

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 04 / 26 / 18

Date of meeting 05 / 02 / 18

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

Matt Nykiel

Address: P O Box 2308

Phone number and email address: 208.265.9565; mnykiel@idahoconservation.org

Authorized by: Jennifer Stapleton

name of City official

Jennifer P. Stapleton

City official's signature

(Department Heads, City Council members, and the Mayor are City officials.)

Subject: Second BNSF Rail

Summary of what is being requested: Idaho Conservation League (ICL) is requesting that the City Council pass a resolution requesting the U.S. Coast Guard require an Environmental Impact Statement;

Federal Rail Administration share its expertise with the U.S. Coast Guard; USDOT ensure cost mitigation

The following information MUST be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city?  Yes  No

If yes, in what way?

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted? Yes or No

3. Is there a need for a general public information or public involvement plan? Yes or No  
If yes, please specify and suggest a method to accomplish the plan:

4. Is an enforcement plan needed? Yes or No Additional funds needed? Yes or No

5. Have all the affected departments been informed about this agenda item? Yes or No

This form must be submitted no later than 6 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

RESOLUTION  
OF THE CITY COUNCIL  
CITY OF SANDPOINT

**TITLE: A RESOLUTION TO PROTECT THE HEALTH, SAFETY, AND ECONOMIC WELL BEING OF LOCAL CITIZENS AND SANDPOINT'S DRINKING WATER SUPPLY AND NATURAL RESOURCES FROM THE POTENTIAL IMPACTS OF BNSF RAILWAY'S PROPOSAL TO CONSTRUCT AN ADDITIONAL 2.2 MILES OF RAILROAD TRACK AND ASSOCIATED BRIDGES THROUGH THE CITY OF SANDPOINT AND ACROSS LAKE PEND OREILLE**

WHEREAS: The City of Sandpoint is committed to the protection of its citizens, as well as the natural resources on which the City depends;

WHEREAS: Rail infrastructure in northern Idaho runs adjacent to land resources and Lake Pend Oreille and its aquatic resources, as well as the City's major source of drinking water;

WHEREAS: The City is uniquely situated between mountains and Lake Pend Oreille, where multiple rail lines converge and come into close proximity of the City and the lake;

WHEREAS: Rail transportation through the Sandpoint region includes both ground level and elevated tracks through the City;

WHEREAS: BNSF Railway has proposed the Sandpoint Junction Connector, which would include the construction of an additional 2.2-mile-long mainline track partially within the City of Sandpoint;

WHEREAS: The Sandpoint Junction Connector proposal would include the construction of three new bridges, one across Bridge Street, one across Sand Creek, and one nearly a mile long across Lake Pend Oreille;

WHEREAS: BNSF Railway estimates the Sandpoint Junction Connector proposal would cost at least \$100 million and require at least 3 years of construction;

WHEREAS: The City Council is concerned about the potential impacts on public safety and economic disruption from construction, possible derailment, and increased rail traffic associated with the Sandpoint Junction Connector proposal;

WHEREAS: The 2017 Lake Pend Oreille and Pend Oreille River Geographic Response Plan identified existing equipment, training, evacuation, procedural, and geographic vulnerabilities to our community's ability to respond to a train derailment of crude oil or hazardous materials;

WHEREAS: In 2016, three railroads in Bonner County transported significantly more than 300,000 rail cars or tank cars containing various forms of hazardous materials and crude oil;

WHEREAS: As of 2017, approximately 24-unit trains per week carrying crude oil travel through Sandpoint;

WHEREAS: On June 3, 2016, a train carrying crude oil derailed in Mosier, Oregon, causing a wildfire, spilling 47,000 gallons of crude, and forcing the evacuation of 100 residents;

WHEREAS: On March 15, 2017, a train carrying grain derailed near the Moyie River in Boundary County, causing approximately 5 rail cars to careen off a 100-foot embankment near the Moyie Dam;

WHEREAS: On March 17, 2017, an empty coal train derailed in Kootenai, Idaho, causing approximately 50 empty coal cars and one locomotive to derail;

WHEREAS: On May 1, 2017, a train carrying corn derailed near Cocolalla Lake in Bonner County, causing 25 rail cars to come off the tracks, spilling grain, and partially blocking U.S. Highway 95;

WHEREAS: On August 13, 2017, a train carrying coal derailed near Noxon, Montana, causing 30 rail cars to spill coal along on in the Clark Fork River;

WHEREAS: On September 16, 2017, coal left unaddressed along the Clark Fork River near Noxon, Montana from the August 13, 2017 train derailment began to combust and smoke, requiring emergency responders to extinguish the heat and prevent a potential wildfire;

NOW, THEREFORE, BE IT RESOLVED THAT: The Sandpoint City Council strongly requests the U.S. Coast Guard require BNSF Railway produce an Environmental Impact Statement, analyzing the full scope of direct, indirect, and cumulative impacts associated with BNSF's Sandpoint Junction Connector proposal and in connection with other associated rail expansion proposals in north Idaho.

BE IT FURTHER RESOLVED THAT: The Sandpoint City Council strongly requests the Surface Transportation Board to exercise its jurisdiction to ensure the cost of mitigating the impacts of trains carrying hazardous materials, crude oil, and coal do not fall on the local communities, other rail users and taxpayers.

BE IT FURTHER RESOLVED THAT: The Sandpoint City Council strongly requests the Federal Rail Administration to share its subject matter expertise on the relationship between rail safety and public/environmental safety with the U.S. Coast Guard, as the U.S. Coast Guard conducts its review of BNSF's Sandpoint Junction Connector proposal.

BE IT FURTHER RESOLVED THAT: The Sandpoint City Council hereby adopts this Resolution.

\_\_\_\_\_  
Shelby Rognstad, Mayor

ATTEST:

\_\_\_\_\_  
Maree Peck, City Clerk

City Council Members:

	YES	NO	ABSTAIN	ABSENT
1. Eddy				
2. Aitken				
3. Williamson				
4. Ruehle				
5. Aispuro				
6. Darling				

May 2, 2018

Steven M. Fischer  
U.S. Coast Guard  
Thirteenth Coast Guard District  
915 2<sup>nd</sup> Avenue, Room 3510  
Seattle, WA 98174

The Honorable Ronald Batory  
Federal Railroad Administration, Administrator  
1200 New Jersey Ave., S.E.  
Washington, DC 20590

Shane Slate  
U.S. Army Corps of Engineers  
Walla Walla District  
Coeur d'Alene Regulatory Office  
1910 Northwest Boulevard, Suite 210  
Coeur d'Alene, ID 83814

The Honorable Ann D. Begeman  
Surface Transportation Board, Chairman  
395 E Street, S.W.  
Washington, DC 20423-001

**Re: BNSF Railway Sandpoint Junction Connector Proposal in Sandpoint, Idaho**

Dear Agency Representatives:

I am writing to share our community's interest in the potential impacts of BNSF Railway's proposal to construct a series of railroad bridges through and nearby Sandpoint, Idaho. One of these bridges would span nearly a mile across Lake Pend Oreille, Idaho's largest lake.

Many communities in North Idaho were born with the railroads and have embraced railroads as an integral part of our regional identity. However, projects like BNSF's Sandpoint Junction Connector are being proposed in anticipation of an estimated near doubling of rail traffic by 2035. Included in this rail traffic, which will travel through the city of Sandpoint and other communities in Bonner County, will be numerous trains carrying hazardous materials, coal, and crude oil. In 2016, three railroads in our county transported significantly more than 300,000 rail cars or tank cars containing various forms of hazardous materials and crude oil. And, as of 2017, approximately 24 unit trains per week carrying crude oil from the Bakken oil fields in the Dakotas and Saskatchewan travel through Sandpoint. This is significant given that in the spring of 2017, at least four significant derailments occurred in Bonner and Boundary Counties near waterways. Our community is interested in how BNSF's Sandpoint Junction Connector proposal and any potential increase in rail traffic, particularly hazardous materials and crude oil, will impact families and businesses in Sandpoint.

The U.S. Coast Guard (USCG) is the lead federal agency evaluating BNSF's Sandpoint Junction Connector proposal, and the USCG has the authority and obligation to implement the legal requirements pursuant to the National Environmental Policy Act (NEPA). In addition to NEPA, the USCG will also be evaluating BNSF's proposal according to its permitting authority pursuant to the General Bridge Act of 1946. The U.S. Army Corps of Engineers (USACE) is evaluating BNSF's proposal as a cooperating agency, and the USACE will evaluate the proposal according to its authority pursuant to Section 404 of the Clean Water Act.

BNSF's Sandpoint Junction Connector proposal is anticipated to cost over \$100 million, and construction of the project is estimated to last at least 3 years. Given estimates predicting that rail traffic will nearly double by 2035 and given the equipment, training, evacuation, procedural, and geographic vulnerabilities identified in the 2017 Lake Pend Oreille and Pend Oreille River Geographic Response Plan, our communities deserve an opportunity to understand the potential impacts of this proposal and anticipated increases in rail traffic. Among our concerns are:

- Safety concerns raised by the increased traffic congestion at crossings and the delay of emergency vehicles;
- Potential increased tax burden on local communities needing to improve crossings and prepare for potential spills, derailments and other emergencies. It is our understanding that railroads only contribute 5% of the cost when an at-grade crossing is replaced by an under or overpass.
- Potential issues caused by fugitive coal dust and/or diesel particulates that may contribute to public health impacts, derailments, and pollution of Idaho waters by coal falling from railcars;
- Neither the USCG nor the USACE has required BNSF to produce an Environmental Impact Statement pursuant to NEPA for its Sandpoint Junction Connector proposal. We are concerned that the USCG may authorize BNSF's proposal without considering the full scope of significant impacts to our communities.

As Mayor of Sandpoint, I urge:

1. The USCG to require BNSF Railway produce an Environmental Impact Statement analyzing the full scope of direct, indirect, and cumulative impacts the Sandpoint Junction Connector would have on our communities;
2. The Surface Transportation Board to exercise its jurisdiction to ensure the cost of mitigating the impacts of trains carrying hazardous materials, crude oil, and coal do not fall on the local communities, other rail users and taxpayers; and
3. The Federal Railroad Administration to share its subject matter expertise on the relationship between rail safety and public/environmental safety with the USCG, the lead federal agency reviewing BNSF's Sandpoint Junction Connector Proposal.

Idaho families, communities and businesses are relying on these federal agencies to look out for our health and welfare in this local issue.

Thank you for your attention to our concerns.

Very Respectfully,

---

Shelby Rognstad  
Mayor  
City of Sandpoint