



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
FEBRUARY 22, 2016**

Roll Call	Rick Rodgers	Also Present:
	Dennis McGlone	Mayor Mike Zita
	Joe Kernan	Valerie Wax Carr
	Dennis Pierson	Ron Messner
	Paul Tousley	Justin Markey
	Scott Pelot-Excused	Karla Richards
	Charlotte Whipkey	

The Regular Council Meeting convened on Monday, February 22, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**-There were no reports.

**COMMUNICATIONS FROM THE PUBLIC**

Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, asked for Council to consider supporting the schools with a resolution. Mr. Gainer stated he had spoken with Mr. Sams-School Board President and he had tried to get some communication going between the City and the School Board; however that did not happen.

**CONSIDERATION OF MINUTES**

Consideration of the February 1, 2016 Committee Work Session-Approved as submitted.  
Consideration of the February 8, 2016 Special Committee Work Session-Approved as submitted.  
Consideration of the February 8, 2016 Regular Council Meeting-*Deferred to 3-14-16*.  
Consideration of the February 17, 2016 Committee Meeting-*Deferred to 3-14-16*.  
Consideration of the February 17, 2016 Special Council Meeting-*Deferred to 3-14-16*.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS**

Mayor Zita had asked for the last of the final participants (Ms. Connie Nutter) for the Charter Review Committee to attend this evening because she could not make it last week. Mayor Zita indicated that she would be present shortly. Mrs. Carr noted her memo to Council regarding the Nexus Pipeline discussed last week (see attached). Ms. Whipkey asked if there was any new information from the EPA and Mr. Markey replied nothing more, it's the same from last week. We are aware that they had an internal meeting, we are waiting to hear of those results.

**INTRODUCTION OF NEW LEGISLATION**

**RES #14-2016**

Mr. McGlone offered Res. #14-2016 for its first reading and asked the Clerk to read it:

A RESOLUTION EXPRESSING SUPPORT FOR A 4.6 MILL RENEWAL LEVY APPEARING ON THE MARCH 15, 2016 BALLOT AS ISSUE #6 TO PROVIDE NECESSARY FUNDING FOR FIRE AND EMERGENCY MEDICAL SERVICES IN THE CITY.

Mr. McGlone moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call: Yes: McGlone, Whipkey, Rodgers, Pierson, Kernan, Tousley  
No: None

Motion passed 6-0.

Mr. McGlone moved to adopt Res. #14-2016, seconded by Ms. Whipkey. Mr. McGlone reminded everyone that this is a renewal and that your taxes will not be going up. Mr. McGlone noted this is a five year renewal and will not be brought up again until 2021. Mr. McGlone stated that the Fire Department does not get any money from the General Fund.

Roll Call: Yes: McGlone, Whipkey, Rodgers, Pierson, Kernan  
No: None

Motion passed 5-0. Mr. Tousley abstained from voting.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **ORD #5-2016**

Mr. Kernan offered Ord. #5-2016 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH INSITE ADVISORY GROUP, LLC FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES, AND DECLARING AN EMERGENCY.

Mr. Kernan moved to adopt Ord. #5-2016, seconded by Mr. Rodgers.

Roll Call: Yes: Kernan, Rodgers, McGlone, Pierson, Tousley, Whipkey  
No: None

Motion passed 6-0.

### **RES #6-2016**

Mr. Pierson offered Res. #6-2016 for its third reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE OFFICER TO REQUEST TO PARTICIPATE IN THE SUMMIT COUNTY ENGINEER'S OFFICE ROAD MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Pierson moved to adopt Res. #6-2016, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, Rodgers, McGlone, Kernan, Tousley  
No: None

Motion passed 6-0.

**RES #11-2016**

Mr. Tousley offered Res. #11-2016 for its second reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF RON CLAWSON, MARY ANN DRISCOLL, JACK GAINER, THOMAS MARINO, ANDREW MULLINS, CONNIE NUTTER AND RICHARD ORENDAS TO A TERM ON THE CHARTER REVIEW COMMISSION PURSUANT TO SECTION 7.01 OF THE CHARTER OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Tousley stated that he had intended to waive the third reading for this tonight, however he deferred this to Mayor Zita since Ms. Nutter would be present shortly. Mr. Kernan suggested we take a short recess, and then address the public hearing and get the agenda back to its proper order.

At 7:08 PM, Ms. Whipkey called for a short recess in order to properly time in for the Public Hearing that is scheduled for 7:15 PM.

**PUBLIC HEARING**

At 7:15 PM Ms. Whipkey temporarily adjourned the Regular Council Meeting to convene the Public hearing for Res #10-2016. *A Resolution to approve the placement of farmland located at 3631 S. Medina Line Road in an agricultural district.* Ms. Whipkey asked the Clerk of Council to certify the legal notice for this public hearing. Mrs. Richards certified that the legal notice for this public hearing was published in the Barberton Herald on February 3, 2016 and a certified letter was also mailed to the applicant on February 28, 2016. Ms. Whipkey called three (3) times for anyone in favor of the renewal application to come forward, and no one came forward. Ms. Whipkey stated she will always support these applications now and in the future, we need your products that you are growing in our community in addition to what you are doing for our environment. Ms. Whipkey called three (3) times for anyone against the renewal application to come forward, and no one came forward. At 7:17 PM Ms. Whipkey closed the Public Hearing for Res. #10-2016 and reconvened the Regular Council Meeting back into session.

Mayor Zita introduced Ms. Connie Nutter as a candidate for the Charter Review Commission. Ms. Nutter of 3500 Shellhart Road, Norton, came forward. Mr. Pierson asked for her opinion on the public speaking relating to their input; would you rather have this in writing or in person? Ms. Nutter stated she was unclear of his question. Mr. Pierson, explained how that would work and asked if he was part of the audience could he speak, and Mrs. Nutter stated she has no problem with that. Mr. Kernan clarified that Ms. Nutter was open for having people speak out and contributing input to which Ms. Nutter concurred. Mr. Tousley thanked her for taking her time to serve. Ms. Whipkey noted that most of the other Boards and Commissions are a paid position, however the Charter Review Commission is not paid and they are volunteering their time for as long as it takes, and she thanked all for serving.

**RES #10-2016**

Mr. Kernan offered Res. #10-2016 for its second reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE PLACEMENT OF FARMLAND LOCATED AT 3631 S. MEDINA LINE ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Kernan moved to waive the third reading, seconded by Ms. Whipkey.

Roll Call:     Yes:   Kernan, Whipkey, Rodgers, McGlone, Pierson, Tousley  
                  No:    None

Motion passed 6-0.

Mr. Kernan moved to adopt Res. #10-2016, seconded by Ms. Whipkey.

Roll Call:     Yes:   Kernan, Whipkey, Rodgers, McGlone, Pierson, Tousley  
                  No:    None

Motion passed 6-0.

**RES #11-2016 Continued**

Mr. Tousley moved to waive the third reading, seconded by Ms. Whipkey.

Roll Call:     Yes:   Tousley, Whipkey, Rodgers, McGlone, Kernan, Pierson  
                  No:    None

Motion passed 6-0.

Mr. Tousley moved to adopt Res. #11-2016, seconded by Ms. Whipkey. Mr. Rodgers stated he had raised an objection to one of the candidates at the last meeting and in review of the minutes before him; he does not see that reflected in the minutes. Mr. Rodgers asked Mrs. Richards if this is in the minutes somewhere? Mrs. Richards indicated that due to the fact you have three (3) sets of minutes deferred to the next meeting she would need to check because those comments could be in those sets Mr. Rodgers stated that as long as the minutes reflect that he would not bring that back up; however he cannot support this legislation as long as that candidate remains on the legislation.

Roll Call:     Yes:   Tousley, Whipkey, McGlone, Kernan  
                  No:    Rodgers, Pierson

Motion passed 4-2.

