

Activists form human barricade to protest crude-by-rail facility

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PHOTO BY MATTHEW GERRING

This morning [Thu/4], at 7am in Richmond, Calif., four environmental activists used U-locks to fasten themselves by the neck to the fence of an oil shipping facility operated by Kinder Morgan.

They were interlocked with another four activists, who had their arms secured with handmade lock-boxes. "I'm locked to a lock box connected to my partner, Ann, who is locked with a U-lock to the fence," Andre Soto, of Richmond-based Communities for a Better Environment, explained by phone a little after 8am.

At that time, Soto said several Richmond police officers had been dispatched to the scene and were calmly surveying the human barricade. He wondered out loud if they would be arrested.

The environmentalists risked arrest to prevent trucks from leaving the Kinder Morgan facility for area refineries with offloaded oil shipped in by train.

Crude-by-rail transport at Kinder Morgan's bulk rail terminal, located in the Burlington Northern / Santa Fe railyard in Richmond, is the subject of [a lawsuit filed in March by Earthjustice](#) ^[1] on behalf of the Sierra Club, Communities for a Better Environment, the National Resources Defense Council, and the Asian Pacific Environmental Network.

The suit, targeting Kinder Morgan as well as the Bay Area Air Quality Management District (BAAQMD), charges that Kinder Morgan was illegally awarded a permit for crude-by-rail operations without going through a formal environmental review process, which would have necessitated public hearings and community feedback. The case asks for operations to be halted while the project undergoes review under the California Environmental Quality Act. A hearing will be held in San Francisco Superior Court at 1:30pm tomorrow.

Ethan Buckner of Forest Ethics, who was also locked to the fence, said activists were especially concerned that the crude oil being shipped into Richmond, much of which originates in North Dakota, was volatile, presenting safety concerns.

“The oil trains are ... very old tank cars that are subject to puncture, and have been known to fail over and over again while carrying oil,” Buckner said. Much of the oil shipped into the Richmond transfer point by rail originates from the Bakken shale region, which has been dramatically transformed by the controversial extraction method known as fracking.

“Nobody was notified that these oil trains were going to be rolling in,” Buckner said. That morning’s protest, he added, was meant to “send a clear message to Kinder Morgan and the Air District that if we can’t count on our public agencies to protect our communities, we’re going to do it ourselves.”

In the end, none of the activists were arrested. They voluntarily unlocked themselves from the fence and left the railyard around 10am. "After three hours we decided that we had made our point," Eddie Scher of Forest Ethics said afterward, speaking by phone.

Along with a group of around ten others participating in the civil disobedience action, the activists who locked themselves to the fence were affiliated with Bay Area environmental organizations including 350 Bay Area, the Asian Pacific Environmental Network, the Sunflower Alliance, the Martinez Environmental Group, and Crocket Rodeo United to Defend the Environment.

Reached by phone, Ralph Borrmann, a spokesperson for BAAQMD, said, “We have no comment on the current litigation, or any actions relating to it.” He added that more information would come out during the Sept. 5 hearing.

When the Bay Guardian asked Kinder Morgan for a comment on the matter, spokesperson Richard Wheatley responded, “You’re not going to get one. We’re not going to comment on it.” Asked for a comment on the lawsuit, Wheatley said, “We’re not going to comment ahead of that hearing. And we’re not going to comment on the protesters.”

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[1] <http://earthjustice.org/news/press/2014/groups-challenge-crude-by-rail-shipments-to-bay-area-city>