over-reliance on fossil fuels. Limiting the expansion of crude oil storage within city limits would begin to move our energy policy in this right direction.

Accordingly, Baltimore City's enactment of this prohibited use in the City's Zoning Code will - while enabling us to keep what oil storage capacity we currently have - prevent any expansion of existing or creation of new oil storage terminals within city limits. This will be of great benefit to the current and future residents of Baltimore City.

Thank you for any support you may give to Bill #17-0150.

Art Cohen, Convenor  
*b'more mobile*  
Baltimore City - Maryland

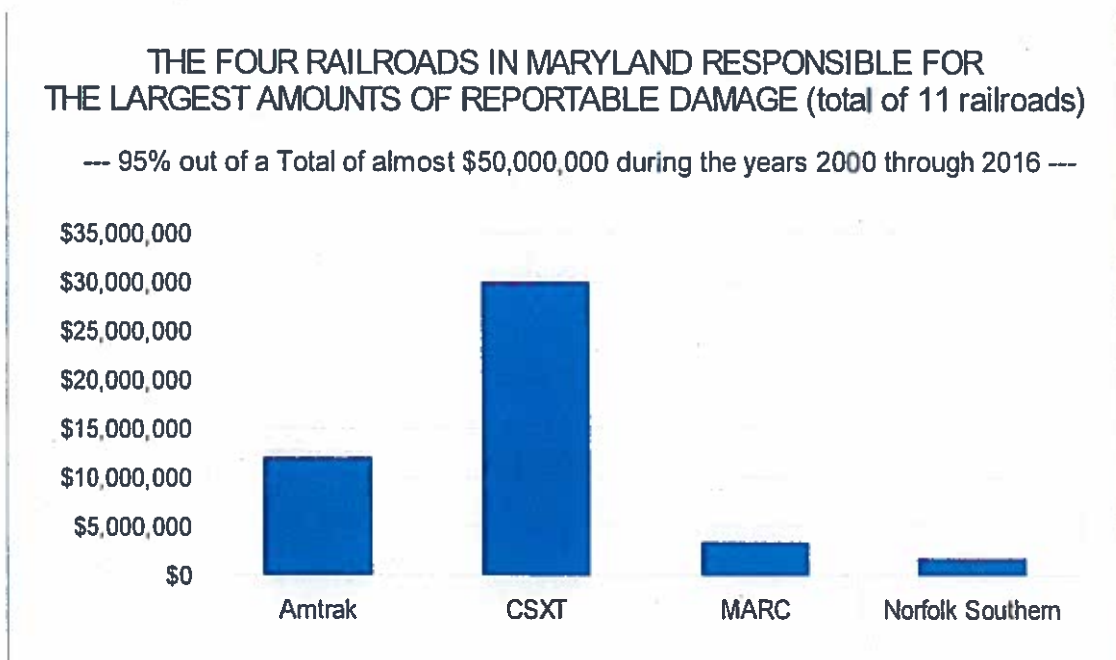
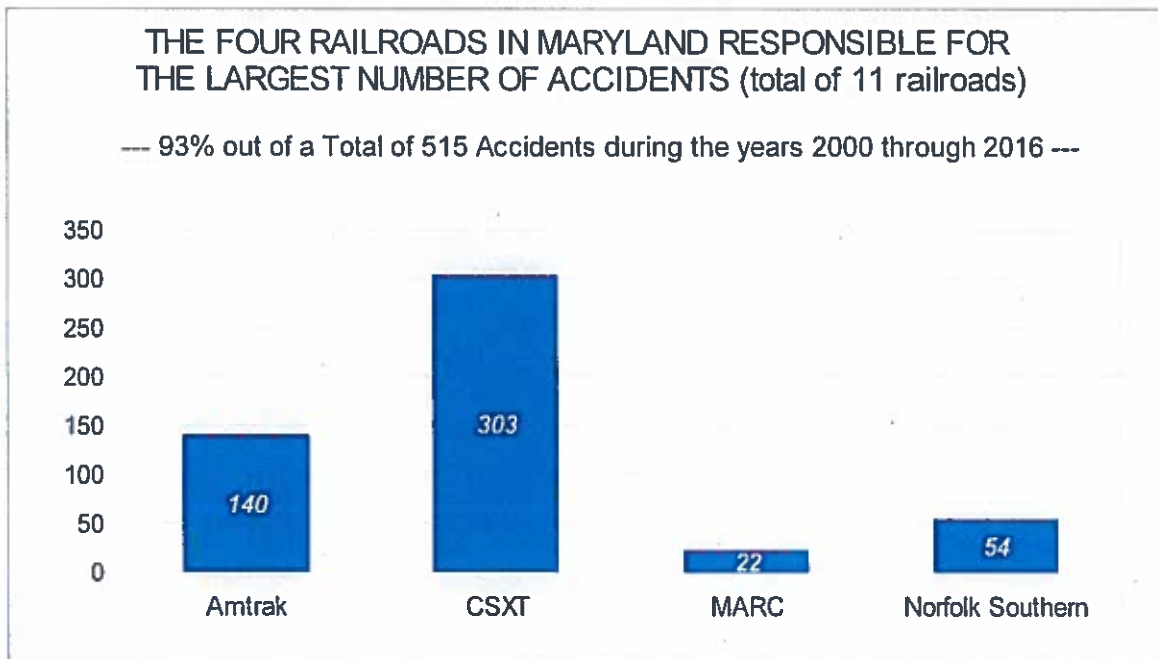
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One Attachment

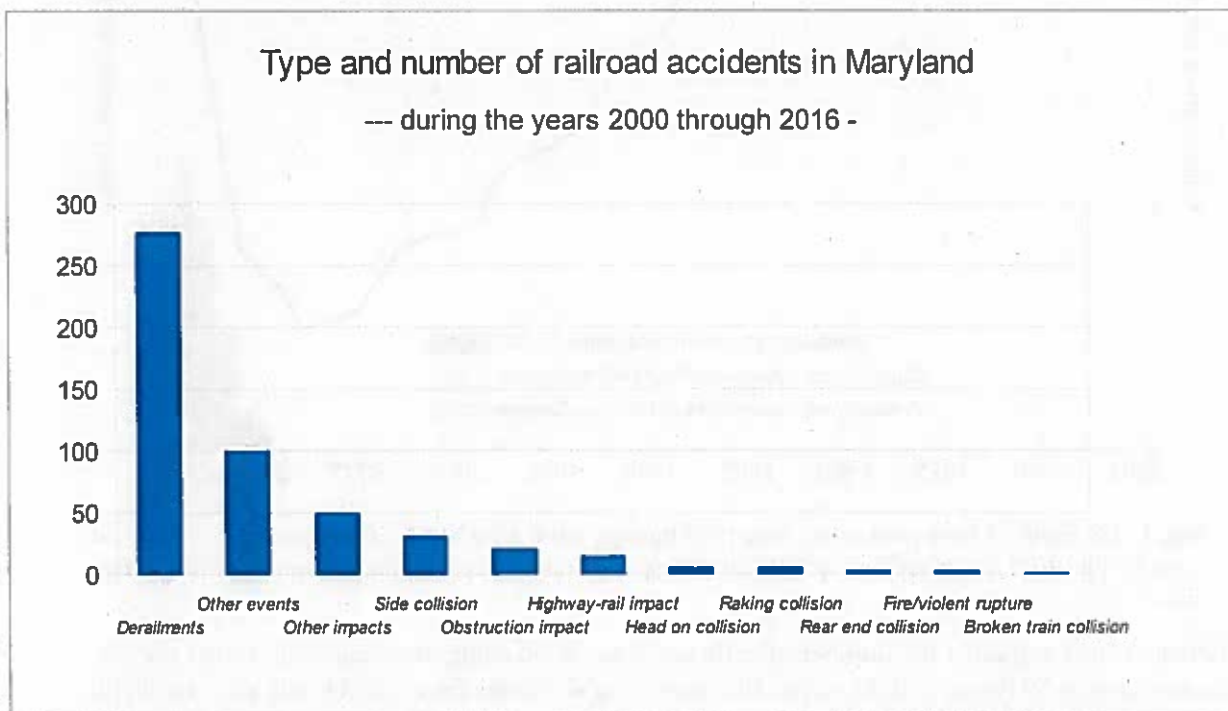
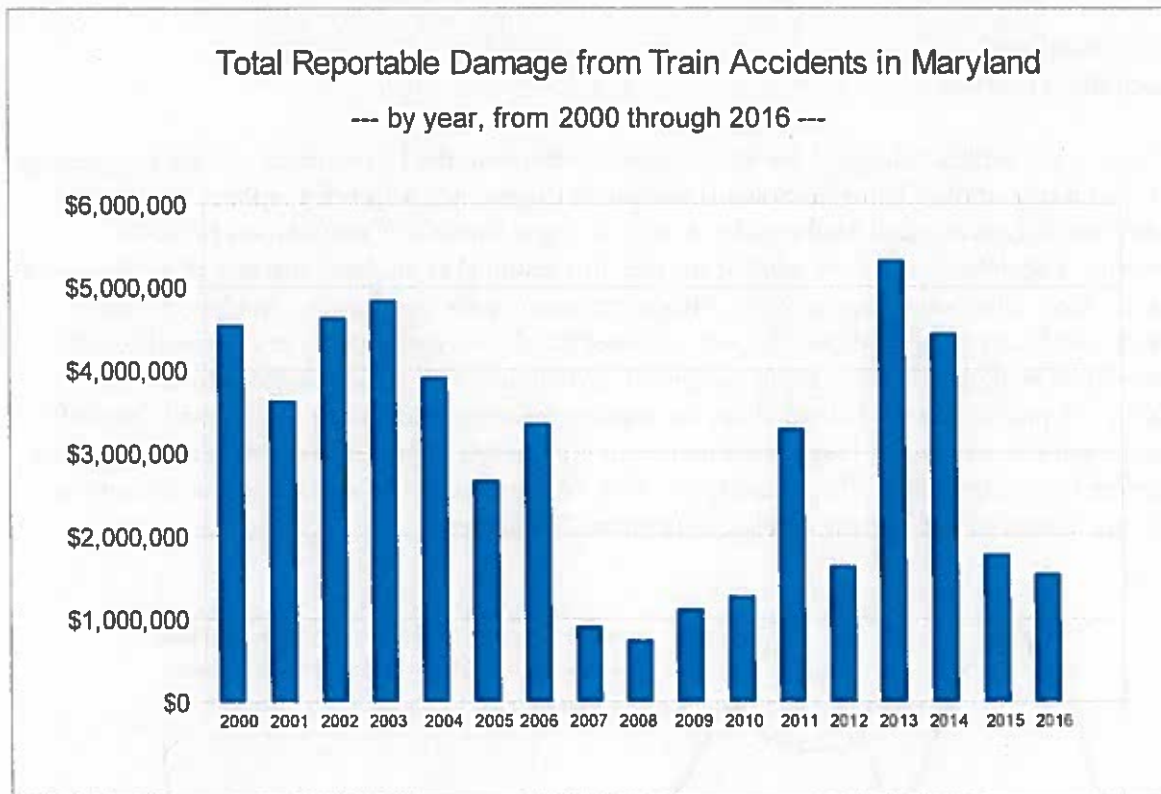
July 27, 2017 - Charts prepared by Art Cohen, Convenor, *b'more mobile*

SOURCE OF INFORMATION FOR THE FOUR CHARTS AND OTHER INFORMATION SHOWN BELOW:  
34 tables from the Office of Safety Analysis, Federal Railroad Administration, USDOT  
Website:

<http://safetydata.fra.dot.gov/officeofsafety/publicsite/Query/TrainAccidentDamage.aspx>  
- accessed on July 18, 2017



---> Please turn over the page --->



In the seventeen years 2000 through 2016, there have been:

- 114 injuries (91 from passenger trains; 23 from freight trains)
- 9 deaths (5 from passenger trains; 4 from freight trains)

\* \* \*

City OF Baltimore  
Council Bill #17-0150

My name is Dr. Sauleh Siddiqui. I am an Assistant Professor in the Department of Civil Engineering and Co-Director of the Center for Systems Science & Engineering at Johns Hopkins University. I received my PhD in Applied Mathematics & Statistics, and Scientific Computation from the University of Maryland, and have worked for ICI<sup>1</sup> International as an Associate as well as the World Bank as a Consultant on energy markets. My dissertation was on optimization models of energy markets, and I have published over 20 peer-reviewed articles on methods for energy market and infrastructure analysis. My latest article published in 2018 describes policy methods to reduce the crude-by-rail problem in the United States through engineering modeling of multimodal flows of different types of crude oil.<sup>1</sup> I have been invited to present this paper at several seminars, including Lancaster, PA; State College, PA; Minneapolis, MN; Montreal, Canada; and numerous avenues in Baltimore. I want to endorse the Crude Oil Terminal Prohibition.

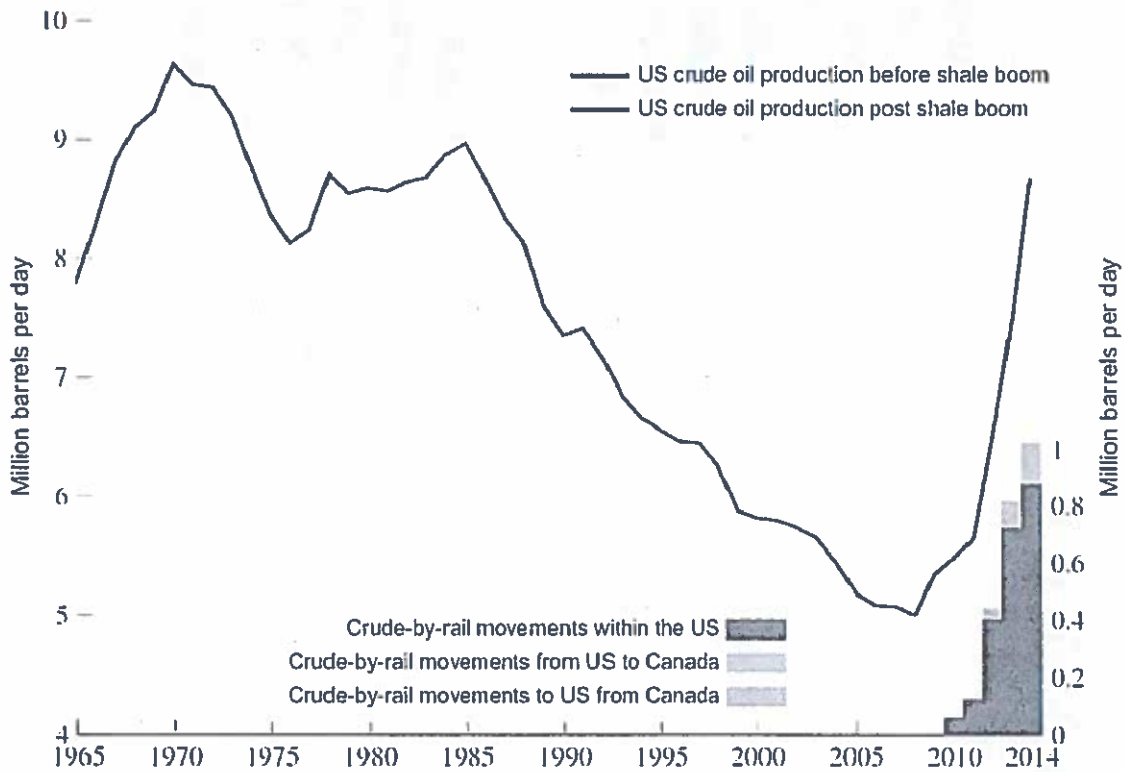


Fig. 1 US crude oil field production from 1965 through 2014. US/Canada rail movements of crude oil from 2010 to 2014 are juxtaposed to highlight their growth under recent production trends. (Data source: EIA)

Between 2008 and 2014 the number of carloads of crude oil shipped on railroads across the US increased over 50 times, and if you put the number of accidents for crude-by-rail, they are highly correlated with this increase. A major consequence of the increased demand on rail infrastructure

<sup>1</sup> Oke, O., Huppmann, D., Marshall, M., Poulton, R., & Siddiqui, S. (2018). Multimodal Transportation Flows in Energy Networks with an Application to Crude Oil Markets. *Networks and Spatial Economics*, 1-35.

received  
2.14.18 flc

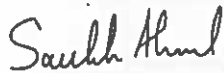


has been the rise of crude oil accidents. Although pipelines spill more gallons per incident, crude-by-rail spills have had more devastating impacts, as the rail lines often run near rivers or through densely populated areas.

I strongly believe the Baltimore council should consider the explosiveness and health risks of crude oil, especially this new variety from the Bakken Shale Canadian tar sands. From Figure 1 above, there is a great amount of it flowing in our rail network, and a crude oil terminal is only likely to add new pathways for it to increase expected flow through Baltimore city. Researchers have carefully looked at the health and fire safety issues of crude oil from the Bakken shale,<sup>2</sup> and the crude oil from the Canadian tar sands seems to have similar properties. Given its vapor pressure,<sup>3</sup> and the possibility of diluent added to it, the crude oil can pose several health and safety risks, especially if it spills in water.

The US Department of Transportation's Pipeline and Hazardous Materials Safety Administration estimates that an oil train derailment in an "average" population density area would cost \$1 billion. In a densely-populated area like Baltimore, PHMSA estimates the damage would be \$5 billion for lives lost, property ruined, and cleanup. For reference, the cleanup of the crude oil train tragedy in the small town of Lac-Megantic cost over \$400 million, but the railroad company responsible had an insurance policy that would only cover damages up to \$25 million.

I want to thank the council for their time and effort in looking at this important issue. Please do not hesitate to contact me if you require any additional information on this matter.



Sauleh Siddiqui, PhD.  
Assistant Professor, Departments of Civil Engineering and Applied Mathematics & Statistics  
Co-Director, Center for Systems Science and Engineering  
Whiting School of Engineering  
Johns Hopkins University

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<sup>2</sup> Lord, D., Luketa, A., Wocken, C., Schlasner, S., Aulich, T., Allen, R., & Rudeen, D. (2015). Literature Survey of Crude Oil Properties Relevant to Handling and Fire Safety in Transport. *Sandia National Laboratories (SNL-NM), Albuquerque, NM (United States)*. (<http://prod.sandia.gov/techlib/access-control.cgi/2015/151823.pdf>)

<sup>3</sup>[https://crrc.unh.edu/sites/crrc.unh.edu/files/transport\\_canada\\_crude\\_oil\\_sampling\\_and\\_analysis\\_final\\_report\\_2015-08-10\\_for\\_distribution.pdf](https://crrc.unh.edu/sites/crrc.unh.edu/files/transport_canada_crude_oil_sampling_and_analysis_final_report_2015-08-10_for_distribution.pdf)

# MICA

February 14, 2018

Chesapeake Climate Action Network  
Clean Water Action

The Maryland Institute College of Art is pleased to support the work, advocacy, education and leadership of the Chesapeake Climate Action Network and Clean Water Action as you seek support and commitments from the City of Baltimore and the State of Maryland in the limiting of the further development of crude oil terminals and the new expansion of rail transportation of crude oil within the City of Baltimore.

We believe this issue directly impacts the safety of students, campus and a local community of MICA in profound ways, and as a result of President Sammy Hoi has signed your letter of endorsement. The potential risks associated with the transportation of crude on tracks immediately adjacent to our campus could have devastating impacts to the college and the community. We have witnessed first-hand rail accidents located within the Howard Street tunnel and the substantial effect to the college.

As you build momentum to address this severe conceivable risk to our City and fellow residents, we would be happy to have you share our concerns and endorsement of your work with supporters with other organizations. Because we know this issue is essential to our respective organizations, we hope that you might leverage MICA's concerns to engage other arts and business partners within the City. As the State of Maryland and the City of Baltimore continue to pursue rail development and Howard Street tunnel improvements with CSX, we believe the safety and security of such decisions are paramount and must involve area stakeholders.

Kind Regards,



Doug Mann,  
Vice President & COO

MARYLAND  
INSTITUTE  
COLLEGE  
OF ART

1300 W MOUNT ROYAL AVENUE  
BALTIMORE, MD 21217  
T 410 669 9200  
WWW.MICA.EDU

received  
2/14/18 JPC

P. P. P.

**Bill:** Baltimore City Council Bill 17-0150 - Zoning - Prohibiting Crude Oil Terminals

**Committee:** Land Use & Transportation Committee

**Position:** SUPPORT

**Date:** February 14, 2018

Dear Honorable Land Use & Transportation Committee Members,

My name is Taylor Smith-Hams and I'm the Healthy Communities Campaign Organizer for CCAN Action Fund. We are a regionally-based nonprofit focused on fighting climate change in Maryland, DC, and Virginia with over 4,000 active supporters in Baltimore City. I write to express support for City Council Bill 17-0150. This zoning ordinance will protect our city from potential crude oil disasters and also from the broader impacts of climate change.

Crude oil shipments pose a threat to public health and safety, particularly when transported by rail. More than 165,000 people, myself included, live in the crude oil train "blast zone" in Baltimore - the area that could be directly impacted by a crude oil train incident in our city.<sup>1</sup> To compound the threat, Baltimore's infrastructure is outdated and vulnerable, as exemplified by the 26th Street collapse onto the CSX tracks below in 2014.

Two facilities in Baltimore are currently permitted to transfer crude oil. With the lifting of the crude oil export ban in 2015 and the possibility of increased domestic and offshore drilling under the Trump administration, Baltimore is in the crosshairs for increased crude oil shipments. Any new crude oil terminals, such as the one proposed for the Fairfield Peninsula in 2014, would dramatically increase the risk of deadly explosions to South Baltimore neighborhoods like Morrell Park, Mt Winans, Westport, Lakeland, Cherry Hill, Brooklyn, and Curtis Bay -- neighborhoods which already bear the brunt of industrial pollution in Baltimore City.

Past crude oil train derailments have resulted in tragedy. The worst example was the 2013 derailment and explosion in Lac-Megantic, Quebec that killed 47 people and decimated the town. Locally, we have seen freight train derailments in Baltimore that have resulted in fires, closures, and evacuations, including the derailments inside the Howard Street Tunnel in 2001 and 2016. As a MICA alumna, the 2016 derailment behind the school's Station Building hit particularly close to home.

Prohibiting crude oil terminals in Baltimore could very well avoid significant loss of life and property down the line. The U.S. Pipeline and Hazardous Materials Safety Administration has estimated damages for a crude oil train derailment in an urban center like Baltimore to be \$5 billion for lives lost, property ruined, and cleanup.<sup>2</sup> A crude oil train derailment could shut

<sup>1</sup> Oil Train Blast Zone, Stand.earth.

<sup>2</sup> Department of Transportation Pipeline and Hazardous Materials Safety Administration, "Draft Regulatory Impact Analysis [Docket No. PHMSA-2012-0082] (HM-251)," July 2014.

received  
2/14/18 JLE  
Taylor Smith-Hams

down economic hubs in Baltimore City such as the Port for lengthy cleanup operations, causing additional economic impact.

Furthermore, it is well established that fossil fuels such as crude oil contribute to climate change. As the climate warms, Baltimoreans are facing an increase in the frequency and severity of extreme weather events that strain already weak infrastructure, exacerbate flooding, contribute to vacancy, and degrade local water quality. Rising temperatures due to climate change extend allergy seasons and increase heat stress, heart disease, asthma and other lung diseases, as well as the spread of vector-borne illnesses such as Lyme disease. These impacts are ongoing, interconnected, unequally distributed, and will worsen in the future if we do not act now to limit greenhouse gas emissions.

Baltimore City is committed to climate action. The City's Climate Action Plan mandates a 15% reduction in the City's greenhouse gas emissions by 2020,<sup>3</sup> and the Council unanimously passed a Climate Resolution in June 2017. That resolution includes a commitment to "limit the development and expansion of facilities that handle crude oil," which this bill will accomplish.<sup>4</sup>

Given these risks and Baltimore's commitment to mitigation, passing City Council Bill 17-0150 is a prudent step this Council can take to protect Baltimoreans from climate change.

My support for this bill is bolstered by over 3,300 petitions that my organization and our partners at Clean Water Action have collected. Additionally, 155 small businesses, faith leaders, community associations, organizations, and institutions have signed letters calling on you to protect Baltimore from crude oil shipments. I have attached that list of supporters here. On behalf of my organization and the thousands of Baltimore residents who have signed on their support, I strongly encourage you to vote in favor of this common-sense ordinance and protect Baltimoreans from this unnecessary risk.

Sincerely,  
Taylor Smith-Hams  
CCAN Action Fund

---

<sup>3</sup> City of Baltimore, [Baltimore Climate Action Plan](#), 15 January 2013.

<sup>4</sup> Baltimore City Council, [17-0029R Request for City Action - Supporting the Paris Accord](#), 19 June 2017.

The following small businesses, faith leaders, community associations, organizations, and institutions have signed letters calling on the City Council and Mayor Pugh to protect Baltimore from crude oil shipments:

20th Century Gallery  
Acting Associate Conference Minister Alex  
Vishio, Central Atlantic Conference -  
United Church of Christ  
Amos Meats  
Annoula's Sobo Cafe  
Art of Attraction Salon  
ARTblocks  
Asana Roots  
Baltimore Area 350  
Baltimore Bicycle Works  
Baltimore Montessori Public Charter School  
#336  
Baltimore Theater Project  
Bazaar  
Between 2 Buns  
Bishop J.L Carter, Ark Church  
Bishop William Gohl, Jr., Delaware-Maryland  
Synod, ELCA  
Blue Water Baltimore  
Bolton Hill Food Center  
Brass Tap  
Bright Side Tattoo  
Brother Jerry O'Leary, Coordinator for Justice  
and Peace - Xaverian Brothers  
Cafe Hon  
Caravan  
CCAN Action Fund  
Charles Village Civic Association  
Charlotte Elliott, Inc  
Charm City Chocolate  
Charmington's  
Cheese Galore  
Chesapeake Bay Foundation  
Cho's Sea Garden  
Chris Myers Yoga  
Clean Water Action  
Clergy Leader Hugh Taft-Morales, Baltimore  
Ethical Society  
Corner Charcuterie  
Crepes by Mina  
Cross St Seafood  
Curtis Bay Community Association  
Custom Cleaners  
Dark Horse Gallery LLC  
Dr. Crystal Hall, United Workers  
Dr. Hoffman Brown, 3rd Wayland Baptist  
Church  
Edible Favors  
Elder Keith Thompson, Madison Avenue  
Presbyterian Church  
Energy Justice Network  
Epitome Barbershop  
Famous World of Computers  
Federal Hill Natural Market  
Filbert Street Garden  
Flaunt  
Food & Water Watch  
Fr. James Casciotti, S.J., St. Ignatius Church  
Fr. Joseph Muth, St. Matthew and Blessed  
Sacrament Catholic Churches  
Fr. Ty Hullinger, St. Anthony of Padua, St.  
Dominic, and Most Precious Blood  
parishes  
Gen Kelsang Chogden, Kadampa Meditation  
Center Maryland  
Hampden Community Council  
Hanging on a Whim  
Harmony Bakery and Cafe  
Hassan, Hassan & Tuchman, PA  
Have Fun Be Lucky Tattoo  
Hilltop Pizza  
Howl  
Interfaith Power & Light (DC.MD.NoVA)  
Isaiah House Outreach Ministries  
Jupiter's Ice Cream  
King's Pizza  
Kiss N Make-Up  
Knits, Soy & Metal  
Koba Cafe

Kodee Cakes  
Krause's Lite Fare  
Kwon's Fresh Produce  
La Cakerie  
Leo's Place  
Leslies Produce  
Lexington Market Shoe Repair  
Light Street Cycles  
Little Jimmy  
Mary Catherine Bunting, St. Vincent de Paul  
Catholic Church  
Maryland Environmental Health Network  
Maryland Institute College of Art  
Masala Kitchen  
Mayfield Improvement Association  
Mckay Jenkins, Brown Memorial Presbyterian  
Church  
MD Accessories  
Melessa's Weave Palace  
Mi & Yu Noodle Bar  
Milk + Ice Vintage  
Min. Donald L Jones, Progressive Baptist  
Convention of Maryland  
Mother's Deli  
Mount Royal Tavern  
Mt. Winans Community Association  
Mud and Metal  
Nichole Battle, Govans Ecumenical  
Development Corporation  
Park Avenue Pharmacy  
Park Café & Coffee Bar  
Parks Fried Chicken  
Pasha's Hammam  
Pastor Gary Dittman, Amazing Grace Lutheran  
Church  
Pastor James McEachin, Corner Rock Ministries  
Pastor Kenneth Harvard, First Baptist Church of  
Fairfield  
Pastor Mark Parker, Breath of God Lutheran  
Church  
Pastor Zollie D. Bagby, Village Baptist Church  
Pawtimore  
Peggy Meyer, Chair, Social Action Committee,  
St. Vincent de Paul Church

Prescription Chicken  
Rabbi Andrew Gordon, Bolton Street  
Synagogue  
Rabbi Daniel Burg, Beth Am Synagogue  
Rabbi Laurie Green  
Rev. Amy Sens, six:eight UCC  
Rev. Andrea Johnson, Living Water Inclusive  
Catholic Community  
Rev. Arthur Dan Gleckler, Bethesda United  
Methodist Church (Baltimore)  
Rev. Carol Cook, First Christian Church  
(Disciples of Christ), Baltimore  
Rev. Carol Sipes, St. Luke's Lutheran Church  
Rev. Darriel Harris, Newborn Community  
Church of God  
Rev. David Carl Olson, First Unitarian Church  
of Baltimore  
Rev. Dellyne Hinton, Central Maryland  
Ecumenical Council  
Rev. Dennard Gayle  
Rev. Derek Miller  
Rev. Dr. William A. Au, The Shrine of the  
Sacred Heart  
Rev. Gloria R. Carpeneto, Living Water  
Inclusive Catholic Community  
Rev. James Tanner  
Rev. Kate Foster Connors, The Center: Where  
Compassion Meets Justice  
Rev. M Cristina Paglinauan, The Church of the  
Redeemer  
Rev. Tamara England Wilson, Nu Season Nu  
Day Church  
Rev. Tom Harris, Govans Presbyterian Church  
Rev. Willie E. Ray, New Promiseland  
Community Church  
Sam's Bagels  
Sanitate Drycleaners  
Senior Pastor Frank Lance, Mt. Lebanon Baptist  
Church  
Sierra Club  
Sister Claudia Sanz, Oblate Sisters of  
Providence  
Sister Patricia Kirk, OSB Benedictine Sisters of  
Baltimore



# CLEAN WATER ACTION

MARYLAND

**This legislation is legal and appropriate.**

In July 2015, with public concern about this issue mounting, the City Council's Land Use and Transportation Committee held a legislative oversight hearing to investigate "rail shipments of crude oil, fuel oils, and non-crude oil and distillates that are traveling through Baltimore, and which, in some cases, are being shipped to a terminal in Fairfield for transfer from trains to barges for their transport to East Coast refineries, and the safety and environmental concerns related to this activity."<sup>2</sup>

At that hearing, I, many of our members, and the general public heard the mounting evidence that shipments of crude oil by rail pose a danger to the city. These dangers are well understood, and I won't enumerate them here. But most notably, Robert Maloney, then-director of the Mayor's Office of Emergency Management, said that a potential fire may be too dangerous or environmentally devastating to actively fight against.<sup>3</sup> We have seen this occur in other locations where crude oil trains have exploded: often, they are left to burn out. This would pose unacceptable harm to residents of Baltimore City.

However, both rail carriers and the city government have little legal authority to halt the shipment of crude oil by train. At the legislative oversight hearing, David Pigeon, a spokesman for Norfolk Southern, said, "We have no choice. We have to haul hazardous material, including crude oil. If a customer gives us a tank car that meets safety standards, we have to haul it."<sup>4</sup> If a company contracts with a rail carrier to ship legal cargo, the rail carrier cannot deny it, however unsafe; crude oil terminals in Baltimore City would be able to require rail shipments. Likewise, Baltimore City itself cannot prohibit crude oil trains, as outlined in the Baltimore City Law Department's comments for the legislative oversight hearing.<sup>5</sup> The Department enumerated the aspects of crude-by-rail transport that Baltimore City is barred from regulating, including types of freight shipments, the speed of freight, safety or maintenance procedures, and other aspects of train operations themselves. However, these comments identified that Baltimore City *could* regulate operations at facilities not owned or controlled by a railway, such as terminals, and referenced multiple legal precedents in which cities did so. Since 2016, Portland, OR and Vancouver, WA have all used their zoning powers to limit the construction of fossil fuel infrastructure such as crude oil terminals. Bill 17-0150 would accomplish this.

**Baltimore cannot look to the federal government for action on crude oil trains.**

In the years since the 2015 Legislative Oversight hearing, not only has precedent been further established that Baltimore City has the authority to pass legislation like Bill 17-0150; the need to

<sup>2</sup> [baltimore.legistar.com/LegislationDetail.aspx?ID=2350649&GUID=8D80C7AA-AC1B-48F0-AD90-1F55DDAE717C](http://baltimore.legistar.com/LegislationDetail.aspx?ID=2350649&GUID=8D80C7AA-AC1B-48F0-AD90-1F55DDAE717C)

<sup>3</sup> [www.baltimorebrew.com/2015/07/10/council-hears-about-risk-of-oil-train-derailment-in-baltimore/](http://www.baltimorebrew.com/2015/07/10/council-hears-about-risk-of-oil-train-derailment-in-baltimore/)

<sup>4</sup> [www.baltimoresun.com/news/maryland/baltimore-civ/bs-md-ci-crude-oil-20150707-story.html](http://www.baltimoresun.com/news/maryland/baltimore-civ/bs-md-ci-crude-oil-20150707-story.html)

<sup>5</sup> [baltimore.legistar.com/View.aspx?M=F&ID=3864322&GUID=5CCDC05-0530-405D-84C5-6192A9AD4CF6](http://baltimore.legistar.com/View.aspx?M=F&ID=3864322&GUID=5CCDC05-0530-405D-84C5-6192A9AD4CF6)



# CLEAN WATER ACTION

## MARYLAND

do so has become even more urgent and clear. In its testimony for that hearing, the Baltimore City Department of Transportation wrote that, since the Federal government regulates the shipment of hazardous materials across state lines, and in particular since rules were being promulgated at the Federal Railway Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) in response to crude oil train explosions, there was no need for the city to take regulatory action.<sup>6</sup> However, much has changed since 2015 that makes that trust in the FRA and PHMSA misplaced.

One year after the hearing, in October 2016, the Office of Inspector General published an audit report of the Pipeline and Hazardous Materials Safety Administration, titled "*Insufficient Guidance, Oversight, and Coordination Hinder PHMSA's Full Implementation of Mandates and Recommendations.*"<sup>7</sup> It found that the agency had completely disregarded key deadlines for issuing rules to address oil train safety and spill response. Between 2005 and 2016, the PHMSA failed to implement one-third of its mandates to issue rules protecting people from hazardous shipments, and failed to resolve over half of the recommendations of the National Transportation Safety Board (NTSB) – including one to lower the threshold for spill response plans for trains carrying highly flammable oil. Meanwhile, the NTSB included the completion of rail safety initiatives in its 2016 "Most Wanted List," specifically citing crude oil trains. Even in 2016, the PHMSA was not adequately protecting the country from crude oil train and other fossil fuel disasters.

One month after that report was issued, President Trump was elected, and his administration has aggressively pursued a deregulation strategy that is taking away any hope that the federal government could adequately regulate these risks. With a stated goal of erasing two regulations for every one put in place,<sup>8</sup> the administration has delayed or rescinded numerous regulatory actions, including a ruling that would have required high-hazard trains carrying freight like crude oil to use pneumatic brakes - a measure that would have prevented the Mosier, Oregon derailment that occurred in 2016 as well as many others.<sup>9</sup> Maryland's own Attorney General Brian Frosh has joined with colleagues from across the country to urge the administration to close a loophole that allows crude oil to be shipped by train with very high vapor pressure, with the highest likelihood of catastrophic explosion.<sup>10</sup> But even this sensible regulation is stalled indefinitely.

This month, the FRA is in disarray after a string of passenger train crashes, many of which occurred on rail lines where freight also operates and would have caused far worse catastrophe

<sup>6</sup> [baltimore.legistar.com/View.ashx?M=F&ID=3854727&GUID=B151DA99-1A2A-407A-A4A1-341B3D8E46DA](http://baltimore.legistar.com/View.ashx?M=F&ID=3854727&GUID=B151DA99-1A2A-407A-A4A1-341B3D8E46DA)

<sup>7</sup>

[www.oig.doi.gov/sites/default/files/PHMSA%20Progress%20Implementing%20Mandates%20and%20Recommendations%20Final%20Report%5E10-14-16.pdf](http://www.oig.doi.gov/sites/default/files/PHMSA%20Progress%20Implementing%20Mandates%20and%20Recommendations%20Final%20Report%5E10-14-16.pdf)

<sup>8</sup> <https://www.insurancejournal.com/news/national/2017/01/31/440429.htm>

<sup>9</sup> [www.usnews.com/news/best-states/oregon/articles/2017-12-07/trump-administration-rolls-back-obama-era-oil-train-rules](http://www.usnews.com/news/best-states/oregon/articles/2017-12-07/trump-administration-rolls-back-obama-era-oil-train-rules)

<sup>10</sup> [www.marylandattorneygeneral.gov/press/2017/052217a.pdf](http://www.marylandattorneygeneral.gov/press/2017/052217a.pdf)





# CLEAN WATER ACTION

## MARYLAND

if crude oil trains had been involved.<sup>11</sup> Its deputy administrator resigned a few weeks ago after troubling ethics violations surfaced, and the FRA has been without a permanent Administrator since Trump took office.<sup>12</sup> As the price of oil continues to rise,<sup>13</sup> domestic production increases under President Trump, industry anticipates more crude-by-rail transport,<sup>14</sup> and offshore drilling in the Atlantic becomes possible, it is likely that new terminals could be proposed for Baltimore - a dangerous future that we can avoid by passing Bill 17-0150.

### Crude oil trains put Baltimore's residents, air, water, and climate at risk.

Likewise, we cannot hope that the administration will adequately address the climate crisis which puts Baltimore residents and people all over the world in danger. This Council recognized the danger posed by climate change when it unanimously adopted Resolution 17-0029, Supporting the Paris Accord, when President Trump announced his intention to withdraw from this international agreement. Among the many actions listed that Baltimore City must take to fight climate change, this resolution committed the city to "limit the development and expansion of facilities that handle crude oil."<sup>15</sup> At a time when we know we cannot invest in new fossil fuel infrastructure without accelerating catastrophic global warming, Baltimore City must look to the future of renewable energy development instead of expanding dangerous fossil fuel infrastructure.

Finally, crude oil trains pose a significant risk to Baltimore City's drinking water, stormwater, and sewage infrastructure. For example, Druid Lake is within a half-mile of a sharp curve in the freight line that crude oil trains have taken through Baltimore, and sharp curves increase the likelihood of a derailment. This lake is far more than a center of recreation - it provides 58% of the Baltimore City drinking water system's post-treatment water storage, and 91% of the storage capacity for distribution zone 1, covering the oldest parts of the city.<sup>16</sup> Furthermore, Baltimore City is engaged in a capital improvements project to transition to underground storage tanks at the site, at a cost of \$140 million.<sup>17</sup> A crude oil train explosion near the lake would endanger both that significant investment and half of the city's drinking water. A crude oil train explosion anywhere in the city would send burning oil across our streets and into our sewage pipes, reversing the significant investments the city has made in improving our sewage system to eliminate sewage overflows and improving the water quality of the Inner Harbor. Crude oil trains

<sup>11</sup> [www.reuters.com/article/us-usa-train-crash-factbox/factbox-recent-deadly-u-s-passenger-train-crashes-ldUSKBN1FO0TV](http://www.reuters.com/article/us-usa-train-crash-factbox/factbox-recent-deadly-u-s-passenger-train-crashes-ldUSKBN1FO0TV)

<sup>12</sup> <https://www.cnn.com/2018/02/10/politics/fra-acting-chief-resigns/index.html>

<sup>13</sup> Tom DiChristopher. [US crude surges more than 2%, settling at \\$61.63, its best closing price since December 2014](#). CNBC, January 3, 2018.

<sup>14</sup> Kyle Bakx, [Costlier and more dangerous crude by rail set to rise again as oil production swells](#), CBC News, October 31, 2017.

<sup>15</sup> <https://baltimore.legistar.com/LegislationDetail.aspx?ID=3085324&GUID=74E26067-F573-4AB8-A39E-47E6A214BFDB&Options=JDI&Search=climate>

<sup>16</sup> [City of Baltimore Comprehensive Water and Wastewater Plan](#), August 2006.

<sup>17</sup> Michael Brice-Saddler, [Work underway at Druid Lake will revamp reservoir, alter recreation](#), Baltimore Sun, June 15, 2017.



# CLEAN WATER ACTION

**MARYLAND**

pose an unacceptable risk to clean water in Baltimore, as well as to our air, climate, infrastructure, and lives.

For these reasons and the many more you will hear at the public hearing on February 21, it is imperative that you support Bill 17-0150, the Crude Oil Terminal Prohibition. Thank you.

Sincerely,

Jennifer Kunze  
Maryland Program Organizer  
Clean Water Action  
[jkunze@cleanwater.org](mailto:jkunze@cleanwater.org)  
240-397-4126



**CHESAPEAKE BAY FOUNDATION**  
*Saving a National Treasure*

**Baltimore City Council Resolution concerning Council Bill 17-0150 prohibiting the expansion of existing oil terminals and the building of new oil terminals.**

Dear Mayor Pugh and City Council Members,

Chesapeake Bay Foundation appreciates the opportunity to provide comments and supports the City Council's resolution prohibiting new or expanded crude oil terminals throughout Baltimore City. The Bay is the largest and one of the most productive estuaries in the United States. It is home to over 3,600 species of plants and animals, none of whom can speak for themselves in this matter.

The Foundation also represents more than 200,000 human members, 20,000 of whom reside in the Baltimore metropolitan area. Our members are dedicated to the implementation and success of the Chesapeake Bay Blueprint to improve and protect water quality as a top priority for CBF. After 50 years of tireless effort on behalf of the bay, we are starting to see remarkable progress in water clarity, submerged aquatic vegetation and fisheries. Dozens of Baltimore businesses and hundreds of Baltimore residents have been gardening live oysters throughout the harbor that CBF outplants onto a living, thriving and growing oyster reef near Fort Carroll. We are very committed to protecting that resource for the benefit of all Baltimoreans and all Marylanders.

CBF has been working closely with other partner organizations and institutions in Baltimore to reach the goal of a fishable, swimmable harbor by 2020, working to highlight examples of environmental justice in decision-making and transforming community relationship to the harbor and the bay as the region transitions economically from its industrial past. Our Baltimore Education Program, the Snow Goose, provides contact to the harbor and the bay to thousands of Baltimore City students who otherwise might lack an opportunity for a tangible connection to nature, and therefore any responsibility toward it.

As mentioned in prior testimony before this committee, there are some serious consequences and risks associated with the movement of oil by rail. For example, in Lynchburg, VA, a train derailed and spilled an estimated 50,000 gallons of crude oil, setting the James River on fire. An oil spill in the harbor would further delay the goal of reaching a fishable and swimmable harbor by 2020, spoil the Inner Harbor as an economic engine for the city and disrupt vital shipping at the Port of Baltimore.

Even though much of the harbor has fish consumption advisories, some people in the city nevertheless depend on subsistence fishing and crabbing to feed themselves and their families. An oil spill would impact those most vulnerable communities for years to come. If a spill were to occur, Maryland lacks the infrastructure for rapid response and clean-up of the Harbor, while lawsuits get settled over who is responsible for the catastrophe.

In Maryland, oil trains endanger communities near rail lines and Baltimore in particular. Two facilities in Baltimore are currently permitted to transfer crude oil, and with the lifting of the crude oil export ban in 2015 and possibility of increased domestic drilling under the current federal administration, Baltimore is in the crosshairs for increased oil train shipments that could be detrimental to our way of life.



**CHESAPEAKE BAY FOUNDATION**  
*Saving a National Treasure*

Any new crude oil train terminal, such as the one proposed for the Fairfield Industrial Area in 2014, would dramatically increase the risk of deadly explosions in South Baltimore neighborhoods like Morrell Park, Mt. Winans, Westport, Lakeland, Cherry Hill, Brooklyn and Curtis Bay. These neighborhoods already bear the brunt of most industrial pollution in Baltimore City. In Brooklyn and Curtis Bay, life expectancy is 69.6 years and the city considers half of these deaths in these neighborhoods to be “avertable;” meaning that if residents in Curtis Bay and Brooklyn had access to the same health care opportunities as residents in Baltimore’s five wealthiest neighborhoods, 50% of the premature deaths in these communities could be prevented.<sup>1</sup>

By limiting the expansion of existing terminals and prohibiting new terminals, the likelihood of an accident- a spill, an explosion, a derailment- occurring is decreased significantly as would be further environmental and human health hazards that this council can do something about.

For these reasons, Chesapeake Bay foundation urges passage of Council bill 17-0150.

Thank You for your time.

Doug Myers, Maryland Senior Scientist  
Alayna Chuney, Staff attorney  
Carmera Thomas, Baltimore Harbor Program

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<sup>1</sup> Alisa Ames, Mark Evans, Laura Fox, Adam J. Milam, Ryan J. Petteway, Regina Rutledge, “Baltimore City 2011 Neighborhood Health Profile: Brooklyn/Curtis Bay/Hawkins Pt,” (Baltimore: Baltimore City Health Department, 2011, 4, <http://health.baltimorecitygov/sites/default/files/4%20Brooklyn.pdf>).



LAKELAND'S COMMUNITY ASSOCIATION PARTNERSHIP  
 3033 MALLVIEW RD. BALTIMORE, MD 21230  
 410-710-8118

Baltimore City Council  
 100 Holliday St  
 Baltimore, MD 21202

Honorable Land Use & Transportation Committee Members,

The Lakeland Community Association Partnership writes to express our support for Bill #17-0150 (Prohibiting new or expanded crude oil terminals). This bill would help prevent an increase in dangerous crude-by-rail traffic in our neighborhood.

Two facilities in Baltimore are currently permitted to ship crude oil, and with the lifting of the crude oil export ban in 2015 and the possibility of increased domestic drilling under the Trump administration, Baltimore is in the crosshairs for increased crude oil shipments.

Unrefined crude oil from the Bakken Shale in North Dakota is mixed with fracking chemicals and highly volatile. It is likened more to jet fuel than to regular crude oil and poses risks to people and the environment from spills, fires, and explosions in the event of a train derailment. To compound the threat, the nation's rail infrastructure is crumbling. The American Society for Civil Engineers gave U.S. infrastructure a D+ in a 2017 report. Locally, we have seen train derailments in Baltimore that have resulted in fires, closures, and evacuations.

Records from rail companies show that crude oil trains have run throughout Baltimore, placing 165,000 people in the "blast zone" — the area within one mile of the rail lines that could be endangered by an explosion. Many neighborhoods across the city are highly vulnerable, including Lakeland. Our entire neighborhood, including our elementary / middle school, is within the half-mile radius of the tracks. We are also right next to a sharp curve in the tracks that is similar to curves that have been the site of derailments elsewhere. Most notably, the 2013 derailment and explosion in Lac-Megantic, Quebec that killed 47 people and decimated the town occurred at a sharp curve in the track.

We urge you to act now to protect Baltimoreans from this unnecessary risk and pass Bill #17-0150 to protect our community. Thank you for your time and consideration.

Sincerely,

*Handwritten signatures:*  
 Daniel...  
 Col...  
 K. McFar...  
 Greg...  
 Thomas Scott Jr...  
 Alice...  
 Vera...  
 [Other illegible signatures]

"Lakeland Community Association Partnership is an association that has been organized to promote the education of residents and partnership of schools, businesses and churches in the area of crime prevention and quality of life and to assist in the safeguarding of the community, its residents and their properties through voluntary activities including public information problem solving and addressing community problems and concerns."

received  
 2/15/18 frc

## Coates, Jennifer

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**From:** Rianna Eckel <reckel@fwwatch.org>  
**Sent:** Thursday, February 15, 2018 11:46 AM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert  
**Cc:** Coates, Jennifer  
**Subject:** Comments in support of Bill #17-0150

Chair Reisinger and Honorable Members of the Land Use and Transportation Committee,

My name is Rianna Eckel, and I am the Maryland Organizer with **Food & Water Watch here** in Baltimore. I am writing on behalf of our more than 14,000 members in Baltimore City to urge you to vote in favor of the Crude Oil Terminal Prohibition ([Bill #17-0150](#)).

More than 165,000 Baltimoreans live in the zone endangered by crude oil trains. I personally live one block from the rail line, just two blocks away from where the 26th street tunnel collapsed in 2014. The safety risks posed by these crude oil trains cannot be overlooked.

At a time where our federal government is rolling back regulations, it is imperative that our City Council act to protect our communities. The current administration is not only rolling back safety regulations for crude oil trains, but also seeking to increase the amount of domestically produced fracked oil and gas. In 2016, Baltimore's City Council voted unanimously to encourage our state to ban fracking, encouraging the protection of our state and our community. The Council must act similarly to safeguard Baltimore from the potential expansion of crude oil shipments.

This bill is also an opportunity for Baltimore to be a leader on climate change, and to follow in the footsteps of Portland, OR and Vancouver, WA, who have used their zoning codes to guard against crude oil facilities. After a year filled with back-to-back hurricanes, devastating floods, raging wildfires, and spiking temperatures - we know that it's time to look to clean energy possibilities, not increase the use of dirty fossil fuels.

Again, we urge you to vote in favor of the Crude Oil Terminal Prohibition. Thank you for your time and for the opportunity to weigh in on such an important issue for our community.

Rianna Eckel  
Maryland Organizer  
Food & Water Watch  
3121 St Paul St, Ste 28  
Baltimore MD 21218

O (410) 394-7652  
C (978) 835-6230

**Austin, Natawna B.**

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**Subject:** FW: Pass the Crude Oil Terminal Prohibition to Stop Bomb Trains

**From:** City Council President  
**Sent:** Friday, November 03, 2017 1:10 PM  
**To:** Kunst, Kara  
**Subject:** FW: Pass the Crude Oil Terminal Prohibition to Stop Bomb Trains

**From:** Kate Sigler [mailto:kisigler@gmail.com]  
**Sent:** Thursday, November 02, 2017 9:33 AM  
**To:** City Council President  
**Subject:** Pass the Crude Oil Terminal Prohibition to Stop Bomb Trains

Mr. Bernard Young,

Dear Council President Young:

I am writing to urge you to vote for the Crude Oil Terminal Prohibition (Bill #17-0150). Crude oil trains endanger 165,000 Baltimoreans when they travel through our neighborhoods on their way to export terminals.

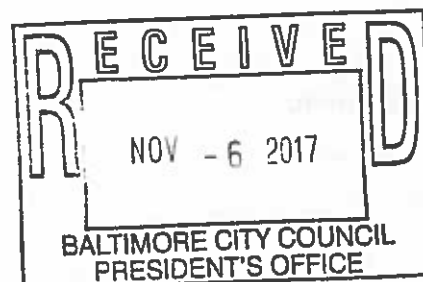
We know that crude oil trains can derail and explode catastrophically. The US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHSMA) estimates that a crude oil train derailment in an urban center could produce \$5 billion in total damages. The collapse of 26th St in 2014, the coal train explosion in Rosedale in 2013, and the derailments in the Howard St Tunnel in 2001 and 2016 all happened on the route that crude oil trains have been known to take through Baltimore.

Crude oil trains pose unnecessary and unacceptable risks to public health and safety, our air, water, and the environment.

I urge you to vote for the Crude Oil Terminal Prohibition (Bill #17-0150) to protect our communities.

Thank you,

**Kate Sigler**  
2513 Guilford Ave  
Baltimore, MD 21218



**Coates, Jennifer**

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**From:** Matt Gardner <mattmgardner1@gmail.com>  
**Sent:** Friday, January 19, 2018 7:04 PM  
**To:** Coates, Jennifer; Stokes, Robert; Pinkett, Leon; Dorsey, Ryan; Costello, Eric; Clarke, Mary Pat; Middleton, Sharon; Reisinger, Edward  
**Subject:** Written Testimony for the Land Use & Transportation Committee

To the members of the Land Use & Transportation Committee on Crude Oil Terminal Prohibition:

Thank you for the opportunity to provide input on this issue. These oil trains have put my brother's home of twelve years in danger. I fear for his safety and that of a hundred thousand Baltimore residents, including countless children whose schoolyards each lie on a potential ground zero.

No one could credibly call this danger exaggerated given recent rail derailments around this country and the devastation of the Quebec oil train disaster, which razed 30 buildings, compelled the demolition of 36 more, and took 47 lives in a town of fewer than 10,000. I shudder to imagine what could happen here, with much more wealth and so many more souls in the line of fire.

There is only so much we, Baltimore City, can do, but so far it appears we are alone; the Trump Administration even rescinded an executive order requiring pneumatic brakes, itself a laughably weak protection but still apparently too much to ask. This city, they've made clear, is on its own to protect itself, so that we must do. Between this immediate danger and the coming calamity of climate change, our present must be green now or our future will never come.

We can be remembered as fretting about the futility or impropriety of one potential action or another in the face of an overwhelming danger we failed to appreciate, or we can be remembered as having taken at every chance the bold and fearless course warranted by those dangers we navigate today and in the years to come. This occasion will be one that stands out.

Thank you for your consideration,

**Matt Gardner**

received  
1-19-18 JK



**Coates, Jennifer**

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**From:** Louise Harmony <harmonylouise3@gmail.com>  
**Sent:** Saturday, January 20, 2018 7:08 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Please join me in supporting Crude Oil Terminal Prohibition (Bill #17-0150)

I am writing this evening in support of Bill number 17-0150, the Crude Oil Terminal Prohibition Bill.

Since oil is being fracked at present, the contents of extracted oil contain both the crude oil and the fracking chemicals. This combination of chemicals is VERY explosive. Trains carrying fracked crude oil can come through Baltimore City - endangering the lives of Baltimore City Residents and, if a derailment occurred in the city, destroying about a 1/2 radius on each side of the train tracks where the explosion occurred.

**Summary of Bill:** The Crude Oil Terminal Prohibition (Bill #17-0150) will reduce the market demand for trains carrying this hazardous material to travel through Baltimore neighborhoods (plus any neighborhood in Maryland near train tracks that carry crude oil) and protect our communities from potential explosions, air pollution, and the broader impacts of climate change.

The Pipeline and Hazardous Material Safety Administration within the US Dept. of Transportation estimate that a crude oil train derailment in an urban center could produce \$5 billion in total damages. **Now especially with the Trump administration's withdrawing of aid to Puerto Rico after the last big hurricane, we here in Baltimore cannot depend on the Federal Government to take up the slack.**

A new government report finds that only 9 percent of all the rail tank cars transporting flammable liquids last year met the stricter safety requirements of regulations set in 2015, which were meant to reduce oil train explosions and accidents. This confirms what DeSmog reported last year showing that the oil and rail industries were not moving to aggressively upgrade the fleet to the higher safety standards.

So it is more important than ever for the **CITY of BALTIMORE to LEAD** in protecting the citizens of Baltimore and the property of city residents and businesses (200 places of



worship in the blast zone; 165,000 Baltimoreans live in the zone endangered by crude oil trains, and 30,000 students and almost 2,000 teachers attend or work at schools endangered by crude oil trains).

For these reasons, I urge you to whole heartedly support bill number 17-0150

Louise Harmony, 5105 Walther Avenue, Baltimore, MD 21214

## Coates, Jennifer

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**From:** hugh pocock <hpocock@gmail.com>  
**Sent:** Tuesday, February 06, 2018 1:42 PM  
**To:** Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer; Reisinger, Edward  
**Subject:** comments in support of bill#17-0150 w/ address correction

Dear Members of the Land Use and Transportation Committee,

My name is Hugh Pocock and I am a Baltimore City Resident. I am writing to urge you to vote for the Crude Oil Terminal Prohibition Bill #17-0150. I have lived and worked in Baltimore for over 20 years. My place of work and my children's school are both within the blast zone endangered by trains that carry crude oil through our city. This is a very real threat as I remember the Howard Street derailments of 2001 and 2016. I am an employee of MICA, I see the trains every day. It is hard to imagine the devastation a derailment would have on the lives and economy of this area. My children attend the Baltimore Montessori Public Charter School, again, it is unthinkable....but it is a real possibility. This Bill, I know will not prevent these trains from carrying crude oil but it will limit them. If that is all we can do....then we must do it. I have been part of the Station North area for 15 years and it is significant to finally see real investment in the area. I believe it has turned a corner. An train disaster would end this.

again, please vote in favor of Bill 17-0150

sincerely,  
Hugh Pocock

On Tue, Feb 6, 2018 at 1:39 PM, hugh pocock <hpocock@gmail.com> wrote:  
Dear Members of the Land Use and Transportation Committee,

My name is Hugh Pocock and I am a Baltimore City Resident. I am writing to urge you to vote for the Crude Oil Terminal Prohibition Bill #17-0150. I have lived and worked in Baltimore for over 20 years. My place of work and my children's school are both within the blast zone endangered by trains that carry crude oil through our city. This is a very real threat as I remember the Howard Street derailments of 2001 and 2016. I am an employee of MICA, I see the trains every day. It is hard to imagine the devastation a derailment would have on the lives and economy of this area. My children attend the Baltimore Montessori Public Charter School, again, it is unthinkable....but it is a real possibility. This Bill, I know will not prevent these trains from carrying crude oil but it will limit them. If that is all we can do....then we must do it. I have been part of the Station North area for 15 years and it is significant to finally see real investment in the area. I believe it has turned a corner. An train disaster would end this.

again, please vote in favor of Bill 17-0150

sincerely,  
Hugh Pocock

**Coates, Jennifer**

---

**From:** Murdock, Stephanie  
**Sent:** Tuesday, February 06, 2018 9:55 AM  
**To:** Coates, Jennifer  
**Subject:** FW: Thank you for fighting crude oil trains!

Please add to the bill file Ms. Coates.

Thanks,  
Steph

-----Original Message-----

**From:** Clarke, Mary Pat  
**Sent:** Tuesday, February 06, 2018 5:57 AM  
**To:** Murdock, Stephanie <Stephanie.Murdock@baltimorecity.gov>  
**Subject:** FW: Thank you for fighting crude oil trains!

Please add to the bill file.

-----Original Message-----

**From:** Kai Jones [mailto:kaijones93@gmail.com]  
**Sent:** Monday, February 05, 2018 5:57 PM  
**To:** Clarke, Mary Pat  
**Subject:** Thank you for fighting crude oil trains!

Dear Councilmember Clarke,

Thank you for working to keep Baltimoreans safe by introducing the Crude Oil Trains Prohibition. I believe this bill is a crucial and necessary step for our city to take to protect public safety, reduce toxic air pollution, and fight against climate change. Crude oil trains are far too dangerous to be on Baltimore's railroads, as the collapse of 26th St in 2014, the freight train explosion in Rosedale in 2013, and the derailments in the Howard St Tunnel in 2001 and 2016 illustrate. Thank you for your leadership role in protecting us from this unnecessary risk.

**Mr. Kai Jones**  
710 Cumberland St  
Baltimore, MD 21217  
4434680982

**Coates, Jennifer**

---

**From:** Fred Millar <fmillarfoe@gmail.com>  
**Sent:** Friday, February 09, 2018 11:05 AM  
**To:** Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer; Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat  
**Cc:** Taylor Smith-Hams  
**Subject:** Fred Millar written testimony for hearing on Council Bill 17-0150  
**Attachments:** Baltimore Council 2018 testimony Land Use and Trans committee 2 21 18 FINAL emailed.docx; Baltimore presentation CBR 7 8 15 City Council info session FINAL 7 8 15 12 pp.docx

Dear Council members and staff:

Since I cannot make a personal appearance at the hearing on 2 21 18, I am sending by attachment this written testimony and also attaching the still-relevant comments I made in 2015 on crude oil train risks.

Thank you for your leadership in this matter.

Sincerely,  
Fred Millar

--  
**Fred Millar**

915 S. Buchanan St No. 29  
Arlington VA 22204  
703-979-9191

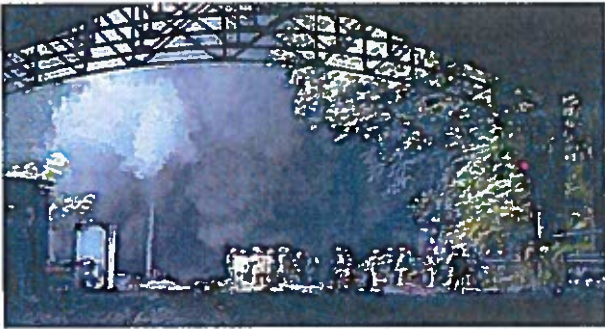
TESTIMONY FOR HEARING ON COUNCIL BILL 17-0150

LAND USE AND TRANSPORTATION COMMITTEE BALTIMORE CITY COUNCIL

FEBRUARY 21, 2018

*Statement by Fred Millar, Ph.D. -- Consultant on Transportation Safety and Security, formerly longtime member DC Local Emergency Planning Committee*

Chairman Reisinger, Ms. Clark and colleagues: Thank you for this opportunity to comment on Council Bill 17-0150. I commend your leadership and that of your numerous colleagues who have co-sponsored Council Bill 05-0069 and support it as a farsighted and vital legislative measure to protect Baltimore citizens from serious and preventable crude oil transportation safety and terrorism risks, in the absence of effective federal regulatory action.



Howard Street Tunnel fire, 2001 – fire service huddles on whether they can safely go in

The first time I submitted testimony as a rail safety expert to this committee was on October 19, 2005. Chairman Reisinger and other Councilmembers had introduced an ordinance that would have required CSX railroad **to re-route** its most dangerous hazmat cargoes around Baltimore. In Washington DC we had just introduced a similar ordinance, as soon did 8 other major US target cities, including Chicago, St Louis, Cleveland, Albany and Buffalo, in part because of widespread terrorism concern regarding possible use of these cargoes as Weapons of Mass Destruction. This post-9/11 push was after the July 2001 CSX train fire in the Howard Street Tunnel, but before the 2012-2016 crude oil train crises, so focused on toxic gas rail risks. *[I attach here my 12-pp testimony from your 2015 information session on crude oil train risks, since much of it is unfortunately still relevant today, and will focus here on updates.]*

CSX's top hazmat official Howard "Skip" Elliott vigorously led the entire railroad industry in opposing these urban re-routing ordinances. DC spent an estimated \$100,000 defending its enacted ordinance in court. But the railroads defeated the ordinances ultimately with their new federally-preemptive and railroad-friendly Congressional 2007 law, Public Law 110-53, Section 1551, which allows the railroads to make secret urban hazmat routing decisions using 27 new routing factors that each railroad can weight as it wishes, and with no mandate for

interchanging hazmat cargoes onto safer railroads. Federal regulators bluntly stated in 2015 that the railroads have made only “modest” efforts at protective re-routing, but did nothing to strengthen the requirements.

Nearly all cities have no idea whether they are unnecessarily put at high risk or not. One exception is CSX’s grudging reaction in telling concerned and vociferous citizen meetings in Washington DC that CSX would “voluntarily” re-route its most dangerous cargoes around the nation’s capital, without identifying the alternative route. The safer alternative would be the competitor Norfolk Southern Railroad route up the east coast, which alternative route is 30 miles west of the CSX’s “I-95 corridor” route through DC-Baltimore-Philadelphia etc., but CSX adamantly told a federal judge that if forced to go around DC it would instead use its own next available CSX route swinging way out west through Cincinnati and Cleveland.

As a CSX spokesperson smilingly later told a DC audience, “there are other ways to get our crude oil cargoes [from the Chicago area] to the Yorktown VA unloading terminal than coming through DC” [without avowing not to do so in the future]. The only other re-routing exception: Union Pacific similarly has agreed to re-route its crude oil eastbound unit trains around St Louis after Fire Chief Dennis Jenkerson threatened a big public fight, but still insists on bringing its westbound crude oil unit train “empties” [still dangerous and placarded] through the city.

**The major rail safety crisis** since 2012 with the massively long crude oil trains imposed on a clearly unprepared North American rail infrastructure [unprepared in operations and in regulation] has been the salient issue that led several **localities and states recently to ban** new or expanded crude oil terminals. Since the major US railroads have won from Congress such sweeping federal preemption of state and local regulation in rail safety, the active jurisdictions not only raised safety and terrorism concerns but also relied on their authorities to assess public need for new crude oil facilities and **land use planning**. Potentially at-risk and impacted communities all along the proposed crude oil rail routes joined in loudly protesting new facilities as well. In the **Pacific Northwest**, citizen uproars in jurisdictions in California, Washington State, and British Columbia have recently defeated all 8 of the industry’s proposed major crude oil terminals.

Baltimore, along with Philadelphia and Albany NY were chosen early on by the crude oil industry as major Eastern focal points for crude oil traffic. Any large crude oil disaster in these cities, or even a partially successful terrorist attack, would of course provide a symbolic triumph for jihadists over the Western oil industry invaders.

There has been a sharp dropoff recently in crude oil train traffic nationwide, because of fallen oil prices in the volatile worldwide oil markets. So we have not seen since 2016 the frequent photogenic and alarming multiple-car fireball crude oil derailments of the peak years, but the railroads are still deploying the most dangerous risk-imposing practices, such as unit train operations of unlimited length reaching 150 cars or more and routing cargoes through major

densely populated cities. Even major railroad CEOs such as the late Hunter Harrison, famous as the former cost-cutting CEO at Canadian Pacific [and more recently the interim CEO spearheading CSX's cost-cutting spree] publicly indicated his discomfort at continuing to route hazardous cargoes through Chicago and other major cities.

Recent continued passenger and freight rail accidents and major systemic safety issues in the freight rail industry have cast doubt on the railroads' ability safely to transport hazardous cargoes:

1. The recent spate of major Amtrak collision/derailment accidents [Tacoma, Philadelphia, etc.] have highlighted the failure of Amtrak and of the major freight railroads to meet Congressional deadlines to install and implement Positive Train Control [PTC], the computerized collision avoidance system which experts say could have prevented the recent rail disasters involving collisions and overspeed, for example near Olympia WA and near Cayce SC. Amtrak [except in the NE Corridor] mostly uses the freight railroads' tracks, and is much less well heeled for spending the billions required to install all the elements of PTC.



Amtrak Philadelphia crash 5 12 15 Tank cars on nearby track in "I-95 corridor"

The railroads, emboldened by a friendly new President, have recently made clear in a February 7 2018 Associated Press article that they do not consider the Congressionally-set end-of-2018 deadline for completing PTC to be anything but a new opportunity to argue they must have another extension.

2. The railroads' lobbyists successfully weakened the most crucial Obama Administration crude oil mandates promulgated after the 2013 Lac-Mégantic crude oil and subsequent



disasters. For example they secured **long delays in requirements** even for only marginally safer High Hazard Flammable Train tank cars, which delays have been re-affirmed by Congress in the meantime with the 2015 FAST Act that allows some crude oil and ethanol tank cars a 2025 retrofit deadline. The federally mandated improvements do not at all address critical safety issues such as length of unit trains, and only pretend to mandate safer urban routing.

3. The railroads have already won a Trump Administration reprieve from the last-minute surprise Obama Administration federal mandate at long last to install a decades-late 20th Century technology, Electronically Controlled Pneumatic [**ECP**] braking systems, with the dubious assertion that the safety benefits are unproven.
4. New federal rail safety regulation does not assuage new citizen concerns about mounting evidence of the serious **inadequacy of many railroad bridges**: The FAST law provision on bridge safety provides neither a real governmental regulatory function nor a valuable Community Right To Know [CRTK] framework. The new law Public Law 114-94, Section 11405, Dec 15, 2015 "Bridge Inspection Reports"):
  - a. Does not provide any significant new authority or resources or an inspection schedule for a federal or state regulatory agency to ensure safety of rail bridges
  - b. Does not set any new measurable public standards on rail bridge safety, leaving bridge safety risk assessments and decisions on needed improvements completely still in the hands of railroads -- to the [non-transparent] extent that their corporate lawyers might feel some undue liability in case of future disaster with heavy trains on a clearly crumbling bridge.
  - c. Does not give public officials or citizens **any new real information** on which to make any independent judgment as to the overall safety of the bridge or any significant component, only asking from the railroad "a general statement on the condition of the [railroad's] bridge."
  - d. Does not give public officials or citizens **any new right to act**, in the traditional local authority for public health and safety, e.g, to demand a temporary shutdown for needed safety improvements. Such as any government can demand with a restaurant or daycare center.
  - e. Does unfortunately erect **new layers of bureaucracy** between at-risk citizens and the railroads: local public officials and FRA [in a pretense of doing their jobs of protecting the public] have paper-shuffling roles to play even to make this weak tea of rail bridge information available to concerned citizens, with no clear deadline for actually getting it to them.
5. The railroads have in recent years been engaged in **relentless cost-cutting**, which rail unions argue has significantly reduced margins of safety. They have downsized their train **crew sizes** to dangerous levels and are constantly seeking to introduce even more

computerized train control. The one-person-crew practice of the small Canadian railroad that contributed to the 2013 Lac-Mégantic crude oil disaster that killed 47 is a tragic case in point. Some US states have pushed back on this with new mandates for two-person crews. CSX notably hired recently an “interim” CEO, the late Hunter Harrison, famous as a cost-cutting leader for squeezing out more profits, and the railroad has embarked on significant layoffs and other cuts which have disturbed even the Editor-in-Chief of a leading railroad trade magazine such that he asked, “What’s going on at CSX?” in the July 21 2017 issue of Railway Age.

