

Resolution No. 340-2023

By Council Member Spencer

AN EMERGENCY RESOLUTION

Urging Congress and the Ohio General Assembly to enact legislation to further protect the citizens of the City of Cleveland from the inherent dangers of a train derailment on the tracks located in our City; and urging Congress to pass Senate Bill 576, The Railway Safety Act of 2023.

WHEREAS, the City of Cleveland has commercial train tracks located throughout the city; and

WHEREAS, certain train operators operate on our train tracks, twenty-four (24) hours of the day, seven (7) days a week, known commonly as Norfolk Southern Railway, CSX Transportation, and Amtrak; and

WHEREAS, railway derailments or accidents have occurred three times in Ohio cities of East Palestine, Springfield, and Cleveland in the past forty (40) days, resulting in the death of a Norfolk Southern train conductor, surrounding communities being forced to flee their homes, and the release of hazardous materials into the air and groundwater; and

WHEREAS, these railway derailments have caused and will continue to cause significant medical issues to the residents of the communities where the incidents occurred, serious damage to the infrastructure located at/near the site of the derailments, and serious damage to the ecosystems at/near the sites, and

WHEREAS, further regulation of train operators relating to the tracks, routes, rail cars, employees and hazardous materials protocols is needed to provide the citizens throughout the State of Ohio with enhanced protection from injury and damage due to any future train derailments; and

WHEREAS, Cleveland City Council urged rail safety long before recent railway derailments with the adoption of Resolution No. 465-2020 on June 3, 2020; and

WHEREAS, with this resolution, Council condemned Norfolk Southern Corporation for rerouting daily trains carrying highly toxic flammable crude oil and ethanol through the City of Cleveland, without public notice, and urged Norfolk Southern Corporation to cease this rerouting and move all hazardous materials shipments not originating or terminating in the City of Cleveland to less populated routes; and

WHEREAS the State of Ohio's two U.S. Senators, Sen. Sherrod Brown and Sen. JD Vance, are advancing bipartisan legislation, Senate Bill 576, The Railway Safety Act of 2023, to take clear actions to prevent future, man-made rail disasters; and

WHEREAS Norfolk Southern Railway and CSX have significant property holdings within the City limits including, but not limited to, tracks, bridges, embankments and abutment walls, the condition of which are aging, deteriorating and in need of repair; and

WHEREAS the City of Cleveland lacks active representatives and adequate points of contact from train operators to address local infrastructure and safety concerns; and

WHEREAS, this Council will hold a special hearing on rail safety to educate the public and Council Members on: which companies own and actively operate freight lines in the City of Cleveland, including examining the one-mile evacuation zone were a derailment of toxic material to occur; current federal railway regulations and proposed changes in Senate Bill 576, The Railway Safety Act of 2023, including the routing of hazardous materials through populated urban centers; and local oversight and emergency preparedness; and

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WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council urges Congress and the Ohio General Assembly to enact legislation to further protect the citizens of the City of Cleveland from the inherent dangers of a train derailment on the tracks located in our City; and urging Congress to pass Senate Bill 576, The Railway Safety Act of 2023.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to U. S. Senators Sherrod Brown and JD Vance and all members of the Ohio General Assembly whose districts include the City of Cleveland.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

/jho
3-13-2023
FOR: Council Member Spencer

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REPORT
after second Reading

By Council Member Spencer

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READ FIRST TIME on MARCH 13, 2023
and referred to DIRECTOR of Law;
COMMITTEE on Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE
