

A RESOLUTION URGING THE LEGISLATIVE BRANCHES OF THE FEDERAL GOVERNMENT AND THE STATE OF OHIO TO ENACT LEGISLATION TO PROTECT OUR CITIZENS FROM THE INHERENT DANGERS OF THE PRESENCE OF THE OPERATION OF TRAINS WITHIN AND NEAR THE JURISDICTIONAL LIMITS OF THE CITY OF AVON LAKE BY INCREASING FEDERAL SAFETY STANDARDS, FEDERAL MAINTENANCE STANDARDS, AND FEDERAL THRESHOLDS FOR TRAINS TO INITIATE REACTIVE MEASURES BASED ON SENSORS OR OTHER SOURCES AND BY REQUIRING RAILROAD COMPANIES TO NOTIFY ALL CITIES, VILLAGES, AND TOWNSHIPS OF ANY HAZARDOUS MATERIALS WHICH ARE SCHEDULED TO BE TRANSPORTED THROUGH THEIR JURISDICTIONS, INCLUDING THE EXPECTED TRANSPORTATION DATE, TYPE OF HAZARDOUS MATERIALS TRANSPORTED, AND RESTRICT THE LENGTH OF RAILCARS WHEN CARRYING HAZARDOUS MATERIALS.

WHEREAS, American freight railroad companies move cargo across America along approximately 140,000 miles of rail; and

WHEREAS, American freight railroad companies add a significant economic benefit to the U.S. economy by transporting approximately “40% of U.S. long-distance ton-miles” across the country, including agricultural products, automobiles, and other goods, while also employing thousands of railway workers.

WHEREAS, there are 5,330 miles of rail crossing Ohio, the third highest number of miles of rail in the U.S.; and

WHEREAS, there are approximately 12 crossings of rail plus one freight station within the City of Avon Lake (“City”); and

WHEREAS, between 2019 and 2022, there were 290 reported incidents involving railroad companies across Ohio, including an October 2022, 20-car derailment on the same rail lines which travel through the City, dumping gallons of molten paraffin wax in Sandusky;

WHEREAS, on February 3, 2023, 38 cars in a 150-car freight train carrying hazardous chemicals derailed in East Palestine, Ohio, causing thousands to have to evacuate their homes and businesses, and millions of dollars of environmental and other damage; and

WHEREAS, on March 4, 2023, 28 cars in a 212-car train derailed in Springfield, Ohio; and

WHEREAS, these train incidents have caused and will continue to cause serious damage to the infrastructure located at or near the site of derailment and serious damage to the environment and ecosystems at or near the sites; and

WHEREAS, the presence of hazardous chemicals carried on freight trains through the City enhances the risk of serious injury, damage, and economic harm in the event of a derailment or other incident such as presently transpiring in East Palestine, Ohio; and

WHEREAS, the City is not informed of the presence of or the identities of any hazardous materials which pass through the City; and

WHEREAS, the City is concerned for the safety of its residents and the dangers inherent in the use of the rail lines passing through the City, including the potential for derailments and other incidents involving freight railroad companies including the potential for the discharge of hazardous materials within the City; and

WHEREAS, the City believes that having information concerning the presence of and identity of any hazardous material passing through the City would enable the City to better plan for and protect its residents in the event of a train derailment or other incident with the potential to cause the release of hazardous materials within the City; and

WHEREAS, the City believes that further regulation of the freight railroad industry is necessary to provide the citizens of Avon Lake and throughout Ohio with enhanced protection from injury, damage, and economic harm due to any future train derailments.

WHEREAS, the City believes there is a need for increased safety and maintenance standards and requirements that train crews take appropriate reactive measures based upon information received via automated sensors or other sources.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby finds that it is in the best interests of the residents of the City of Avon Lake to pass a resolution urging the Legislative Branches of the Federal government and the State of Ohio to enact legislation to further protect our citizens from the inherent dangers of the presence of the operation of trains within and near the jurisdictional limits of the City of Avon Lake.

Section No. 2: That the Council hereby expresses its support of legislation to increase Federal safety standards, Federal maintenance standards, and Federal thresholds for trains to initiate reactive measures based on sensors or other sources.

Section No. 3: That the Council further expresses its support of legislation at the Federal and State levels of government to require railroad companies to notify all cities, villages, and townships of any hazardous materials which are scheduled to be transported through their jurisdictions, including the expected

transportation date, type of hazardous materials transported, and restrict the length of railcars when carrying hazardous materials.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: 3/27/2023

/s/ Martin E. O'Donnell

President of Council

POSTED: 3/31/2023

APPROVED: 3/28/2023

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Gregory J. Zilka
Mayor

REFERENCES:

1. American freight railroad companies move cargo across America along approximately 140,000 miles of rail. *AAR Freight Rail Works for America Fact Sheet*, Aug. 2020. <https://www.aar.org/wp-content/uploads/2020/08/AAR-Freight-Rail-Works-for-America-Fact-Sheet.pdf>
2. American freight railroad companies add a significant economic benefit to the U.S. economy by transporting goods accounting for approximately “40% of U.S. long-distance ton-miles” *AAR Freight Rail Works for America Fact Sheet*, Feb. 2021. <https://www.aar.org/wp-content/uploads/2021/02/AAR-10-Freight-Rail-Fast-Facts-Fact-Sheet.pdf>
3. American freight railroad companies transport goods including agricultural products, automobiles, and other goods, while also employing thousands of railway workers. *AAR Freight Rail Works for America Fact Sheet*, Aug. 2020. <https://www.aar.org/wp-content/uploads/2020/08/AAR-Freight-Rail-Works-for-America-Fact-Sheet.pdf>
4. There are 5,330 miles of rail crossing Ohio, the third highest number of miles of rail in the U.S. *AAR State Rankings 2019*. <https://www.aar.org/wp-content/uploads/2021/02/AAR-State-Rankings-2019.pdf>
5. There are approximately 10 crossings and 8.63 miles of rail plus one freight station within the City of Avon Lake. U.S. Department of Transportation, FRA – Safety Map (interactive). <https://fragis.fra.dot.gov/GISFRASafety/>
6. Between 2019 and 2022, there were 290 reported incidents involving railroad companies across Ohio. U.S. Department of Transportation, FRA 2.09 - Train Accidents and Rates (interactive). <https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/query/TrainAccidentsFYCYWithRates.aspx>,
7. 20-car derailment in October 2022 dumped gallons of molten paraffin wax in Sandusky. Caitlin Nearhood, *Train derailment cleanup continues*, Sandusky Register, Oct. 10, 2022. <https://sanduskyregister.com/news/412060/train-derailment-cleanup-continues/>
8. 38 cars in a 150-car freight train carrying hazardous chemicals derailed in East Palestine, Ohio. Reuters, *Factbox: Timeline of Ohio train derailment containing hazardous chemicals cargo*, Feb. 14, 2023. <https://www.reuters.com/world/us/timeline-ohio-train-derailment-containing-hazardous-chemicals-cargo-2023-02-15/>
9. March 4, 2023, 28 cars in a 212-car train derailed in Springfield, Ohio. Emily Olson, *Another Norfolk Southern Train derails in Ohio*, NPR, Mar. 6, 2023. <https://www.npr.org/2023/03/06/1161262824/train-derailment-springfield-ohio>
10. There is a need for increased safety and maintenance standards and requirements that train crews take appropriate reactive measures based upon information received via automated sensors or other sources. Topher Sanders and Dan Schwartz, *A Norfolk Southern Policy Lets Officials Order Crews to Ignore Safety Alerts*, ProPublica.org, Feb. 22, 2023. <https://www.propublica.org/article/norfolk-southern-policy-safety-alerts-east-palestine-derailment>