

RESOLUTION NO. 2016-0064

A Resolution requesting that the Spokane County Auditor to hold a special election on November 8, 2016 in conjunction with the scheduled general election to submit to the electors of the City of Spokane a proposition regarding the enactment of a new section 10.08.068 of the Spokane Municipal Code, relating to a prohibition on the transit of oil and coal trains through specific areas of the City of Spokane.

WHEREAS, pursuant to section 84 of the City Charter, the City Council, of its own motion, may submit to the popular vote for adoption or rejection at any election, any proposed ordinance or measure, in the same manner and with the same force and effect as provided in the article for submission on petition; and

WHEREAS, the City of Spokane has the authority, under Article XI, section 11 of the Washington State Constitution, to make and enforce reasonable local regulations to protect the health, safety, and welfare of all the citizens of the City of Spokane; and

WHEREAS, rail lines run through the very heart of the City of Spokane, within 500 feet of two hospitals and the financial, governmental, social and business center of the City, crossing Latah (Hangman) Creek and the Spokane River, and traversing the Spokane Valley-Rathdrum Prairie Aquifer, which is both hydrologically connected with the Spokane River, and which serves as the sole source of drinking water for approximately 500,000 people in Spokane County, Washington and Kootenai and Pend d'Oreille Counties in Idaho; and

WHEREAS, there have been a dozen oil train derailments in North America since 2010, and these derailments have exposed the dangers of the current system of oil transport by rail – unsafe tank cars carrying highly flammable material and exposing all communities along the rail route to the danger of fire, explosion, and oil spills; and

WHEREAS, for example, the city of Lac Mégantic, Quebec, a city of 75,000 people, suffered in 2013 nearly 50 fatalities, the destruction of its downtown business district, and nearly \$2 billion in damage because of the derailment of an oil train consisting of nearly 100 tank cars; and

WHEREAS, the city of Mosier, Oregon was the latest victim of oil by rail, when a 75-car oil train derailed merely 200 feet from the local elementary school, causing a fire and spilling hundreds of thousands of gallons of highly flammable Bakken crude oil adjacent to the Columbia River; and

WHEREAS, recently, the Spokane City Council adopted Resolution 2016-0056 (June 6, 2016), which called on state and federal regulators to suspend transport of Bakken crude oil by rail through the Columbia River Gorge until those authorities could ensure that such transportation can be done safely; and

WHEREAS, the City of Spokane refuses, as all other cities in the path of this inherently dangerous freight modality, to roll the dice, hoping to avoid becoming the next Lac Megantic, or the next Mosier; and

WHEREAS, under the United States Constitution and U.S. Supreme Court precedents, municipalities are empowered to enact reasonable health and safety regulations to address local concerns, even in the areas of interstate commerce, such as the interstate rail system.

NOW, THEREFORE, BE IT RESOLVED BY THE SPOKANE CITY COUNCIL, pursuant to section 84 of the City Charter, that:

1) The Spokane County Auditor is hereby requested, pursuant to RCW 29A.04.330, to call a special election to be held in conjunction with the scheduled general election to be held on November 8, 2016 for the purpose of submitting to the electors of the City of Spokane for their approval or rejection the following proposition:

**CITY OF SPOKANE
PROPOSITION NO. ____**

**PROPOSITION REGARDING PROHIBITION OF OIL AND COAL
SHIPMENT BY RAIL.**

If approved, this Proposition would amend the Spokane Municipal Code to make it a class 1 civil infraction for any person or entity to ship oil or coal by rail through the downtown Spokane core, or within 2,000 of a school, hospital, or the Spokane River as set forth in Ordinance No. C-35421.

Should this proposition be approved?

Yes

No

2) The City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 2, 2016.

Passed by the City Council this ____ day of July, 2016.

City Clerk

Approved as to form:

Assistant City Attorney