



## Support Strong Oil Train and Terminal Legislation: HB 2131, SB 7, HB 3344

### Protecting Oregon from Dangerous Oil Trains and Terminals

Oregon communities are in the crosshairs of crude oil trains. The threat was illustrated last June when an oil train in Mosier, OR derailed and spilled oil into the Columbia River, causing a large fire near homes and an elementary school.

Friends of the Columbia Gorge, Columbia Riverkeeper, the Stand Up to Oil Coalition, and Oregon Physicians for Social Responsibility are supporting bills introduced in the Oregon Legislature that would protect Oregon from crude oil trains and new oil and coal terminals. More terminals mean more trains and transporting oil by rail is inherently unsafe. Until it is stopped, we must hold railroads accountable.

**The Mosier Acts of 2017, House Bill 2131** (sponsored by Rep. Smith Warner) and **Senate Bill 7** (sponsored by Sen. Courtney) address oil trains. They would:

- ✓ Require contingency plans and training for oil train-related spills;
- ✓ Require fees on railroads to improve oil spill response and establish funding for emergency preparedness; and
- ✓ Require railroads to have adequate insurance to cover worst-case oil train derailments.

We also support legislation to provide increased scrutiny of oil terminals. **House Bill 3344** (sponsored by Rep. Helm) needs some amendments to accomplish exactly what was intended. Once it is amended to correct those issues it would:

- ✓ Use the state's removal-fill permitting authority to increase scrutiny of oil-by-rail terminals;
- ✓ Remove the loophole that allows oil terminals to be built on state waterways without review; and
- ✓ Prohibit state transportation funding for oil-by-rail terminal infrastructure.

These three bills contain significant, common-sense steps to address oil terminals and oil train safety in Oregon. HB 2131 and HB 3344 have been referred to the House Committee on Energy and Environment. SB 7 has been referred to the Senate Veterans and Emergency Preparedness Committee.

Unfortunately, we must also defend against a bill that would undercut safeguards against oil trains. We oppose **HB 2480**, which would eliminate local communities' ability to plan for their safety. The fossil fuel

interests backing the bill seek to preempt local governments from limiting new major fossil fuel infrastructure, such as oil train terminals. This is a direct attack on the groundbreaking ordinance passed by Portland last year that bans new major fossil-fuel terminals in the city. Absent HB 2480, other cities that have passed resolutions against oil trains may follow.



Mosier derailment and fire, June 2016. Photo: Michael McKeag

## Why Oil Train and Terminal Legislation is Needed

- **Unsafe Rail Cars:** Since 2012, explosive Bakken crude oil is being transported by rail at high speeds through the Columbia River Gorge National Scenic Area, the Deschutes River Canyon, and many communities throughout Oregon. Oil is transported through Oregon to refineries in California and Washington, with no direct benefit to Oregon's economy. Explosive Bakken oil is transported in unsafe rail cars that puncture at speeds as low as 14 mph, leading to oil fires and explosions. New federal safety standards for rail cars only slightly improve impact resistance. Unit trains of oil carry up to 120 oil tank cars containing over 3 million gallons of volatile Bakken Crude oil or tar sands oil. These *pipelines on rails* endanger communities and waterways along major rail routes through Oregon, risking severe damage to public safety, drinking water, and Columbia River salmon habitat.
- **Derailments and Explosions:** In the past three years, several oil train derailments, explosions, and fires in North America have resulted in 47 deaths, the evacuation of thousands of people, millions of gallons of oil spilled into waterways, and billions of dollars of property damage and environmental destruction. Our fears were realized last year when an oil train derailed in the small Gorge town of Mosier, catching fire, and spilling 42,000 gallons of oil. Mosier residents were spared only because it was a rare and windless day, thus preventing an unstoppable fire that would have incinerated the town. The Federal Railroad Administration (FRA) determined that Union Pacific Railroad's negligence caused the derailment. FRA statistics show Union Pacific has more derailments and accidents caused by equipment failures compared to the industry average. We continue our work to reduce the threats of oil-by-rail in the hope of preventing any future such disasters.
- **New Oil Terminals Threaten the Columbia River Gorge:** Several oil terminal proposals are active in the Northwest, including what would be the largest oil-by-rail terminal in the U.S. – **Tesoro's Vancouver Energy** terminal. If approved, it would transport 15 million gallons of oil per day through the Columbia River Gorge National Scenic Area. This terminal needs several permits to operate, including approval by Washington's governor. A final decision from the governor's office on the terminal is anticipated this year. Without HB 2131 or SB 7, Oregon will continue to lack basic protections for trains headed to other states. Without HB 3344, oil terminals will spread in Oregon.
- **Crude oil export ban lifted in 2015:** For 35 years, the U.S. ensured energy independence by prohibiting export of U.S. crude oil. In 2015, Congress lifted the U.S. crude oil export ban, thus creating the likelihood of new export terminals on the West Coast. As soon as the price of oil rebounds, residents of the Northwest can expect to see more proposals for oil export terminals.
- **Is Oregon ready?** Oregon has the weakest laws on the west coast related to oil trains and oil terminals. In the Mosier derailment, oil spill and fire, Oregon had to rely heavily on the Washington Department of Ecology for assistance. Both California and Washington have passed laws similar to HB 2131 and SB 7. These new laws have not been preempted by federal railroad laws. In addition, California and Washington have comprehensive environmental policy acts. Oregon does not. Oregon law also contains a loophole in ORS 780.040(1) that would allow oil terminals on state lands without the need for a state land lease. HB 3344 addresses this gaping loophole. **This combination of a very weak oil train law, lack of an environmental policy act, and exemptions for terminals make Oregon a soft target for oil-by-rail transport and terminals.**

### How can I help protect Oregon from oil trains?

Contact your legislators. Ask them to Support HB 2131, SB 7, and an amended HB 3344 and to Oppose HB 2480.

[www.oregonlegislature.gov/FindYourLegislator/leg-districts.html](http://www.oregonlegislature.gov/FindYourLegislator/leg-districts.html)

For more information:

- Michael Lang, Friends' conservation director, (503) 490-3979, [michael@gorgefriends.org](mailto:michael@gorgefriends.org)
- Dan Serres, Riverkeeper's conservation director, (503) 890-2441, [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)