

# Senate Bill 1277

## *Coal Shipment- Health and Safety/Supplemental EIR*

*Senator Loni Hancock (D-9)*

*As amended April 4, 2016*

### **ISSUE**

Coal dust is a source of particulate matter that is dangerous to breathe and is also responsible for most occupational lung disease due to airborne particulate.

Coal transport spreads the damages caused by coal dust and contributes to the likelihood that residents in adjacent communities will suffer from illnesses linked to pollution -- cancer, heart disease, asthma and other ailments. Coal puts residents and workers at risk, and defeats efforts to ensure a clean and healthy environment.

West Oakland is already heavily impacted by pollution. The residents of West Oakland are exposed to air containing three times the amount of diesel particulate than other parts of the Bay Area. Due to the air they breathe, these residents are 2.5 times at greater risk of cancer. In addition, West Oakland residents are twice as likely to go to the emergency room with asthma as people in other parts of Alameda County. In addition, West Oakland residents are twice as likely to go to the emergency room with asthma as people in other parts of Alameda County.

The concern for the air quality of the residents of West Oakland is real and immediate. The transportation of coal is an issue of statewide concern. Contributing California bond funds to a project that would develop a coal export facility undermines California's environmental goals and recent legislation divesting public funds from coal.

This bill would protect residents and workers in West Oakland by declaring that the transportation, loading and unloading of coal through West Oakland would present a danger to the health and safety of Oakland residents and workers. It also requires a supplemental environmental impact review of the use of the terminal for the shipment of coal pursuant to CEQA.

### **CURRENT LAW**

Existing law regulates the operation of ports and harbors. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trades Corridors

Improvement Fund (TCIF) and provided for allocation by the California Transportation Commission (CTC) of bond funds for infrastructure improvements, including rail corridors, to improve air quality by reducing emissions related to goods movement.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare and certify the completion of an EIR on a project that may have a significant effect on the environment.

### **BACKGROUND**

In 2006, California voters approved Proposition 1B, which allocated almost \$20 billion in bonds to advance infrastructure projects, mobility, safety, and air quality improvements throughout the state. Proposition 1B placed a condition on the allocation of funds by emphasizing that projects receiving funds must address the state's most urgent needs and reduce pollutant emissions.

\$2 billion of the Prop 1B funds were dedicated for TCIF projects. The CTC was tasked with disbursing the funds with an emphasis placed on projects that improve trade corridor mobility while reducing emissions of diesel particulate and other pollutant emissions.

The City of Oakland was awarded \$176 million from the TCIF funds for site preparation and infrastructure redevelopment of the former Oakland Army Base.

The initial redevelopment project proposal provided to the CTC, did not include the potential for the transportation and export of coal, nor was coal export considered in the initial EIR.

Recently, however, the proposal was revised and includes plans to transport up to 10 million tons of coal to West Oakland each year. Coal would come on railroad lines from Utah and be transferred to cargo ships for export to China and other countries.

West Oakland, the location of the development project, is designated by the CalEnviroScreen as being a disadvantaged community due to its high asthma rates, cancer risks, and pollution levels.

This proposal to transport approximately 10 million tons of coal is not in accordance with the intent of Proposition 1B or California's efforts to reduce and contain climate change.

Governor Brown, Senate President Pro Tem de León and other state leaders have worked for many years to position California as a world leader in climate change initiatives. Exporting coal through the City of Oakland would undermine all the climate change and environmental policies adopted by our state.

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## THIS BILL

### SB 1277:

- Declares that during the consideration of an EIR prepared by the City of Oakland for the bulk and over oversized terminal in 2012, coal was not considered as a commodity that would be shipped through the terminal.
- Declare that the transportation of coal through West Oakland is a danger to the health and safety of Oakland residents as well as to the workers that would handle the coal.
- Requires, before approving a project that is necessary for and directly related to the use of the terminal for the shipment of coal, a public agency with discretionary authority over the project shall prepare or cause to prepare a supplemental EIR to consider and mitigate the environmental impacts through the coal terminal pursuant to CEQA.

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## SUPPORT

350 Bay Area  
Alameda County Democratic Central Committee  
Berkeley Climate Action  
California Nurses Association  
City of Berkeley  
City of Emeryville

City of Richmond  
East Bay Young Democrats  
Ecology Center  
El Cerrito Democratic Club  
Environment California  
Fossil Fuel California  
Friends Committee on Legislation of California  
inNative  
No Coal in Oakland  
Northern California District Council -ILWU  
Oakland Unified School District  
Physicians for Social Responsibility  
SF Bay Area Chapter  
Public Advocates  
San Francisco Baykeeper  
Save the Bay  
SEIU Local 1021  
Sierra Club California  
The Peace, Earthcare, and Social Witness Committee  
of Strawberry Creek Quaker Meeting  
West Oakland Environmental Indicators Project

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## CONTACT

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