

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	16-0638
Introduction Date	3/23/16
Enactment Number	16-0465
Enactment Date	3-23-16ef



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Director Jody London

**Board Meeting Date** March 23, 2016

**Subject** **Opposing Construction of a Coal Depot In the City of Oakland, CA; Supporting State Legislation and Federal Regulation Protecting Children and Residents of Oakland, CA**

**Action Requested** Adoption by the Board of Education of Resolution No. 1516-0195 - Opposing Construction of a Coal Depot In the City of Oakland, CA; Supporting State Legislation and Federal Regulations Designed To Protect the Children and Residents of Oakland, CA Against the Hazards and Related Activities Such a Facility Poses To the Community.

**Background and Discussion** An ongoing issue in our City has been the potential for a new shipping terminal to process coal that will be mined in Utah and shipped out of the country. As you are aware, coal includes many heavy metals that are known carcinogens. Coal is a contributor to climate change. The State of California is taking extraordinary steps to reduce the emissions of greenhouse gases. West Oakland, where the terminal would be located, has a legacy of environmental challenges that create ongoing health issues for children in our city.

State Senator Loni Hancock has introduced a package of bills that would make it more difficult to build a coal terminal in Oakland. These bills will be heard in early April. I therefore am asking your support now for the attached resolution, so our collective opinion can be part of the debate in Sacramento.



---

<b>Recommendation</b>	<b>Adoption by the Board of Education of Resolution No. 1516-0195 - Opposing Construction of a Coal Depot In the City of Oakland, CA; Supporting State Legislation and Federal Regulations Designed To Protect the Children and Residents of Oakland, CA Against the Hazards and Related Activities Such a Facility Poses To the Community.</b>
<b>Fiscal Impact</b>	N/A
<b>Attachment</b>	<b>Resolution No. 1516-0195</b>

**RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 1516-0195**

**OPPOSING CONSTRUCTION OF A COAL DEPOT IN THE CITY OF OAKLAND,  
CA; SUPPORTING STATE LEGISLATION AND FEDERAL REGULATIONS  
DESIGNED TO PROTECT THE CHILDREN AND RESIDENTS OF OAKLAND, CA  
AGAINST THE HAZARDS AND RELATED ACTIVITIES SUCH A FACILITY  
POSES TO THE COMMUNITY**

**WHEREAS**, new technologies have resulted in the development of unprecedented amounts of both domestic and foreign oil, natural gas, and other petroleum products and derivatives, which will significantly increase the volume of petroleum products moving by rail; and

**WHEREAS**, the last few years have seen a dramatic rise in transport of crude by rail nationwide—the volume of crude by rail shipments in Northern California increased by 50 percent in 2013 alone—accompanied by a similar rise in accidents, nearly 100 in 2013; and

**WHEREAS**, the increase in crude by rail transportation has resulted in several recent derailments, spills, and fires which have resulted in the loss of human life and billions of dollars of damages, which illustrates the potential catastrophic impacts that could occur in our community from the transport of petroleum by rail; and

**WHEREAS**, a Federal Surface Transportation Board proceeding regarding the transportation of coal by rail found that coal dust can destabilize rail tracks and can contribute to train derailments; and

**WHEREAS**, the U.S. Department of Transportation has concluded that the increase in crude by rail transport poses an imminent hazard warranting emergency measures to abate the serious risks to communities and the environment and the National Transportation Safety Board recently made recommendations to avoid urban areas when transporting crude; and

**WHEREAS**, previous rail car derailment explosions in North America show emergency responders do not have sufficient equipment and supplies to adequately respond to a catastrophic explosion due to a rail car derailment; and

**WHEREAS**, the rail lines that will carry this petroleum run by Oakland's parks, businesses, and schools, and along our waterfront, creeks, and other natural areas; and

**WHEREAS**, coal and pet coke are commonly transported via open-top rail cars and where a large volume of these materials escape during transit, contaminating the surrounding area with coal dust, thereby increasing the risk of derailments; and

