

**RESOLUTION
OF
THE IRON POINT RICHMOND NEIGHBORHOOD COUNCIL
AGAINST KINDER MORGAN RICHMOND'S CRUDE BY RAIL OPERATION
AND THE PHILLIPS 66 SAN LUIS OBISPO CRUDE BY RAIL PROJECT**

WHEREAS, the fossil fuel industries have already accessed readily accessible fossil fuels and are using extreme extraction technologies to remove the remaining forms of fossil fuels,

WHEREAS, crude oil fracked from the Bakken Shale Formation and mined from the Alberta Tar Sands present existent environmental damage to the land, air and water of those areas and a risk to the future inhabitability of the Earth,

WHEREAS, these crude oils are discounted in costs and extracted in the center of the North American continent far away from major refineries and consumer markets requiring transportation via pipeline or rail,

WHEREAS, the US and Canadian rail companies are common carriers, meaning they are required to carry whatever product shippers wish to put on the rail lines resulting in a 4,000% increase of these materials being carried on the rail lines in the past 3 years,

WHEREAS, this increase in Crude By Rail transportation has resulted in several disasters here and in Canada (Lac Megantic, Quebec, Casselton, North Dakota, Hammond, Indiana, Aliceville, Alabama, Lynchburg, Virginia, Boomer, West Virginia and Galena, Illinois among others as well as several near misses) which have resulted in the loss of human life and billions of dollars of damages to communities and their surrounding environment,

WHEREAS, US consumers are increasingly using less refined fossil fuels products, particularly gasoline. thus oil refiners are increasingly turning to export markets for their US refined products,

WHEREAS, the extraction of and the refining of extreme extracted crude oils such as Bakken and Tar Sands knowingly result in increased greenhouse gas (GHG) emissions and toxic air contaminant co-pollutants,

WHEREAS, the Bay Area Air Quality Management District (BAAQMD) issued a permit ministerially to Kinder Morgan to convert its ethanol-by-rail operation at the BNSF rail yard in Richmond to a Crude By Rail

operation and chose to not notify members of the public or even its own governing board,

WHEREAS, Kinder Morgan signed an exclusive contract with Tesoro Golden Eagle refinery in Avon, California, to supply them with the fracked Bakken crude from North Dakota via tanker trucks over our local roads, and state and federal highways,

WHEREAS, Kinder Morgan is bringing in up to three unit trains of 100 cars per week into Richmond resulting up to 900 tanker truck trips per week to the Tesoro refinery creating even more diesel pollution in already disproportionately impacted communities,

WHEREAS, the people of Richmond and the Bay Area had no knowledge of the Kinder Morgan Richmond operation being permitted by BAAQMD until an investigative report by KPIX televised the report showing the operation in action,

WHEREAS, Earthjustice, on behalf of Asian Pacific Environmental Network, Communities for a Better Environment, Natural Resources Defense Council and the Sierra Club, filed for injunctive relief in San Francisco Superior Court to stop the Kinder Morgan Richmond operation until such time a public review under the California Environmental Quality Act (CEQA) was concluded,

WHEREAS, Judge James Busch determined the case could not move forward because the statute of limitations of 180 days had passed by the time the action was filed, leaving the people of Richmond, its institutions and up rail communities unprotected from the risk of catastrophic explosions and unable to comment using CEQA,

WHEREAS, on November 7, 2014, InterState Oil Co. no longer uses McClellan Business Park in Sacramento as a Bakken Crude transfer station, indential to the Kinder Morgan Richmond operation, subsequent to settling a lawsuit by Earth Justice and Larry Greene, Executive Director of the Sacramento Metropolitan Air Quality District, said "We made an error when the permit was developed, and it should have gone to a full CEQA review,

WHEREAS, an analysis of potential blast zone radii of rail lines carrying Bakken and Tar Sands crude through Richmond and West Contra Costa County would impact 27 schools, including Washington Elementary School

and the Administration Office building of the West Contra Costa Unified School District,

WHEREAS, the same blast zone map indicates the impact in the City of Richmond would include the Kaiser Hospital, four community centers, the Point Richmond and most of the Neighborhood Council districts, the Richmond Civic Center, the Richmond Police Headquarters and five of seven Richmond Fire Stations,

WHEREAS, approval of the Phillips 66 San Luis Obispo Crude By rail Project would further expose additional areas of Richmond to the risks of catastrophic explosion by the transport of Tar Sands along the Union Pacific railroad line,

WHEREAS, most local schools, parts of Contra Costa College, most of the business district and most residents of the City of San Pablo are in the identified blast zone radius,

WHEREAS, previous rail car derailment explosions of Bakken crude in North America have demonstrated most emergency responders, including those in West Contra Costa County, do not have sufficient equipment and supplies, such as fire suppression foam, to adequately respond to a catastrophic explosion of a rail car derailment explosion,

THEREFORE BE IT RESOLVED, the Point Richmond Neighborhood Council disagrees in the strongest possible terms with the BAAQMD staff's decision to issue a ministerial permit without any public notification or review to Kinder Morgan Richmond for the off loading of Bakken crude oil and Alberta Tar Sands crude oil at its leased facility at the BNSF rail yard in Richmond, CA,

THEREFORE BE IT ALSO RESOLVED, the Point Richmond Neighborhood Council requests the BAAQMD Board of Directors to review the Kinder Morgan permit and revoke the permit and subject the project to a complete CEQA process.

THEREFORE BE ALSO RESOLVED, the Point Richmond Neighborhood Council request the San Luis Obispo County Planning Commission and Board of Supervisors denies a permit for the Phillips 66 Crude By Rail Project.

For Iron Triangle Neighborhood Council

Otheree Christian, Chair