**UNFINISHED BUSINESS**

Mr. Rodgers stated he had missed last Wednesdays meeting; however he is ashamed of the conduct of some on Council and going against what he thought was an agreement the week before and even further by not passing Res. #3-2016, after passing #2-2016 without any

opposition. Mr. Rodgers stated something to the effect that Mr. Kernan had even stated that is why Norton will not move forward and it's a shame of Norton. We had an opportunity to explore a more high tech system of sewers that could have saved the residents of Nash Heights potentially \$4,000.00 to \$5,000.00 per benefit in costs and you denied them that opportunity to even see the final costs. We have talked about this for over two (2) years, spent a lot of time and research. In addition we have paid out over \$165,000.00 in engineering; which you all voted for and yet continued to vote for the research for two bids; one for vacuum and one for gravity. Yet for whatever reasons in the eleventh hour, you denied the residents of the entire community this opportunity and he speaks for all the residents in the community. We have wasted this money and we need to think about that when it comes to our roads. We had the opportunity to save this City as a whole, millions of dollars on this project and you didn't even let it come to the light of day. It's shameful racketeering; he doesn't know how to describe it. Mr. Kernan called a point of order, we are currently under Unfinished Business and this vote is finished business and does not belong here. Mr. Kernan stated he can appreciate the fact Mr. Rodgers was not here last week and did not have the opportunity to voice what he wanted to say. However, it's very important to keep these meetings running smoothly and stick with the rules, which is why we have them. We have talked about this for nearly two (2) years and now it's just not appropriate to beat this horse again. Mr. Pierson agreed with Mr. Kernan, the meetings should run smoothly, however when people give their word to make the meetings go smoothly and then go back on their word, it says a whole lot about character. It is shameful and he had four people that called about it and he won't bother to use the language the people used in regard to some of these members, but he finds it astonishing when people give their word, they do not keep it. He expects people to keep their word from here on out, but it's been demonstrated twice certain members won't it was Mr. Kernan who was the one that brought up the compromise. Mr. Tousley stated he wants Council to reconsider this issue because he understands it does not cost anything to let this out to bid to see what the real difference is. Up front we had a \$1.27 million difference which is about \$100.00 for every man, woman and child in this City that is not being saved, when last week we had three (3) members concerned that the \$11,200.00 figure was just too low. Mr. Tousley stated that if Res. #3-2016 had passed at the same assessment, that is \$4,500.00 that could have been added to that, which could have been \$15,700.00 assessment, which is much more affordable. Mr. Tousley stated that it makes no sense to him that we can wring our hands and say that's not affordable, without giving an opportunity to look at one that could save at least \$1 million dollars. Mr. Tousley asked Mr. Markey what could be done at this point? Mr. Markey noted a motion to reconsider has to be done by the prevailing parties or the no vote to ask for reconsideration. Mr. Tousley asked those on Council that voted no to reconsider this. Mr. Kernan stated according to Roberts Rules the motion to reconsider is required to be made at the same meeting or on the same day, and Mr. Markey stated he would have to clarify that. Mr. Tousley asked if the Administration would know about the speed trailers we discussed purchasing for the Police Dept? Mrs. Carr stated we have been working to get the cost down, and they have been ordered. Mrs. Carr stated that she believed Officer McShane is working on this and they have been ordered at the lower cost, and she would report that information back to Council. Mr. Rodgers asked if there was any grant money for this and Mrs. Carr replied no, but we did get a better price. Mr. Rodgers asked where we are on the trash contract? Mrs. Carr stated she has been working on this most of last week with Mr. Markey and this is nearly completed and possibly may be done by the end of this week.

Mr. Pierson asked if you are working on a template or from scratch? Mrs. Carr noted she has received bid packets from six (6) other communities and we made some comparisons of what we like and what we didn't like and we have built it from there. It has been re-written from scratch and you would not recognize it now. Mr. McGlone asked about the rates and they changed every year and it looks like the rate from last year is the same for this year. Mrs. Carr noted that the contract in the legislation technically ends on March 15, 2016. Mrs. Carr stated that they would not be allowed to go above and beyond what is in the current contract. Mr. Rodgers asked about the residents concerns about the three (3) month billing cycle in advance, and if this was addressed? Mrs. Carr stated she has been discussing this with ReWorks and we may be able to bill monthly, but they are never going to allow you to pay after as the company could get stuck. Mrs. Carr added that most communities they had looked at were billed quarterly and may be able to be done as an option.

### **NEW BUSINESS**

Ms. Whipkey noted there will not be a Workshop held on Monday February 29, 2016 as previously discussed and since the newly approved Council Rules has removed this we will no longer be required to do so. We can always discuss issues in the Council meetings or hold a special meeting. Mrs. Carr noted that she understood that Council had intended to have discussion on the Cleveland-Massillon Road Widening project particularly the traffic issues for that Workshop and she would still like to do that. In April the contract will be official let and we would know later on in either May or June who the contractor will be and we could have discussion at that point.

### **PUBLIC SERVICE ANNOUNCEMENTS**

Mr. Kernan announced the Wolf Creek Players are having their plat this weekend, Thursday-Saturday. Last weekend went very well and it was well attended. The doors open at 6:00 PM Contact 330-825-3814 for reservation information. Ms. Whipkey noted our next meeting will be March 7, 2017.

### **PUBLIC UPDATES**

Mr. Rodgers noted a resident from Nash Heights had gone downtown to speak with Holly Miller at Summit County to see if there any financial aid for her sewer project. There apparently is none for sewers but there is funding of up to about \$30,000.00 for assistance for septic systems in Summit County. Mr. Rodgers asked the Administration to look into this and if that is available to get this information out to our residents. Ms. Whipkey asked Mrs. Carr to explain this more in detail if possible as she understood there was help available for the residents with sewers. Mrs. Carr stated that information is a little gray because as a City we have the ability to apply for CDBG Funds which we are planning on doing and is part of our next round to apply for which will take place the end of next year. Mrs. Carr noted that this would only assist the residents with their private connections. This is based on income status and they would have to fill out all of the HUD required documents. Mrs. Carr noted that Twinsburg Township did this a few years ago. Mrs. Carr stated she was surprised that Ms. Miller did not mention this because we have discussed this with her last year, unless the program has changed since then which they will discuss with her again. Mr. Tousley asked if outside of the City funds, doesn't Summit County still have assistance available? Mrs. Carr stated not for sanitary sewers as a stand alone, but she believed they did for septic systems.

**ADJOURN**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:42 PM.

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Charlotte Whipkey, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on March 14, 2016.

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Karla Richards, CMC-Clerk of Council