6. The Canadian Transportation Safety Board **enquiry** report on that 2013 disaster also outlined 18 major systemic flaws in rail safety at that railroad and in flawed Canadian regulatory oversight, many of which are entirely relevant in the US rail context as well.
7. There is no evidence that **local emergency planning** nationwide has improved. While some crude oil train fireball accidents have shown that worried fire chiefs have heeded the US DOT Emergency Response Guidebook and practiced a precautionary tactic of mandating one or two-mile evacuations in sparsely populated rural areas, in other emergencies the railroad hazmat experts have used the controversial “Unified Command” concept [which elevates the role of industry experts in on-scene decision-making] to jawbone the emergency response team into riskier and cheaper evacuations. For example, Union Pacific RR experts, even from 100 miles away, downplayed the risk and bullied the 12 volunteer fire departments that responded to the mid-2016 Mosier Oregon crude oil derailment into riskily reducing their initial evacuation zone from ½ mile to ¼ mile. [Luckily, the Mosier fire chief reported, the wind cooperated and spared the town.]

When the **2001 Howard Street Tunnel** hazardous rail cargo was burning for five days, the Baltimore Sun asked me to evaluate Baltimore City’s local emergency plan. I found the plan had been a skimpy, boilerplate effort, that had not even contemplated any rail tunnel event. Unfortunately nearly all of the 4100 un-funded and usually un-serious US Local Emergency Planning Committees are determined “not to alarm the public.” They studiously avoid [until perhaps a frightening derailment event occurs] even demanding information on what kinds of locally transiting hazardous materials railcars pose disaster release risks, much less train first responders on these or hold exercises to practice evacuations and shelter in place in the nearest trackside communities.

As a Local Emergency Planning Committee member in Washington DC in the 1990s I asked the railroads, on behalf of our DC Fire Department hazmat team wishing to prioritize its training efforts, how many of the most dangerous hazmat cargoes they transported annually through DC. They attempted to end the conversation by asserting they were “The Railroads”, and “not subject” to our post-Bhopal little Community Right

to Know laws – true enough, Congress had exempted them and the pipelines. Only my threat of Washington Post coverage of their intransigence forced out the information.

Finally, the seven major North American freight railroads are pushing hard for yet more and dramatic deregulation in the Trump era, as excellent reports by Justin Mikulka in DeSmogBlog have outlined. A new Republican bill sponsored by legislators heavily funded by railroads, the RAILS Act of June 2017, pushes the self-regulatory approach favoring the power of “market forces” to keep railroads acceptably safe.

The oil industry in general [e.g., notably the new LNG export industry], including crude oil shippers and their railroad carriers, has been pushing for several years [behind the scenes, quietly lobbying standards bodies and federal agencies, but with no vivid public debate] to loosen what they see as “rigid and prescriptive” government regulations in favor of whole new regulatory models called “risk-based”, “performance-based” and quantitative risk assessment [QRA]. These new approaches are blatantly designed to make it possible to impose larger disaster risks on communities by giving the riskiest industries more “flexibility” to site [near residences and businesses] and design and operate their facilities [or trains, pipelines, ships] using industry standards of safety rather than government-imposed and enforced regulation.

Of course, the industry now sees the Trump era as the time to cash in on all their investments in lobbying and campaign contributions, and get a decisive weakening of federal and state safety standards, oversight and staffing. The federal transportation safety agencies such as PHMSA and FRA are working on new regulations that will accommodate the industry’s wishes. The new Trump-appointed head of PHMSA is former top CSX official Howard “Skip” Elliott. The new head for FRA is Ron Batory, former CEO of Conrail, who is promoting performance based regulations by which the government should “allow the railroad industry to keep more of their profits.”

*Presentation of Fred Millar*  
*Baltimore City Council Information Session*  
*Risks of Crude Oil by Rail and Ways Forward*  
*July 8 2015*



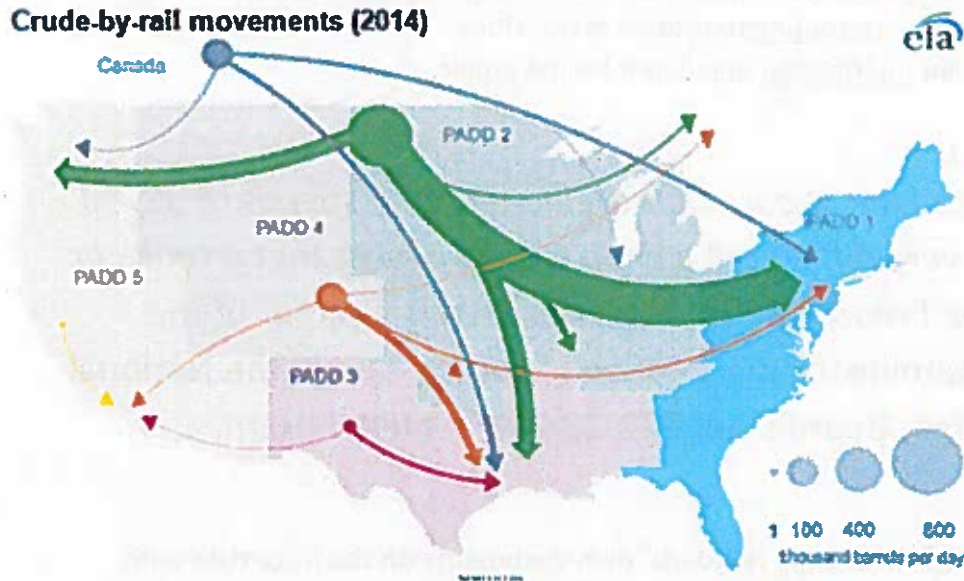
*2001 -- Baltimore firefighters huddle outside on whether to go into the Howard Street Tunnel to fight the fire, in the absence of train information.*

I. National perspective: Crude by Rail risks/ WMD hazmat rail cargoes/High Hazard Flammable Trains/Railroad secrecy vs. Community Right To Know

## EIA map Crude by Rail 2014

<http://www.eia.gov/todayinenergy/detail.cfm?id=20592>

Crude-by-rail movements (2014)



- Baltimore is like other Crude by Rail [CBR] pass-through cities such as Albany NY, Twin Cities MN, Chicago, Seattle, CA cities, Toronto, Montreal, etc. – when a Born Yesterday industry is suddenly imposed on the at-risk public and emergency responders whom railroads keep in the dark about the risks, and with a physical and regulatory infrastructure “not ready for this” – said US DOT Secretary Foxx.
- Frequent serious North American derailments with huge fire events, most tragically in Lac-Mégantic Quebec in July 2013, have alarmed at-risk citizens and officials.
- Consensus among fire service – see the US DOT Emergency Response Handbook’s directive: if only one crude oil or ethanol car on fire, evacuate ½ mile, and let the fires burn. The industry’s most-utilized pattern of unit trains average 100 cars. So no firefighters lost so far in mostly rural derailments. But life-threatening potentials for citizens and emergency responders could emerge in any major city derailment: Let ½ mile zone in Baltimore burn?

- **Federal regulations on High Hazard Flammable Trains [HHFT], unit trains with ethanol and Crude by Rail [CBR], were finally promulgated May 2015, but are very weak [and railroads are suing US DOT on some]. Some examples:**
  - a. Cargo volatility – Obama punted on this to 3 ND regulators, with predictably lax results.
  - b. Train speed reductions and tank car improvements are much too little, too late to prevent disasters – e.g., 5-10 year tank car retrofit deadlines. See FRA’s Karl Alexy quote: train speeds of 30-40 mph will puncture tank cars. AAR: 50/40 is OK but UPS is our biggest single corporate customer, cannot slow further.
  - c. No serious train re-routing to protect major cities.
  - d. No significant information mandated for the public.

*“When you begin to look at cars that are derailling at speeds of 30, 40 miles an hour, it’s very difficult, it’s a big ask, to expect that a tank car get hit [and] not be breached,”* Dr. Karl Alexy, staff director of the Federal Railroad Administration’s Office of Safety, said in the National Transportation Safety Board's April 22-23 2014 Safety Forum.

- **Now coming to light are the railroads’ own documents on the huge risks with pressurized tank car cargoes like poison gas or propane – damages could total “hundreds of billions of dollars”, say RRs’ own experts.**
- **AAR’s repeated Congressional testimony – We know our rail hazmat cargoes can cause serious urban disasters, yet we cannot get enough insurance, so we are “betting the railroad” in city transport of our most dangerous cargoes. Railroads are seeking a federal bailout similar to the Price-Anderson Act of 1957 for nuclear plants.**
- **US DOT regulators [2014]: Some Crude by Rail derailments could reach \$6-8 Billion in damages.**
- **US Surface Transportation Board cites Union Pacific Railroad experts’ much larger estimates:**

See STB Decision:

[http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/9201300C7096C27485257B5C0062F704/\\$file/42820.pdf](http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/9201300C7096C27485257B5C0062F704/$file/42820.pdf)

**As the STB Decision states [p. 4] : “UP argues that its tariff provisions are necessary, among other reasons, because carrying TIH can lead to catastrophic incidents, against which an indemnity is the most effective protection available to UP, absent a public policy solution such as the Price-Anderson Act.[6] See, e.g., Pet. for Declaratory Order 5; UP Opening 2, 9-10 & V.S. of Diane Duren 2-5.[7] For example, UP states that it was able to purchase only \$1.2 billion of commercial liability insurance in 2012, on top of \$25 million in self-insurance in case of smaller disasters, but UP estimates that losses from an incident resulting in a large chemical release in an urban area could be in the tens or hundreds of billions of dollars.[8]**

<sup>[8]</sup> See UP Reply, Reply V.S. of Warren Beach, at 2; Can. Pac. Ry. Opening, Attachment 2, at 3 & App. II (estimates in a report issued by the American Academy of Actuaries).

- There is an ongoing lack of reliable train cargo information available for Emergency Responders [ERs] in a derailment. They must still depend on using a 19<sup>th</sup> Century methodology, in which the Fire Chief must find train crew with paper consist info. Federal taxes have funded a new computerized real-time system, but it is not yet fully deployed by the railroads.
- Ongoing secrecy by railroads – keeping the at-risk public in the dark.
- This violates the spirit of our two major Community Right to Know [CRTK] laws, in 1986 and 1990.
- But railroads got themselves exempted from both federal CRTK laws and the 1990 Oil Pollution Act requirement for Comprehensive Emergency Response Plans.
- The DC-Baltimore area has a history of battling the railroads on hazardous cargo risks:
  - a. 2001- Baltimore’s costly and frightening Howard St Tunnel fire was a wake up-call. Could have been much worse, said Balt City Fire Chief: “chlorine gas pouring out from both ends of the Tunnel into my stadiums and residences.”



- b. **2005 – DC Council enacted by 12-1 vote a strong re-routing bill** when CSX refused voluntarily to re-route its most dangerous cargoes [e.g., chlorine, ammonia, propane], which federal regulators have called “ Weapons of Mass Destruction”.
- c. **CSX and Bush Administration promptly sued DC Council.** DC proposed that the sensible alternative route to the crowded and target-rich CSX-owned DC-Baltimore-Philly “ I-95” line was the other route up the East Coast, the Norfolk Southern Railroad line 30 miles west, through Luray VA and Hagerstown MD. In court CSX said they would refuse to use the NS line. DC won at US District Court level, so CSX sued again up to US Court of Appeals, where DC lost. The case was never finally resolved in court, made moot by Congressional action.
- d. Meanwhile, Baltimore and 8 more large Eastern US cities introduced similar local re-routing bills. I testified at hearings in DC, Baltimore, and Chicago. No city moved to enact the other bills, given pending DC litigation.
- e. **2006 -- CSX and other railroads’ lobbyists went to Congress, first defeated Senator Joe Biden’s strong re-routing bill on floor of US Senate, 75-24.**



- f. **2007** -- Railroads got from Congress a stunningly railroad-friendly rail hazmat routing bill that accomplished all they wanted: *[Public Law 110-53, Section 1551]*
- Pre-empted all state and local attempts to regulate rail hazmat routing
  - Allowed railroads to make unilateral routing decisions with huge flexibility
  - All documents to be kept secret from the public
  - No real federal oversight: Federal Railroad Administration have never overruled a railroad's routing decision, nor even disagreed with a decision.

- g. **Unsurprising result:** DOT/PHMSA staffers in 2013 stated that railroads have done only "modest" protective urban re-routing under the 2007 law. But their new HHFT regulation has not required more. So major Canadian and US railways are free to continue to endanger US cities with no transparency:

*"...Some cities, including Toronto, have called for Ottawa and the railways to end the movement of dangerous goods through their centres. The railways are also facing calls to make public the list of dangerous goods they haul. Mr. Harrison said he would prefer to avoid congested, heavily populated areas like Chicago, but the regions that would see higher traffic of dangerous goods would not be happy with the move..."*

Source: Canadian Pacific Railway CEO Hunter Harrison cited in "CP Rail CEO says terrorists a greater threat than derailments", by Eric Atkins, The Globe and Mail [Toronto] March 2, 2015

- h. **Big secrecy battles are now ongoing in many states:** RR have tradition of keeping the public in the dark about rail hazmat risks. See longstanding AAR Circular OT-55-O, providing mandatory confidentiality agreement for local officials to sign that they will not inform the public.
- i. **"Homeland security"** is the latest railroad excuse for railroad information secrecy – but every fire chief knows this is phony. After the 9/11 attacks raised concerns that rail hazmat tank cars could be potent terrorist weapons, all US fire chiefs joined to defeat the US DHS effort to deter terrorists by taking the placards off the hazmat railcars. Even the railroads admit their sprawling 140,000 mile system is inherently porous and insecure.

j. **One current struggle: Will railroad lawsuits be allowed to prevent states from sharing even the most basic CBR route and volumes information with the public?** Most states have done so. Even Virginia promptly put the information on its public website. The railroads have recently sued in federal courts two states inclined to provide the public with risk information:

- The railroads' lawsuit on California's 2015-enacted Senate Bill 861 was just thrown out on a technicality as not "ripe".
- The CSX lawsuit attempting to quash Maryland Department of the Environment's intentions to share [the quite minimal] route and volumes information with the public goes to trial August 8, 2015.

## II. Ways Forward:

a. Concerned groups and officials have found that railroads are also hiding much more important risk information.

### Four types of the railroads' own Hidden Risk Documents:

- Worst Case Accident Scenarios
- Catastrophic Insurance coverage
- Comprehensive Emergency Response Plans [equivalent to those required under POA 1990]
- Routing analyses and route selection documents [generic summaries only, rest secret by law]

b. Those who are writing directly to the railroads to demand the information include:

- Washington State Fire Chiefs Association [see letter appended]
- 29 Minnesota State Legislators
- Canadian environmental groups
- US citizen groups including firefighters
- NYS Comptroller – managing \$183 billion in state retirement funds, so needs to understand the risks of investing in oil companies and railroads involved in Crude by Rail operations

Railroads are treating all these requests so far with disdain, in some cases asking for private meetings to discuss alternatives to requestor reiteration of demands that they provide the documents. Requestors have suggested they anticipate

offers of railroad assistance in providing equipment, training, etc. – “beads and trinkets” for underfunded volunteer fire departments, one NY Hudson River Valley Fire Chief said, “so we will go away quiet”.

c. **Local and state officials, even in the face of heavy federal preemption, can move forward with several other important measures, if prompted by concerned at-risk citizens:**

- States have enacted fees on railroads’ transport of High Hazard Flammable Trains and other hazardous cargoes, fund state measures to beef up capabilities
- States have done rigorous reports on unpreparedness of tracks, crossings, and emergency response capabilities and planning
- States can enact bans on further expansion and even revoke permits previously given to previous oil facilities if these permits failed to adequately assess risks and costs
- State and local legislators can demand the railroads’ Hidden Risk Documents
- **Most important**, state and local legislators can vigorously educate the public about the newly-recognized risks and hold town meetings, etc. for the media.
- Emergency drills can show how difficult and dangerous an urban evacuation would be for citizens and firefighters

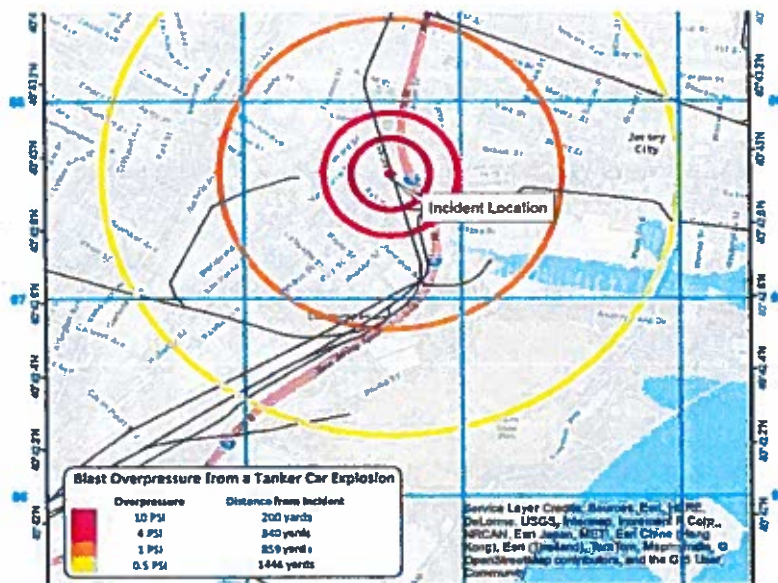
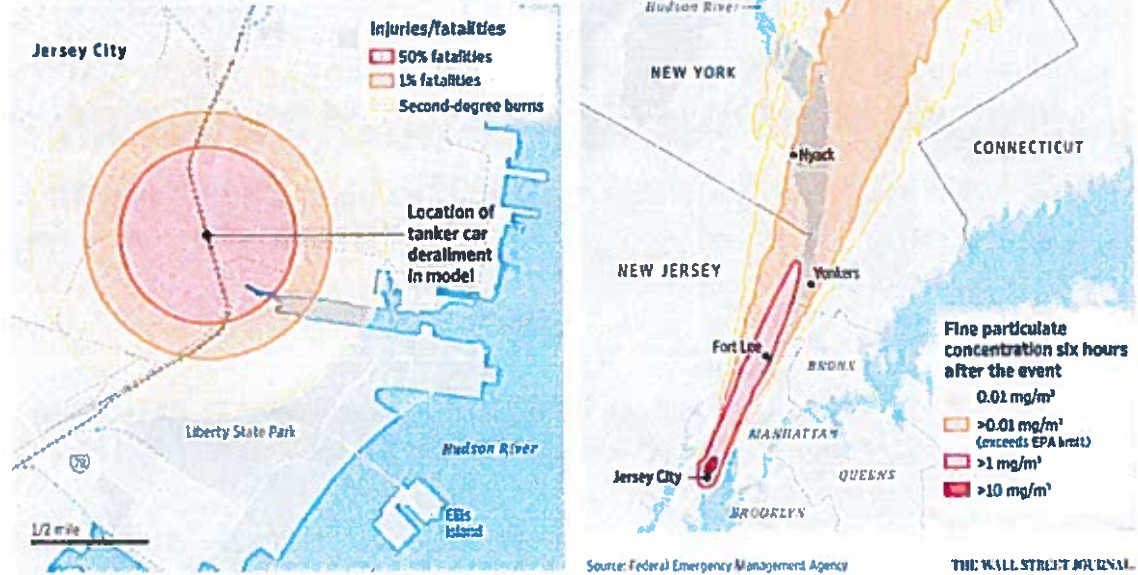
State agencies have sent to railroads “take-home drill” exams, posing a series of multi-railcar Worst Case Discharge crude oil train derailment releases [which can include oil spill release to river, fire, explosion, toxic smoke plume, and/or “rivers of fire” as in Lac-Mégantic] and asking railroads to provide detailed responses on how they would handle it. [See MN Pollution Control Agency activity here]

<http://www.pca.state.mn.us>

Also see the slides [sample attached] from the recent well-attended US FEMA table-top drills with Crude by Rail releases in Jersey City NJ – 5 railcars releasing 100,000 gallons was by no means a Worst Case Scenario, given that Lac-Mégantic 2013 derailment released an estimated 1.5 million gallons in “Rivers of Fire” through the downtown. FEMA modeled only fire, explosion and smoke consequences. And FEMA recently assumed an even much smaller oil spill drill one-car scenario into LaCrosse WI wetlands.]

## Widespread Damage

The federal government examined what could happen if a train carrying crude oil derailed in Jersey City, N.J. The heat and fire from the theoretical explosion could kill 87 people at once and injure residents three-quarters of a mile away. Meantime, a thick plume of smoke could extend for miles.



### Affected Population Estimates for Explosion Overpressure Blast Injury Zones:

- 287 people living within 200 yards of explosion could potentially be killed by blast (RED CIRCLE).
- 830 people living within 340 yards of explosion could be injured or killed by blast (DARK ORANGE CIRCLE).
- 7,485 people living within 859 yards of explosion could suffer skin lacerations from blast debris (ORANGE CIRCLE).
- 32,423 people living up to 1446 yards from explosion could suffer minor injuries from blast (YELLOW CIRCLE).



Matthew K. Rose  
Chief Executive Officer  
BNSF Railroad  
2650 Lou Menk Drive 2nd Floor  
Fort Worth, TX 76131

**RE: Request for Information on Crude Oil Risks**

The Washington Fire Chiefs is a professional membership association that represents fire agencies in the state of Washington. We have been following both the legislation and news related to recent rail disasters and regulations proposed for Bakken Oil with great concern.

The safety of our communities and firefighters is of utmost importance. We have seen the impacts that train derailments have had on communities where they have occurred. Specifically, the 2013 derailment in Lac-Megantic, Canada killed 47 people, burning homes from the inside out as fire erupted out of water pipes, drains and sewers. The 2014 derailment in Lynchburg, Virginia dumped oil in a nearby river. In North Dakota, in December, 2014, a derailment caused several oil tankers to burst into flames. More recently, on February 16, 27 cars derailed near the Kanawaha River in West Virginia. This incident luckily only resulted in one known injury. All of these incidents could have been even more catastrophic should they have occurred in major population centers.

In July of 2014, Seattle narrowly missed disaster when three tanker cars derailed at a rail yard under Seattle's Magnolia Bridge. The cars that derailed were carrying 27,000 gallons of Bakken oil each. The Washington Fire Chiefs has an interest to ensure the safety of our members and their communities. This interest goes far beyond a few training sessions.

The WFC is well aware that even if an infinite amount of foam was available, we can only provide defensive firefighting. This assumption is based on the guidance from the US Department of Transportation [DOT] Emergency Response Guidebook [Guide 127 and 128 on ethanol and crude oil, respectively] recommending a 1/2 mile evacuation zone if only one tank car of these combustibles/flammables is involved in a fire.

Normally we would be able to assess the hazard through right-to-know and other public documents; however, your industry has sought and gained exemptions to these sunshine laws. This exemption does not mean that your industry is exempt from taking reasonable steps to ensure catastrophic incidents do not occur. To that end, we are specifically requesting access to trains operating most frequently with "unit trains" averaging 100 rail cars each, as well as on "manifest trains" with 10-20 cars of these cargoes that travel through the state of Washington.

Specifically, we request the following information:

1. Your railroad's own calculated **Worst Case Scenarios for a potential crude oil train emergency** in urban and sensitive environmental locales. What is the potential impact of a crude oil disaster in Washington communities?
2. Evidence of the levels of **catastrophic insurance coverage** your railroad has purchased relevant for potential serious releases in Washington State. For what level of potential disaster is your railroad covered?
3. Your high hazard flammable train **Comprehensive Emergency Response Plans**, both generic and for specific locations in Washington, urban and rural. Is there any credible emergency response to crude oil train disasters except evacuation? Please provide such plans covering all counties with crude train routes.
4. Your **route analysis documentation and route selection results for Washington State**, pursuant to **2007 Public Law 110-53 on urban hazmat safety and security routing**, with the currently covered cargoes, especially chlorine and ammonia, as well as for the newly-recognized "key trains" of crude oil and ethanol. How have you weighted the 27 federal routing factors and whatever interchange agreements your railroad has struck with others to avoid high-risk areas?

We request that you promptly provide these documents to our organization within 30 days. These documents are vital to the safety and health of our fire agencies, communities and environment. Our citizens have a right to know what chemical disaster risks exist, and the various hazardous operations that are exposing them to this risk.

Sincerely,



**Wayne Senter** Executive Director Washington Fire Chiefs

605 11<sup>th</sup> Ave. SE, Suite 211, Olympia, WA 98501 Phone: (360) 352-0161 Fax: (360) 586-5868

**Addendum:** An excerpt from a 7 5 15 Courier Post opinion editorial from New Jersey that suggests that industry secrecy about chemical disaster risks is a kind of violence, and clarifies that the right of the community [not only the state emergency response agencies] to get even the most basic rail hazmat risk information is still not firmly established:

<http://www.courierpostonline.com/story/opinion/columnists/2015/07/05/commentary-light-crude-oil-shipments/29649705/>

*"Opinion: Shed Light on Crude Oil Shipments"*

*Should corporate secrecy come before protection of human lives?*

*...[Beyond the dangers of Bakken oil] The threat to public safety will increase even more as oil companies and railroads begin transporting tar sands crude oil through New Jersey. Tar sands oil is even more corrosive than other crude, is maintained at higher temperature and pressure, and contains even higher concentrations of many toxic compounds.*

*Given the threat that these crude oil shipments pose, it's no wonder that the oil and rail industries are doing everything possible to deny the public's right to know about the hazards. In May, following intense lobbying pressure from industry, the Obama administration rescinded an emergency rule established a year earlier that required railroads to share information [with state emergency response agencies, many of which passed it through to the public] about crude oil shipments.*

***"Under this approach [i.e., by deciding to keep even the state emergency response agencies in the dark]", the Transportation Department said, "the transportation of crude oil by rail can ... avoid the negative security and business implications of widespread public disclosure of routing and volume data." --- Obama Administration***

***On May 28, after facing intense pressure from key stakeholders [including 7 US Senators], the Obama administration reinstated [at least temporarily] the Emergency Order directing the railroads to provide information about crude oil shipments and the Administration "will work on codifying" the rule permanently.***

## Coates, Jennifer

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**From:** Janis Danforth <danforth.jan@gmail.com>  
**Sent:** Monday, February 12, 2018 3:42 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Comments in support of CITY OF BALTIMORE COUNCIL BILL #17-0150 - Prohibiting Crude Oil Terminals

February 12, 2018

To the Land Use & Transportation Committee of the Baltimore City Council.

**Chair,** Edward Reisinger

**Vice Chair,** Sharon Green Middleton

**Council members:**

Mary Pat Clarke, Eric T. Costello, Ryan Dorsey, Leon Pinkett, Robert Stokes

**Staff to the Committee:** Jennifer Coates

Good afternoon,

My name is Jan Danforth. I am a Baltimore City resident, born here.

I thank the Committee for this opportunity to share why the prohibition of crude oil terminals through Baltimore matters to me. I also want to urge all Committee members to vote in support of the Crude Oil Terminal Prohibition ([Bill #17-0150](#)).

I don't live near the potential blast zone, but I do work near enough. And who can predict what magnitude and reach of the blast radius of a large derailment, and the ripple effects? Which makes me ask "what is near," should I be walking or driving near a derailment? Or my family, friends, acquaintances? Nevertheless, considering others do live, work, and go to school in the blast zone, one would think public safety and peace of mind should be paramount. It is not a chance I would want to take with other's lives and livelihood, homes, schools, libraries, urban garden and farm areas, parks and places of recreation.

I find it compelling - not only for the fact that 165,000 Baltimoreans live in the areas that could be endangered by crude oil trains, there are also more than 30,000 students and nearly 2,000 teachers in the schools that would be affected by a crude oil explosion.

Add to that, in this count of teachers, students and schools that would be endangered, there are more than 200 places of worship in the areas of crude oil terminals.

The cost? Besides the grief, pain from injuries, and property and land damage, the U.S. Department of Transportation's "Pipeline and Hazardous Materials Safety Administration has estimated that a crude oil train derailment in an urban center could produce \$5 billion in total damages.

I saw the collapse of 26th Street, the CSX train, in 2014. Residents were warning about that inevitable collapse for about 2 years, yet no one could agree on what to do, or see the immediacy of a need to do something. And then it was too late. I was here in 2001 and 2016, when the derailments in the Howard Street Tunnel occurred, which turns out that is the route that crude oil trains have been known to take through Baltimore.

Even now, the federal government is rolling back safety regulations, such as the requirement that crude oil trains be equipped with electronically controlled pneumatic brakes by 2021. In light of federal deregulation, it's



the responsibility of local government to protect residents by implementing strong rules within their jurisdictions.

Even now, Portland, Oregon and Vancouver, Washington have used their zoning codes to guard against crude oil facilities. This bill is an opportunity for Baltimore to be the leader on the East Coast and join the ranks of cities taking serious climate action.

Again, I urge Committee members to vote in favor of the Crude Oil Terminal Prohibition (Bill #17-0150).

Thank you all for your time and leadership.

Sincerely,

**Jan Danforth**

cell: 410-274-1242

office: 410-516-5191

Address: 909 West University Parkway, Baltimore, MD 21210

**Coates, Jennifer**

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**From:** AMN GLOBAL <amnpage@gmail.com>  
**Sent:** Tuesday, February 13, 2018 7:21 AM  
**To:** Reisinger, Edward  
**Cc:** Middleton, Sharon; Costello, Eric; Clarke, Mary Pat; Dorsey, Ryan; Pinkett, Leon; Coates, Jennifer  
**Subject:** Crude Oil Trains Safety Bill  
**Attachments:** Cortez A Elliott.docx

Good morning City Council :

Please read attached document in support of the Crude Oil Trains Safety Bill.

Thank you ,

**Cortez Elliott, MPA**  
Founder/Publisher of AMNGLOBAL  
P.O. Box 2452  
Baltimore, MD 21203  
Website : [www.amnglobal.com](http://www.amnglobal.com)  
(m) 443.943.3309 |  
Email : [amnpage@gmail.com](mailto:amnpage@gmail.com)

Cortez A. Elliott, MPA

2322 Garrett ave

Baltimore, Maryland 21218

443-943-3309

amnpage@gmail.com

Tuesday February 13th, 2018

Land Use & Transportation Committee

100 Holiday St

Baltimore, Maryland 21202

Dear Chair Reisinger and Committee Members:

I am a long-time resident of our city, and I am writing to express my concern about crude oil trains in Baltimore. I understand that the decision is being considered to ban new crude oil terminals in the city, which will help prevent a catastrophic explosion in proximity to my home and neighbors who live within hundreds of feet from a CSX train route. As a resident of the blast zone, I believe your support of this bill will reduce worries I have while living in the blast zone of the crude oil trains.

I hope that you vote for this bill at its hearing on February 21st and again when it goes to the full council. Thank you for your consideration.

Sincerely,

Cortez A. Elliott, MPA

**Coates, Jennifer**

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**From:** rabarclay94@gmail.com  
**Sent:** Tuesday, February 13, 2018 9:16 PM  
**To:** Reisinger, Edward  
**Cc:** Middleton, Sharon; Mary Pat Clarke; Costello, Eric; Ryan Dorsey; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Crude Oil Terminal Prohibition (Bill #17-0150)

Dear Land Use & Transportation Committee Chairman Reisinger:

Thank you for holding a hearing before the Land Use & Transportation Committee about "Crude Oil Terminal Prohibition" (Bill #17-0150).

I urge you to vote in support of this bill to prohibit the construction of any new crude oil terminals, in order to protect public health and safety.

This bill would the reduce the market demand for trains carrying oil (for export from Baltimore Harbor) containing both crude oil and fracking chemicals, a potentially very explosive combination of chemicals. Fewer trains carrying this hazardous material through Baltimore neighborhoods (and any other neighborhoods in Maryland near train tracks that carry crude oil), will protect our communities from increased air pollution, potentially devastating explosions, and will reduce the broader impacts of climate change.

Baltimore has already experienced serious rail-related events on the route that crude oil trains have been known to take through Baltimore. These include the derailments in the Howard Street Tunnel in 2001 and 2016, The collapse of 26th St. in 2014, and the freight train explosion in Rosedale in 2013.

The costs of a crude oil train derailment in an urban center could result in \$5 billion in damages, according to estimates by the Pipeline and Hazardous Materials Safety Administration within the U.S. Department of Transportation. Such an event would be devastating to the City of Baltimore.

Safety conditions/requirements for these trains are not improving, because the federal government is rolling back safety regulations, such as the requirement that crude oil trains be equipped with electronically controlled pneumatic breaks by 2021. Therefore I urge the Baltimore City government to implement strong rules within our city to protect the health and safety of our residents.

The Crude Oil Terminal Prohibition Bill #17-0150 is a vital action. I ask you to support it. Thank you for considering my comments as you deliberate on this important bill.

Sincerely,  
Rebecca A. Barclay

**Coates, Jennifer**

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**From:** Larry Bannerman <yrralban@gmail.com>  
**Sent:** Tuesday, February 13, 2018 11:06 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Cc:** Jennifer Kunze; Gloria Nelson  
**Subject:** Comments in support of Bill #17-0150

**Land Use & Transportation Committee Chair Reisinger**

**To: Land Use and Transportation Committee members and staff**

February 13, 2018

Land Use and Transportation Committee

Comments in support of Bill #17-0150

I am a resident of the small Historic Baltimore County community of Turner Station. Our community suffered from pollution from the late 1800's right up until today. Community groups were formed to give voice to our health, environmental, and revitalization concerns. I am a member of the group-Turner Station Conservation Teams.

My concern with the oil trains stems from my background working at BGE in high voltage substations. Upon learning that these trains pass in close proximity to critical electric substations and also a gas distribution facility I became very concerned and involved.

Westport Electric Substation #8 on Clare St. in South Baltimore, has many 13,000 volt circuit breakers that feed a network supplying power to most Baltimore City high rise buildings. Across the street at #6 Substation are

Baltimore, MD. 21218

Turner Station Conservation Teams

Turner Station, MD 21222

[yrralban@gmail.com](mailto:yrralban@gmail.com)

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**Larry Bannerman**

*Turner Station Conservation Teams  
I invest in success, I invest in T.S.  
Wind & Solar = Clean energy JOBS*



[Our Website--TurnerStation.org](http://TurnerStation.org)

critical 110,000 volt lines that are part of a 110 KV transmission ring and PJM connection. Also located here is a CT (Combustion Turbine) for peak load and black start that is supplied by high pressure gas lines.. All of this crucial, critical equipment is within the danger zone of an oil train accident. We have seen the power blackouts in California, New York, and Canada and recognize when there is a need to take precautions. Now is the time to take precautions against an oil train disaster by preventing terminal construction.

