

April 30, 2015

The Honorable Drew Darby
PO Box 2910
Austin, TX 78768

The Honorable Troy Fraser
P.O. Box 12068
Capitol Station
Austin, Texas 78711

CC: The Honorable Greg Abbott

Dear Chairmen Darby and Fraser,

As local elected officials, we are writing to you with deep concern over your bills (HB 40 and SB 1165) to preempt municipal authority over oil and gas drilling in our communities. We firmly oppose any roll back of our authority to protect the health and safety of our constituents and thus believe your bills are fundamentally flawed. We urge you to withdraw, adjust, or amend your bill to allow local governments the authority to prevent and limit impacts from fracking operations on public health, infrastructure, social services, and the environment.

In addition to the growing body of evidence around the wide range of health impacts from fracking, this form of oil and gas drilling imposes infrastructure burdens on local communities, from strained services to ruined roads. As with other extractive booms, the arrival and expansion of fracking operations has been correlated with a wide range of pressures on social services— including increases in fires, earthquakes, and traffic accidents. Other local impacts such as water and soil contamination and reduced property values are likely to persist long after the boom is gone, and we will be the ones left to pick up the pieces.

In the face of these grave impacts, and the tens of thousands of state-documented oil and gas violations each year, it is no surprise that more than 300 Texas cities have adopted ordinances to limit drilling within their borders. The notion that our communities have the right to control activities which threaten public health or the quality of life of their residents has a long tradition in Texas law. This principle is the basis of common health ordinances and local land use rules, including zoning, which often involve trade-offs with property rights and other interests. The best policy is to leave decisions over local impacts to local governments and let residents and other stakeholders influence those decisions at their local city halls.

In light of the foregoing, we believe that all communities should have the right to decide whether, where, and how fracking operations— including not only well pads but also waste pits, compressor stations, and all the infrastructure of dirty drilling— happen within their borders. We urge you withdraw your legislation and preserve the rights of cities to rein in the worst impacts of drilling.

Sincerely,

The Honorable Glenn Barham
Mayor, Wichita Falls

The Honorable Robert Rivera
Council Member, Arlington

The Honorable Alan Brundrett
Mayor, Azle

The Honorable Sarah Eckhardt
County Judge, Travis County

The Honorable Larry Vernon
Mayor, Eastland

The Honorable Mickey Parsons
Council Member, Granbury

The Honorable Philip Kingston
Council Member, Dallas

The Honorable Charles Smith
City Commissioner, DISH

The Honorable Timothy Welch
Council Member, North Richland Hills

The Honorable Adam Medrano
Council Member, Dallas

The Honorable Veronica Escobar
County Judge, El Paso County

The Honorable Tom Halepaska
Council Member, Victoria

The Honorable Michael Smith
Council Member, Wichita Falls

The Honorable Wester Draper
City Commissioner, DISH

The Honorable Danny Marquez
Mayor, Littlefield