

RESOLUTION NO. 03-22

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF ALLIANCE, NEBRASKA CONCERNING THE OPERATION OF REMOTE CONTROL YARD LOCOMOTIVES BY RAILROADS OPERATING WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ALLIANCE, NEBRASKA

WHEREAS, The City Council and the City of Alliance have an obligation to provide for the safety of the citizens of Alliance; and

WHEREAS, The Burlington Northern Santa Fe Railway Company (BNSF) operates within the extraterritorial jurisdictional limits of Alliance, over public road crossing at grade and in areas where its property is accessible to the general public; and

WHEREAS, Burlington Northern Santa Fe operates trains containing hazardous materials and switches and spots railroad cars containing hazardous materials in and near Alliance; and

WHEREAS, Lost and interrupted radio signals are known to exist within and among railroad locomotives and train telemetry devices in and around Alliance; and

WHEREAS, Radio interference and interruption is known to exist between BNSF radios and local weather radio and cable television systems; and

WHEREAS, Practical jokes involving emergency application of trains brakes using remote control radios are known to occur; and

WHEREAS, Possible radio interference and interruptions are known to exist between BNSF radios and City of Alliance utility substations; and

WHEREAS, Burlington Northern Santa Fe may desire, at some point in the future, to operate unmanned locomotives in and around its Alliance, Nebraska facilities; and

WHEREAS, Any derailment or collision of railway cars containing hazardous materials could be detrimental to the health and safety of persons and property near a derailment or railcar collision; and

WHEREAS, The United States Department of Homeland Security has issued alerts against terrorist threats against American railroads; and

WHEREAS, Incidents involving hazardous materials are listed in the City of Alliance Emergency Preparedness Standard Operating Procedures (SOP) as events that begin emergency responses by the City.

NOW THEREFORE BE IT RESOLVED, By the Mayor and City Council of Alliance, Nebraska that Burlington Northern Santa Fe Railway, or any railroad that may begin operations in

or near Alliance in the future, shall not operate unmanned remote control yard locomotives within the extraterritorial limits of the City of Alliance until all of the following safety considerations are met:

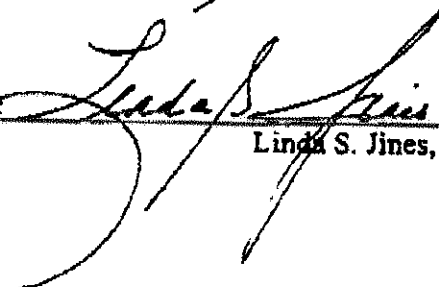
1. The railroad shall notify the City Council and City Manager of Alliance when it intends to begin unmanned operations;
2. Unmanned remote control locomotives may not operate over public or non-railroad private highway crossings at grade in or near Alliance unless adequately protected by employees flagging the road crossings;
3. The railroad must certify, in writing, to the City of Alliance that known radio interference's and interruptions cannot effect the unmanned remote yard locomotive operations thus jeopardizing the safety of the City and its citizens;
4. Hazardous materials shall not be handled by unmanned remote control yard locomotives over or under streets or highways at speeds above five (5) MPH;
5. Railroad management must meet with City of Alliance public safety personnel to review all hazardous material prohibitions and special handling regulations, emergency response plans and evacuation regulations before operations commence.

BE IT FURTHER RESOLVED, That any railroad using unmanned remote control yard locomotives within the extraterritorial jurisdiction of the City of Alliance, Nebraska shall certify to the City of Alliance that it is in full compliance with all pertinent rules and regulations issued by the Federal Railroad Administration (FRA), the United States Department of Transportation (USDOT), the United States Department of Energy (USDOE) and the United States Department of Homeland Security (USDHS) and all applicable regulations of the State of Nebraska.

PASSED AND APPROVED this 3rd day of April, 2003.


Mike Dafney, Mayor

(SEAL)

Attest: 
Linda S. Jines, City Clerk

Approved as to Legality and Form:


Leo Dobrovolny, City Attorney