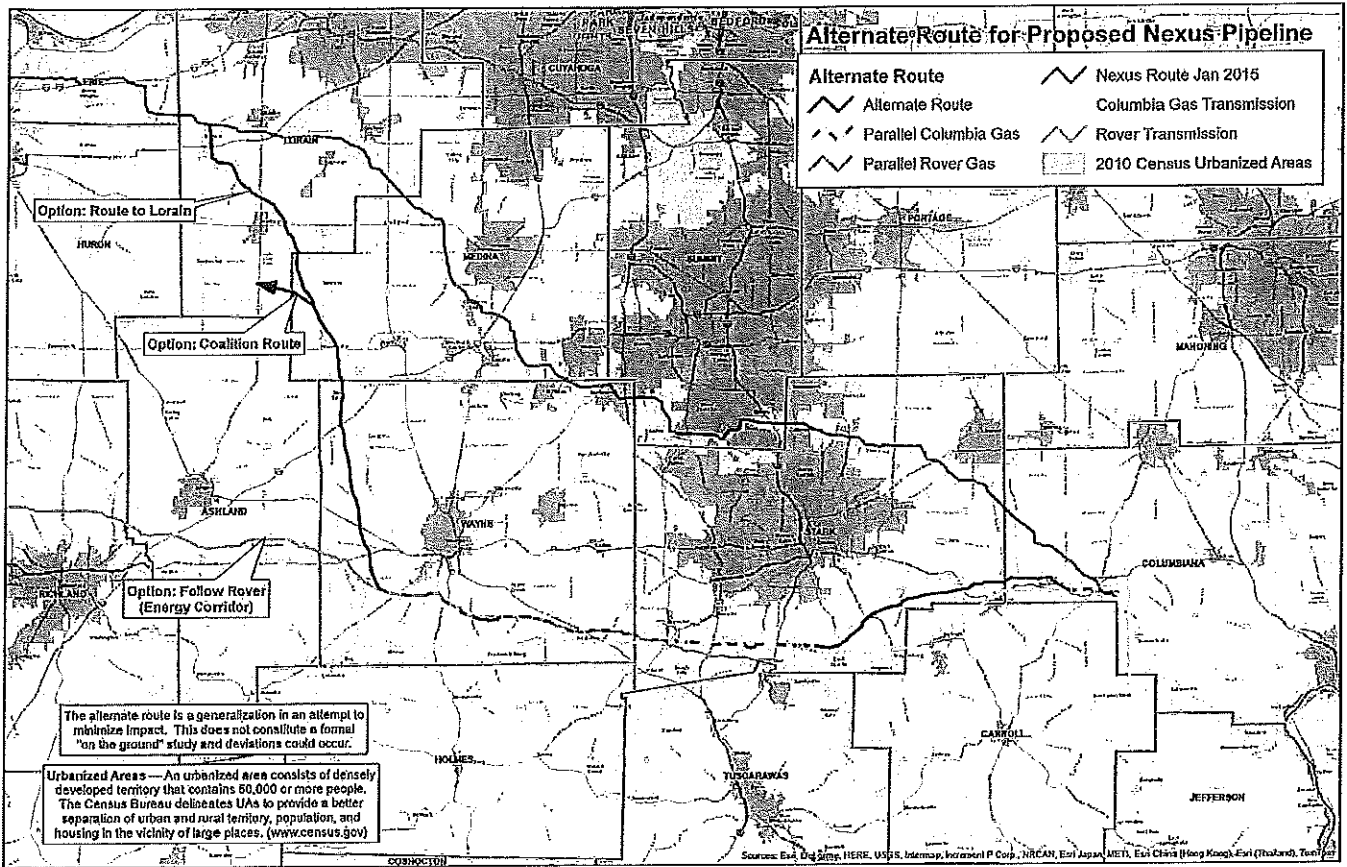
**NOTE: THESE MINUTES ARE NOT VERBATIM\***

**\*\*ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE CLERK OF COUNCIL\*\***

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.







February 22, 2016

# Pipelines Safer Than Rail Or Truck To Transport Oil: Fraser Institute Report

CP | By The Canadian Press

Posted: 10/15/2013 1:02 pm EDT | Updated: 12/15/2013 5:12 am EST



THE CANADIAN PRESS 

CALGARY - A report by the Fraser Institute released Tuesday says pipeline is by far the safest way to transport oil when worker injury rates are compared, but it remains unclear which is the safest from an environmental standpoint.

Using data from the U.S. Department of Transportation between 2005 and 2009, the study found the rates of injury requiring hospitalization in the U.S. were 30 times lower among pipeline workers than rail workers involved in shipping oil.

For truck transport, the difference is even more stark, with an injury rate 37 times higher than oil transport by pipeline.

When it comes to spills, road transport fared the worst, with nearly 20 incidents per billion ton-miles. Rail had just over two incidents per billion ton miles while pipelines had less than 0.6 per billion tonne miles.

The report notes that pipelines tend to release more crude per spill than rail, but much of that is often recovered quickly.

With pipelines such as the controversial Keystone XL pipeline — which would connect Canadian crude to Texas refineries — in regulatory limbo, producers have been increasingly turning to rail to get their crude to market.

But concern over the safety of using that mode of transport has intensified since a runaway crude-laden train derailed in Lac-Mégantic, Que., this summer, killing 47 people and destroying much of the downtown area.