Spring Gardens natural gas distribution facility on Leadenhall St in South Baltimore compresses natural gas to a liquefied form for distribution and adds mercaptan for public safety. I am 100% sure that workers and engineers have never considered the dangers of an oil train fire.

October 31, 1979--

\*\*\*The Oct. 6 explosion, which killed Bromley, 31, and left the 30-year-old Cooper badly burned, touched off investigations by a half-dozen state and federal agencies. It also brought renewed warnings from critics who say it is courting a potential doomsday disaster to construct a liquefied natural gas terminal within three miles of a nuclear power plant. That is the distance from Cove Point to Baltimore Gas and Electric Co.'s Calvert Cliffs facility.

In the three weeks since the accident, preliminary investigations have found that the Cove Point plant was being operated entirely in accordance with existing regulations, that the explosion was caused by a design defect in a pump, and that the nuclear plant was in no way endangered by the incident.

But it is that very kind of no-fault conclusion that troubles critics of liquefied natural gas, among them Rep. Edward J. Markey (D-Mass.), the sponsor of House-passed legislation that would tighten controls on the shipment and importation of the super-cooled substance that can, when exposed to air, become extremely explosive.\*\*\*Washington Post.

The problem is that we do not plan for the disaster that we do not know. The time to change that is now. In 38 years working with high voltage I have seen the procedures change after a coworker was killed. Working storm duty during hurricane Isabel, two visiting utility workers were electrocuted while walking a lot line and walked into downed 13,000 volt line. Now all workers wear an electronic alert that sounds off is you are within 30 feet of a downed wire.

Today we can't afford to wait for the disaster and then plan backwards. Please reject plans for oil trains in the vicinity of Baltimore, Md.

Sincerely,

Larry Bannerman



## Coates, Jennifer

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**From:** Sara Rudolph <saralindarudolph@gmail.com>  
**Sent:** Wednesday, February 14, 2018 3:18 PM  
**To:** Coates, Jennifer  
**Subject:** Comments in Support of Bill #17-0150

Dear Land Use and Transportation Committee Staff Coates,

My name is Sara Rudolph and I'm a Baltimore City resident who supports Crude Oil Terminal Prohibition, Bill #17-0150. First, thank you for the opportunity to share my thoughts on the matter. The reasons I am asking you to vote in favor of the bill are many. As a friend, daughter, colleague, partner, neighbor, and teammate to many people in this city, I cannot help but think of how devastating it would be to lose any of the people in my life to something as preventable as crude oil train derailments and explosions.

While the federal government is rolling back safety regulations like the mandatory use of electronically controlled pneumatic brakes by 2021, it's our local government's obligation and responsibility to protect residents from an increase in crude oil traffic through the city. Zoning codes exist for a reason. Why else would we have them if not to use them? These are the same codes used to prevent nuclear waste from passing by the 165,000 people who live in the blast zone, as well as nearly 200 faith organizations close to these tracks. Why put the public at risk for the interests of a few and for a dying energy source?

Not only should we be forward thinking in our protection of the thousands of residents who live in the blast zone, but I ask you to consider how much a derailment and explosion would cost the city compared to prevention? The Pipeline and Hazardous Materials Safety Administration stated that an explosion, like the one that happened in Lac Mégantic, Canada (killing 43 people) would cost an urban city \$5 billion in damages. Perhaps this is precisely why cities like Portland, OR and Vancouver, WA are wising up and passing similar legislation. The amount this city makes from shipping crude oil through its port is negligible, but the cost of cleanup, continual environmental costs of using fossil fuels, and failing infrastructure are as expensive as a human's life, a business's existence, and this planets longevity. I ask you to make Baltimore City a leader on the East Coast and keep the city's commitment to the Paris Climate Agreement. I urge you to vote in favor of the bill and thank you for your time.

Sincerely,  
Sara Rudolph

## Coates, Jennifer

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**From:** Andrew Hinz <ahinz61@outlook.com>  
**Sent:** Wednesday, February 14, 2018 9:44 PM  
**To:** Coates, Jennifer  
**Subject:** FW: Andrew Hinz Comments RE COUNCIL BILL 17-0150 Zoning – Prohibiting Crude Oil Terminals

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**From:** Andrew Hinz  
**Sent:** Wednesday, February 14, 2018 9:02 PM  
**To:** Edward.Reisinger@baltimorecity.gov; Sharon.Middleton@baltimorecity.gov; MaryPat.Clarke@baltimorecity.gov; Eric.Costello@baltimorecity.gov; Ryan.Dorsey@baltimorecity.gov; Leon.Pinkett@baltimorecity.gov; Robert.Stokes@baltimorecity.gov  
**Subject:** Andrew Hinz Comments RE COUNCIL BILL 17-0150 Zoning – Prohibiting Crude Oil Terminals

Members of the Land Use and Transportation Committee,

I plan to attend the February 21 hearing for COUNCIL BILL 17-0150 Zoning – Prohibiting Crude Oil Terminals and will be happy to answer any questions you might have about my following comments.

Please support the proposed bill for the following reasons:

1. Our federal government is inadequately regulating the transportation of crude oil by rail, indefinitely delaying mandatory use of readily available safer rail cars. Much of the rolling stock in use for this commodity is poorly designed, unsafe, and prone to catastrophic failure in rail accidents. Continuing challenges in the maintenance of rail infrastructure increase the risk of this federal government abrogation of responsibility.
2. Our state legislature is considering action to increase the reporting transparency of high-risk shipments and assist communities with disaster response, but this action would do nothing to prevent a catastrophe involving loss of life.
3. The subject commerce is not vital to the Port of Baltimore. General and container cargo is driving the success of our port. Bulk commodity cargo, given the large amount of land tied up in commodity storage, is actually a poor return on our investment in waterfront property. And high risk commodity cargo, such as crude oil transported in poorly designed tanker cars, actually threatens the vitality and daily operations of the port. A catastrophe affecting port operations would very quickly negate the very small returns realized from crude oil transportation.
4. The subject commerce is not vital to national defense, Maryland industry, city economic activity, or even the oil industry itself. There are several viable options for the oil industry to refine and deliver this energy without unsafely shipping the commodity through dense population centers.
5. We have a moral imperative to take every action within our power to address the fossil-fuel driven changes in our atmosphere that threaten the survival of our species, and many other species with whom we share the planet.
6. We have a moral imperative to take every action within our power to reduce the level of violence in our community. Failing to take action against irresponsible commerce that threatens our neighborhoods, schools, communities, and industry is extremely violent.
7. Though the proposed bill does not preclude the unsafe shipment of crude oil through our community to the grandfathered facilities and to destinations beyond our city, any risk reduction in this instance, given the threat of loss of life, is worthwhile.
8. Industry must be accountable to common sense regulation—industry that is aided by government in suppressing competition (e.g., in this case from sustainable energy sources that, when all factors are considered,

is superior) or in irresponsibly endangering human life, will fall into expensive obsolescence and failure that incurs unplanned and unbudgeted costs on host communities (e.g., in this case industrial waste contamination remediation).

Government by ideology is disastrous, especially for struggling urban communities. Please consider the risk to benefit ratio. We should wholeheartedly support and promote commerce to sustain our community, but only within the bounds of common sense.

Thank you for considering my comments.

-andy

**Andrew Hinz**  
1427 Park Avenue  
Baltimore, MD 21217  
[ahinz61@outlook.com](mailto:ahinz61@outlook.com)  
443-617-4079

## Coates, Jennifer

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**From:** Anna Scott <gottscott@gmail.com>  
**Sent:** Wednesday, February 14, 2018 12:29 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** please support Bill #17-0150, the crude oil terminal prohibition

Dear Transportation Committee members,

My name is Anna Scott and I am a Baltimore City resident writing to urge you to support Bill #17-0150, the crude oil terminal prohibition. I thank you in advance for the opportunity to share my testimony.

The Crude Oil Terminal Prohibition matters to me as a Baltimore resident, as a climate scientist, and as a young person. Crude oil terminals would encourage rail shipments of oil close to my home, and mapping by Prof. Katie O'Meara at MICA show that I live within the blast zone. According to a 2016 co-authored by Johns Hopkins professor Sauleh Siddiqui (Mitigating environmental and public-safety risks of United States crude-by-rail transport), rail oil spills have "more devastating impacts" than pipelines. These derailments aren't just dangerous, they're costly—estimates from the US Department of Transportation show that a derailment in an urban environment like Baltimore could cost up to \$5 billion.

As a climate scientist, I also urge you to support the Bill. I have calculated that each rail car of oil has the potential to produce 340 tons of carbon dioxide (the gas responsible for global warming). It would take an individual like me 600 years to produce as much carbon dioxide as one unit train (35 cars) full of oil. This number underestimates the true climate impact as it ignores the lifecycle emissions of all greenhouse gases associated with production and transportation—including these effects increases the numbers to 430 tons of carbon dioxide per train car.

Rather than allowing the possibility of a crude oil terminal, our city should be investing in infrastructure that transitions us away from the carbon economy. Mayor Pugh signed the "We Are Still In" pledge to commit to the Paris Climate agreement, and perhaps even more importantly, the impacts of climate change will hurt Baltimore's health and economy, making preventing climate change a priority for the city.

The impacts of oil aren't limited to their global warming potential—the highly volatile components in rail oil shipments can leak into the air as volatile organic compounds or VOCs that are harmful to residents' health. They would contribute to Baltimore's already severe air pollution problem, and further impact many of our city's residents who suffer from asthma and COPD.

As a young resident, the crude oil prohibition bill lays out a vision for a Baltimore heading in the right direction. It paves the way for a brighter, safer, and less polluted city. I urge you to support it. Thank you again for your time and consideration.

Sincerely,  
Anna Scott

PhD student, Earth & Planetary Science, Johns Hopkins University  
1807 Saint Paul Street (District 12)  
206-240-0564

## Coates, Jennifer

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**From:** Stephanie Simms <ssimmscity@gmail.com>  
**Sent:** Thursday, February 15, 2018 10:42 AM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Land Use and Transportation ordinance 17-0150 Zoning - Prohibiting Crude Oil Terminals

Dear Land Use and Transportation Committee Members;

I am writing to support the ordinance on 17-0150 zoning that adds crude oil terminals to the prohibition list in the city limits. Not only is a crude oil terminal environmentally unsound and does not move our state towards greener energy, it can be dangerous. Trains, trucks, etc. moving highly combustible oil through our city is not what our city needs. I support the committee moving this out of committee for a full vote and that this ordinance passes.

Sincerely,

Stephanie Simms  
1024 Riverside Ave  
Baltimore, MD 21230



**LAND USE AND TRANSPORTATION COMMITTEE**

**BILL 17-0150**

**Communications**

**Addendum**

*(As of February 21, 2018)*

Organizations - Support	Received
Environmental Integrity Project. Leah Kelly, Senior Attorney	2/19/18
Baltimore Transit Equity Coalition, Samuel Jordan	2/19/18
Maryland Environmental Health Network, Tamara Toles O'Laughlin, Executive Director	2/20/18
Blue Water Baltimore, Angela Haren, Director of Advocay and Baltimore Harbor Waterkeeper	2/20/18
United Worker of Baltimore	2/20/18
Whatcom County Council, Barry Buchanan, At Large Member and Todd Donovan, District 2	2/20/18
Baltimore City Faith Leaders 50+	2/20/18
Sierra Club	2/20/18
350.org, Sara Shor	2/20/18
Organization - Opposition	Received
Maryland Department of Transportation	2/20/18
Individuals – Support	Received
Marguerite Gorman	2/17/18
Larry Bannerman	2/19/18
Barbara Cates	2/19/18
Zack Clifton	2/19/18
Veronica Poklemba	2/20/18



1000 University Avenue  
Berkeley, CA 94702  
Tel: 415/848-2000  
Fax: 415/848-2001

INTERNATIONAL  
WOMEN'S HEALTH

# Organizations In Support

The following organizations are in support of the International Women's Health Conference. These organizations have provided financial support, in-kind support, or other forms of assistance. We are grateful to all of these organizations for their support and commitment to the health and well-being of women.

## The following organizations are in support of the conference:

1. **Academy of Health Sciences** - The Academy of Health Sciences is a leading international organization of health professionals. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

2. **Association of Women Surgeons** - The Association of Women Surgeons is a professional organization of women surgeons. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

3. **Association of Women Physicians** - The Association of Women Physicians is a professional organization of women physicians. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

4. **Association of Women Dentists** - The Association of Women Dentists is a professional organization of women dentists. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

5. **Association of Women Nurses** - The Association of Women Nurses is a professional organization of women nurses. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

6. **Association of Women Pharmacists** - The Association of Women Pharmacists is a professional organization of women pharmacists. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

7. **Association of Women Veterinarians** - The Association of Women Veterinarians is a professional organization of women veterinarians. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

8. **Association of Women Engineers** - The Association of Women Engineers is a professional organization of women engineers. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

9. **Association of Women Scientists** - The Association of Women Scientists is a professional organization of women scientists. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

10. **Association of Women Artists** - The Association of Women Artists is a professional organization of women artists. It has provided financial support for the conference and has been instrumental in the development of the conference agenda.

INTERNATIONAL  
WOMEN'S HEALTH



1000 Vermont Avenue, NW  
Suite 1100  
Washington, DC 20005  
Main: 202-296-8800  
Fax: 202-296-8822  
[www.environmentalintegrity.org](http://www.environmentalintegrity.org)

*Via e-mail*

Victor K. Tervala  
Chief Solicitor  
City of Baltimore Department of Law  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, MD 21202  
[Victor.Tervala@baltimorecity.gov](mailto:Victor.Tervala@baltimorecity.gov)

RE: City Council Bill 17-0150 – Prohibiting Crude Oil Terminals

Dear Mr. Tervala:

The Environmental Integrity Project (“EIP”) is writing in response to your report dated February 15, 2018 on City Council Bill 17-0150 – Prohibiting Crude Oil Terminals. Your report raises two concerns relating to this bill: vagueness of terminology and Equal Protection concerns. With respect to vagueness, our understanding is that an amendment to the bill is being put forward. The rest of this letter concerns your opinion regarding how the Equal Protection Clause of the 14<sup>th</sup> Amendment to the U.S. Constitution may apply to this bill.

The Equal Protection Clause of the 14<sup>th</sup> Amendment

The Equal Protection Clause states that “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. Amend. XIV. This is “essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburn v. Cleburn Living Center*, 473 U.S. 432, 439 (1985). Courts closely scrutinize laws that treats persons differently based on “suspect categories,” such as race, national origin, and alienage. *Id.* at 440. “These factors are so seldom relevant to the achievement of any legitimate state interest that laws grounded in such considerations are deemed to reflect prejudice and antipathy . . .” *Id.* Laws discriminating based on these kinds of categories are subject to strict scrutiny by courts. *Id.* Strict scrutiny is also applied to laws that “impinge on personal rights protected by the Constitution.” *Id.*

Conversely, laws that differentiate based on non-suspect classifications, such as the crude oil bill at issue here, must meet a much lower bar known as “rational basis” review. There must simply be “a rational relationship between the disparity of treatment and a legitimate government purpose.” *Heller v. Doe*, 509 U.S. 312, 320 (1993). The Supreme Court has stated that “a classification neither involving fundamental rights not proceeding along suspect lines is accorded a strong presumption of validity” and such a classification “must be upheld against [an] equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational basis for the classification.” *Id.*

received  
2-19-18 JKC

Further, the U.S. Supreme Court and the 4<sup>th</sup> Circuit Court of Appeals (which, as you know, is the highest federal court whose jurisdiction includes Maryland other than the U.S. Supreme Court) have both held that, when a non-suspect classification is involved, a law need not address or eliminate all dangers of a particular type in order to pass muster under the Equal Protection Clause. Specifically, the 4<sup>th</sup> Circuit stated the following in a 2017 decision upholding a Maryland zoning law that prohibited the construction of self-storage facilities within 250 feet of property on which a public school is located:

That some alternative commercial use might present similar safety concerns is beside the point. 'It is no requirement of equal protection that all evils of the same genus be eradicated or none at all.' A state is perfectly within its rights to chip away at a problem piece-by-piece, so long as it does not unlawfully discriminate in the process. That the Council chose to resolve the self-storage issue today while leaving other problematic commercial uses for tomorrow is constitutionally unremarkable.

*Siena Corp. v. Mayor and City Council of Rockville*, 873 F.3d 456, 465 (4<sup>th</sup> Cir. 2017) (internal citations omitted).

The U.S. Supreme Court reached a similar conclusion in a case involving a New York City law that prohibited companies that operated vehicles from posting advertisements on those vehicles for other businesses but allowed posting of advertisements if it was for the business of the vehicle's owner. *Ry. Express Agency v. New York*, 336 U.S. 106, 109 (1949). The law was passed for the purpose of reducing the practice of advertising on vehicles, which was considered a threat to public safety because it distracted "vehicle drivers and pedestrians alike." *Id.* The Court held that "the fact that New York City sees fit to eliminate from traffic this kind of distraction but does not touch what may be even greater ones in a different category, such as the vivid displays in Times Square, is immaterial. It is no requirement that all evils of the same genus be eradicated or none at all." *Id.* at 110.

#### Application to Bill 17-0150 – Prohibiting Crude Oil Terminals

The crude oil bill at issue must be rationally related to a legitimate government interest. The City Council does not need to address every use that may present similar concerns to those that it is addressing via Bill 17-0150 in order to meet Equal Protection Clause requirements. Even if gasoline were similar to crude oil in terms of volatility – and it appears likely that a court would find that the burden is on any entity challenging the bill to demonstrate that gasoline presents similar dangers - it is "constitutionally unremarkable" that the bill addresses crude oil and not gasoline. *See Siena Corp.*, 873 F.3d at 465.

Moreover, reducing the risk of an explosion is not the only basis that the City has for regulating crude oil terminals. On June 19, 2017, the City Council unanimously passed a resolution on the subject of global climate change and environmental health in Baltimore that states:

**WHEREAS**, in order to assume a leadership role in national and international efforts to mitigate and roll back damage to our environment in the wake of the decision to leave the Paris Accord [on greenhouse gases and climate change], Baltimore supports the implementation of the following policies and actions:

....

- Baltimore will limit the development and expansion of facilities that handle crude oil while working with port authorities and railway companies to increase transparency and accountability for such shipments, by rail, with special attention to the environmental health implications for these actions for residents.

City Council Bill 17-0029R<sup>1</sup> at lines 18-20, 26-29. Thus, the City Council has already recognized that there are climate change and environmental health concerns associated with crude oil and recognized the need to address these concerns by limiting the development and expansion of facilities that handle crude oil.

We are also aware that written comments have been submitted on the impacts that a crude oil spill could have on Baltimore Harbor and the Chesapeake Bay, and we are aware that comments have been submitted on local air pollution associated with crude oil terminals. It is our understanding that these all fall within the City's broad police powers to regulate to address public health and safety.

Finally, while we understand that the factual statements in your February 15, 2018 letter are based solely "on what is available in the media," it is important to clarify one factual matter. Crude oil from the Bakken shale is not the only type of crude oil that has exploded. Two trains have exploded in Ontario, Canada carrying crude oil that appears to be from the tar sands in Canada.<sup>2</sup> In addition, in October 2017, an explosion aboard a barge carrying crude oil off of Port Aransas, Texas killed one crew member and appears likely to have killed another, who remains missing based on the most recent reports we could find. In November 2017, Coast Guard Captain Jason Smith stated the following regarding the explosion, according to a local media report: "We don't know the cause . . . What we do know is there was some explosion that occurred. The product that they're carrying is a new crude...it's relatively new to us as well. So we're trying to explore how that type of crude oil would explode like that."<sup>3</sup>

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<sup>1</sup> City Council Bill 17-0029R is attached as Attachment A to these comments.

<sup>2</sup> Excerpts from reports by the Canadian Transportation Safety Board (CTSB) on these incidents are attached as Attachments B and C. These reports are available in their entirety at [http://www.tsb.gc.ca/eng/rapports-reports-rail/2015/r15h0013/r15h0013.pdf](http://www.tsb.gc.ca/eng/rapports-reports/rail/2015/r15h0013/r15h0013.pdf) (Gladwick, Ontario crash on February 14, 2015) and [http://www.tsb.gc.ca/eng/rapports-reports-rail/2015/r15h0021/r15h0021.pdf](http://www.tsb.gc.ca/eng/rapports-reports/rail/2015/r15h0021/r15h0021.pdf) (Gogama, Ontario crash on March 7, 2015). In the Gladwick report, the CTSB states that "[t]he products exhibited somewhat lower vapour pressure than but similar density, viscosity and volatility to that of the Bakken Shale crude oil involved in the Lac-Mégantic occurrence [which killed 47 people and involved Bakken crude oil]." Attachment B, p 72. In the Gogama report, the CTSB states that "[t]he petroleum crude oil exhibited similar density, viscosity, and volatility to that of the products involved in the Gladwick occurrence . . . and to the Bakken Shale crude oil involved in the Lac-Mégantic occurrence.") Attachment C, p. 85.

<sup>3</sup> KrisTV, Corpus Christi, Texas, *Coast Guard Briefs Port Officials on Barge Explosion "Lessons Learned"* at <http://www.kristv.com/story/36844908/coast-guard-briefs-port-officials-on-berge-explosion-lessons-learned>.

The fact that much is unknown with respect to the properties of different types of crude oil presents a unique danger, particularly because the Trump Administration has stated that it intends to open Atlantic waters to offshore drilling. We understand that additional written comments and testimony will also be offered into the record detailing the dangers that are posed by crude oil explosions.

Thus, in our opinion, is very likely that the Bill 17-0150 would survive a challenge under the Equal Protection Clause as the bill is rationally related to legitimate City purposes.

Sincerely,



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City of Baltimore  
Foreign Office (17-00118)  
(1/1/2018)

Information: Baltimore, Maryland, 21201  
1. The City of Baltimore, Maryland, is a city and county in the state of Maryland.  
The city is located on the eastern shore of the Chesapeake Bay.

## ATTACHMENT A

The City of Baltimore is a city and county in the state of Maryland. The city is located on the eastern shore of the Chesapeake Bay. The city is a major port and a major center of commerce and industry. The city is also a major center of education and culture.

The City of Baltimore is a city and county in the state of Maryland. The city is located on the eastern shore of the Chesapeake Bay. The city is a major port and a major center of commerce and industry. The city is also a major center of education and culture.

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**CITY OF BALTIMORE  
COUNCIL BILL 17-0029R  
(Resolution)**

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Introduced by: Councilmembers Cohen, Costello, Clarke, Schleifer, Henry, Middleton, Scott,  
Bullock, Pinkett, Burnett, Stokes, Dorsey, Reisinger, Sneed, President Young  
Introduced and adopted: June 19, 2017

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**A COUNCIL RESOLUTION CONCERNING**

**Request for City Action – Supporting the Paris Accord**

FOR the purpose of recognizing the importance of the 2015 Paris Climate Agreement; opposing the ill-advised decision to withdraw the United States from the Paris Climate Agreement; and committing to practices that disrupt short-sighted trends in consumption of natural resources and degradation of human health to create a liveable, economical, equitable, and just energy future for all Baltimoreans regardless of age, race, income, or zip code.

**Recitals**

**WHEREAS**, Baltimore recognizes the importance of the 2015 Paris Climate Agreement (Paris Accord) under the United Nations Framework on Climate Change, which amplified the resolve of a generation to limit global mean temperature increases to 1.5C for the preservation of future generations.

**WHEREAS**, Under the Paris Accord, the United States pledged to cut greenhouse gas emissions 26-28% below 2005 levels by 2025. Maryland has always been bolder than the average with a greenhouse gas target of 40% below 2006 levels by 2030, and climbing.

**WHEREAS**, the recent decision to withdraw the United States from the Paris Accord is alarming and requires great cities and states to step up and act to ensure that the long-term goals of the Paris accord can still be realized.

**WHEREAS**, The City of Baltimore is committed to taking aggressive action to mitigate global climate change, as indicated by the agenda set in our *Climate Action Plan*, and efforts including the *Tree Baltimore Initiative*, *The Green Network Plan*, and an increasing focus on areas of clean energy, waste diversion, land use, zoning, and transportation. We have shown the desire to foster growth of a green and sustainable city as defined by affordability, and equity in access to a healthy food supply, clean water, and toxic-free housing. In doing so, the City is aligned with *Prosperous, Renewable Maryland* an ambitious program for a just and 100% renewable electricity sector. Baltimore joins with cities and counties around the world, including many in the United States, who have committed to a 100% renewable future.

**WHEREAS**, Baltimore's Mayor has signed on to the Climate Action Agenda.

**WHEREAS**, Baltimore is not yet in full recovery from its history of maritime industry, it is charged with remediation of many decades of pollution to its neighborhoods and people and revival of the loss of the local economy after trade and manufacturing declined.

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike-out~~ indicates matter deleted by amendment.



**Council Bill 17-0029R**

1       **WHEREAS**, Climate Change is the greatest environmental health threat of our time. It causes  
2 temperature spikes and rising sea levels that result in preventable and premature death of our  
3 citizenry who endure increasingly extended allergy seasons, surges in heat stress, heart disease,  
4 asthma and other lung disease, as well as the spread of vector borne illnesses like Lyme disease  
5 and the Zika virus.

6       **WHEREAS**, the effects of environmental health threats are not limited to physical degradation  
7 but include psycho-social stressors which wear away the resilience of humans to recover from  
8 pollution impacts of air and water contamination from fossil fuel energy generation.

9       **WHEREAS**, household energy is unaffordable for tens of thousands of Baltimoreans resulting  
10 in impossible choices of paying for food, medicines, rent, or energy bills.

11       **WHEREAS**, the impacts of energy choice in favor of fossil fuels disproportionately stacks  
12 burdens on people of color and those with limited English proficiency and low-income  
13 communities whether they are in the cities, suburbs, or exurbs.

14       **WHEREAS**, climate change impacts are felt first and worst by vulnerable populations which  
15 exacerbates inequity, we reject treating people and the planet as resources to be exploited.

16       **WHEREAS**, Baltimore is particularly sensitive to all of the above because of its reliance on  
17 the business of dirty energy. In 2015, a single Baltimore trash incinerator emitted 764,895 tons  
18 of carbon dioxide, the largest single source of carbon dioxide emissions in the city by far.

19       **WHEREAS**, Baltimore area air quality is preventably poor with levels of ground-level ozone -  
20 or smog - that threatens human health from sources including truck traffic, commercial  
21 congestion, the colocation of coal burning plants within fifteen miles of the city, and industrial  
22 conditions in neighboring cities and states.

23       **WHEREAS**, a lack of healthful food options across a one mile span for every five hundred  
24 community residents in Baltimore City, and/or one third of Baltimore area community members  
25 constitutes a food desert.

26       **WHEREAS**, the existence of food deserts in Baltimore is a loss of freedom to choose  
27 foodstuffs that are healthful, local, or low-emission which increases environmental health  
28 injustice in Baltimore.

29       **WHEREAS**, urban agriculture increases resilience by enhancing the availability of healthful  
30 food and offers the benefit of carbon storage in the soil.

31       **WHEREAS**, toxic chemicals from industry are pervasive in the built environment to the  
32 detriment of human health and natural resources, toxics have permeated the articles of everyday  
33 life including cleaning products, fragrance, feminine, beauty and personal care, and the retail  
34 markets and shops selling related goods and services that are inequitably concentrated in urban  
35 centers.

36       **WHEREAS**, freight trains carrying volatile Bakken crude oil threaten 165,000 people who live  
37 in the "blast zone" in Baltimore City and facilitate the extraction and combustion of some of the  
38 most climate-polluting oil on the planet.

## Council Bill 17-0029R

1       **WHEREAS**, Baltimore is under threat of increased flooding and extreme tides due to sea level  
2 rise, which contributes to toxic mold conditions that affect indoor air quality.

3       **WHEREAS**, Baltimore City sewage and stormwater pipes are aged and in disrepair, flooding  
4 sewers to overflowing until waste, toxins, and pollutants make their way into residential homes  
5 with increased frequency as sea level rises and extreme weather events occur.

6       **WHEREAS**, the 14-mile Red Line Train connecting Western Baltimore County to Bayview  
7 was cancelled by executive authority without heed of existing inequities, transportation needs or  
8 the opportunity to reduce carbon emissions and realize the health benefits of mass transit.

9       **WHEREAS**, Baltimore has significant potential for collective action because it has long  
10 standing neighborhood and community networks.

11       **WHEREAS**, Baltimore's Port has the potential to be an economic engine and coastal hub for  
12 renewable energy industries.

13       **WHEREAS**, local job opportunities in the clean energy sector are tied to increases in in-state  
14 targets for clean energy generation, as an anchor for Baltimore business development with solar  
15 and wind being the fastest growing economies in the country.

16       **WHEREAS**, large cities like Baltimore have the political clout to lead ambitious initiatives in  
17 the absence of state and federal action.

18       **WHEREAS**, in order to assume a leadership role in national and international efforts to  
19 mitigate and roll back damage to our environment in the wake of the decision to leave the Paris  
20 Accord, Baltimore supports the implementation of the following policies and actions:

- 21       • Baltimore City will strive for a 100% clean, renewable electricity supply by the year  
22       2050.
- 23       • Baltimore City will strive to develop local and Citywide procurement policies that  
24       prioritize non-toxic cleaning products and byproducts in municipal buildings and  
25       related contracts to stem the tide of waterway pollution.
- 26       • Baltimore City will limit the development and expansion of facilities that handle  
27       crude oil while working with port authorities and railway companies to increase  
28       transparency and accountability for shipments, by rail, with special attention to the  
29       environmental health implications of these actions for residents.
- 30       • Baltimore City will aggressively pursue municipal renewable energy consumption  
31       that supports in state generation of Offshore Wind in Maryland to encourage wind  
32       technology manufacturing at the Port of Baltimore.
- 33       • Baltimore will develop aggressive policies and regulations that increase residential  
34       conservation and energy efficiency measures regardless of the status of residents as  
35       renters, owners, or operators.

**Council Bill 17-0029R**

- 1 • Baltimore City will strive to disincentivize energy generation from incineration  
2 technologies, a source of greenhouse gases, and mitigate health harms associated with  
3 pollution from combustion.
- 4 • Baltimore City will develop a solid waste management plan that will curtail the use of  
5 waste incineration, with the explicit aims of eliminating waste incineration and  
6 protecting the workers involved.
- 7 • Baltimore City will work to develop and implement a comprehensive municipal food  
8 scrap and yard waste door-to-door composting collection policy.
- 9 • Baltimore will work with other local governments, non-governmental organizations,  
10 faith communities, and others to promote the adoption of an energy affordability plan  
11 by the State of Maryland.
- 12 • Baltimore City will promote overall health by encouraging diets that reduce carbon  
13 emissions, and will support local, urban agriculture programs and markets.
- 14 • Baltimore City will invest in comprehensive mass transportation that provides viable,  
15 affordable, and accessible services for all.
- 16 • Baltimore City will promote equitable distribution of alternative transportation,  
17 including bicycles, across neighborhoods.
- 18 • Baltimore City will advocate for fossil fuel free municipal and commercial fleets.
- 19 • Baltimore City will advocate for the targeted use of electric buses on routes where the  
20 greatest air pollution levels exist within the City with the aim of reducing emissions  
21 where vulnerable populations exist.
- 22 • Baltimore City will strive to incentivize efficient electric residential and commercial  
23 heating systems, including in rental properties, to reduce the direct use of fossil fuels  
24 in buildings, with emphasis on reduction of combustion sources.
- 25 • Baltimore City will promote energy efficiency and conservation and related  
26 technologies including, solar hot water, air or ground-source heat pumps, and will  
27 encourage industrial non-combustion alternatives where possible.
- 28 • Baltimore City will prioritize funding of sustainable land use decisions including  
29 community land trusts, increased tree canopy programs and community greenspace.

30 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** that the  
31 Council recognizes the importance of the 2015 Paris Climate Agreement; opposes the ill-advised  
32 decision to withdraw the United States from the Paris Climate Agreement; and commits to  
33 practices that disrupt short-sighted trends in consumption of natural resources and degradation of  
34 human health to create a liveable, economical, equitable, and just energy future for all  
35 Baltimoreans regardless of age, race, income, or zip code.

36 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the  
37 Governor, the Chair of the Maryland Public Service Commission, the Honorable Chairs and

**Council Bill 17-0029R**

1 Members of the Baltimore City House and Senate Delegations to the Maryland General  
2 Assembly, the President of the Maryland Senate, the Maryland House Speaker, the Mayor, and  
3 the Mayor's Legislative Liaison to the City Council.

# ATTACHMENT B

RAILWAY SAFETY BOARD REPORT  
20000217



Canadian National Railway Company  
Freight Line 10057 10  
Mississauga, Ontario  
14 February 2007

CSX



Transportation  
Safety Board  
of Canada

Bureau de la sécurité  
des transports  
du Canada

## **RAILWAY INVESTIGATION REPORT R15H0013**



### **Main-track train derailment**

Canadian National Railway Company

Freight train U70451-10

Mile 111.7, Ruel Subdivision

Gladwick, Ontario

14 February 2015

**Canada**

## 1.0 Factual information

### 1.1 The accident

On 10 February 2015, Canadian National Railway Company (CN) crude oil unit train U70451-10 (the train) departed eastward from Edmonton, Alberta, destined for the Valero Energy Corporation (Valero) refinery located at Lévis, Quebec.

The train consisted of 2 head-end locomotives and 100 tank cars loaded with dangerous goods (DGs). Of these 100 cars, 68 were loaded with petroleum crude oil (UN 1267), and 32 were loaded with petroleum distillates (UN 1268). The train was 6089 feet long and weighed 14 355 tons. The train was designated as a key train<sup>1</sup> operating on a key route.<sup>2</sup>

On 14 February, a regular crew change was made at Hornepayne, Ontario, located at Mile 296.2 of CN's Ruel Subdivision.<sup>3</sup> The outbound train crew consisted of a locomotive engineer and a conductor. Both were familiar with the territory, met fitness and rest requirements, and were qualified for their positions. The train departed eastward on the subdivision at about 2015.<sup>4</sup>

At about 2335, while proceeding at about 38 mph, the train experienced a train-initiated emergency brake application at Mile 111.7 at Gladwick, near Gogama, Ontario (Figure 1). The train crew looked back and observed a large explosion and ensuing fire. They followed the emergency procedures and made the necessary radio broadcast. After the train came to rest, the crew disconnected the locomotives and the first 6 cars from the train, and travelled to a safe location east of the fire. There were no injuries, and there was no evacuation.

- 
- 1 The term "key train" is defined as "an engine with cars
    - a) that includes 1 or more loaded tank cars of dangerous goods that are included in Class 2.3, Toxic Gases and of dangerous goods that are toxic by inhalation subject to Special Provision 23 of the *Transportation of Dangerous Goods Regulations*; or
    - b) that includes 20 or more loaded tank cars or loaded intermodal portable tanks containing dangerous goods, as defined in the *Transportation of Dangerous Goods Act, 1992* or any combination thereof that includes 20 or more loaded tank cars and loaded intermodal portable tanks." (Transport Canada, *Rules Respecting Key Trains and Key Routes*, Section 3.4)
  - 2 The term "key route" is defined as "any track on which, over a period of one year, [the railway carries] 10,000 or more loaded tank cars or loaded intermodal portable tanks containing dangerous goods, as defined in the *Transportation of Dangerous Goods Act, 1992* or any combination thereof that includes 10,000 or more loaded tank cars and loaded intermodal portable tanks." (Transport Canada, *Rules Respecting Key Trains and Key Routes*, Section 3.3)
  - 3 All mileages referenced are for the CN Ruel Subdivision.
  - 4 All times are Eastern Standard Time.

training, the ATS worked independently with little mentoring and minimal support from either the track supervisor or the senior manager engineering (SME), both of whom also had limited time to spend with the ATS due to the work demands of their positions.

CN had developed a training program for ATS candidates that covered the knowledge and skills required of the ATS position. However, there were gaps within the training. During the OJT portion of their training, ATS candidates were not assigned a specific mentor or trainer, yet they were responsible for completing their own checklist as they were exposed to certain track maintenance skills and activities. The OJT process was generally informal, with no direct supervision or feedback to reinforce positive behaviour or correct misperceptions. As a result, CN's ATS training program provided little mentoring or support to ATS candidates during the on-the-job field portion of their training to help them develop the competencies required to be effective in a highly demanding and challenging safety-critical position.

CN had some difficulty retaining employees in the ATS position. The previous ATS candidate on this territory had resigned after completing the training program. The ATS at the time of the occurrence had been in the position for less than 1 year.

The ATS at the time of the occurrence had the confidence of CN management and had been identified as having the potential to be a good supervisor. However, the demands of the job, combined with a lack of adequate mentoring and a lack of track supervisor support, made it difficult for the ATS to continue to develop in that position. Following the occurrence, the ATS resigned from his position and voluntarily returned to the unionized ranks.

An ATS is a highly demanding position which can sometimes lead to staff turnover. On the Ruel Subdivision, at the time of the occurrence, the level of track expertise that was available to manage track infrastructure and maintenance crews, perform track inspections, anticipate and plan to mitigate potential problems, and monitor combinations of various emerging track defects and track conditions was sparse, and the territory was large. As a result, the demands placed on remaining CN engineering staff, including the newly hired ATS working as a fully qualified ATS, left portions of the Ruel Subdivision vulnerable. If ATS candidates do not receive adequate mentoring and support during the on-the-job portion of their training, there is an increased risk that ATSs will lack the necessary expertise in this safety critical position, despite completing the ATS training program.

## *2.7 Petroleum crude oil sample analysis*

The laboratory analysis of the product samples determined that both products had similar chemical and physical properties and were consistent with those of a light, sweet crude oil. The test results were also consistent with the product information provided in the material safety data sheets (MSDS), and the products were appropriately classified. The products exhibited somewhat lower vapour pressure than but similar density, viscosity and volatility to that of the Bakken Shale crude oil involved in the Lac-Mégantic occurrence (TSB Railway Investigation Report R13D0054).

The low flash point of the petroleum crude oil explains why it ignited so quickly once the tank cars were breached. The large quantities of spilled product and the product's rapid rate



of release, high volatility, and low viscosity contributed to the ignition of large post-derailment fires and the pool fire.

### 2.7.1 *Dangerous goods placards on tank cars*

All of the derailed tank cars were loaded with petroleum crude oil product (UN1267). While most tank cars displayed the appropriate UN1267 placard, placards on the 31st and 34th tank cars displayed UN1268 (petroleum distillates).

The dangerous goods safety marks displayed on these derailed tank cars did not meet federal regulations; they displayed UN1268 placards, whereas their lading was classified as UN1267. In this occurrence, the discrepancy did not represent a significant risk to safety, as both products had similar properties, and the emergency response procedures required were the same for both products. However, under different circumstances, the discrepancy between shipping information and the placard displayed on the tank car could have been confusing and could have placed emergency responders at risk. If the placards displayed on a tank car do not match the shipping information, emergency responders will not be fully aware of the tank car contents and may unknowingly place themselves in a vulnerable situation, increasing the risk of injuries.

## 2.8 *Tank car performance*

Historically, legacy Class 111 tank cars were built with a gross rail load (GRL) capacity of 263 000 pounds. In the mid-1990s, the industry began moving towards a Class 111 tank car with a GRL capacity of 286 000 pounds.

In the late 1990s, TC, the U.S. Department of Transportation (DOT), and the American Association of Railroads (AAR) established a number of requirements for tank car GRL to be increased to 286 000 pounds. The requirements included increased puncture resistance for the tank heads and shells, increased design loads and enhanced protection of service equipment. These requirements were further incorporated into TC and AAR standards for tank cars with a GRL of 286 000 pounds but did not apply to the majority of Class 111 tank cars at the time which had a GRL of 263 000 pounds. The next step was to address the cars with a GRL of 263 000 pounds.

For its part, the AAR issued CPC-1232, the requirements of which were similar to those for 286 000 pound GRL cars. CPC-1232 incorporated a number of enhancements and applied to all newly constructed Class 111 tank cars (ordered since October 2011) used for the transport of dangerous goods (DG) Class 3 flammable liquids (Packing Group I and II) such as crude oil, ethanol, and methanol. The CPC-1232 safety enhancements included:

- additional top fitting protection;
- use of reclosing pressure relief devices (PRDs);
- use of normalized steel for tank shells and tank heads;
- increased minimum material thickness ( $\frac{1}{2}$ -inch) for all tank cars that were not jacketed and insulated; and
- $\frac{1}{2}$ -inch thick half-head shields.

## ATTACHMENT C



Transportation  
Safety Board  
of Canada

Bureau de la sécurité  
des transports  
du Canada

## **RAILWAY INVESTIGATION REPORT**

### **R15H0021**



### **Main-track train derailment**

**Canadian National Railway Company**

**Freight train U70451-02**

**Mile 88.75, Ruel Subdivision**

**Gogama, Ontario**

**07 March 2015**

**Canada**

## 1.0 Factual information

On 02 March 2015, Canadian National Railway Company (CN) crude oil unit train U70451-02 (the train) departed eastward from Redwater, Alberta, destined for the Valero Energy Incorporated (Valero) refinery located at Lévis, Quebec. The train consisted of 2 head-end locomotives and 94 tank cars loaded with petroleum crude oil (UN1267). It weighed 13 497 tons and was 5733 feet long. The train was designated as a key train<sup>1</sup> operating on a key route.<sup>2</sup>

On 06 March 2015, a regular crew change was made at Hornepayne, Ontario, located at Mile 296.2 of CN's Ruel Subdivision.<sup>3</sup> The outbound train crew consisted of a locomotive engineer, a trainee, and a conductor. All crew members met fitness and rest standards and were qualified for their respective positions. The train departed eastward on the subdivision at about 2230.<sup>4</sup>

The Makami River flows southward towards the town of Gogama, Ontario (Mile 86.60), and into Minisinakwa Lake. The river then flows around Gogama, turns northeast and flows towards Timmins and the Mattagami First Nation. A CN mainline rail bridge spans the river at Mile 88.70.

### 1.1 The accident

At about 0242 on 07 March 2015, while the train was proceeding at about 43 mph, the locomotive forward-facing video recorded a slight dip just before a train-initiated emergency brake application occurred at Mile 88.70 near Gogama (Figure 1). The train crew looked back and observed a large explosion and ensuing fire. They followed the emergency procedures and made the necessary radio broadcast. After the train came to rest, the crew inspected the train and determined that tank cars behind the 5th car from the head end had derailed and were on fire. The crew disconnected the locomotives and the first 5 cars from

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- 1 The term "key train" is defined as "an engine with cars
    - a) that includes 1 or more loaded tank cars of dangerous goods that are included in Class 2.3, Toxic Gases, and of dangerous goods that are toxic by inhalation subject to Special Provision 23 of the *Transportation of Dangerous Goods Regulations*; or
    - b) that includes 20 or more loaded tank cars or loaded intermodal portable tanks containing dangerous goods, as defined in the *Transportation of Dangerous Goods Act, 1992* or any combination thereof that includes 20 or more loaded tank cars and loaded intermodal portable tanks." (Transport Canada, *Rules Respecting Key Trains and Key Routes*, Section 3.4)
  - 2 The term "key route" is defined as "any track on which, over a period of one year, [the railway carries] 10,000 or more loaded tank cars or loaded intermodal portable tanks containing dangerous goods, as defined in the *Transportation of Dangerous Goods Act, 1992* or any combination thereof that includes 10,000 or more loaded tank cars and loaded intermodal portable tanks." (Transport Canada, *Rules Respecting Key Trains and Key Routes*, Section 3.3)
  - 3 All mileages referenced are for the CN Ruel Subdivision.
  - 4 All times are Eastern Standard Time.

Consequently, there were no reminders such as a checklist or independent verification to ensure that this infrequently performed but important dye penetrant test had been completed. If infrequently performed safety-critical tasks are conducted from memory without the aid of a checklist or independent verification, important steps to properly complete the task can be inadvertently omitted, increasing the risk that the task will not be adequately performed.

## 2.5 *Ultrasonic rail testing*

VSH defects are a common rail fatigue defect and are considered dangerous because they can develop rapidly and are difficult to detect, even with ultrasonic inspection. In 2014, Sperry Rail Service detected a total of 1533 VSH defects while testing 134 054 miles of CN track in Canada. During the same period, CN reported 692 in-service rail failures, 76 (or 11%) of which were due to VSH defects.

The occurrence rail had been manufactured by Sydney Steel Company. This company had experienced various process and quality control problems with its rail manufacturing process throughout its history. One problem had been the presence of centreline streaking that extended into the rail head. In this occurrence, once the rail head had sufficient wear, the tip of the centreline streaking was situated in an area of the rail head that was subjected to the highest rolling contact forces, making it more susceptible to rapid VSH fracture propagation. Because much of the Sydney rail on the Ruel Subdivision was of the same vintage, installed around the same time and subjected to similar wear, it was now also becoming more susceptible to VSH failure. CN was aware of this and had implemented rail flaw inspections on the Ruel Subdivision approximately every 20 days throughout the winter months and every 37 days throughout the rest of the year to protect against rail VSH failures.

The performance guidelines at CN for ultrasonic inspections are more rigorous than industry standard. However, not all VSH defects are detected, and some progress to failure. For a rail defect to be detected ultrasonically, it must present a reflecting surface for the ultrasonic energy to be reflected and recorded by the testing equipment. A VSH defect originating in a pre-existing seam becomes visible only when it opens. Until that time, a seam is relatively homogeneous with the rail steel and does not present a reflecting surface for the ultrasonic energy to be reflected from. Although a pre-existing seam can facilitate VSH development under the right conditions, a pre-existing seam is not a VSH defect and there is nothing to detect ultrasonically until a VSH defect is present. VSH defect growth rates are variable but can develop rapidly, particularly when exposed to significant increases in rail traffic tonnages, and progress to failure between rail tests. Although clearly visible in the broken thermite weld, the VSH defect that caused the rail to fail was either not present or too small to be detected during the ultrasonic test conducted on 02 March 2015 (i.e., 2 days before the broken rail occurred and 5 days before the derailment).

## 2.6 *Petroleum crude oil sample analysis*

The laboratory analysis of the product samples determined that the product's chemical and physical properties were consistent with those of a light sweet crude oil. The test results were

also consistent with the product information provided in the material safety data sheet (MSDS). The product was appropriately classified. The petroleum crude oil exhibited similar density, viscosity, and volatility to that of the products involved in the Gladwick occurrence (R15H0013) and to the Bakken Shale crude oil involved in the Lac-Mégantic occurrence (R13D0054).

The low flash point of the petroleum crude oil explains why it ignited so quickly once the tank cars were breached. The large quantities of spilled product, the rapid release of the product, and the product's high volatility and low viscosity contributed to the ignition of large post-crash fires and the pool fire.

## 2.7 Tank car performance

Historically, legacy Class 111 tank cars were built with a gross rail load (GRL) capacity of 263 000 pounds. In the mid-1990s, the industry began moving towards a Class 111 tank car with a GRL capacity of 286 000 pounds. Such tank cars were required to have increased puncture resistance for the heads and shells, increased design loads, and improved protection for top and bottom fittings (service equipment).

In 2011, to further reduce the risk associated with transporting more dangerous goods (DGs) in higher-capacity cars, the Association of American Railroads (AAR) implemented the CPC-1232 tank car standard. This standard incorporated a number of enhancements, similar to those on the cars with the 286 000 pounds GRL, for newly constructed Class 111 tank cars, ordered after 01 October 2011, that were to be used for the transportation of certain Class 3 flammable liquids (packing group I or packing group II) such as petroleum crude oil, ethanol, and methanol. The CPC-1232 safety enhancements included

- additional top fitting protection;
- use of reclosing pressure relief devices (PRDs);
- use of normalized steel for tank shells and tank heads;
- increased minimum material thickness ( $\frac{1}{2}$  inch) for all tank cars that were not jacketed and insulated; and
- $\frac{1}{2}$ -inch-thick half-head shields.

In April 2014, in response to TSB Recommendation R14-01, TC announced a 3-year phase-out of older, less crash-resistant legacy Class 111 tank cars in crude oil service. In July 2014, the TP 14877 standard was adopted by reference in the Transport Canada (TC) *Transportation of Dangerous Goods Regulations*, which aligned federal regulations with the 2011 AAR CPC-1232 standard. In May 2015, TC published regulations establishing requirements for a new flammable liquid tank car standard (TC-117),<sup>85</sup> along with a phase-out schedule for older tank cars in flammable liquid service in 10 years (2025).

<sup>85</sup> The new regulations require that all new tank cars built for the transport of flammable liquids be constructed using thicker and more impact-resistant steel and be equipped with jacketed thermal protection, full-height head shields, top fittings protection, improved bottom outlet valves, and appropriate pressure relief devices.



February 20, 2018

Chairman Edward Reisinger  
Baltimore City Council Land Use & Transportation Committee  
100 N. Holliday Street  
Baltimore, MD 21202  
*Via email*

**Re: SUPPORT Baltimore City Council Bill 17-0150 - Zoning - Prohibiting Crude Oil Terminals**

Dear Chair Reisinger and Committee Members:

On behalf of Blue Water Baltimore and our nearly 900 members, I write to express strong support for Bill 17-0150, the Crude Oil Terminal Prohibition. This legislation is necessary to protect Baltimore from hazardous shipments of crude oil that not only pose a significant threat of catastrophic explosion to neighborhoods across Baltimore, but also threaten Baltimore's water infrastructure and waterways.

Blue Water Baltimore is a 501 (c)(3) nonprofit organization with a mission to restore the quality of Baltimore's rivers, streams and harbor to foster a healthy environment, a strong economy and thriving communities. Our members invest significant money and volunteer hours to improve water quality in Baltimore. The city has made noteworthy and impressive strides toward improving water quality in our streams and the Inner Harbor, including millions in investment towards repairing our sewage infrastructure and implementing projects to reduce stormwater.

Yet our waterways still face a number of significant pollution threats. In the last five months alone, the Jones Falls has suffered two oil spills. In October 2017 oil from a BGE transmission line spilled an estimated 10,000 gallons into the Jones Falls. The leak lasted several days before the source was found, and the oil sheen could be seen in the Inner Harbor. Two months later, in December 2017, a tanker truck overturned on Hwy 83 spilling over 2,800 of heating oil into the Jones Falls. Cleanup efforts were delayed and complicated due to the frozen stream conditions in the winter. These oil spills harm our ecosystem and threaten public health.

A crude oil spill would do significant damage to Baltimore's water infrastructure and waterways. For an example of what might happen, we can look to the town of Lac Megantic, Quebec, where a crude oil train explosion occurred in 2013. When the train exploded, the liquid components of the crude oil flowed across the landscape in a river of fire. Hundreds of thousands of liters of oil flooded the manholes around the crash site into the city's sewer system, reaching the town's water-treatment centre and emptying into the lake and nearby Chaudière River. Workers had to pump the burning oil out of the sewers to

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2/20/18 JRC



## MARYLAND ENVIRONMENTAL HEALTH NETWORK

**Bill #17-0150 – Prohibiting Crude Oil Terminals**  
February 21, 2018 1:00pm

Committee: Land Use & Transportation

Position: SUPPORT

The Maryland Environmental Health Network supports bills that are consistent with scientific research in the fields of public and environmental health, and those which advance social justice and equity. Marylanders are more likely to achieve health and longevity when we live in environments of clean air and water, strong local economies, and meaningful community engagement in policy-making. As a statewide network, we draw on a diverse constituency of health advocates, educators, researchers, health care professionals, and community leaders to evaluate legislative proposals.

For these reasons, we support Bill #17-0150, because we believe that constraints on the proliferation of fossil fuel infrastructure will protect the health and well-being of communities in Baltimore City. Crude oil transportation by rail has increased 4,000 percent since 2008. Bill #17-0150 will reduce the amount of trains transporting crude oil through Baltimore City.

As a public health organization, we are concerned with the intersection of pollution and psycho social stress which impacts the resiliency of communities. This year will mark the five-year anniversary of the oil car explosion in Lac-Mégantic. Derailments in Maryland's neighboring states, Pennsylvania and West Virginia put health is at risk even if trains stay on the tracks. Similarly, exposure to diesel emissions can impair lung development and exacerbate symptoms in people who already suffer from lung diseases like asthma and COPD. There are other air pollution impacts from evaporation, known as "crude shrinkage." During transit, crude oil loses up to 3% of its volume, including off gassing of benzene and volatile organic compounds. Benzene exposure can lead to health effects ranging from dizziness and headache to anemia and leukemia. Noise pollution, a commonly underrated risk, is also a concern for people living near rail lines. Exposure to decibels at the level of a train horn can lead to sleep deprivation, increased cardiovascular events like myocardial infarction and arrhythmia, reduced cognitive performance, and increased psychiatric illness in children.

The public health risks of derailment, compounded with the toxic intersectionality of neighborhoods already living with compound air pollution, and accompanying mental health issues due to displacement and symptoms of post-traumatic stress disorder, should give decisionmakers pause. Lack of transparency in the volume and routes traveled makes it difficult to increase public health protections for nearby residents and first responders in the event of an infrastructure failure.

It is imperative that we put the health and safety of Baltimore residents first as we consider Baltimore's impact on statewide energy choice and make investments in our energy future. There are 165,000 Baltimore residents who live in zones endangered by crude oil trains, and they should not recklessly be placed at-continued risk of illness, injury, or mortality or compound stress from crude oil transport. Bill #17-0150 will go far to prevent such increased exposures, which would protect the health, well-being, and safety of those in Baltimore City. We encourage a long-term view on these issues and support Bill #17-0150.

Thank you for your consideration.

Tamara Toles O'Laughlin  
Executive Director  
Maryland Environmental Health Network  
2 East Read Street, 2nd Floor  
Baltimore, MD 21202  
Phone: 410-727-1205

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2/20/18 JLR



explosion this past summer. The withdrawal of state funds for the Red Line and the recent cancellation of Metro service after chronic disinvestment and disregard for reports of unsafe conditions are further examples of the dire state of Baltimore's infrastructure and maintenance. Cargo as explosive and volatile as crude oil trains traveling across Baltimore's rails would be simply a disaster waiting to happen.

Transit riders and operators would be at serious risk from a crude oil train explosion. The Light Rail travels immediately above the Howard Street Tunnel for its 1.7-mile length. The Metro crosses beneath it. The Red Line, once completed, will also cross beneath it. This places transit riders, especially transit-dependent individuals, in danger of both a crude oil train explosion and the toxic air emissions caused by crude oil trains.

We envision the creation of a Regional Transportation Authority to fund the completion of the Red Line, a significant but eminently possible task that would allow Baltimore City and County to move forward with this project without relying on the state or local government. However, if a crude oil train were to explode in an urban center like Baltimore, the Pipeline and Hazardous Materials Safety Administration estimates that it would cause at least \$5 billion in damages. Recovering from such a disaster would put the future of the Red Line, as well as many other worthy and necessary causes, in jeopardy.

For these reasons and in the spirit of equity solidarity, the **Baltimore Transit Equity Coalition** urges you to support the Crude Oil Terminal Prohibition, Bill 17-0150.

**Coates, Jennifer**

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**From:** Samuel Jordan <Samuel.Jordan@msn.com>  
**Sent:** Monday, February 19, 2018 11:18 PM  
**To:** Reisinger, Edward; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer; Middleton, Sharon  
**Subject:** Baltimore Transit Equity Coalition Supports Baltimore City Council Bill 17-0150 - Zoning - Prohibiting Crude Oil Terminals



**Bill:** Baltimore City Council Bill 17-0150 - Zoning - Prohibiting Crude Oil Terminals  
**Committee:** Land Use & Transportation Committee  
**Position:** SUPPORT  
**Date:** February 18, 2018

Dear Land Use & Transportation Committee Members,

The **Baltimore Transit Equity Coalition** (BTEC) urges you to pass Bill 17-0150, the Crude Oil Terminal Prohibition. BTEC was founded upon the cancellation of the Red Line by Governor Hogan and the realization that if we want a prosperous and equitable city, we will have to stand up and fight for it. New or expanded fossil fuel terminals are no part of a prosperous and equitable future for Baltimore. We want our city to be a transit hub for its residents, not for the fossil fuel industry.

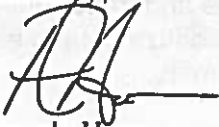
In Maryland, crude oil trains endanger communities near rail lines and Baltimore in particular. Two facilities in Baltimore are currently permitted to transfer crude oil, and with the lifting of the crude oil export ban in 2015 and the possibility of increased domestic drilling under the Trump administration, Baltimore is in the crosshairs for increased crude oil train shipments. A new crude oil train terminal, such as the one proposed for the Fairfield Industrial Area in 2014, would dramatically increase the number of trains carrying crude oil through Baltimore and therefore the risk of a derailment and explosion.

Trains are a dangerous and unhealthy way to transport crude oil. Crude oil is highly flammable and poses risks to people and the environment from spills, fires, or explosions. To compound the threat, the nation's rail infrastructure is crumbling. The American Society for Civil Engineers gave U.S. infrastructure a D+ in a 2017 report. Baltimore's infrastructure is particularly vulnerable, as exemplified by the 26th Street collapse in 2014, regular occurrences of sinkholes, and the steam pipe

prevent it from reversing into nearby buildings as the fire burned over the course of the next two days. Both through the water treatment center and by flowing directly downstream, the burning oil also reached the nearby lake and the Chaudière River. Samples taken a week after the crash in Charny, a town 130 kilometres from Lac-Mégantic, showed that the oil had contaminated the river significantly; the heavy chemical components of crude oil had settled and coated the bottom of the lake and river. The Quebec government estimated that restoring Lac-Mégantic to pre-accident condition would cost at least \$200 million.

Baltimore City cannot afford for a similar incident to happen here. The Crude Oil Terminal Prohibition is the best tool we have at our disposal to prevent it from occurring. For this reason, we urge you to support this legislation.

Sincerely,



Angela Haren  
Director of Advocacy and  
Baltimore Harbor Waterkeeper

Baltimore City Hall  
100 Holliday St  
Baltimore, MD 21202

Dear Baltimore City Councilmembers,

We, the United Worker of Baltimore are writing today to submit favorable commentary for zoning ordinance (Bill #17-0150) prohibiting crude oil terminals to reduce the potential number of trains carrying explosive crude oil through Baltimore City.

Trains transporting crude oil pass through a number of Baltimore communities, including Curtis Bay, Westport, Cherry Hill, and Brooklyn where we have hundreds of members. These communities historically have borne the brunt of industrial hazards and pollution. Most recently our members led the way to stop the nation's largest trash incinerator from being built next to Benjamin Franklin High School. This historic break we hope will usher in more conversations and policy change rooted in Fair Development principles of universality, equity, transparency, accountability, and participation. Along with ending incineration in Baltimore and transitioning towards a zero waste future, City Council should take a stand today and prioritize human health and environmental integrity in our communities over short term industrial profits.

Crude oil is highly flammable and poses a huge risk to people and the environment from spills, fires, or explosions. To compound the threat, the nation's rail infrastructure is crumbling. Baltimore's infrastructure is particularly vulnerable, as exemplified by the 26th Street collapse in 2014, regular occurrences of sinkholes, and the steam pipe explosion this past summer.

In Maryland, crude oil trains endanger communities near rail lines and Baltimore in particular. Two facilities in Baltimore are currently permitted to transfer crude oil, and with the lifting of the crude oil export ban in 2015 and the possibility of increased domestic drilling under the Trump administration, Baltimore is in the crosshairs for increased crude oil train shipments.

A new crude oil train terminal would dramatically increase the risk of deadly explosions to South Baltimore neighborhoods like Morrell Park, Mt Winans, Westport, Lakeland, Cherry Hill, Brooklyn, and Curtis Bay. 32% of Curtis Bay and Brooklyn residents, 50% of Cherry Hill residents, and 29% of Westport, Mt Winans, and Lakeland residents lack access to a personal vehicle - so in the event of a crude oil train derailment or explosion that required an evacuation, they would be forced to flee on foot. The construction of any new crude oil train terminals in Baltimore poses unacceptable risks to residents of South Baltimore.

Past oil train derailments have resulted in tragedy. The worst example was the 2013 derailment and explosion in Lac-Megantic, Quebec that killed 47 people and decimated the town. Locally, we have seen train derailments in Baltimore that have resulted in fires, closures, and evacuations including the derailment inside the Howard Street Tunnel.

Not only do derailments pose a serious risk to human life and health, but also a serious risk to the environment. United Workers urges you to act now and protect Baltimoreans from this unnecessary risk.

Sincerely,

United Workers

received  
2-20-15 JAC

## Coates, Jennifer

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**From:** Barry Buchanan <BBuchana@co.whatcom.wa.us>  
**Sent:** Tuesday, February 20, 2018 4:47 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert  
**Cc:** Coates, Jennifer  
**Subject:** Comments in support of Bill #17-0150

2/20/18

To: Chairman Reisinger and Members of the City of Baltimore Transportation Committee

Edward Reisinger, Chair [Edward.Reisinger@baltimorecity.gov](mailto:Edward.Reisinger@baltimorecity.gov)  
Sharon Green Middleton, Vice Chair [Sharon.Middleton@baltimorecity.gov](mailto:Sharon.Middleton@baltimorecity.gov)  
Mary Pat Clarke, [MaryPat.Clarke@baltimorecity.gov](mailto:MaryPat.Clarke@baltimorecity.gov)  
Eric T. Costello, [Eric.Costello@baltimorecity.gov](mailto:Eric.Costello@baltimorecity.gov)  
Ryan Dorsey, [Ryan.Dorsey@baltimorecity.gov](mailto:Ryan.Dorsey@baltimorecity.gov)  
Leon Pinkett, [Leon.Pinkett@baltimorecity.gov](mailto:Leon.Pinkett@baltimorecity.gov)  
Robert Stokes, [Robert.Stokes@baltimorecity.gov](mailto:Robert.Stokes@baltimorecity.gov)

Cc: Jennifer Coates, Staff to the Committee, [Jennifer.Coates@baltimorecity.gov](mailto:Jennifer.Coates@baltimorecity.gov)

From: Barry Buchanan and Todd Donovan, members of the Whatcom County Council  
RE: Comments in support of Bill #17-0150

City of Baltimore Transportation Committee Members,

The two of us are members of the Whatcom County Council in Northwest Washington State. We are writing to express our support for the proposed regulation on new crude oil terminals and to offer solidarity with Baltimore as you consider Bill #17-0150. We are enthusiastic about working together with Baltimore and port communities around the country as we all work for a shared prosperity that is not dependent on exporting fossil fuels.

As you may have heard, our community recently adopted a measure similar to the one that we understand that your community is considering. In Whatcom County we have seen a series of proposed and contemplated new fossil fuel export projects. Many members of our community are concerned these projects would have serious negative impacts, including risk of spills in the Puget Sound/Salish Sea, climate change, air and water quality degradation, health impacts, job losses, and many more. These new projects include a coal export, newly expanded use of crude oil trains a possible pipeline expansion and and the risk that existing piers could be repurposed for new uses including exporting propane train brought in by train and liquified natural gas. We know that our community is not alone; there have been many similar proposals around the region as the same economic pressures and geographic constraints are applied in other communities. It is our understanding that Baltimore has likewise seen a new crude oil terminal proposed a few years ago, and may experience more in the future.

Our experience has brought us to the conclusion that even denial of these specific proposals, without changes to the underlying rules, would only mean another set of similar proposals in the near future.

Based on these concerns, in August of 2016, we brought forward and passed an emergency moratorium on accepting new major project permits in the Cherry Point urban growth area that would increase shipment of unrefined fossil fuels. The Cherry Point UGA is zoned for heavy industry and is the only area in our community with nearshore access to deep water. We have renewed very similar language as an interim ordinance every six months since then. In Spring of 2017, we updated our Comprehensive Plan with the policy foundation that sets the stage for a more permanent code change, and we are in the midst of a legal analysis of the options for permanent action that will protect our community from these kinds of projects.

Throughout this process, we have held half a dozen public hearings, and although we heard concerns from the oil and coal companies about the potential impacts on those industries, we also heard from many, many more community members who support these measures.

More than a year later we can report that the economy in Whatcom County continues to thrive. Recently published data showed the addition of 800 local manufacturing jobs and 400 construction during the period in which the moratorium was in place (<http://www.bellinghamherald.com/news/local/article180703946.html>). There are two refineries in our Cherry Point area and they are both still operating; far from moving out of the community as some threatened that they might, one of them has made several investments to improve their operations. Our moratorium has not been a threat to job creation. Nor has it been a political millstone; those of us up for election were opposed by the fossil fuel interests in November of 2017 but the three Whatcom County Council members who supported these policies just won re-election.

We are eager to collaborate with other communities implementing similar measures. We are aware that our refusal to allow these projects in our community likely increases development pressure on our neighbors for similar energy projects with significant negative impacts. This makes collaboration all the more important. We view a shared strategy as a wise approach and we would be happy to share the final results of our legal analysis when it is complete. In the meantime, any of us would be pleased to have conversations with any of you about this or related matters.

In Solidarity,

Todd Donovan  
Whatcom County Council District 2

Barry Buchanan  
Whatcom County Council At Large

Barry Buchanan  
Councilmember, At-Large  
Whatcom County Council  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225  
360.778.5010  
[BBuchana@co.whatcom.wa.us](mailto:BBuchana@co.whatcom.wa.us)

*NOTICE: All emails and attachments sent to and from Whatcom County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)*

**“If there is any object which could cause mortal danger, one is required to remove it.”**

**– MAIMONIDES, MISHNEH TORAH**



**Members of the Baltimore City Council,**

We write as faith leaders from across Baltimore City to support the zoning ordinance prohibiting crude oil terminals, which will prevent an increase in crude oil train traffic by banning the construction of new and expansion of existing crude oil terminals within our city.

We write because all of our traditions teach that we must speak out about any object that presents a danger to life.

In 2013, a crude oil train derailment and explosion in Lac-Megantic, Quebec killed 47 people and decimated the town. Numerous other derailments in unpopulated areas, fortunately, have not led to loss of human life, but each one is a reminder that trains are a dangerous and unhealthy way to transport highly flammable crude oil. **Crude oil trains in densely populated areas like the City of Baltimore are a disaster waiting to happen.**

We urgently ask the city council to limit the movement of crude oil trains through Baltimore by banning new crude oil terminals within the city.

- First, we sign this letter as faith leaders whose **communities would be directly endangered by crude oil trains**. We, our families, and our congregants are among the 165,000 people inside the “blast zone,” who risk harm in the event of an explosion or derailment.
- Second, we have a **responsibility to protect our neighbors inland from the Port of Baltimore**. By limiting crude oil train traffic within our own city, we do our part to keep dangerous trains containing flammable crude oil from bringing their risks and harms to other communities further West.
- And finally, **these crude oil trains feed a fossil fuel-based economy** that is pouring heat-trapping climate pollution into our atmosphere and damaging our climate. Fossil fuel infrastructure perpetuates a moral crisis on a global scale. People of faith—and all people of good will—are called to shift, now, to clean energy. Continuing to rely on fossil fuels only accelerates the flooding, stronger storms, disease, and drought that will cause untold suffering as our climate changes. It is the most vulnerable people, in our own communities and around the world, who are among the first to suffer the consequences of climate change. Today, as Baltimore religious leaders, we reject the expansion of fossil fuel transport or infrastructure. Any terminal that continues to enable the burning of fossil fuels is to us a “dangerous object.”

We call on you to pass the zoning ordinance prohibiting crude oil terminals, and join us in prayer for the welfare of our neighborhoods, our region, and our world.

*Signed by over fifty Baltimore City faith leaders.*

**received**  
2-20-18 JLC

*Names of those whose homes or congregations could be directly impacted by a train derailment are in bold.*

**Rabbi Daniel Burg**  
*Beth Am Synagogue\**

**Rev. Dr. William A. Au**  
*The Shrine of the Sacred Heart\**

**Pastor Zollie D. Bagby**  
*Village Baptist Church*

*continued*

**Rev. Alice Bassett-Jellema**  
*Episcopal Church of the  
Guardian Angel\**

**Nichole Battle**  
*Govans Ecumenical Development  
Corporation\**

**Dr. Hoffman Brown, 3rd**  
*Wayland Baptist Church\**

**Mary Catherine Bunting**  
*St. Vincent de Paul Catholic Church\**

**Rev. Gloria R. Carpeneto**  
*Living Water Inclusive  
Catholic Community\**

**Bishop J.L. Carter**  
*Ark Church\**

**Fr. James Casciotti, S.J.**  
*St. Ignatius Church\**

**Gen Kelsang Chogden**  
*Kadampa Meditation Center  
Maryland\**

**Rev. Kate Foster Connors**  
*The Center: Where Compassion  
Meets Justice\**

**Rev. Carol Cook**  
*First Christian Church (Disciples of  
Christ)\**

**Pastor Gary Dittman**  
*Amazing Grace Lutheran Church\**

**Rev. Dennard Gayle**

**Rev. Arthur Dan Gleckler**  
*Bethesda United Methodist Church  
(Baltimore)\**

**Bishop William Gohl, Jr.**  
*Delaware-Maryland Synod, ELCA\**

**Rabbi Andrew Gordon**  
*Bolton Street Synagogue\**

**Rabbi Laurie Green**

**Dr. Crystal Hall**

**Rev. Darriel Harris**  
*Newborn Community Church  
of God\**

**Rev. Tom Harris**  
*Govans Presbyterian Church\**

**Pastor Kenneth Harvard**  
*First Baptist Church of Fairfield\**

**Rev. Dellyne Hinton**  
*Central Maryland Ecumenical  
Council\**

**Fr. Ty Hullinger**  
*St. Anthony of Padua, St. Dominic,  
and Most Precious Blood parishes\**

**McKay Jenkins**  
*Brown Memorial Presbyterian  
Church\**

**Rev. Andrea Johnson**  
*Living Water Inclusive Catholic  
Community\**

**Sister Patricia Kirk, OSB**  
*Benedictine Sisters of Baltimore\**

**Senior Pastor Frank Lance**  
*Mt. Lebanon Baptist Church\**

**Pastor James McEachin**  
*Corner Rock Ministries\**

**Rev. James McSavaney**  
*Hampden United Methodist Church\**

**Peggy Meyer**  
*Chair, Social Action Committee  
St. Vincent de Paul Church\**

**Rev. Derek Miller**

**Brother Merrick Moses**  
*Community of Saint Benedict\**

**Rev. James Muratore**  
*St. Luke's Church on the Avenue\**

**Fr. Joseph Muth**  
*St. Matthew and Blessed Sacrament  
Catholic Churches\**

**Brother Jerry O'Leary**  
*Coordinator for Justice and Peace -  
Xaverian Brothers\**

**Rev. David Carl Olson**  
*First Unitarian Church of Baltimore\**

**Rev. M Cristina Paglinauan**  
*The Church of the Redeemer\**

**Pastor Mark Parker**  
*Breath of God Lutheran Church\**

**Rev. Willie E. Ray**  
*New Promiseland Community  
Church\**

**Sister Claudia Sanz**  
*Oblate Sisters of Providence\**

**Rev. Amy Sens**  
*six:eight UCC\**

**The Rev. Dr. Angela Shepherd**  
*Episcopal Diocese of Maryland\**

**Rev. Carol Sipes**  
*St. Luke's Lutheran Church\**

**Clergy Leader Hugh Taft-Morales**  
*Baltimore Ethical Society\**

**Rev. James Tanner**

**Elder Keith Thompson**  
*Madison Avenue Presbyterian  
Church\**

**Rev. Alex Vishio**  
*Central Atlantic Conference -  
United Church of Christ\**

**The Rev. David Ware**  
*The Church of the Redeemer\**

**Rev. Tamara England Wilson**  
*Nu Season Nu Day Church\**

*\* Affiliations are noted for identification purposes only.*



**Coates, Jennifer**

---

**From:** Sara Shor <Sara@350.org>  
**Sent:** Tuesday, February 20, 2018 11:13 PM  
**To:** Sara Shor  
**Subject:** Comments in support of Bill #17-0150  
**Attachments:** Baltimore City Council Bill 17-0150.pdf

**Bill: Baltimore City Council Bill 17-0150 - Zoning - Prohibiting Crude Oil Terminals**

**Committee: Land Use & Transportation Committee**

**Position: SUPPORT**

February 20, 2018

Dear Land Use & Transportation Committee Members,

[350.org](http://350.org) is a global organization building a grassroots climate movement that can hold our leaders accountable to principles of science and justice. We urge Baltimore City to pass the Crude Oil Terminal Prohibition (Bill #17-0150). Baltimore City should pass this bill to both protect local communities, and to lead the country in fighting fossil fuel development and stopping climate change.

Trains are a dangerous and unhealthy way to transport crude oil. Crude oil is highly flammable and poses risks to people and the environment from spills, fires, or explosions. To compound the threat, the nation's rail infrastructure is crumbling. The American Society for Civil Engineers gave U.S. infrastructure a D+ in a 2017 report. Baltimore's infrastructure is particularly vulnerable, as exemplified by the 26th Street collapse in 2014, regular occurrences of sinkholes, and the steam pipe explosion this past summer.

In Maryland, crude oil trains endanger communities near rail lines and Baltimore in particular. Two facilities in Baltimore are currently permitted to transfer crude oil, and with the lifting of the crude oil export ban in 2015 and the possibility of increased domestic drilling under the Trump administration, Baltimore is in the crosshairs for increased crude oil train shipments.

A new crude oil train terminal, such as the one proposed for the Fairfield Industrial Area in 2014, would dramatically increase the risk of deadly explosions to South Baltimore neighborhoods like Morrell Park, Mt Winans, Westport, Lakeland, Cherry Hill, Brooklyn, and Curtis Bay. These neighborhoods already bear the brunt of most industrial pollution in Baltimore City, and would bear the risk of a crude oil train explosion and the air pollution that comes with routine crude oil train shipments and transfers.

Past oil train derailments have resulted in tragedy. The worst example was the 2013 derailment and explosion in Lac-Megantic, Quebec that killed 47 people and decimated the town. Locally, we have seen train derailments in Baltimore that have resulted in fires, closures, and evacuations including the derailment inside the Howard Street Tunnel in June 2016.

Not only does transport of crude oil pose a serious risk to human life and health, but also a serious risk to the environment and to the climate. The potential of an oil spill in the Baltimore Harbor or Chesapeake Bay will not only affect the water quality but also the health of wildlife in these waterways. In addition, continued reliance on fossil fuels and the infrastructure that supports them is worsening the climate crisis and increasing the risk for devastating impacts, like extreme weather and sea-level rise.

We urge you to act now to protect Baltimoreans from this unnecessary risk and pass the zoning ordinance prohibiting crude oil terminals.

Sincerely,

Sara Shor, [350.org](http://350.org)

--  
Sara Shor  
Campaign Manager, [350.org](http://350.org) and 350 Action  
[Sara@350.org](mailto:Sara@350.org) 510-847-7217 @Sara\_Shor



350.org, 20 Jay Street Suite 732, Brooklyn NY 11201, USA

✉ organizers@350.org ☎ +1802 552 4067 📠 +1888 503 0670

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**Committee: Land Use & Transportation Committee**

**Position: SUPPORT**

February 20, 2018

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Sara Shor, 350.org



350.org, 20 Jay Street Suite 732, Brooklyn NY 11201, USA

✉ organizers@350.org ☎ +1 802 552 4067 📠 +1 888 503 0670

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**Committee: Land Use & Transportation Committee**

**Position: SUPPORT**

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February 20, 2018

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We urge you to act now to protect Baltimoreans from this unnecessary risk and pass the zoning ordinance prohibiting crude oil terminals.

Sincerely,

Sara Shor, 350.org



# Organizations In Opposition



**MARYLAND PORT  
ADMINISTRATION**

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Pete K. Rahn  
Secretary  
James J. White  
Executive Director

February 20, 2018

The Honorable Edward Reisinger  
Chairman, Land Use and Transportation Committee  
Baltimore City Council  
100 Holiday Street, Suite 500  
Baltimore MD 21202

*Letter of Opposition, Council Bill 17-0150, Zoning – Prohibiting Crude Oil Terminals*

Dear Councilman Reisinger:

The Maryland Department of Transportation Port Administration expresses its opposition to Council Bill 17-0150 as it would be detrimental to the Port of Baltimore.

The zoning code is meant to control the types and locations of land uses within a jurisdiction, in this case marine terminals. It is not meant to regulate individual commodities handled at those terminals, which by and large handle multiple commodities. This legislation sets a dangerous precedent and could have the unintended consequence of discouraging private investment in the construction or expansion of marine terminals at the Port of Baltimore. In addition, should any marine terminal in the City of Baltimore, or anywhere else in Maryland, seek to handle Bakken crude oil or any other volatile crude oils, they would already be subject to strict Maryland Department of the Environment regulations under COMAR 26.11.01.01B. It should be noted, that under these permitting regulations there are currently no facilities in Maryland that are permitted to store or trans-load Bakken crude oil.

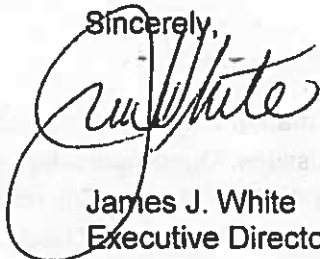
The Maryland Port Administration works hard to accomplish its mission "to increase waterborne commerce through the State of Maryland in a way that benefits the citizens of the State," while also acting as a good steward of Maryland's natural environment as part of its vision.

By accomplishing its mission and vision, the Port of Baltimore generates 33,900 family supporting jobs and is a significant contributor to the economy of Baltimore City and the region. Approximately 30% of direct jobs created by the Port are held by Baltimore City residents, and the average wage of those jobs exceeds the statewide average annual wage by 16.4%. The Port and port-related industries provide jobs for workers with a full range of skills and education.

The Honorable Edward Reisinger  
Page Two

Please consider the long-term adverse impacts of prohibiting business investment and  
oppose City Council Bill 17-0150.

Sincerely,



James J. White  
Executive Director

**Attachments**

cc: The Honorable Mary Pat Clarke, District 14  
The Honorable Eric Costello, District 11  
The Honorable Ryan Dorsey, District 3  
The Honorable Sharon Green Middleton, Vice President, Baltimore City Council  
The Honorable Leon F. Pinkett, III, District 7  
The Honorable Robert Stokes, Sr. District 12  
The Honorable Bernard C. "Jack" Young, President, Baltimore City Council  
Mr. Jim Smith, Chief of Strategic Alliances, Mayor's Office  
Mr. Pete K. Rahn, Secretary, Maryland Department of Transportation



Councilperson Reisinger  
Baltimore City Hall  
100 Holliday Street  
Baltimore, MD 21202

Dear Councilperson Reisinger,

The Sierra Club Maryland Chapter is committed to educating the public about and advocating for pressing environmental issues. Our organization's membership represents nearly 60,000 Marylanders, including over 4,000 Baltimore City residents. Thank you for the opportunity to state our case on this important environmental issue.

We urge you and the Land Use and Transportation Committee members to vote in favor of the Crude Oil Terminal Prohibition (Bill #17-0150). Over 165,000 Baltimoreans currently live within the blast zone were an oil train to explode within the city. This number includes over 30,000 students and almost 2,000 teachers who attend our work at schools. These city residents are being placed unnecessarily in harm's way. They risk of death, injury and environmental hazards in the event of a crude oil train explosion.

Our organization understands the passage of crude oil trains through Baltimore City as an environmental justice issue because of its disproportionate impacts on low-income communities and communities of color. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.<sup>1</sup> The expansion of fossil fuel infrastructure such as crude oil trains would dramatically increase the risk of deadly explosions to South Baltimore neighborhoods like Morrell Park, Mt Winans, Westport, Lakeland, Cherry Hill, Brooklyn, and Curtis Bay. These neighborhoods are primarily of low-income communities of color that already bear the brunt of most of the industrial pollution in Baltimore City. Why place communities that already suffer increased rates of asthma, heart and lung disease compared to wealthier and whiter neighborhoods in Baltimore City at increased and unnecessary risk were a crude oil train to explode?

Thank you for your time. The Sierra Club Maryland Chapter urges you to vote in favor Crude Oil Terminal Prohibition.

Respectfully,

Crystal Hall  
Sierra Club Maryland Chapter  
3000 Chestnut Avenue, Suite 202  
Baltimore, MD 21211

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<sup>1</sup> <https://www.epa.gov/environmentaljustice>

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# Individuals In Support

The following individuals have provided support for the project. Their names are listed in alphabetical order. We are grateful for their contributions and assistance.

1. [Name]

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## Coates, Jennifer

---

**From:** Margie Gorman <margieagorman@yahoo.com>  
**Sent:** Saturday, February 17, 2018 1:21 PM  
**To:** Reisinger, Edward  
**Cc:** Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer; Middleton, Sharon  
**Subject:** Land Use & Transportation Committee, Zoning Ordinance (Bill #17-0150)

Attn: Land Use & Transportation Committee  
Mr. Edward Reisinger, Chair

Dear Committee Members:

Hi, my name is Marguerite Gorman, and I reside in the Curtis Bay area, off of Church Street, in Brooklyn Park, MD. Thank you for giving me this opportunity to voice a concern I have for myself and my neighbors. We live in the "blast zone" of the crude oil transportation area and it is a great concern of mine and my neighbors to keep our neighborhood safe. If there was a derailment in my area, we would be deeply impacted by the aftermath. When I first moved to Brooklyn and drove through Curtis Bay area, I constantly noticed the oil smell. I did not realize that this was an area of major distribution of oil. I can see the factories on Patapsco and I just figured this was the pollution emitted from these factories. This pollution presently affects the health of the people living in this area and we do not need more.

You have all witnessed the problems with our deteriorated train tracks in Baltimore--with the recent news of our subway this past week. It's the subway problem, at the moment, but who is to say that there are no problems elsewhere in Baltimore City? Our railways are old and the rail cars are old. There will be future problems in Baltimore, with adding more stress on our railways with the transportation of Crude Oil and more terminals. We cannot sit idle and ignore or think that a disaster will not happen. Fearing a problem and choosing to ignore is not an option for human life in danger zones! I think my life matters.

More traffic means more chances of an accident. Why should our lives be at risk? We live and work in this area and do not need any added worries. The stress on the rail system can turn to a disaster and the City of Baltimore needs to step up and say 'NO MORE'!

I am urging Committee members to support the Zoning Ordinance (Bill #17-0150) to prohibit the construction of new crude oil terminals within Baltimore. It is the City of Baltimore's responsibility to protect our neighborhoods and to implement more rules and regulations for safety and reporting of shipments! We do not need a catastrophe, like those in the past, with more dangerous trains rolling through Baltimore!

Thank you and please support Bill#17-0150.

Marguerite Gorman  
(410)980-2260

**Coates, Jennifer**

---

**From:** Larry Bannerman <yrralban@gmail.com>  
**Sent:** Monday, February 19, 2018 3:54 PM  
**To:** Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer; Gloria Nelson; Jennifer Kunze  
**Subject:** Comments in support of Bill #17-0150  
**Attachments:** MSDS-Heavy-Crude-Oil-Pembina-Pipeline-Corporation.pdf; International Association Of Fire Cheifs Panel 3\_C\_Rick Edinger.pdf

**Land Use & Transportation Committee Chair Reisinger**

**To: Land Use and Transportation Committee members and staff**

Comments in support of Bill #17-0150

February 18, 2018

Hello members of the Land Use and Transportation Committee,

I write to you again with additional thoughts in support of the Crude Oil Terminal Prohibition, Bill 17-0150. Crude oil is an exceptionally dangerous type of cargo with significant dangers beyond the large 'mushroom cloud' explosions that we have all seen pictures of. A particular hazard is that this explosion of light elements of crude oil will ignite the heavier elements of crude oil which will flow downstream from the crash site, creating a burning river of oil that will engulf homes, schools, and people in its path. I want to draw your attention to [first hand accounts](#)

of this phenomenon by people who narrowly escaped the crude oil train fire in Lac-Megantic, Quebec, four years ago:

*Outside, Christian saw his car parked across the road, and a wave of fire as wide as the street coming toward them. "Asphalt doesn't burn, buildings do," he said. "When I saw the fire coming down the street I knew it was oil. I just started running, racing south."*

*Yvon Ricard saw chaos, the train flying past the terrace and exploding. "A big mushroom cloud went up – I couldn't believe it," the musician said. Stunned, he stood with his mouth open, trying to make sense of things. Soon, the heat of burning oil jolted him to action and, along with four other people, he took off.*

"We were running around houses and through backyards," Yvon said. "We demolished a fence. We eventually got to the lake. We stopped running when we couldn't feel the heat on our backs." Turning, he saw a scene of devastation. "The entire town was on fire to my right. It was hallucinating; wires were falling, transformers were exploding."

This phenomenon is described in technical documents like the one you will find attached. It is a Material Safety Data Sheet that is available for any and all chemicals that travel by rail. It is available online of from OSHA via the number 29CFR 1910-1200. A Note that it says "Product vapors are heavier than air and may travel considerable distances to sources of ignition and flash back. Vapors may spread along the ground and may enter sewers, basements and other confined spaces. Will be easily ignited by heat, sparks or flames." Leaking crude oil will find a spark to light it and its container on fire. The vapors will collect in "sewers, basements and other confined spaces," creating toxic situations. Crude oil "floats on water and is capable of creating a fire hazard along path of runoff:" once the burning crude oil flowed downhill to the Inner Harbor, the flaming oil sheen would continue across the water and could light more waterfront structures on fire. Upon responding to one of these incidents, firefighters are advised to withdraw from an explosion and let the fire burn. Can you imagine having to let a fire of this magnitude burn itself out within city limits?

See the attached document from the International Association Of Fire Chiefs and their concerns.

Crude oil is simply too hazardous. I hope you will pass the Crude Oil Terminal Prohibition to protect Baltimore City from it.

Sincerely,  
Larry Bannerman

**Larry Bannerman**  
**Turner Station Conservation Teams**  
**I invest in success, I invest in T.S.**  
**Wind & Solar = Clean energy JOBS**



[Our Website--TurnerStation.org](http://TurnerStation.org)



**Section 1: IDENTIFICATION**

**Product Name:** Heavy Crude Oil  
**Synonyms:** Not available.  
**Product Use:** Refinery feedstock.  
**Restrictions on Use:** Not available.  
**Manufacturer/Supplier:** Pembina Pipeline Corporation  
3800, 525 – 8th Avenue SW  
Calgary, AB, T2P 1G1  
**Emergency Phone:** 1-800-360-4706  
**Date of Preparation of SDS:** April 1, 2015

**Section 2: HAZARD(S) IDENTIFICATION****GHS INFORMATION**

**Classification:** Flammable Liquids, Category 1  
Skin Irritation, Category 2  
Germ Cell Mutagenicity, Category 1B  
Carcinogenicity, Category 1A  
Toxic to Reproduction, Category 2  
Specific Target Organ Toxicity (Single Exposure), Category 3 - Narcotic Effects  
Specific Target Organ Toxicity (Repeated Exposure), Category 2

**LABEL ELEMENTS****Hazard****Pictogram(s):**

**Signal Word:** Danger

**Hazard Statements:** Extremely flammable liquid and vapor.  
Causes skin irritation.  
May cause genetic defects.  
May cause cancer.  
Suspected of damaging fertility or the unborn child.  
May cause drowsiness or dizziness.  
May cause damage to organs through prolonged or repeated exposure.

**Precautionary Statements**

**Prevention:** Obtain special instructions before use.  
Do not handle until all safety precautions have been read and understood.  
Keep away from heat, sparks, open flames, and hot surfaces. – No smoking.  
Keep container tightly closed.  
Ground/bond container and receiving equipment.  
Use explosion-proof electrical, ventilating, and lighting equipment.  
Use only non-sparking tools.  
Take precautionary measures against static discharge.  
Do not breathe mist, vapours, or spray.  
Wash thoroughly after handling.  
Use only outdoors or in a well-ventilated area.



Wear protective gloves, protective clothing and eye protection.

**Response:** If on skin (or hair): Take off immediately all contaminated clothing. Rinse skin with water/shower.  
 If inhaled: Remove person to fresh air and keep comfortable for breathing.  
 Call a poison center or doctor if you feel unwell.  
 If skin irritation occurs: Get medical advice/attention.  
 Wash contaminated clothing before reuse.  
 In case of fire: Use dry chemical, CO<sub>2</sub>, water spray or regular foam to extinguish.

**Storage:** Store in a well-ventilated place. Keep container tightly closed.  
 Keep cool.  
 Store locked up.

**Disposal:** Dispose of contents/container in accordance with applicable regional, national and local laws and regulations.

**Hazards Not Otherwise Classified:** Not applicable.

**Ingredients with Unknown Toxicity:** None.

This material is considered hazardous by the OSHA Hazard Communication Standard, (29 CFR 1910.1200).

### Section 3: COMPOSITION / INFORMATION ON INGREDIENTS

Hazardous Ingredient(s)	Common name / Synonyms	CAS No.	% wt./wt.
Petroleum	Not available.	8002-05-9	100
Nonane	Not available.	111-84-2	3 - 7
Octane	Not available.	111-65-9	3 - 7
Heptane	Not available.	142-82-5	3 - 7
Hexane	Not available.	110-54-3	1 - 5
Pentane	Not available.	109-66-0	1 - 5
Benzene, dimethyl-	Xylene	1330-20-7	1 - 5
Benzene	Not available.	71-43-2	0.1 - 1
Benzene, methyl-	Toluene	108-88-3	0.1 - 1
Benzene, ethyl-	Ethylbenzene	100-41-4	0.1 - 1
Polycyclic Aromatic Hydrocarbons	Not available.	130498-29-2	0.1 - 1
Hazardous Ingredient(s)	Common name / Synonyms	CAS No.	ppm (wt.)
Hydrogen sulfide (H <sub>2</sub> S)	Hydrogen sulphide	7783-06-4	< 1

### Section 4: FIRST-AID MEASURES

**Inhalation:** If inhaled: Remove person to fresh air and keep comfortable for breathing. Call a poison center or doctor if you feel unwell. If breathing or the heart stops, trained personnel should immediately begin artificial respiration (AR) or cardiopulmonary resuscitation (CPR) respectively. Get medical attention immediately.

**Acute and delayed symptoms and effects:** May cause drowsiness or dizziness. May cause respiratory irritation. Signs/symptoms may include cough, sneezing, nasal discharge, headache, hoarseness, and nose and

throat pain. Excessive inhalation may cause headache, dizziness, confusion, loss of appetite and/or loss of consciousness. This product may contain small amounts of Hydrogen sulphide which may accumulate in confined spaces. Inhalation of Hydrogen sulphide may cause loss of sense of smell, major irritation of the respiratory tract, headache, nausea, vomiting, dizziness, and fluid buildup in the lungs (pulmonary edema), which can be fatal. At 300 ppm unconsciousness may occur after 20 minutes. From 300 to 500 ppm, death can occur within 1 to 4 hours of continuous exposure. At 500 ppm the respiratory system is paralyzed, the victim collapses almost instantaneously, and death can occur after exposure of only 30 to 60 minutes. Above 500 ppm Hydrogen sulphide may cause immediate loss of consciousness; death is rapid, and possibly immediate.

- Eye Contact:** If in eyes: Rinse cautiously with water for at least 15 minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Call a poison center or doctor if you feel unwell.
- Acute and delayed symptoms and effects:** May cause eye irritation. Signs/symptoms may include redness, swelling, pain, tearing, and blurred or hazy vision.
- Skin Contact:** If on skin (or hair): Take off immediately all contaminated clothing. Rinse skin with water/shower. If skin irritation occurs: Get medical advice/attention. Wash contaminated clothing before reuse.
- Acute and delayed symptoms and effects:** Causes skin irritation. Signs/symptoms may include localized redness, swelling, and itching.
- Ingestion:** If swallowed: Call a poison center or doctor if you feel unwell. If vomiting occurs naturally, have victim lean forward to reduce the risk of aspiration. Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If breathing or the heart stops, trained personnel should immediately begin artificial respiration (AR) or cardiopulmonary resuscitation (CPR) respectively. Get medical attention immediately.
- Acute and delayed symptoms and effects:** May cause gastrointestinal irritation. Signs/symptoms may include abdominal pain, stomach upset, nausea, vomiting and diarrhea.
- General Advice:** In case of accident or if you feel unwell, seek medical advice immediately (show the label or SDS where possible).
- Note to Physicians:** Symptoms may not appear immediately. For inhalation of Hydrogen Sulphide, consider oxygen.

**Section 5: FIRE-FIGHTING MEASURES****FLAMMABILITY AND EXPLOSION INFORMATION**

Extremely flammable liquid and vapor. Will be easily ignited by heat, sparks or flames. Vapors may form explosive mixtures with air. Vapors may travel to source of ignition and flash back. Most vapors are heavier than air. They will spread along ground and collect in low or confined areas (sewers, basements, tanks). Vapor explosion hazard indoors, outdoors or in sewers. Runoff to sewer may create fire or explosion hazard. Containers may explode when heated.



Many liquids are lighter than water. When heated, this material may evolve toxic and flammable Hydrogen sulphide.

If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.

Fire involving Tanks or Car/Trailer Loads: Fight fire from maximum distance or use unmanned hose holders or monitor nozzles. Cool containers with flooding quantities of water until well after fire is out. Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank. ALWAYS stay away from tanks engulfed in fire. For massive fire, use unmanned hose holders or monitor nozzles; if this is impossible, withdraw from area and let fire burn.

**Sensitivity to Mechanical Impact:** This material is not sensitive to mechanical impact.  
**Sensitivity to Static Discharge:** Take precautionary measures against static discharge. This material is sensitive to static discharge.

**MEANS OF EXTINCTION**

**Suitable Extinguishing Media:** Small Fire: Dry chemical, CO2, water spray or regular foam.  
Large Fire: Water spray, fog or regular foam. Move containers from fire area if you can do it without risk.

**Unsuitable Extinguishing Media:** Do not use straight streams. CAUTION: All these products have a very low flash point: Use of water spray when fighting fire may be inefficient.

**Products of Combustion:** Oxides of carbon. Oxides of sulphur. Aldehydes.

**Protection of Firefighters:** Inhalation or contact with material may irritate or burn skin and eyes. Fire may produce irritating, corrosive and/or toxic gases. Vapors may cause dizziness or suffocation. Runoff from fire control or dilution water may cause pollution. Hydrogen sulphide is heavier than air and may collect in low lying areas and confined spaces. Wear positive pressure self-contained breathing apparatus (SCBA). Structural firefighters' protective clothing will only provide limited protection.

**Section 6: ACCIDENTAL RELEASE MEASURES**

**Emergency Procedures:** As an immediate precautionary measure, isolate spill or leak area for at least 50 meters (150 feet) in all directions. Keep unauthorized personnel away. Stay upwind. Keep out of low areas. Ventilate closed spaces before entering. ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area). All equipment used when handling the product must be grounded.

**Personal Precautions:** Do not touch or walk through spilled material. Use personal protection recommended in Section 8. Don full-face, positive pressure, self-contained breathing apparatus.

**Environmental Precautions:** Prevent entry into waterways, sewers, basements or confined areas.

**Methods for Containment:** Stop leak if you can do it without risk. A vapor suppressing foam may be used to reduce vapors.



**Methods for Clean-Up:** Absorb or cover with dry earth, sand or other non-combustible material and transfer to containers. Use clean non-sparking tools to collect absorbed material.

**Other Information:** See Section 13 for disposal considerations.

### Section 7: HANDLING AND STORAGE

**Handling:**

Do not swallow. Do not breathe mist, vapours, or spray. Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Keep away from heat, sparks, open flames, and hot surfaces. – No smoking. Keep container tightly closed. Ground/bond container and receiving equipment. Use only non-sparking tools. Take precautionary measures against static discharge. Wash thoroughly after handling. Do not eat, drink or smoke when using this product. Use only outdoors or in a well-ventilated area. See Section 8 for information on Personal Protective Equipment.

**Storage:**

Store in a well-ventilated place. Keep container tightly closed. Keep cool. Store locked up. Store away from incompatible materials. See Section 10 for information on Incompatible Materials. Keep out of the reach of children. Head spaces in storage containers may contain toxic hydrogen sulphide gas. Structural materials and lighting and ventilation systems should be corrosion resistant.

### Section 8: EXPOSURE CONTROLS / PERSONAL PROTECTION

**Exposure Guidelines**

**Component**

**Petroleum [CAS No. 8002-05-9]**

**ACGIH:** No TLV established.

**OSHA:** 500 ppm (TWA), 2000 mg/m<sup>3</sup> (TWA);  
400 ppm (TWA) [Vacated];

**Nonane [CAS No. 111-84-2]**

**ACGIH:** 200 ppm (TWA); (2011)

**OSHA:** 200 ppm (TWA) [Vacated];

**Octane [CAS No. 111-65-9]**

**ACGIH:** 300 ppm (TWA); (1979)

**OSHA:** 500 ppm (TWA), 2350 mg/m<sup>3</sup> (TWA);  
300 ppm (TWA); 375 ppm (STEL) [Vacated];

**Heptane [CAS No. 142-82-5]**

**ACGIH:** 400 ppm (TWA); 500 ppm (STEL); (1979)

**OSHA:** 500 ppm (TWA), 2000 mg/m<sup>3</sup> (TWA);  
400 ppm (TWA); 500 ppm (STEL) [Vacated];

**Hexane [CAS No. 110-54-3]**

**ACGIH:** 50 ppm (TWA); Skin, BEI (1996)

**OSHA:** 500 ppm (TWA), 1800 mg/m<sup>3</sup> (TWA); Skin.  
50 ppm (TWA) [Vacated];

**Pentane [CAS No. 109-66-0]**

**ACGIH:** 1000 ppm (TWA); (2013)  
**OSHA:** 1000 ppm (TWA), 2950 mg/m<sup>3</sup> (TWA);  
600 ppm (TWA); 750 ppm (STEL) [Vacated];

**Xylene [CAS No. 1330-20-7]**

**ACGIH:** 100 ppm (TWA); 150 ppm (STEL); A4; BEI (1992)  
**OSHA:** 100 ppm (TWA), 435 mg/m<sup>3</sup> (TWA);  
150 ppm (STEL) [Vacated]

**Benzene [CAS No. 71-43-2]**

**ACGIH:** 0.5 ppm (TWA); 2.5 ppm (STEL); Skin; A1; BEI (1996)  
**OSHA:** 1 ppm (TWA); 5 ppm (STEL);

**Toluene [CAS No. 108-88-3]**

**ACGIH:** 20 ppm (TWA); A4; BEI (2006)  
**OSHA:** 200 ppm (TWA); 300 ppm (C); 500 ppm (Peak) (Maximum duration: 10 minutes.)  
100 ppm (TWA); 150 ppm (STEL) [Vacated];

**Ethylbenzene [CAS No. 100-41-4]**

**ACGIH:** 20 ppm (TWA); A3; BEI (2010)  
**OSHA:** 100 ppm (TWA), 435 mg/m<sup>3</sup> (TWA);  
125 ppm (STEL) [Vacated];

**Polycyclic Aromatic Hydrocarbons [CAS No. 130498-29-2]**

**ACGIH:** A2; BEI; Exposure by all routes should be carefully controlled to levels as low as possible (1990); For Benz[a]anthracene  
**OSHA:** 0.2 mg/m<sup>3</sup> (TWA); For benzene-soluble fraction.

**Hydrogen sulphide [CAS No. 7783-06-4]**

**ACGIH:** 1 ppm (TWA); 5 ppm (STEL); (2009)  
**OSHA:** 20 ppm (C); 50 ppm (Peak) (Maximum duration: 10 mins. once only if no other meas. exp. occurs.)  
10 ppm (TWA); 15 ppm (STEL) [Vacated]

**PEL:** Permissible Exposure Limit  
**TLV:** Threshold Limit Value  
**TWA:** Time-Weighted Average  
**STEL:** Short-Term Exposure Limit  
**C:** Ceiling

**Engineering Controls:**

Use ventilation adequate to keep exposures (airborne levels of dust, fume, vapour, gas, etc.) below recommended exposure limits. Use explosion-proof electrical, ventilating, and lighting equipment.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)****Eye/Face Protection:**

Wear safety glasses. Use equipment for eye protection that meets the standards referenced by CSA Standard



CAN/CSA-Z94.3-92 and OSHA regulations in 29 CFR 1910.133 for Personal Protective Equipment.

- Hand Protection:** Wear protective gloves. Consult manufacturer specifications for further information.
- Skin and Body Protection:** Wear protective clothing. Flame resistant clothing that meets the NFPA 2112 and CAN/CGSB 155.20 standards is recommended in areas where material is stored or handled.
- Respiratory Protection:** If engineering controls and ventilation are not sufficient to control exposure to below the allowable limits then an appropriate NIOSH/MSHA approved air-purifying respirator that meets the requirements of CSA Standard CAN/CSA-Z94.4-11, with organic vapor cartridge, or self-contained breathing apparatus must be used. Supplied air breathing apparatus must be used when oxygen concentrations are low or if airborne concentrations exceed the limits of the air-purifying respirators.
- General Hygiene Considerations:** Handle according to established industrial hygiene and safety practices. Consult a competent industrial hygienist to determine hazard potential and/or the PPE manufacturers to ensure adequate protection.

#### Section 9: PHYSICAL AND CHEMICAL PROPERTIES

<b>Appearance:</b>	Dark brown liquid.
<b>Colour:</b>	Dark brown.
<b>Odour:</b>	Petroleum.
<b>Odour Threshold:</b>	Not available.
<b>Physical State:</b>	Liquid.
<b>pH:</b>	Not available.
<b>Melting Point / Freezing Point:</b>	Not available.
<b>Initial Boiling Point:</b>	35.5 °C (95.9 °F) (ASTM D86)
<b>Boiling Range:</b>	Not available.
<b>Flash Point:</b>	< -35 °C (-31 °F) (ASTM D93)
<b>Evaporation Rate:</b>	Not available.
<b>Flammability (solid, gas):</b>	Not applicable.
<b>Lower Flammability Limit:</b>	Not available.
<b>Upper Flammability Limit:</b>	Not available.
<b>Vapor Pressure:</b>	< 103 kPa at 37.8 °C (100 °F) (ASTM D6377)
<b>Vapor Density:</b>	Not available.
<b>Relative Density:</b>	0.9 to 1 (Water = 1) at 15 °C (59 °F) (calculated)



**Heavy Crude Oil**

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**Solubilities:** Insoluble in water.