**WHEREAS**, coal and petroleum coke contain toxic heavy metals—including mercury, arsenic, and lead—and exposure to these toxic heavy metals in high concentrations is linked to cancer and birth defects in humans and can be harmful to fish and wildlife; and

**WHEREAS**, new coal and pet coke export terminals and crude by rail operations are expected to result in a massive increase in train traffic in California, causing concerns about blocked roads inhibiting the travel of emergency vehicles, pedestrians, and other vehicle traffic; and

**WHEREAS**, increased rail traffic in California will lead to an increase in diesel emissions in communities along rail lines; and

**WHEREAS**, Utah Senate Bill 246, contributes \$53 million dollars for the development of a coal depot and transportation of approximately 9 million tons annually of Utah coal to west Oakland for export to China and other countries;

**WHEREAS**, the California Transportation Commission is disbursing grant money given to the City of Oakland and/or its Port via Proposition 1B, in part, to fund the west Oakland depot to which Utah coal will be transported for international export;

**WHEREAS**, the Board of Education of the Oakland Unified School District is deeply concerned about the threat to the lives, safety, and health of its students and staff due to potential spills, and fires from the transport of petroleum by rail to and construction of a coal facility, with attendant environmental hazards, located within the boundaries of the District;

**WHEREAS**, State Senator Loni Hancock has introduced in the California State Senate SB 1277 which declares that the transportation of coal through west Oakland will present a clear danger to the health and safety of Oakland residents as well as the workers that will handle the coal and prohibits the shipment of coal through an Oakland facility that has been paid for, in part, with California funds; SB 1278 which requires an environmental impact review from any public agency that has authority to approve any portion of a project relating to the shipment of coal through Oakland; SB 1279 which prohibits the use of California public funds to build or operate any port that exports coal from California and applies to any port located near a disadvantaged community; and SB 1280 which requires port facilities that ship bulk commodities and receives California funds to prohibit coal shipments or fully mitigate the green-house gas emissions associated with the combustion of the coal,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education of the Oakland Unified School District opposes Utah Senate Bill 246 and supports enactment of California Senate Bills 1277, 1278, 1279 and 1280, and urges the U. S. Department of Transportation (DOT) to adopt regulations increasing federal tank care design and operation regulations for petroleum shipments and phase out of older-model tank cars which do not have stringent standards, which should be issued to protect the health, safety and welfare of the District's children and the residents of the City of Oakland;

**BE IT FURTHER RESOLVED**, that the Board of Education calls upon the Board of Port Commissioners of the City of Oakland and the City Council of the City of Oakland to halt the development of the depot mentioned herein or any similar facility, in the interest of maximally protecting and preserving the health and welfare of the children and residents of the City of Oakland.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District, this 23rd day of March, 2016, by the following vote:

**AYES:** Jody London, Aimee Eng, Jumoke Hinton Hodge, Roseann Torres, Vice President Nina Senn and President James Harris

**NAYS:** None

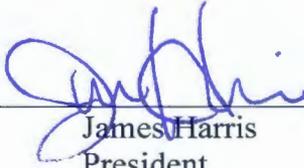
**ABSENT:** None

**ABSTAINED:** Shanthi Gonzales

**CERTIFICATION**

We, James Harris and Antwan Wilson, President and Secretary of the Board of Education of the Oakland Unified School District, respectively, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of said District at its Special Meeting No. 1 held on the 23<sup>rd</sup> day of March, 2016, in the City of Oakland, CA, with a copy of the Resolution being on file in the Office of the Board of Education of said District.

File ID Number: 16-0638  
Introduction Date: 3-23-16  
Enactment Number: 16-0465  
Enactment Date: 3-23-16  
By:

  
\_\_\_\_\_  
James Harris  
President

  
\_\_\_\_\_  
Antwan Wilson  
Secretary

JH:ER:st