"When you have more moving parts, more potential interactions with other non-controlled actors such as trains and trucks, the potential for accidents is higher when compared to pipelines," said Kenneth Green, one of the study's authors.

"It's not a completely simple comparison. When you have a pipeline spill the release volumes are higher than for a truck or train incident. But with road and rail, you have risk of more incidents in more places, so the overall question of environmental protection becomes unclear."

MORE: [Pipelines Worker Injury Rates](#) [Fraser Institute Pipeline Safety Report](#) [Fraser Institute Pipeline Rail Safety](#) [Pipeline Oil Transport Safety](#) [Pipeline vs Rail Truck Oil Cp](#) [Fraser Institute Pipeline Safety Pipeline vs Rail](#) [Rail Safety Pipeline Safety Report](#) [Pipeline Safety](#)

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ISSUE BRIEF

## **Pipelines Are Safest For Transportation of Oil and Gas**

By Diana Furchtgott-Roth

June 6, 2013

Energy & Environment: Other

The Obama administration's decision to delay approval for the construction of TransCanada Inc.'s proposed Keystone XL pipeline was based, in part, on concerns over the safety and reliability of oil and natural gas pipelines. The pipeline is intended to transport oil from Canada to U.S. refiners on the Gulf of Mexico. In announcing his decision, the president called for a full assessment of "the pipeline's impact, especially on the health and safety of the American people."

Pipelines have been used to transport American natural gas or oil, including from Canada to the United States, for three quarters of a century. Almost 500,000 miles of interstate pipeline crisscross America, carrying crude oil, petroleum products, and natural gas. This extensive and operational infrastructure network is heavily regulated by the Department of Transportation, which monitors the very issues central to the Keystone controversy: safety and reliability.

Thus it is possible to answer, based on experience, the question of whether

pipeline transport of oil and gas is safe. It is, moreover, possible to compare the record of oil and gas pipelines to that of transport via rail and road. As the major alternative means of fuel shipment, transport by rail and road has been increasing as limitations on pipeline capacity have become manifest (the underlying reason for the Keystone proposal).

READ FULL REPORT

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MarketWatch

## Pipelines are the safest way to transport energy

By [Diana Furchtgott-Roth](#)

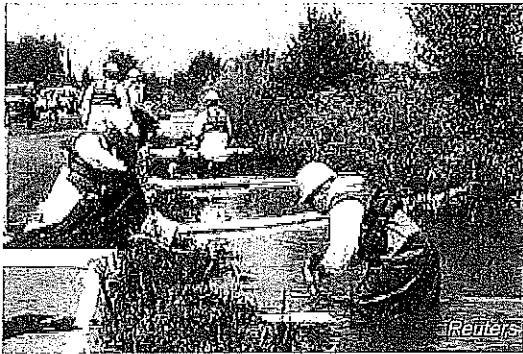
Published: Mar 29, 2013 7:00 a.m. ET

### Commentary: Shipping by rail more damaging to the environment

WASHINGTON (MarketWatch) — Wednesday's 714-barrel oil spill in Minnesota came not from oil drilling or hydrofracturing, but from the derailment of a Canadian Pacific Railway train bringing Canadian oil to America.

How odd that those who profess concern for the environment are trying to block construction of oil pipelines, the safest way of transporting oil.

There's no better example than President Barack Obama's delay in approving construction of the Keystone XL Pipeline. If approved, the pipeline would bring oil from Canada, our closest trading partner, to American refineries in the Gulf of Mexico, enhancing America's energy security. Instead, Canada's oil arrives by rail — and Canada is planning to build another pipeline to its West coast to ship the oil to China.



*A crew hired by Exxon Mobil cleans up an oil spill along the Yellowstone River in Montana after an Exxon Mobil pipeline ruptured, dumping up to 1,000 barrels of crude into the river.*

On March 1 the State Department issued [a draft supplementary environmental impact statement](#) on Keystone XL, concluding that the pipeline would not harm the environment. Comments on the impact statement are due on April 22.