**Partition Coefficient: n-Octanol/Water:** Not available.

**Auto-ignition Temperature:** Not available.

**Decomposition Temperature:** Not available.

**Viscosity:** 53.41 mm<sup>2</sup>/s at 40 °C (104 °F) (ASTM D7042)

**Percent Volatile, wt. %:** Not available.

**VOC content, wt. %:** Not available.

**Density:** 900 to 1000 kg/m<sup>3</sup> at 15 °C (59 °F) (ASTM D5002)

**Coefficient of Water/Oil Distribution:** Not available.

**Section 10: STABILITY AND REACTIVITY**

**Reactivity:** Contact with incompatible materials. Sources of ignition. Exposure to heat.

**Chemical Stability:** Stable under normal storage conditions.

**Possibility of Hazardous Reactions:** None known.

**Conditions to Avoid:** Contact with incompatible materials. Sources of ignition. Exposure to heat.

**Incompatible Materials:** Strong oxidizers.

**Hazardous Decomposition Products:** Not available.

**Section 11: TOXICOLOGICAL INFORMATION**

**EFFECTS OF ACUTE EXPOSURE**

**Product Toxicity**

**Oral:** Not available.

**Dermal:** Not available.

**Inhalation:** Not available.

**Component Toxicity**

Component	CAS No.	LD <sub>50</sub> oral	LD <sub>50</sub> dermal	LC <sub>50</sub>
Petroleum	8002-05-9	4300 mg/kg (rat)	Not available.	Not available.
Nonane	111-84-2	Not available.	Not available.	3200 ppm (rat); 4H
Octane	111-65-9	Not available.	Not available.	118000 mg/m <sup>3</sup> (rat); 4H
Heptane	142-82-5	Not available.	Not available.	103000 mg/m <sup>3</sup> (rat); 4H
Hexane	110-54-3	25000 mg/kg (rat)	Not available.	48000 ppm (rat); 4H
Pentane	109-66-0	400 mg/kg (rat)	Not available.	364000 mg/m <sup>3</sup> (rat); 4H
Xylene	1330-20-7	4300 mg/kg (rat)	> 1700 mg/kg (rabbit)	5000 ppm (rat); 4H
Benzene	71-43-2	930 mg/kg (rat)	> 9400 µL/kg (rabbit)	10000 ppm (rat); 7H



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Toluene	108-88-3	2600 mg/kg (rat)	14.1 mL/kg (rabbit)	49000 mg/m <sup>3</sup> (rat); 4H
Ethylbenzene	100-41-4	3500 mg/kg (rat)	17800 µL/kg (rabbit)	Not available.
Polycyclic Aromatic Hydrocarbons	130498-29-2	Not available.	Not available.	Not available.
Hydrogen sulphide	7783-06-4	Not available.	Not available.	444 ppm (rat); 4H

**Likely Routes of Exposure:** Eye contact. Skin contact. Inhalation. Ingestion. Skin absorption.**Target Organs:** Skin. Eyes. Gastrointestinal tract. Respiratory system. Lungs. Blood. Cardiovascular system. Bone marrow. Liver. Reproductive system. Central nervous system. Peripheral nervous system.**Symptoms (including delayed and immediate effects)**

**Inhalation:** May cause drowsiness or dizziness. May cause respiratory irritation. Signs/symptoms may include cough, sneezing, nasal discharge, headache, hoarseness, and nose and throat pain. Excessive inhalation may cause headache, dizziness, confusion, loss of appetite and/or loss of consciousness. This product may contain small amounts of Hydrogen sulphide which may accumulate in confined spaces. Inhalation of Hydrogen sulphide may cause loss of sense of smell, major irritation of the respiratory tract, headache, nausea, vomiting, dizziness, and fluid buildup in the lungs (pulmonary edema), which can be fatal. At 300 ppm unconsciousness may occur after 20 minutes. From 300 to 500 ppm, death can occur within 1 to 4 hours of continuous exposure. At 500 ppm the respiratory system is paralyzed, the victim collapses almost instantaneously, and death can occur after exposure of only 30 to 60 minutes. Above 500 ppm Hydrogen sulphide may cause immediate loss of consciousness; death is rapid, and possibly immediate.

**Eye:** May cause eye irritation. Signs/symptoms may include redness, swelling, pain, tearing, and blurred or hazy vision.

**Skin:** Causes skin irritation. Signs/symptoms may include localized redness, swelling, and itching.

**Ingestion:** May cause gastrointestinal irritation. Signs/symptoms may include abdominal pain, stomach upset, nausea, vomiting and diarrhea.

**Skin Sensitization:** Not available.

**Respiratory Sensitization:** Not available.

**Medical Conditions Aggravated By Exposure:** Not available.

**EFFECTS OF CHRONIC EXPOSURE (from short and long-term exposure)**

**Target Organs:** Skin. Eyes. Gastrointestinal tract. Respiratory system. Lungs. Blood. Cardiovascular system. Bone marrow. Liver. Kidneys. Reproductive system. Central nervous system. Peripheral nervous system.



**Chronic Effects:** Hazardous by OSHA/WHMIS criteria. May cause chronic effects. Prolonged or repeated contact may dry skin and cause irritation. High vapour concentrations, generally greater than 10% by volume, may sensitize the heart and lead to lethal cardiac arrhythmias. Repeated dermal application of crude oils in rats produced systemic toxicity in blood, liver, thymus and bone marrow. Prolonged or repeated skin contact with Nonane may cause liver and kidney damage and cause blood effects. Chronic inhalation of n-Hexane may cause peripheral nerve disorders and central nervous system effects. Reports of chronic poisoning with Benzene, Toluene, Ethylbenzene or Xylene describe anemia, decreased blood cell count and bone marrow hypoplasia. Liver and kidney damage may occur. Repeated exposure of the eyes to high concentrations of Xylenes vapour may cause reversible eye damage. Chronic inhalation exposure to xylene causes mid-frequency hearing loss in laboratory animals. Xylene reacts synergistically with n-hexane to enhance hearing loss. Immunodepressive effects have also been reported for Benzene. This product contains Polycyclic Aromatic Hydrocarbons. Prolonged contact with these compounds has been associated with the induction of skin and lung tumours, anemia, disorders of the liver, bone marrow and lymphoid tissues. Hydrogen sulphide may reduce lung function; cause neurological effects such as headaches, nausea, depression and personality changes; eye and mucous membrane irritation; and damage to cardiovascular system.

**Carcinogenicity:** May cause cancer. Lifetime skin painting studies in animals with whole crude oils and crude oil fractions have produced tumours in animals following prolonged and repeated skin contact. Chronic exposure to benzene has been associated with an increased incidence of leukemia and multiple myeloma (tumour composed of cells of the type normally found in the bone marrow).

**Component Carcinogenicity**

Component	ACGIH	IARC	NTP	OSHA	Prop 65
Petroleum	Not listed.	Group 3	Not listed.	OSHA Carcinogen.	Not listed.
Xylene	A4	Group 3	Not listed.	Not listed.	Not listed.
Benzene	A1	Group 1	List 1	OSHA Carcinogen.	Listed.
Toluene	A4	Group 3	Not listed.	Not listed.	Not listed.
Ethylbenzene	A3	Group 2B	Not listed.	OSHA Carcinogen.	Listed.
Polycyclic Aromatic Hydrocarbons	A2	Not listed.	List 2	OSHA Carcinogen.	Listed.

**Mutagenicity:** May cause genetic defects.

**Reproductive Effects:** Suspected of damaging fertility or the unborn child. Studies exist which report a link to crude oil and reproductive effects including menstrual disorders.

**Developmental Effects**

**Teratogenicity:** Not available.

**Embryotoxicity:** Possible risk of harm to the unborn child. Repeated dermal application of crude oils to pregnant rats produced maternal toxicity and fetal developmental toxicity and fetal tumours. Benzene and Xylene have

caused adverse fetal effects in laboratory animals. Exposure to Toluene may affect the developing fetus.

**Toxicologically Synergistic Materials:** Xylene reacts synergistically with n-hexane to enhance hearing loss.

**Section 12: ECOLOGICAL INFORMATION**

**Ecotoxicity:** Petroleum: 21 and 41 mg/l, 96 hr., Rainbow trout;  
Petroleum: 2.7 and 4.1 mg/l, 96 hr., Mysid;  
Petroleum: 122 and 528 ml/kg, 96 hr., Algae.

**Persistence / Degradability:** Not available.

**Bioaccumulation / Accumulation:** Not available.

**Mobility in Environment:** Not available.

**Other Adverse Effects:** Not available.

**Section 13: DISPOSAL CONSIDERATIONS**

**Disposal Instructions:** Disposal should be in accordance with applicable regional, national and local laws and regulations. Local regulations may be more stringent than regional or national requirements.

**Section 14: TRANSPORT INFORMATION****U.S. Department of Transportation (DOT)**

**Proper Shipping Name:** UN1267, PETROLEUM CRUDE OIL, 3, PG I

**Class:** 3

**UN Number:** UN1267

**Packing Group:** I

**Label Code:**

**Canada Transportation of Dangerous Goods (TDG)**

**Proper Shipping Name:** UN1267, PETROLEUM CRUDE OIL, 3, PG I

**Class:** 3

**UN Number:** UN1267

**Packing Group:** I

**Label Code:**



**Section 15: REGULATORY INFORMATION**

**Chemical Inventories**

**US (TSCA)**

The components of this product are in compliance with the chemical notification requirements of TSCA.

**Canada (DSL)**

The components of this product are in compliance with the chemical notification requirements of the NSN Regulations under CEPA, 1999.

**Federal Regulations**

**Canada**

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations and the MSDS contains all the information required by the Controlled Products Regulations.

**WHMIS Classification:** Class B2 - Flammable Liquids.  
 Class D2A - Carcinogenicity.  
 Class D2A - Embryotoxicity.  
 Class D2A - Mutagenicity.  
 Class D2A - Chronic toxic effects.  
 Class D2B - Skin irritant.

**Hazard Symbols:**



**United States**

This SDS has been prepared to meet the U.S. OSHA Hazard Communication Standard, 29 CFR 1910.1200.

**SARA Title III**

Component	Section 302 (EHS) TPQ (lbs.)	Section 304 EHS RQ (lbs.)	CERCLA RQ (lbs.)	Section 313	RCRA CODE	CAA 112( r ) TQ (lbs.)
Hexane	Not listed.	Not listed.	5000	313	Not listed.	Not listed.
Pentane	Not listed.	Not listed.	Not listed.	Not listed.	Not listed.	10000
Xylene	Not listed.	Not listed.	100	313	U239	Not listed.
Benzene	Not listed.	Not listed.	10	313	U019	Not listed.
Toluene	Not listed.	Not listed.	1000	313	U220	Not listed.
Ethylbenzene	Not listed.	Not listed.	1000	313	Not listed.	Not listed.
Xylene	Not listed.	Not listed.	100	313	U239	Not listed.
Polycyclic Aromatic Hydrocarbons	Not listed.	Not listed.	Not listed.	313	Not listed.	Not listed.
Hydrogen sulphide	500	100	100	313	U135	10000



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Date of Preparation: April 1, 2015

#### State Regulations

##### Massachusetts

US Massachusetts Commonwealth's Right-to-Know Law (Appendix A to 105 Code of Massachusetts Regulations Section 670.000)

Component	CAS No.	RTK List
Petroleum	8002-05-9	Listed.
Nonane	111-84-2	Listed.
Octane	111-65-9	Listed.
Heptane	142-82-5	Listed.
Hexane	110-54-3	Listed.
Pentane	109-66-0	Listed.
Xylene	1330-20-7	Listed.
Benzene	71-43-2	E
Toluene	108-88-3	Listed.
Ethylbenzene	100-41-4	Listed.
Xylene	1330-20-7	Listed.
Polycyclic Aromatic Hydrocarbons	130498-29-2	Listed.
Hydrogen sulphide	7783-06-4	E

Note: E = Extraordinarily Hazardous Substance

##### New Jersey

US New Jersey Worker and Community Right-to-Know Act (New Jersey Statute Annotated Section 34:5A-5)

Component	CAS No.	RTK List
Petroleum	8002-05-9	SHHS
Nonane	111-84-2	SHHS
Octane	111-65-9	SHHS
Heptane	142-82-5	SHHS
Hexane	110-54-3	SHHS
Pentane	109-66-0	SHHS
Xylene	1330-20-7	SHHS
Benzene	71-43-2	SHHS
Toluene	108-88-3	SHHS
Ethylbenzene	100-41-4	SHHS
Hydrogen sulphide	7783-06-4	SHHS

Note: SHHS = Special Health Hazard Substance

##### Pennsylvania

US Pennsylvania Worker and Community Right-to-Know Law (34 Pa. Code Chap. 301-323)

Component	CAS No.	RTK List
Petroleum	8002-05-9	Listed.
Nonane	111-84-2	Listed.
Octane	111-65-9	Listed.
Heptane	142-82-5	Listed.
Hexane	110-54-3	Listed.
Pentane	109-66-0	Listed.
Xylene	1330-20-7	E
Benzene	71-43-2	ES
Toluene	108-88-3	E
Ethylbenzene	100-41-4	E
Polycyclic Aromatic Hydrocarbons	130498-29-2	Listed.



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Heavy Crude Oil

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Hydrogen sulphide

7783-06-4

E

Note: E = Environmental Hazard; S = Special Hazardous Substance

California

California Prop 65: WARNING: This product contains chemicals known to the State of California to cause cancer, birth defects or other reproductive harm.

Component	Type of Toxicity
Benzene	cancer; developmental, male
Toluene	developmental
Ethylbenzene	cancer
Polycyclic Aromatic Hydrocarbons	cancer

**Section 16: OTHER INFORMATION**

**Disclaimer:**

The information contained in this document applies to this specific material as supplied. It may not be valid for this material if it is used in combination with any other materials. It is the user's responsibility to satisfy oneself as to the suitability and completeness of this information for his own particular use.

Date of Preparation of SDS: April 1, 2015

SDS Expiry Date (Canada): March 31, 2018

Version: 1.0

GHS SDS Prepared by: Deerfoot Consulting Inc.

Phone: (403) 720-3700

# IAFC

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

## The IAFC Hazardous Materials Committee:

- Serve as subject matter experts regarding hazardous materials and dangerous goods.
- Monitors and identifies trends with regard to emergency response to hazardous materials incidents both nationally and internationally.
- Advises the IAFC Board of Directors on policy issues relating to hazardous materials response.



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# IAFC

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

## Challenges:

- The amount of crude oil being transported exceeds emergency response capabilities.
- Low frequency / high consequence incidents.
- Lack of awareness and preparation.
- Inadequate time and or funding to conduct the necessary planning and dedicated training.
- The need for specialized resources when responding to incidents.



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## Needs:

- Increased community awareness and planning:
  - LEPC involvement.
  - Hazardous Materials Commodity Flow Studies
- Industry engagement.
- Cooperative relationships.
- Adequate and properly positioned resources.
- Adaptive emergency response training resources:
  - Based on NFPA standards (NFPA 472)
  - Hands on.
  - Blended learning (classroom / web-based).



# IAFC

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

## Solutions:

- Increased awareness within affected communities and emergency response agencies.
- Adequate community and agency planning.
- Established industry relationships *before* the incident.
- Risk based response approach.
- Proper funding and support for training and response.
  - Industry support.
  - Federal programs (ex. HMEP).



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# IAFC

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

## End state:

- Communities are properly prepared.
- Industry is engaged and supportive.
- Emergency response agencies are more aware and better trained for the risks and hazards.
- Risk based response systems are in place and properly supported.
- Appropriate resources are allocated and properly positioned.



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# **Rail Safety: Transportation of Crude Oil and Ethanol**

**Statement of**

**Rick Edinger, EFO  
Assistant Chief**

**Chesterfield Fire and EMS Department**

*presented to the*

**NATIONAL TRANSPORTATION  
SAFETY BOARD**

April 23, 2014

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS  
4025 FAIR RIDGE DRIVE • FAIRFAX, VA 22033-2868

effectively when there is an accident. However, many of these same fire departments are composed of volunteers located in rural areas, and they do not have adequate time or funding to conduct the necessary planning and dedicated training, let alone the specialized resources needed for responding to incidents involving these new types of fuels.<sup>1</sup>

It is also important to note that fire departments that do not have rail lines in their jurisdictions may be part of a mutual aid system, and they may be called upon to respond to a rail incident in a neighboring community. These departments also need to have the same hazardous materials planning tools and training competencies.

Fire departments face challenges in planning for the shipments of hazardous materials through urban, suburban and rural communities across the nation. It can be a daunting task for communities to complete analyses of commodities in high traffic areas that are considered low frequency and high hazard. Commodity flow studies provide a vast amount of information that is not easily understood. The Transportation Research Board's Guidebook for Conducting Local Hazardous Materials Commodity Flow Studies provides a template for planners. But communities are not funded to conduct these types of research projects to gather the pertinent information and build an emergency response plan. Industry needs to provide direct assistance for this endeavor.

As part of the planning process, industry, community planners and first responders must use the Local Emergency Planning Committee (LEPC) process to identify and plan for potential incidents in their community. The IAFC acknowledges some great efforts between communities and industry, but there is no consistency across America. The recent incidents involving crude oil and ethanol have identified that the variety of hazardous materials has changed and that industry should provide a greater emphasis on community preparedness. A need for a national standardized process that maximizes resources and minimizes cost to communities is required. An example of what is needed is a template for creating an emergency plan built by industry and supplied to communities that outlines the potential hazards and what industry will provide for the emergency response.

As the news reports from recent crude oil incidents have highlighted, local fire departments must be adequately trained to respond to flammable liquid incidents. Training must be centered on a community's identified risks, hazards, and needs. The National Fire Protection Association's (NFPA) *Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents* (NFPA 472) and the Occupational Safety and Health Administration's (OSHA) standard for *Hazardous Waste Operations and Emergency Response* (29 CFR 1910.120) provide core competencies for five established levels of hazardous materials training. The IAFC believes that both the first-due fire departments, regional fire departments and response teams should be trained at a minimum to the Operations level of NFPA 472 and OSHA

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<sup>1</sup> On January 21 and 23 2014, the NTSB recommended that crude oil shipments be re-routed away from major population centers. The IAFC historically has had concerns with re-routing hazardous shipments away from urban areas into rural areas. In many cases, urban areas have better trained and equipped hazmat teams that can quickly respond to a major hazmat incident, while a rural fire department will not be as well-prepared. The NTSB's recommendation may have the effect of sending more shipments into these rural areas that are protected by under-funded, under-equipped and under-staffed fire departments.

Good afternoon, Chairman Hersman and members of the National Transportation Safety Board (NTSB). I am Assistant Chief Rick Edinger of the Chesterfield County, Virginia, Fire and Emergency Medical Services (EMS) Department. My fire service experience began in 1973 as a volunteer firefighter and I have served as a career firefighter in central Virginia since 1990. I have been a member of a municipal fire department hazardous materials response team since the early 1990s. I currently serve as the vice-chair of the International Association of Fire Chiefs' (IAFC) Hazardous Materials Committee. I also serve as immediate past president of a statewide association of hazardous materials responders and industry representatives.

I am here today on behalf the IAFC, which represents the leadership of the nation's fire, rescue, and emergency medical services including rural volunteer fire departments, metropolitan career departments, and suburban combination departments. I thank you for the opportunity to share the perspective of the leadership of America's fire and emergency services about the challenges that the nation faces in ensuring the safe transportation of crude oil, ethanol, and other hazardous materials.

The IAFC desires to bring positive ideas to this forum. The fire service continues to see related concerns to the various hazards that face our communities nationally. Crude oil poses new challenges to responders, but these are comparable with ethanol, pipeline emergencies, and other hazardous materials incident responses. The key to a safe and effective emergency response is based on the planning analysis of Strengths, Weaknesses, Opportunities, and Threats (SWOT). Each community has a local level of responsibility and duty to conduct this assessment for the safety of their citizens. The industries that produce or transport crude oil, ethanol, and other hazardous materials that travel through, or are stored in, a community have an obligation to reduce risks by working with all local officials to minimize the potential harm from these "low frequency, high hazard, high traffic" incidents.

The transportation of crude oil has grabbed national headlines as the nation experiences an energy production boom. States such as North Dakota and Montana are experiencing an increased production of crude oil from the Bakken Formation, which then must be transported across the country. Based on congressional testimony by the Association of American Railroads (AAR), there has been a dramatic increase in the transportation of crude oil using the national rail system. According to AAR, in 2008, U.S. Class I railroads transported 9,500 carloads of crude oil. This amount has skyrocketed to nearly 234,000 carloads in 2012 and was an estimated 400,000 carloads in 2013. According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), the overall volume of crude oil moving by rail has quadrupled in less than a decade.

As the events last year in Lac-Mégantic, Quebec, and Casselton, North Dakota, demonstrated, accidents can happen as crude oil, ethanol, and other flammable liquids are being transported. Concerns have been raised that crude oil from the Bakken fields has a lower ignition point. In addition, ethanol has different chemical properties than other flammable liquids and some locomotives are now using liquefied natural gas, which also acts differently from other fuels when it catches fire. All of these changes have added complexities to hazardous materials response considerations. The fire departments that have jurisdiction through the areas which these products travel must now be prepared for the various fuel properties and the various modes of transportation. This preparation includes proper planning and training to respond safely and

29 CFR 1910.120 to ensure that they are adequately prepared to safely and effectively respond to an incident involving crude oil, ethanol or other flammable liquids.

In February, the U.S. Department of Transportation and the AAR announced an agreement regarding the transportation of crude oil that included the allocation of \$5 million to train emergency responders. Most of this specialized training will be focused on hazardous materials technicians and is to be conducted at the Transportation Technology Center Inc. in Pueblo, Colorado. The IAFC believes that it will be helpful to have more responders trained to the technician level. However, it is important to realize that this extra funding will not cover all of the first responders that potentially can be called upon to initially respond to an incident involving crude oil, ethanol, or other flammable liquids.

The IAFC believes that an effective training program for first responders in communities bordering rail lines with crude oil, ethanol and other flammable liquids shipments must utilize a blended approach. This blended approach should contain both web-based and in-person training modalities.

Web-based training can play an important role in reaching the large numbers of the firefighters and other emergency responders who must be prepared to respond to crude oil or ethanol incidents. This type of training is easy and cost effective for fire departments to use, because all that is required is access to a web portal through the internet or the use of a CD, instead of traveling to a remote location or scheduling a class with an in-person trainer. It is also easier to schedule web-based training in the evening or weekend for volunteer firefighters, or just have them sign up and take the training remotely in their free time. Finally, because there are little transportation costs, it is much more cost-effective to reach a wide population of fire and emergency responders through web-based training.

The IAFC has experience in delivering both web-based and in-person training. By delivering our Hydrogen Response Considerations on-line class, we have reached over 7,500 first responders. Additionally, by partnering with the Federal Railroad Administration and the PHMSA, the IAFC's National Hazardous Materials Fusion Center has been successful in assisting hazmat responders in Massachusetts, Maryland, and Louisiana to develop and conduct rural emergency response planning surveys. Those surveys were used to assist rural fire and emergency services organizations in developing comprehensive strategic and tactical approaches for hazardous materials preparedness, including transportation risk assessments and gap analyses.

The IAFC also has developed training with the Renewable Fuels Association and other stakeholders to assist first responders with preparation for and response to ethanol incidents. This training program, developed under the auspices of the Ethanol Emergency Response Coalition, provided training through web-based content and distributed CDs to over 10,000 first responders throughout the country. In one example, a train-the-trainer program was presented five times in Pennsylvania to educate the state's hazmat instructors. This blended training class is now on its second version.

One of the major ways in which the federal government supports hazardous materials training for fire and emergency responders is through PHMSA's Hazardous Materials Emergency Preparedness (HMEP) Grant Program. Funded with fees paid by hazardous materials shippers

and carriers, the HMEP program allocates a total of about \$28 million each year to help state and tribal governments work with localities to prepare for hazardous materials incidents. The HMEP program funds efforts such as determining flow patterns of hazardous materials through communities, training public sector hazardous materials emergency response employees, developing and revising emergency response plans, and determining the need within a state for regional hazardous materials emergency response teams.

The IAFC believes that Congress and the PHMSA should take steps to improve the implementation of the HMEP program. For example, from Fiscal Year (FY) 2007 through FY 2010, an average of 76% of states, territories, and tribal organizations used none or only a portion of their allotted grant funds. The PHMSA recently received more grant monies back from various states that did not use all of their dedicated funding. Meanwhile, the NTSB hearing on July 9-10, 2013, concerning the incident in Paulsboro, New Jersey, clearly demonstrated that fire departments have not received the proper training that they requested to safely and effectively respond to hazardous materials incidents. At a time when the transportation and use of alternative fuels is presenting new and daunting challenges to the emergency response community, it is important that existing funding programs are utilized to their fullest in assisting our first responders.

The IAFC believes that HMEP funds could be used more efficiently if a fixed percentage of the annual funding were subject to a competitive process for non-profit and non-profit employee organizations that have demonstrated expertise in hazardous materials response planning and training. This proposal would allow experienced organizations to work with local fire service and other emergency response organizations to address identified gaps in being able to respond to incidents involving rail shipments of hazardous materials. Any training would have to be consistent with the requirements of the Operations level of NFPA 472 and OSHA 1910.120 to ensure that it meets the applicable federal and voluntary consensus standards. In addition, a competitive process should give priority to organizations that focus on improving planning and training for rural and volunteer fire departments, which protect many of the rail lines through which alternative fuels travel, and should include the use of web-based training.

At a time when many emergency services organizations continue to struggle with budget cuts, increasing service demands, and are adapting to other emerging hazards, the proliferation of alternative fuels has added another complexity to response considerations. Emergency responders cannot ignore the challenges that exist in the transportation and use of such commodities. Emergency response considerations with alternative fuels must include the transportation industry and should be based on sound planning, appropriate and effective responder training, adequate funding, and the development of effective response systems to safely mitigate incidents when they occur.

Thank you for holding today's public meeting about the subject of rail safety, and the transportation of crude oil and ethanol. The IAFC thanks the NTSB for focusing on this important issue. Today's hazards are similar to others in the past. We learned that to improve our capability in the prevention of and response to hazardous materials incidents, we need to establish provisions that increase our capability and provide the necessary resources. The IAFC strongly believes that we can work together to ensure safer rail transportation of hazardous materials.



## Coates, Jennifer

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**From:** Barbara Cates <catesbf@gmail.com>  
**Sent:** Monday, February 19, 2018 5:32 PM  
**To:** Reisinger, Edward  
**Cc:** Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Comments in support of Bill #17-0150 Crude Oil Terminal Prohibition

Dear Chairman Reisinger,

Thank you for the opportunity to submit comments in support of Bill #17-0150, the Crude Oil Terminal Prohibition.

I live at 1209 John Street, the block right off Howard. The Howard Street tunnel is pretty much our backyard, and I remember vividly the smell that lingered in the air even weeks after the Howard tunnel fire of 2001. I attend two churches (Memorial Episcopal and Brown Memorial Presbyterian) which both fall right in the blast zone.

If an oil train were to explode in the tunnel, I don't think our house would survive, and I can imagine all the glass walls of the Brown Center at MICA blown to smithereens.

In addition to our life-and-death NIMBY concerns, an expansion of oil shipments through Baltimore would facilitate increased oil production and consumption, with associated greenhouse gas emissions, and the barge traffic would threaten the Chesapeake Bay.

With the withdrawal of the permit application for Targa, and current low oil prices, there are no immediate plans to expand oil terminals in Baltimore, which is why this is an excellent time to deal with the issue, as a preventative measure. The rollbacks of safety regulations at the federal level add urgency to the issue.

For the sake of our local residents and institutions as well as the Chesapeake Bay and the planet, I urge you and all the committee members to support this bill. Thank you for your time and consideration.

Barbara Cates  
1209 John Street  
Baltimore, MD 21217



Virus-free. [www.avq.com](http://www.avq.com)

Zach Clifton  
UMBC  
1000 Hilltop Circle  
Baltimore, MD, 21014

February 19<sup>th</sup>, 2018

Dear Land Use & Transportation Committee Chair Reisinger and fellow committee members,

Hello! My name is Zach Clifton, and I am writing to you today as a current graduate student in the Geography and Environmental Systems department at University of Maryland, Baltimore County (UMBC). I am also writing to you as a designated representative of two student-run and led political action organizations: UMBC Progressives, a UMBC-centric student activist organization, and the Baltimore Intercollegiate Alliance, a pan-collegiate student activist organization run by student leaders all across Baltimore, including Morgan State University, the Maryland Institute College of Art (MICA), Johns Hopkins University, University of Baltimore, among several others. I am writing to you today on behalf of these organizations to urge the Land Use & Transportation Committee to vote in favor of the Crude Oil Terminal Prohibition Bill (Bill #17-0150).

I grew up in Baltimore, living not far from the corner of Harford Rd. and Glenmore Ave. in the Hamilton neighborhood, just outside the 1 mile zone as defined by the US Dept. of Transportation in danger of a major fire as a direct result of a crude oil train derailment. Many of the students, faculty, administrative staff, and professors that I interact with on a daily basis that likewise grew up in Baltimore and/or currently reside in Baltimore were and remain not so lucky, and continue to live within the areas defined. In total an estimated 30,000+ students attend schools in the same areas. Several others have family members, friends, romantic partners, coworkers, or fellow members of religious congregations they attend living in these areas at risk. I personally can't remember a time when Baltimore wasn't strapped for funding when it came time for much needed repairs to the underlying infrastructure the city runs on. The collapse of 26th Street in April 2014 was much discussed (and modeled) in my hydrology-focused classes as a timely real-world example of the failure of much of the nation's infrastructure to keep up with the demands of a world of increasing populations and the effects of climate change such as severe storms. With 26th Street laying along the route crude oil trains take through Baltimore, the potential for failing infrastructure to act as a catalyst for a major disaster remains hanging over the city as long as crude oil trains continue to traverse it.

But it is not so simple as to just upgrade the infrastructure these systems run on; even outside of an era of federal-level deregulation as we're experiencing right now near-perfect systems still make mistakes, at times costing local communities and entities major economic costs as well as social costs in the lives taken and residential properties destroyed. At the end of the day the allowance of crude oil trains into the city, our home, is an environmental and socioeconomic

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risk deemed unacceptable by the students I represent. Beyond the direct risk and costs of a derailment, a new crude oil train terminal in Baltimore to us represents a failure to consider a changing world as it shifts from an era fueled by fossil fuels to that of clean energy. For the generation where 91% agree that climate change is occurring, 62% support "decreasing the use of coal as a fuel source", and 52% support a tax on carbon<sup>1</sup>, investing in a dying industry is the wrong choice for a cleaner, forward-thinking Baltimore.

As some of the youngest citizens of Baltimore, we implore you to consider our futures and our childrens' futures when debating the bill put before you, and once again urge you to support this measure. Thank you for your time, and best wishes.

Sincerely,

Zachary Clifton  
UMBC

Representative, UMBC Progressives  
Representative, Baltimore Intercollegiate Alliance  
Representative, Baltimore Peoples' Climate Movement

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<sup>1</sup> Kirshenbaum, Sheril. "Millennials' Strong Views on Climate Change and Other Energy Issues Could Drive Presidential Election Results." The University of Texas at Austin, The University of Texas at Austin, 27 Oct. 2016, [news.utexas.edu/2016/10/27/millennials-views-on-climate-change-could-impact-election](http://news.utexas.edu/2016/10/27/millennials-views-on-climate-change-could-impact-election).

**Coates, Jennifer**

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**From:** Veronica POKLEMBBA <ronnie717@comcast.net>  
**Sent:** Tuesday, February 20, 2018 8:39 AM  
**To:** Reisinger, Edward; shannon.middleton@baltimorecity.gov; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Coates, Jennifer  
**Subject:** Comments in support of Bill#17-0150

Bill: Baltimore City Council Bill 17-0150 - Zoning - Prohibiting Crude Oil Terminals  
Committee: Land Use & Transportation Committee  
Position: SUPPORT  
Date: February 20, 2018

Dear Land Use & Transportation Committee Members,

I am glad to learn about Baltimore City's proposed crude oil terminal prohibition, Bill 17-0150. Although I live Ijamsville, in Frederick County, I urge you to pass this legislation to protect not only Baltimore residents, but me and my community too. If a new crude oil terminal were built in Baltimore, the trains supplying it would have to go through my community first - and we wouldn't have any way to protect ourselves.

Frederick, like Baltimore, is no stranger to rail accidents. Just a few weeks ago, [a freight train hit a garbage truck](#) and almost derailed in Point of Rocks. [Another train derailed](#) for unknown reasons between Brunswick and Point of Rocks last May. A bridge that carries Route 355 over the train tracks [has been declared](#) structurally deficient. Most frightening to me, a freight train carrying hazardous materials to Baltimore [derailed near my home](#) in Ijamsville in March of last year. Thankfully, none of these incidents resulted in the loss of life. But if those trains had been carrying crude oil to a terminal in Baltimore, they probably would have.

Frederick, unlike Baltimore, cannot pass any laws or take any steps to reduce the number of trains carrying crude oil through our county. The bill that Rabbi Burg mentioned that would ban the construction of new crude oil terminals in Baltimore is Maryland's only option for preventing a new boom in crude oil train shipments through our communities. This bill is similar to successful efforts in Portland, OR and Vancouver, WA where communities fed up with fighting off individual proposals for new crude oil terminals said "enough!" and banned them outright in their zoning codes. By passing this bill, Baltimore City will be a leader on the East Coast.

This bill is also a chance for Baltimore to lead the country in fighting climate change. The impacts of climate change are growing at an alarming rate: natural disasters made more severe by climate change cost the U.S. over \$300 billion last year. And the responses to these disasters have been inadequate at best and inhumane at worst -- large swaths of Puerto Rico remain without power five months after Hurricane Maria decimated the island. The federal government's failure to take climate change seriously makes local action more critical than ever before. We know that the planet cannot afford for humans to continue building new fossil fuel infrastructure: each new piece locks us in to more greenhouse gasses entering the atmosphere and disrupting the climate. Do not allow new fossil fuel infrastructure like crude oil terminals to come to your city.

From Ijamsville to Rosedale, rail line communities in Maryland have seen the dangers of train derailments - and if any one of them had involved a crude oil train, it would have caused true disaster. I hope that the Baltimore City Council will stand up for the counties that don't have a voice and use your authority to ban crude oil terminals. The rest of Maryland is counting on you to pass the Crude Oil Terminal Prohibition.

Thank you,  
Veronica Poklemba  
11209 Jon Ct.  
Ijamsville, MD 21754



February 21, 2018

Jessica Wynter Martin  
Energy Justice Network  
A project of Action Center, Inc.  
1434 Elbridge St,  
Philadelphia, PA 19149  
215-743-4884

Land Use & Transportation Committee

Chair: Edward Reisinger

Members: Sharon Green Middleton

Mary Pat Clarke

Eric T. Costello

Ryan Dorsey

Leon Pinkett

Robert Stokes

Staff: Jennifer Coates

Dear distinguished members of the Council,

I thank you for your time in reading this testimony and I hope it finds you well. I have had close family residing in this city for over 40 years and have a great stake in the health and outcomes of this city and its residents. I urge you all to vote in favor of the Crude Oil Termination Prohibition, Bill 17-0150, for the health and safety of all Baltimoreans. My father resides in your district in Lakeland and would be inside of a blast zone if there was an explosion caused by these dangerous trains. My father would be one among thousands of innocent men, women and children who would be harmed and potentially killed by an explosion caused by these trains. Considering the multitude of hazards, pollutants and toxins poisoning our city, let us continue to march towards a cleaner, greener and healthier Baltimore City by voting in favor of Bill 17-0150.

