RESOLUTION NO. 3704-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR OPPOSING THE NORTH COAST RAILROAD COMPANY LLC's EFFORTS TO TRANSPORT COAL MINED IN MONTANA, UTAH, AND WYOMING THROUGH THE TOWN OF WINDSOR AND NORTH COAST AREA OF CALIFORNIA TO THE PORT OF HUMBOLDT BAY AND SUPPORTING THE NORTH COAST RAILROAD AUTHORITY'S REQUEST TO RAILBANK THEIR RAIL LINE FROM WILLITS TO HUMBOLDT BAY

WHEREAS, North Coast Railroad Company, L.L.C, a new corporation based in Wyoming, recently submitted paperwork to the federal Surface Transportation Board objecting to the Railbanking for the Great Redwood Trail with the intent to purchase the North Coast Rail Authority's right-of-way between Eureka and Willits to rehabilitate the railroad; and

WHEREAS, it has been widely reported and corroborated that North Coast Railroad Company, L.L.C is intending to use the railroad to transport coal mined in Montana, Utah, and Wyoming; and

WHEREAS, North Coast Railroad Company, L.L.C intends to transport coal across the state of California to Marin County, and then haul it north through Sonoma, Mendocino, Trinity, and Humboldt counties to the Port of Humboldt Bay; and

WHEREAS, global climate change is a crisis of unprecedented proportion; and

WHEREAS, On September 4, 2019, the Town Council adopted a Climate Emergency Resolution calling for a transition away from fossil fuels and urgent climate mobilization through a collaborative effort focused on transforming our region, enacting policies that dramatically reduce greenhouse gas emissions, and rapidly catalyzing a mobilization at all levels of government to restore a safe climate; and

WHEREAS, complacency with companies that facilitate the production and use of fossil fuels, shown conclusively to negatively impact our public health and environment, is incongruent with the Town's adopted goals, policies and directives pertaining to climate change, reduction of greenhouse gas emissions and protection of environmental resources; and

WHEREAS, California has emerged as a global leader in the transition from fossil fuel dependence to a clean energy economy; and

WHEREAS, California law limits long-term investments in baseload generation by utilities to power plants that meet strict greenhouse gas emissions standards. According to the State Energy Resources Conservation and Development Commission, no existing coal plant has demonstrated that it currently complies with the greenhouse gas emissions limit on long-term investments in baseload generation; and

WHEREAS, the United States Environmental Protection Agency in December 2011 issued

regulations requiring coal-fired power plants to significantly reduce emissions of mercury, arsenic, and other toxic pollutants within four years; and

WHEREAS, hazardous emissions from coal power plants threaten health locally and at great distances; and

WHEREAS, the environmental consequences of massive coal exports to Asia are severe, including the burning of millions of tons of coal that releases hazardous air emissions into the atmosphere and increased mountaintop removal projects; and

WHEREAS, coal is the single biggest contributor to global climate change; and

WHEREAS, the burning of coal is responsible for nearly 50% of the carbon dioxide emissions worldwide, and accounts for over 70% of the greenhouse gas emissions from all electrical generation; and

WHEREAS, coal burning has contributed to significant human health risks in all age groups through the emissions of ozone, sulfur dioxide (SO2), particulate matter, nitrogen oxides (NOx), mercury, and carbon dioxide (CO2); and

WHEREAS, coal contributes to a staggering health crisis which experts estimate leads to over 13,000 premature deaths, 200,000 asthma attacks, and more than $100 Billion in health care costs each year in the United States alone; and

WHEREAS, according to railroad studies, somewhere between five hundred to two thousand pounds of coal and coal dust can escape from every single loaded train car; and

WHEREAS, loose coal can cause devastating impacts to our drinking water, watersheds; and surrounding environment; and

WHEREAS, coal dust can cause devastating disease in humans and animals; and

WHEREAS, the Russian and Eel Rivers supply drinking water to nearly one million people of Northern California, and habitat for numerous threatened and endangered species.

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Windsor finds that for the above stated reasons and more, shipping coal through the Town of Windsor and California's North Coast presents a danger to all of our communities; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor hereby notifies the Surface Transportation Board of its strong opposition to this application and declares that North Coast Railroad Company, L.L.C.'s opposition to the North Coast Railroad Authority's Request For An Exemption from the Provisions of 49 U.S.C. § 10904 should be rejected outright; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor encourages the Surface Transportation Board to grant the request of the North Coast Railroad Authority to railbank their rail line from Willits to Humboldt Bay.

PASSED, APPROVED AND ADOPTED this 20th day of October 2021, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, LEMUS, VICE MAYOR REYNOZA AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK