



## Legislation Text

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**File #:** R-120-23, **Version:** 1

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Council Members Morris, Gadus and Hobbs

### **Supporting the passage and implementation of federal legislation and regulations regarding Railroad Safety and Maintenance; and declaring an emergency.**

WHEREAS, the evening of February 3, 2023, the realization of long held concerns within our nation that the Railroad Industry's cost cutting measures by the means of staff reduction and less rigorous maintenance schedules would end with a catastrophic result of the derailment of a one hundred fifty car Norfolk and Southern train in East Palestine, Ohio, that was carrying hazardous materials; and

WHEREAS, some of the first recorded signs of trouble came as the train was traveling through Salem, Ohio and sparks shot from beneath the train which was recorded on surveillance video, by the time the workers on the train were aware of the problem, it was already too late; and

WHEREAS, for many years marginalized communities have been negatively affected by rail traffic concerns at a rate higher than their more affluent counterparts by long trains cutting off routes of travel making it more difficult for pedestrians and bicycle travel around the affected areas as well as cutting off of first responders to certain areas of the community; a comprehensive look at how to better serve these community members is necessary for a more equitable way of life; and

WHEREAS, rail operators and federal regulators have a duty to communities and residents around the country to provide a safe reliable means for transportation goods and people to move throughout our country, a renewed focus must be made to keep everyone safe while doing so; and

WHEREAS, the residents and workers in the State of Ohio deserve to live, work, and raise their families in an environment where there is not constant fear of catastrophic events from the rail industry; in the past month residents have read headline of the East Palestine derailment, the Springfield derailment, and most recently the fatal accident at the Cleveland Cliffs facility in the Cleveland area where a conductor lost his life; and

WHEREAS, these incidents reveal the critical flaws in the largest and most sophisticated rails systems in the world, the condition and operational practices of which are largely controlled by the unchecked power of corporately owned freight rail industry; and

WHEREAS, presently, the largely, privately owned, national railway infrastructure, unlike the federal interstate highway system, is at odds with the current federal initiative to invest in expanding the availability and access to safe, fast, reliable passenger rail service, with its improved environmental impact and more cost-effective development as compared to expanding the federal interstate highway system; and

WHEREAS, we seek aggressive mandates for rail infrastructure safety improvements designed to support the development of safe, fast, reliable passenger rail service development; and provide 100% federal

funding opportunities to local governments to implement grade separation, replacement of critical rail infrastructure, including bridges and environmental risk mitigation, especially where railways traverse environmentally sensitive areas that impact the life, health and safety of nearby communities and residents, such as major rivers and streams and other sources of drinking water and agricultural irrigation; and

WHEREAS, a call has been made to improve rail safety by implementing multiple measures including: mandating and regulating maintenance schedules for freight trains, setting limits on number of cars, length and weight allowed per train, and mandating increased frequency of railway safety monitoring devices along rail routes; and

WHEREAS, command mandatory notifications to communities that hazardous materials will be passing through, increase training and assistance for first responders in the areas where hazardous materials are being transported, increase the list of materials that are considered hazardous, and avoidance of routes through high population density areas; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1 That we stand united in support of those residents of Ohio and Pennsylvania who were negatively affected by the East Palestine rail disaster, those affected by the Springfield derailment, and the family and loved ones of the Rail Conductor who was killed in the Cleveland area.

SECTION 2. That this Council supports the passage of federal legislation, regulations and national implementation of increased oversight of the rail industry, including safety measures, maintenance, and reporting that is outlined in bills before the Senate and Congress.

SECTION 3. That these measures should address, at a minimum, mandating and regulating maintenance schedules for freight trains, setting limits on number of cars, length and weight allowed per train, and mandating increased frequency of railway safety monitoring devices along rail routes, mandate notifications to communities that hazardous materials will be passing through, increase training and assistance for first responders in the areas where hazardous materials are being transported, increase the list of materials that are considered hazardous, and avoidance of routes through high population density areas; seek aggressive mandates for rail infrastructure safety improvements to support the development of safe, fast, reliable passenger rail provide service development; and provide 100% federal funding opportunities to local governments to implement grade separation, replacement of critical rail infrastructure, including bridges and environmental risk mitigation, especially where railways traverse environmentally sensitive areas that impact the life, health and safety of nearby communities and residents, such as major rivers and streams and other sources of drinking water and agricultural irrigation.

SECTION 4. That the Clerk is directed to provide a copy of this Resolution to the Mayor of East Palestine, Ohio; Governor Mike DeWine, Senators Sherrod Brown and JD Vance, Congresswoman Marcy Kaptur, Congressman Greg Landsman, US Department of Transportation, National Transportation Safety Board, Federal Railroad Administration and the U.S. Environmental Protection Agency.

SECTION 5. That this Resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Resolution must be immediately effective in order to provide timely support for the legislation and regulations.

Vote on emergency clause: yeas 10, nays 0.

Adopted: March 21, 2023, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

March 21, 2023  
Wade Kapszukiewicz  
Mayor