Best,

Jessica Wynter Martin  
Mid Atlantic Environmental Justice  
& Zero Waste Coordinator  
[Jessica@energyjustice.net](mailto:Jessica@energyjustice.net)  
(202) 560 0444

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email



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**Coates, Jennifer**

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**From:** Murdock, Stephanie  
**Sent:** Friday, February 23, 2018 9:49 AM  
**To:** Coates, Jennifer  
**Subject:** FW: Nice meeting you Today. MORE Facts that will help you explain the issues  
**Attachments:** Rail Accidents List from 2010 - 2016.docx; Tanker Rail Cars Upgrade Progress Dot 111 and 117.docx; Train Track Maintenance News.docx; Most Toxic substances Dangers.docx; Hazardous Material Accident Reports.docx; Hazards of Crude Oil Rail Transportation.docx; Oil Train Fleet Upgrade News Obama Trump rolls back.docx; Oil Train Increase in Traffic.docx; Oil Train News 4 5 17 Defective train tracks.docx

Dear Ms. Coates,  
Can you please include the attached reference documents in the Bill File?  
Thanks,  
Stephanie

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Email*





Rail Accidents List from 2010 – Present

[https://en.wikipedia.org/wiki/List\\_of\\_rail\\_accidents\\_\(2010%E2%80%93present\)](https://en.wikipedia.org/wiki/List_of_rail_accidents_(2010%E2%80%93present))

Easily 10 pages long and LISTS all accident – not just crude Oil explosions.  
REFERENCE for EACH accident

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oil train

**SUMMARY - accidents increasing since 2010.**

<https://www.riverkeeper.org/campaigns/river-ecology/crude-oil-transport/crude-oil-transportation-a-timeline-of-failure/>

timelines list significant crude by rail accidents in North America in 2013 and 2014, as well as relevant spills from barges, tankers and pipelines relevant to proposals for the Hudson Valley.

<https://www.apnews.com/84b1e8273d854697b34af57bc60badc2>

A timeline of recent oil train crashes in the US and Canada July 2013 - June 2016  
Oil Train Accident list increases dramatically from 2010 – 2015 No map AND Good Stats

**DATA BASE SORTABLE**

**Railroad Accident Reports - NTSB**

<https://www.nts.gov/investigations/AccidentReports/Pages/railroad.aspx>

The reports listing is sortable by the event date, report date, city, and state. Click on ... Listing of accident reports for NTSB (National Transportation and Safety Board) ... RAB1711, Railroad Accident Brief: Amtrak Train Derailment on BNSF Railway Tracks Cimarron, Kansas, 3/13/2016, 11/16/2017, Cimarron, KS, USA, PD

**Reports of Non-Oil train Accidents**

<https://www.cbsnews.com/pictures/deadliest-train-crashes-in-recent-history/>

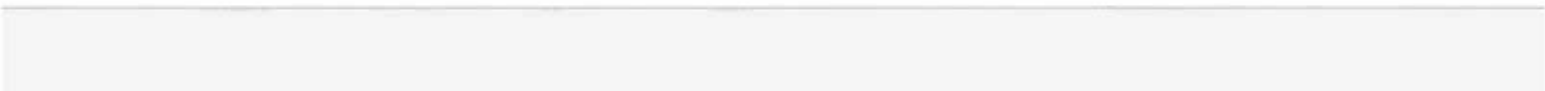
**Worst U.S. train crashes**

On July 2, 2015, a train carrying toxic industrial materials from Cincinnati to Georgia derailed in eastern Tennessee, joining the ranks of terrible U.S. train crashes in recent memory. While no one was killed or injured in the derailment, it produced a toxic flume of smoke, which forced 5,000 residents within a two-mile radius of the crash site to evacuate their homes.

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**Train Accident Statistics :: Atlanta Train Accident Attorney McAleer Law**

<https://www.mcaleerlaw.com> › ... › **Train Accident Statistics** Each year nearly 1,000 people are killed in **train related accidents**. Additionally, **United States train and railroad accident** statistics estimate that almost every two weeks a **train** derailment leads to a chemical spill. Some of these spills are so serious that they require the evacuation of local residents. The occurrence and .



## Most Toxic substances Dangers

<http://www.pbs.org/now/shows/226/hazardous-chemicals.html>

6/30/2006

AMONIA, Chlorine, and Hydrogen Fluoride DON'T EXPLODE = vapors and fumes are the problem.

### Chlorine Accidents Take a Big Human Toll - Scientific American

<https://www.scientificamerican.com/article/chlorine-accidents-take-big-human-toll/>

Oct 20, 2011 - Over the past 10 years, there have been hundreds of accidents involving chlorine nationwide, injuring thousands. By Jane ... In recent years, accidents have occurred when chlorine leaked or spilled, pressurized tanks were punctured, train cars derailed or when other chemicals were improperly – and often

### Rail Transportation of Toxic Inhalation Hazards - Harvard University

<https://sites.hks.harvard.edu/m-rcbg/rpp/.../Rail%20Transportation%20of%20TIH.pdf>

by L.M Branscomb - Cited by 9 - Related articles

Toxic inhalation hazard (TIH) chemicals such as chlorine gas and anhydrous ammonia ... Release of toxic inhalation hazards, whether the result of attack or accident, could result in devastating consequences. Many hazardous chemicals are transported over long distances by rail .... Deadly railway accidents involving TIH in.

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## Oil Train Fleet Upgrade News

### Rail Industry Slow on Safety Upgrade for Fleets Carrying Oil and Ethanol

<https://www.desmogblog.com/.../rail-industry-slow-upgrade-oil-and-ethanol-rail-tank-...>

Oct 1, 2017 - A new government report finds that only 9 percent of all the rail tank cars transporting flammable liquids last year met the stricter **safety** requirements of regulations set in 2015, which were meant to reduce **oil train** explosions and accidents. This confirms what DeSmog reported last year showing that the oil ...

## Obama Era Direction

### U.S. DOT Announces Comprehensive Proposed Rulemaking for the ...

<https://www.transportation.gov/.../us-dot-announces-comprehensive-proposed-rulema...>

Jul 23, 2014 - U.S. DOT Announces Comprehensive Proposed Rulemaking for the Safe Transportation of Crude Oil, Flammable Materials ... Proposes new standards for tank cars **constructed** after October 1, 2015 (and that are used to transport flammable liquids as part of a HHFT) (e.g., thermal, top fittings, and bottom ...

## Rail Safety - Association of American Railroads

<https://www.aar.org/policy/rail-safety>

The rail industry has for several years been aggressively advocating for ways to improve tank car **safety** beyond what is required by federal regulation. In May 2015, the DOT released a final rule establishing new, tougher standards for tank cars carrying certain hazmat, including crude oil. The new standards are known as .

## Battle Over New Oil Train Standards Pits Safety Against Cost : NPR

<https://www.npr.org/2015/06/.../battle-over-new-oil-train-standards-pits-safety-against-c...>

Jun 19, 2015 - But even at that level, **oil** from derailed tank cars has exploded into flames. And many **safety** advocates had hoped federal regulators would require conditioning to lower the vapor pressure even more. "We don't want these **bomb trains** going through our neighborhood," said Lora Chamberlain of the group ..

## Trump DUMPS OIL TRAIN SAFETY RULES FROM OBAMA ERA

### Oil Train Safety Rules Getting Rolled Back By Trump Administration ...

<https://www.opb.org/news/article/oil-train-safety-rule-rollback-by-trump/>

Dec 6, 2017 - The **Trump** administration is rolling back a requirement for **trains** carrying highly explosive liquids — like the **oil trains** that run through the Columbia River ... Now, President **Trump's** Department of Transportation says railroads with **trains** carrying highly flammable liquids will not have to **update** their braking ...

## Trump administration rolls back Obama-era oil train rules | OregonLive ...

[www.oregonlive.com/environment/index.ssf/.../trump\\_administration\\_rolls\\_bac.html](http://www.oregonlive.com/environment/index.ssf/.../trump_administration_rolls_bac.html)

Dec 7, 2017 - The **Trump** administration has angered environmental groups and residents of the Columbia River Gorge by rolling back a 2015 rule on **oil train** safety ... "We saw that

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with the Mosier derailment, potentially if there was a better braking system in place, we wouldn't have seen so many cars come off the tracks ...

### **Rail Industry Slow on Safety Upgrade for Fleets Carrying Oil and Ethanol**

<https://www.desmogblog.com/.../rail-industry-slow-upgrade-oil-and-ethanol-rail-tank-...>

Oct 1, 2017 - A new government report finds that only 9 percent of all the rail tank cars transporting flammable liquids last year met the stricter safety requirements of regulations set in 2015, which were meant to reduce oil train explosions and accidents. This confirms what DeSmog reported last year showing that the oil ...

### **Connelly: Trump administration junks oil train safety rule - seattlepi.com**

<https://www.seattlepi.com/.../Connelly-Trump-administration-junks-oil-train-1241367...>

Dec 7, 2017 - The Trump administration has put the brakes on oil train safety. The U.S. Department of Transportation is junking a key, 2015 initiative enacted in the wake of the Lac-Mégantic explosion and fire in which a runaway oil train wiped out the center of the small Quebec town and killed 47 people.

### **Trump rail safety oversight in focus after Amtrak crash - Reuters**

<https://www.reuters.com/...train-safety/trump-rail-safety-oversight-in-focus-after-amtr...>

Dec 21, 2017 - As investigators sift through the wreckage of this week's Amtrak train crash in Washington state, critics have begun questioning President Donald Trump's recent efforts to roll back or delay finalizing U.S. rail safety regulations.

### **"Bomb trains" don't need safety upgrades, says Trump's Department of ...**

<https://www.nrdc.org/trump.../bomb-trains-dont-need-safety-upgrades-says-trumps-de...>

Dec 7, 2017 - The U.S. Department of Transportation is reversing a rule that would have required railroads to install electronically controlled pneumatic brakes on trains carrying crude oil and other highly flammable liquids. The 2015 rule, part of the Obama administration's response to a series of fiery derailments, aimed ...

### **Worries as Trump DOT repeals Obama-era railway rules — RT US News**

<https://www.rt.com/usa/412515-trump-dot-oil-train-rules/>

Dec 8, 2017 - The Department of Transportation is rolling back Obama-era regulations on oil-carrying trains, over protests from Democrats and environmentalists. ... the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA) will rescind the ECP mandate," the ...



Tanker Rail Cars Upgrade Progress Dot 111 and 117

## PROGRESS ON UPGRADE

### Rail Industry Slow on Safety Upgrade for Fleets Carrying Oil and ...

<https://www.desmogblog.com/.../rail-industry-slow-upgrade-oil-and-ethanol-rail-tank-...>

Oct 1, 2017 - A new government report finds that only 9 percent of all the rail tank cars transporting flammable liquids last year met the stricter safety requirements of regulations set in 2015, which were meant to reduce oil train explosions and accidents. This confirms what DeSmog reported last year showing that the oil ...

### NTSB: Upgrades to unsafe tank cars could take 15 years

[www.statesmanjournal.com/story/news/2016/07/12/slow...tank-rail-cars/87000988/](http://www.statesmanjournal.com/story/news/2016/07/12/slow...tank-rail-cars/87000988/)

Jul 12, 2016 - U.S. safety officials say they've seen slow progress in efforts to upgrade or replace tens of thousands of rupture-prone rail cars used to transport oil and ethanol, despite a string of fiery derailments.

### Thousands of Defects Found on Oil Train Routes | Best States | US News

<https://www.usnews.com/.../apnewsbreak-thousands-of-defects-found-on-oil-train-rou...>

Apr 5, 2017 - BILLINGS, Mont. (AP) — Government inspections of railroads that haul volatile crude oil across the United States have uncovered almost 24,000 safety defects, including problems similar to those blamed in derailments that triggered massive fires or oil spills in Oregon, Virginia, Montana and elsewhere, ...

### What To Do With Railroad Tank Cars That Are No Longer Safe Or ...

<https://www.npr.org/.../what-to-do-with-railroad-tank-cars-that-are-no-longer-safe-or-ec...>

Sep 14, 2015 - New safety regulations and a slump in oil prices means tens of thousands of railroad tank cars are being taken out of service. ... ruled that as many as 100,000 tank cars known as DOT-111s, used for shipping toxic or explosive material, have to be upgraded or scrapped altogether - a \$2 billion process that ...

### Safety Rules Give Eight Years for Ethanol Tank Car Upgrades - WSJ

[www.wsj.com/.../safety-rules-give-eight-years-for-ethanol-tank-car-upgrades-143092...](http://www.wsj.com/.../safety-rules-give-eight-years-for-ethanol-tank-car-upgrades-143092...)

May 6, 2015 - Despite growing focus on rail tank car derailments, new U.S. rules will extend the deadline for safety upgrades on ethanol cars to eight years.

### The Great Crude-Oil Fireball Test - The Atlantic

<https://www.theatlantic.com/technology/archive/2018/02/the...crude-oil.../552029/>

Feb 5, 2018 - Fracking has created a wider variety of crude oils, but is one more destructive than another? There's only one way to ... So, the obvious recommendations are to do better track maintenance to keep the trains on the tracks and to update the tank-car fleet to improve its crashworthiness. Unfortunately, very few ...

received  
2-22-18 JLC



## **COMPARE THE TWO KINDS OF OIL TANK CARS**

**DOT-117 tank car.** The DOT-117 (TC-117 in Canada) is a type of unpressurized tank car in use on North American railroads. The DOT-117 design was developed in the aftermath of the Lac-Mégantic rail disaster of 2013 in an effort to upgrade the specifications of the then-common DOT-111 and CPC-1232 designs.

[DOT-117 tank car - Wikipedia](https://en.wikipedia.org/wiki/DOT-117_tank_car)

[https://en.wikipedia.org/wiki/DOT-117 tank car](https://en.wikipedia.org/wiki/DOT-117_tank_car)



Hazardous Material Accident Reports

Hazardous Materials Accident Reports - NTSB

<https://www.nts.gov/investigations/AccidentReports/Pages/hazardous.aspx>

Listing of accident reports for NTSB (National Transportation and Safety Board) ...

HZB-00-03, Chemical Reaction During Cargo Transfer, MC-307 Cargo Tank, 6/4/1999, 6/20/2000, Whitehall ... HZM-81-02, Railroad/Highway Grade Crossing Accidents Involving Trucks Transporting Hazardous Materials, 9/24/1981, PB82- ...

Hazardous Substances Released During Rail Transit --- 18 States ...

<https://www.cdc.gov/mmwr/preview/mmwrhtml/mm5622a2.htm>

Jun 8, 2007 - **Hazardous Substances Released During Rail Transit --- 18 States, 2002--2007.** In January 2007, two separate **railroad incidents involving the unintentional release of hazardous substances** occurred on consecutive days in Irvine and Brooks, two Kentucky communities approximately 125 miles apart (1).

received  
2-22-18 jh





## Oil Train Increase in Traffic

### Pick Your Poison For Crude -- Pipeline, Rail, Truck Or Boat - Forbes

<https://www.forbes.com/sites/.../pick-your-poison-for-crude-pipeline-rail-truck-or-boa...>

Apr 26, 2014 - Amid a North American energy boom and a lack of pipeline capacity, **crude** oil shipping on rail is suddenly increasing. The **trains** are getting bigger and towing more and more tanker cars. From 1975 to 2012, **trains** were shorter and spills were rare and small, with about half of those years having no spills ...

### Trains are carrying — and spilling — a record amount of oil - The ...

<https://www.washingtonpost.com/.../trains-are-carrying-and-spilling-a-record-amount-...>

Feb 17, 2015 - [http://www.washingtonpost.com/posttv/national/train-derailment-sends-oil-tanker-into-river/2015/02/16/825654ae-9ae7-44e1-b650-ba0b3c0a9d58\\_video.html](http://www.washingtonpost.com/posttv/national/train-derailment-sends-oil-tanker-into-river/2015/02/16/825654ae-9ae7-44e1-b650-ba0b3c0a9d58_video.html). When 14 tanker cars derailed and exploded Monday near tiny Mount Carbon, W.V., neighbors likened the fireball to a scene from the apocalypse.

### Rail deliveries of U.S. oil continue to increase in 2014 - Today in ... - EIA

<https://www.eia.gov/todayinenergy/detail.php?id=17751>

Aug 28, 2014 - The amount of **crude** oil and refined petroleum products moved by U.S. railroads increased 9% during the first seven months of this year compared with the ... The proposed rules would require new **oil tank cars constructed** after October 2015 to have thicker steel and require retrofitting of existing tank cars.

### Rail safety questioned as fuel shipments likely to go up

<https://www.delawareonline.com/story/news/2017/05/26/rail-safety.../96672684/>

May 26, 2017 - While fewer **oil trains** traveled to the Delaware City refinery's \$100 million train terminal during the past year as **crude** prices dropped, increased shipments of ... A total of 1,067 **trains** or **track defects** found b

### Here's why so many oil trains have derailed this year - Business Insider

[www.businessinsider.com/heres-why-so-many-oil-trains-have-derailed-this-year-2015-3](http://www.businessinsider.com/heres-why-so-many-oil-trains-have-derailed-this-year-2015-3)

Mar 10, 2015 - The number of **accidents** is going up because the oil boom in the U.S. and Canada has dramatically increased the amount of oil shipped by rail. ... When it is very cold, as it has been across much of North **America**, steel rails and **train car** wheels can contract and become brittle. If the steel has a ...

received  
2.22.15 JFC



## Train Track Maintenance News

### Thousands of Defects Found on Oil Train Routes | Best States | US News

<https://www.usnews.com/.../apnewsbreak-thousands-of-defects-found-on-oil-train-rou...>

Apr 5, 2017 - "All of this is a call for continued vigilance," said Ditmeyer, who directed the railroad administration's Office of Research and Development for eight years. "One defect or one violation of the right kind can cause a derailment. These statistics give a good indication of the track quality, but most (defects) won't ...

### APNewsBreak: Railroad in fiery derailment agrees to changes

<https://apnews.com/.../apnewsbreak-railroad-fiery-derailment-agrees-changes>

Dec 23, 2016 - (AP) — The nation's largest freight railroad has agreed to more thorough inspections and maintenance improvements after a fiery oil train derailment in ... The more than 800 potential violations against Union Pacific were found as part of a two-year examination of tracks across the U.S. used to haul crude.

### Thousands of Defects Found on Oil Train Routes | Best States | US News

<https://www.usnews.com/.../apnewsbreak-thousands-of-defects-found-on-oil-train-rou...>

Apr 5, 2017 - BILLINGS, Mont. (AP) — Inspectors have found almost 24000 safety defects over the past two years along U.S. railroad routes used to ship volatile crude oil. ... He said it reinforces the need for railroads to stay on top of regular maintenance for their sprawling networks of track. Many of the defects found by ...

### The Great Crude-Oil Fireball Test - The Atlantic

<https://www.theatlantic.com/technology/archive/2018/02/the...crude-oil.../552029/>

Feb 5, 2018 - Fracking has created a wider variety of crude oils, but is one more destructive than another? There's only one way to ... So, the obvious recommendations are to do better track maintenance to keep the trains on the tracks and to update the tank-car fleet to improve its crashworthiness. Unfortunately, very few ...

### UPDATED: BNSF's ND track violations top 700 over last 8 years ...

<https://www.prairiebusinessmagazine.com/.../3968760-updated-bnsfs-nd-track-violations...>

Oil rail cars sit on BNSF Railway tracks near State Avenue in Dickinson, N.D., on Wednesday. ... UPDATED: BNSF's ND track violations top 700 over last 8 years ... WASHINGTON -- Federal inspectors have issued more than 700 violations to BNSF Railway in the past eight years for defects on its tracks in North Dakota, ...

### The Big Problem with Letting Small Railroads Haul Oil | Sightline ...

[www.sightline.org](http://www.sightline.org) › ... › Series › Oil Train Explosions and Derailments

Oct 8, 2014 - The disaster in Lac-Mégantic, Quebec—where 47 people were killed by a Bakken oil train derailment—is commonly understood to have resulted from a ... track maintenance foreman because, according to the accident investigation report, the company did not want the engineer to violate mandatory rest ...

received  
2-22-18 frc  
Murdock  
Clarke



## Thousands of Defects Found on Oil Train Routes | Best States | US News

<https://www.usnews.com/.../apnewsbreak-thousands-of-defects-found-on-oil-train-rou...>

Apr 5, 2017 - BILLINGS, Mont. (AP) — Government inspections of railroads that haul volatile crude oil across the **United States** have uncovered almost 24,000 safety defects, including problems similar to those blamed in **derailments** that triggered massive fires or oil spills in Oregon, Virginia, Montana and elsewhere, ...



## Hazards of Crude Oil Rail Transportation

### Transporting Crude Oil by Rail: State and Federal Action

[www.ncsl.org/research/.../transporting-crude-oil-by-rail-state-and-federal-action.aspx](http://www.ncsl.org/research/.../transporting-crude-oil-by-rail-state-and-federal-action.aspx)

An analysis of federal data from DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) estimated that 1.15 million gallons of crude oil spilled from rail cars in the U.S. in 2013. The topic came to the forefront again in early 2015 after several derailments and spills occurred within a matter of weeks. However ...

received  
2-22-18 FRE





Oil Train News 4 5 17 Defective train tracks

[http://hosted.ap.org/dynamic/stories/U/US\\_OIL\\_TRAIN\\_ACCIDENTS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/U/US_OIL_TRAIN_ACCIDENTS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT)

The page you've requested does not exist at this address.

APNEWSBREAK: THOUSANDS OF DEFECTS FOUND ON OIL TRAIN ROUTES

BY MATTHEW BROWN  
ASSOCIATED PRESS



AP Photo/Steve Helber

BILLINGS, Mont. (AP) -- When a freight train derailed in the Montana town of Culbertson, spilling 27,000 gallons of crude oil, investigators blamed the 2015 accident on defective or missing fasteners used to hold the tracks in place.

The previous year, cracks in a track that went unrepaired caused a train hauling oil to come off the rails and explode along the James River in Lynchburg, Virginia. Broken bolts were cited in another oil train derailment and fire last year in Mosier, Oregon.

Data obtained by The Associated Press shows that tens of thousands of similar safety defects were found when government inspectors checked the rail lines used to haul volatile crude oil across the country. The defects included rails that were worn, bolts that were broken or loose or missing, and steel bars that had cracks.

Such flaws are not uncommon across the nation's 140,000-mile freight rail network. But these nearly 24,000 imperfections drew heightened attention because of a surge in recent years of domestic energy production that has increased rail shipments of oil and the number of major derailments.

The inspectors also noted failures by railroads to quickly fix problems identified through inspections.

received  
2-22-18 JPC



A former senior official at the Federal Railroad Administration said the findings reinforce the need for railroads to stay on top of regular maintenance.

"All of this is a call for continued vigilance," said Steven Ditmeyer, who reviewed the inspection data and directed the railroad administration's Office of Research and Development for eight years. "One defect or one violation of the right kind can cause a derailment."

It can be difficult for railroads to know when a seemingly small problem will result in an accident, he said.

The statistics "give a good indication of the track quality," Ditmeyer said, although most defects will not cause a derailment.

In all, nearly 24,000 defects were found on almost 58,000 miles of oil train routes in 44 states. The inspection program began two years ago following a string of oil train accidents across North America, including a 2013 derailment in Quebec that killed 47 people in the community of Lac-Mégantic.

Federal regulators said the inspections resulted in 1,118 violation recommendations and prompted railroads to be more responsive to inspectors and to improve safety.

A violation recommendation occurs when an inspector finds something serious enough to warrant a potential penalty or a railroad fails to address a defect. Federal officials declined to say how many penalties had been issued under the crude-by-rail inspection program.

The rail industry views safety defects as warnings from regulators, said Jessica Kahanek, a spokeswoman for the Association of American Railroads.

Violations are a better indicator of safety problems because not all defects pose an immediate risk, she said, explaining that hundreds of the violation recommendations were "paperwork-related," such as railroads not providing required forms to government inspectors.

Omaha, Nebraska-based Union Pacific received most of the violation recommendations issued under the targeted inspection program - more than 800. A breakdown for violations involving other railroads was not available.

Union Pacific agreed to increase its inspection frequencies following the Mosier derailment under an agreement with federal regulators who said the railroad's inspection program was too lax.

Railroad spokeswoman Calli Hite said the railroad shares the railroad administration's dedication to safety.



"Union Pacific has always paid close attention to track conditions and inspections," Hite said.

Most violations were found in the months after the inspection program began in January 2015 in the Southwest, where officials said Union Pacific runs a majority of the oil trains. In many cases, violation recommendations came after the railroad did not respond quickly enough to problems found by inspectors, said Marc Willis, a spokesman for the railroad administration.

Subsequent inspections turned up thousands of additional safety problems but far fewer recommendations for violations.

That was because the high number of violation recommendations for Union Pacific sent a message to the entire industry to quickly address any issue raised by inspectors, officials said.

"Railroads are paying closer attention," Willis said, adding that derailments have fallen 10 percent since the inspection program began. "Although many minor defects still are being identified ... both FRA and railroad inspectors are finding fewer serious conditions, resulting in significant safety improvements."

It's uncertain whether the targeted inspection program for oil trains will continue under President Donald Trump's administration, he said.

Since 2006, the United States and Canada have seen at least 27 oil train accidents involving a fire, derailment or significant fuel spill. Besides the targeted inspection program, U.S. and Canadian officials have responded with more stringent construction standards for tens of thousands of tank cars that haul oil and other flammable liquids.

The amount of oil moving by rail peaked in 2014 then dropped after crude prices collapsed. Major railroads reported moving more than 43,000 carloads of crude in the fourth quarter of 2016, down almost 50 percent from a year earlier, according to the railroad association.

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Follow Matthew Brown on Twitter at <https://twitter.com/matthewbrownap> .

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**Austin, Natawna B.**

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**Subject:** FW: Pass the Crude Oil Terminal Prohibition to Stop Bomb Trains

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**From:** City Council President  
**Sent:** Friday, November 03, 2017 1:10 PM  
**To:** Kunst, Kara  
**Subject:** FW: Pass the Crude Oil Terminal Prohibition to Stop Bomb Trains

**From:** Kate Sigler [<mailto:ksigler@gmail.com>]  
**Sent:** Thursday, November 02, 2017 9:33 AM  
**To:** City Council President  
**Subject:** Pass the Crude Oil Terminal Prohibition to Stop Bomb Trains

Mr. Bernard Young,

Dear Council President Young:

I am writing to urge you to vote for the Crude Oil Terminal Prohibition (Bill #17-0150). Crude oil trains endanger 165,000 Baltimoreans when they travel through our neighborhoods on their way to export terminals.

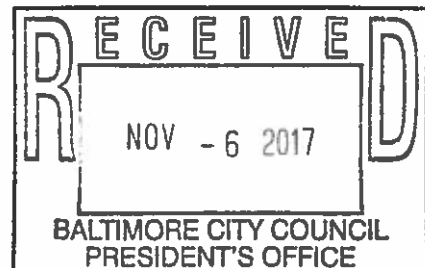
We know that crude oil trains can derail and explode catastrophically. The US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHSMA) estimates that a crude oil train derailment in an urban center could produce \$5 billion in total damages. The collapse of 26th St in 2014, the coal train explosion in Rosedale in 2013, and the derailments in the Howard St Tunnel in 2001 and 2016 all happened on the route that crude oil trains have been known to take through Baltimore.

Crude oil trains pose unnecessary and unacceptable risks to public health and safety, our air, water, and the environment.

I urge you to vote for the Crude Oil Terminal Prohibition (Bill #17-0150) to protect our communities.

Thank you,

Kate Sigler  
2513 Guilford Ave  
Baltimore, MD 21218







hcc

hampden community council

## Hampden Community Council

PO Box 19957 – Baltimore, Maryland 21211  
*Proudly Serving the Hampden Community Since 1976*

The Honorable Catherine Pugh  
Office of the Mayor  
City Hall, Ste. 400  
100 N. Holliday Street  
Baltimore, Maryland 21202

The Honorable Jack Young  
Office of the City Council President  
City Hall, Ste. 400  
100 N. Holliday Street  
Baltimore, Maryland 21202

Dear Mayor and Council President Young,

The Hampden Community Council requests that the Baltimore City Council pass council bill #17-0150, which would prohibit new or expanded crude oil terminals in Baltimore City. The goal of this bill is to reduce the potential number of trains carrying explosive crude oil through City neighborhoods.

In Maryland, crude oil trains endanger communities near rail lines and Baltimore in particular. Two facilities in Baltimore are currently permitted to ship crude oil, and various developments within the industry make Baltimore a likely spot for increased crude oil train shipments. In Baltimore, many neighborhoods are highly vulnerable to a crude oil train explosion, including Curtis Bay, Charles Village, Reservoir Hill, Westport, and Bolton Hill.

Past crude oil train derailments have resulted in tragedy. The worst example was the 2013 derailment and explosion in Lac-Megantic, Quebec that killed 47 people and devastated the town. Locally, Baltimore has seen train derailments in recent years that have resulted in fires, closures, and evacuations.

We urge you to act now to protect Baltimoreans from this unnecessary risk and pass council bill #17-0150 to prohibit crude oil terminals.  
Thank you for your time and consideration.

Sincerely,

*Matthew Stegman*

Matthew Stegman  
President, Hampden Community Council

CC: Councilwoman Mary Pat Clarke  
Councilman Leon Pinkett

received  
12-5-17 JKC



COPIER

**CITY OF BALTIMORE  
COUNCIL BILL 17-0150  
(First Reader)**

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Introduced by: Councilmembers Clarke, Reisinger, Cohen, Henry, Bullock, Pinkett, Dorsey,  
Middleton, Burnett, Sneed, Stokes

Introduced and read first time: October 16, 2017

Assigned to: Land Use and Transportation Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Department of Transportation, *Fine*

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Prohibiting Crude Oil Terminals**

3 FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City;  
4 defining a certain term; and generally relating to crude oil terminals.

5 BY repealing and reordaining, with amendments

6 Article 32 - Zoning  
7 Section(s) 1-218  
8 Baltimore City Code  
9 (Edition 2000)

10 BY adding

11 Article 32 - Zoning  
12 Section(s) 1- 304(v-1)  
13 Baltimore City Code  
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
16 Laws of Baltimore City read as follows:

17 **Baltimore City Code**

18 **Article 32. Zoning**

19 **Title 1. General Provisions**

20 ***Subtitle 2. Rules of Interpretation***

21 **§ 1-218. Uses prohibited citywide.**

22 (a) *Application of section.*

23 This section and its listing of certain prohibited uses:

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0150

- 1 (1) is not exhaustive; and
- 2 (2) may not be construed to imply that any use not listed here is a permitted
- 3 or conditional use.

4 (b) *Listing.*

5 The following uses are prohibited in all zoning districts of the City:

- 6 (1) CRUDE OIL TERMINALS;
- 7 (2) [(1)] incinerators;
- 8 (3) [(2)] junk or scrap storage and yards;
- 9 (4) [(3)] nuclear power plants;
- 10 (5) [(4)] solid waste sanitary landfills;
- 11 (6) [(5)] storage on barges and belt conveyor systems used for the transfer of
- 12 materials, but this prohibition does not apply to the continuous process of
- 13 unloading or loading processed metal (as defined in § 1-308) for and during its
- 14 transfer to or from a docked barge or vessel awaiting shipment; and
- 15 (7) [(6)] vehicle dismantling facilities.

16 *Subtitle 3. Definitions*

17 § 1-304. “Chimney” to “Day-care center: Child”.

18 (V-1) *CRUDE OIL TERMINAL.*

19 (1) *IN GENERAL.*

20 “CRUDE OIL TERMINAL” MEANS A FACILITY THAT RECEIVES, STORES, TRANSFERS,  
21 SHIPS, OR PROCESSES CRUDE OIL.

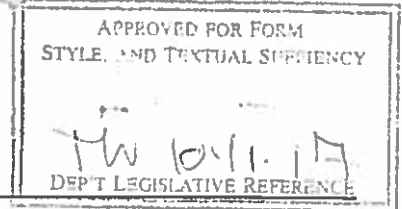
22 (2) *EXCLUSIONS.*

23 “CRUDE OIL TERMINAL” DOES NOT INCLUDE FACILITIES OWNED OR OPERATED BY A  
24 RAIL CARRIER, AS DEFINED IN U.S. CODE TITLE 49, SUBTITLE IV, PART A, CHAPTER  
25 101, § 10102 {“DEFINITIONS”}.

26 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
27 are not law and may not be considered to have been enacted as a part of this or any prior  
28 Ordinance.

29 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
30 after the date it is enacted.

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



Introduced by: Councilmembers Clarke and Reisinger

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Prohibiting Crude Oil Terminals**

FOR the purpose of prohibiting new or expanded crude oil terminals throughout Baltimore City; defining a certain term; and generally relating to crude oil terminals.

BY repealing and reordaining, with amendments

Article 32 - Zoning  
Section(s) 1-218  
Baltimore City Code  
(Edition 2000)

BY adding

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**Article 32. Zoning**

**Title 1. General Provisions**

*Subtitle 2. Rules of Interpretation*

**§ 1-218. Uses prohibited citywide.**

(a) *Application of section.*

This section and its listing of certain prohibited uses:

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(1) is not exhaustive; and

(2) may not be construed to imply that any use not listed here is a permitted or conditional use.

(b) *Listing.*

The following uses are prohibited in all zoning districts of the City:

(1) CRUDE OIL TERMINALS;

(2) [(1)] incinerators;

(3) [(2)] junk or scrap storage and yards;

(4) [(3)] nuclear power plants;

(4) [(3)] solid waste sanitary landfills;

(5) [(4)] storage on barges and belt conveyor systems used for the transfer of materials, but this prohibition does not apply to the continuous process of unloading or loading processed metal (as defined in § 1-308) for and during its transfer to or from a docked barge or vessel awaiting shipment; and

(6) [(5)] vehicle dismantling facilities.

*Subtitle 3. Definitions*

§ 1-304. “Chimney” to “Day-care center: Child”.

(V-1) *CRUDE OIL TERMINAL.*

(1) *IN GENERAL.*

“CRUDE OIL TERMINAL” MEANS A FACILITY THAT RECEIVES , STORES, TRANSFERS, SHIPS, OR PROCESSES CRUDE OIL .

(2) *EXCLUSIONS.*

“CRUDE OIL TERMINAL” DOES NOT INCLUDE FACILITIES OWNED OR OPERATED BY A RAIL CARRIER, AS DEFINED IN U.S. CODE TITLE 49, SUBTITLE IV, PART A, CHAPTER 101, § 10102 {“DEFINITIONS”} .

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**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.



**ACTION BY THE CITY COUNCIL**

FIRST READING (INTRODUCTION) \_\_\_\_\_ OCT 16 2017

PUBLIC HEARING HELD ON \_\_\_\_\_ February 21, \_\_\_\_\_ 20 18

COMMITTEE REPORT AS OF \_\_\_\_\_ February 26, \_\_\_\_\_ 20 18

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE  FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

Edward Reilly  
Chair

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

\_\_\_\_\_ FEB 26 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ MAR 12 2018

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]  
President

[Signature]  
Chief Clerk