The relative safety of pipelines vis-à-vis road and rail to transport oil and gas is an important topic. Data published by the Department of Transportation show that pipelines have lower injury and fatality rates than road and rail, in addition to enjoying a substantial cost advantage.

These findings have substantial relevance for America's energy future. Petroleum production in North America (Mexico, Canada, and the United States) is now over 16 million barrels a day, according to the Energy Information Agency, and could climb to 27 million barrels a day by 2020. Natural gas production in Canada

and the United States could rise by a third over the same period, climbing to 22 billion cubic feet per day.

Whether oil and gas are produced in Canada, Alaska, North Dakota, or the Gulf of Mexico, it will be used all over the country, especially since new environmental regulations are resulting in the closures of coal-fired power plants. Large fleets of buses and trucks are switching to natural gas, General Motors and Chrysler are making dual-fuel pickup trucks, and newspapers are speculating about the timing of natural-gas passenger vehicles for the American market.

Pipelines result in fewer fatalities, injuries, and environmental damage than road and rail. Already almost 500,000 miles of interstate pipeline crisscross America, carrying crude oil, petroleum products, and natural gas. The network of pipelines has a remarkable safety record. Americans are more likely to get struck by lightning than to get killed in a pipeline accident.

### ECO:nomics: Next big thing: Opower

(2:57)

Alex Laskey, president of Opower, talks about his company's efforts to provide energy usage data to consumers.

America has 175,000 miles of onshore and offshore petroleum pipeline and 321,000 miles of natural-gas transmission and gathering pipeline. In addition, over 2 million miles of natural gas distribution pipeline send natural gas to businesses and

consumers. This is expected to increase as America shifts to natural gas to take advantage of low prices that are expected to last into the foreseeable future.

Pipeline transportation of oil and gas is safer than transportation by road and rail. Pipelines are the primary mode of transportation for crude oil, petroleum products, and natural gas. Approximately 70% of crude oil and petroleum products are shipped by pipeline on a ton-mile basis. Tanker and barge traffic accounts for approximately 23% of oil shipments. Trucking accounts for 4% of shipments, and rail for the remaining 3%. Essentially all dry natural gas is shipped by pipeline to end users.

If safety and environmental damages in the transportation of oil and gas were proportionate to the volume of shipments, one would expect that the vast majority of damages to occur on pipelines. But the opposite is true: the majority of incidents occur on road and rail.

Data on pipeline safety are available from the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety. Operators report to PHMSA any incident that crosses a certain safety threshold. These reports enable the public to calculate the safety of pipelines in comparison to road and rail.

Oil spills from rail are increasing, according to the PHMSA. Between 2010 and 2012, the PHMSA reported 112 oil spills, compared to 10 spills between 2007 and 2009, [according to calculations by the Wall Street Journal](#).

In contrast, [injuries and fatalities from pipelines are declining](#). There were an average of 32 serious incidents — defined as those involving a fatality, or an injury requiring hospitalization — between 2010 and 2012, compared to 42 serious incidents between 2007 and 2009, and 38 between 2004 and 2006.

To draw another comparison, according to the National Weather Service, there were an average of 37 reported deaths annually caused by lightning from 2002 through 2011. Over the same period, fatalities related to pipeline incidents were about 15 per year. An individual had more than twice the chance of getting killed by lightning as being killed in a pipeline incident.

Some claim that pipelines carrying Canadian oil sands crude, known as diluted bitumen, have more internal corrosion, and are subject to more incidents. However, PHMSA data show no incidents of oil releases from corrosion from Canadian diluted bitumen between 2002 and 2010. Oil sands crude has been transported in American pipelines for the past decade.

Pipeline safety matters because America continues to ramp up production of oil and natural gas. We need better pipelines to get oil from North Dakota to the refineries in the Gulf, and natural gas from the Marcellus Shale in Pennsylvania and the Utica Shale in Ohio to the rest of the country.

The new American energy revolution is attracting energy-intensive manufacturing, such as petrochemicals and steel, back to America. In order for energy to travel to new manufacturing plants, we need more pipelines — the safest way to move fuel.

#### More from MarketWatch

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