

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA,
RELATING TO OPERATION OF REMOTE CONTROLLED LOCOMOTIVES BY
RAILROADS WITHIN THE CITY LIMITS**

WHEREAS, the City of Commerce has a duty to provide for the public safety of its citizens; and

WHEREAS, railroads operate within the geographic boundaries of the City of Commerce, over public and private highway rail crossings and on property accessible to persons of all ages and abilities; and

WHEREAS, railroad equipment is known to present significant danger to persons and property from collision, derailment and possible release of hazardous materials; and

WHEREAS, a significant amount of rail cargo traveling through and moving within the City of Commerce consists of hazardous materials; and

WHEREAS, freight hauling railroads doing business within the City of Commerce operate in switching yards and on tracks adjacent to and connecting with tracks carrying high-speed Amtrak and commuter rail passenger trains; and

WHEREAS, the United States government has issued a safety alert against vandalism and terrorist threats against railroads; and

WHEREAS, operation of a railroad is traditionally conducted with the use of locomotives manned by individuals who are rigorously certified and qualified by the standard established in 49 CFR Part 240; and

WHEREAS, railroads have requested from the Federal Railroad Administration (FRA) and been granted authority to operate unmanned (remote controlled) locomotives by persons who are certified under the same 49 CFR Part 240 but have significantly less training, experience, testing and qualifications than individuals who have traditionally manned these operations; and

WHEREAS, these remote controlled locomotives will be operated by railroads in the City of Commerce without limitations, by fewer employees who possess diminished qualifications; and

WHEREAS, the FRA has issued "guidelines" and not regulations to provide for the implementation of these operations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE AS FOLLOWS: That no railroad shall operate remote controlled locomotives within the boundaries of the City of Commerce until all of the following safety considerations are met:

- 1. Any railroad operating a remote controlled locomotive must notify the Office of the Mayor before implementing such operations.**
- 2. Remote controlled locomotives cannot be used to transport hazardous materials, switch cars containing hazardous materials or switch other cars on or near tracks occupied by hazardous materials.**
- 3. Remote controlled locomotives cannot be used in switching yards or on**

tracks adjacent to or connecting with tracks used for the transport of Amtrak high-speed passenger trains or commuter rail passenger trains.

4. Remote controlled locomotives cannot be operated over a public or private highway rail crossing without a person occupying the cab of the locomotive who has the required skills to stop the locomotive and its attached equipment.
5. A railroad must provide effective and reliable protection at the point of movement in any location accessible to the general public for any remote controlled operation.
6. Locomotives within a consist of one or more remote controlled locomotives must be provided with devices to secure the operating cab and its controls against terrorists, vandals and other unauthorized persons.
7. Remote controlled locomotives must be equipped with a clearly marked external device outside of the operating compartment, which is capable of stopping the locomotive in the event of a runaway.
8. An effective track-related mechanical device must be installed to stop a remote controlled locomotive in the event of a runaway.

BE IT FURTHER RESOLVED, that the City Council requests, in the interest of the safety of the citizens of the City of Commerce, the FRA develop comprehensive regulations to govern the use of remote controlled locomotives, and that those regulations ensure the highest level of skill, experience and qualifications of all persons operating remote controlled locomotives.

BE IT FURTHER RESOLVED, that all remote controlled rail operations within the City of Commerce cease and desist until such time as the City's Emergency Preparedness Officer and other public safety agencies who are responsible for emergency preparedness implement a plan(s) to provide for evacuation and emergency response before such remote controlled operations are implemented.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2003.

Jesus M. Cervantes
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk