

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF REQUIRING SAFETY MEASURES IN THE OPERATION OF REMOTE CONTROLLED LOCOMOTIVES BY RAILROADS WITHIN THE BOUNDARIES OF ERIE COUNTY, OHIO

The Board of County Commissioners of Erie County, Ohio, met this 24th day of April, 2003, in Regular Session with the following members present:

Nancy C. McKeen, Thomas M. Ferrell, Jr., and Sparky R. Weilnau.

Mr. Ferrell introduced the following resolution and moved its adoption.

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

WHEREAS, railroads operate within the geographic boundaries of Erie County 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 Erie County consists of hazardous materials; and

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

WHEREAS, the Federal Railroad Administration has issued "guidelines" but not regulations to provide for the implementation of these operations; **NOW THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

THAT, no railroad shall operate remote controlled locomotives within the boundaries of Erie County until all of the following safety considerations are met:

Any railroad operating a remote control locomotive must notify the Erie County Commissioners before implementing such operations.

Remote control locomotives cannot be used to transport hazardous materials and/or move near tracks occupied by hazardous materials.

Remote control 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.

A railroad must provide effective and reliable protection at the point of movement in any location accessible to the general public for any remote control operation.

Locomotives which consist of one or more remote controlled locomotives be provided with devices to secure the operating cab and its controls against terrorists, vandals and other unauthorized persons.

Remote control locomotives are 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.

An effective track related mechanical device to stop a remote control locomotive in the event of a runaway; and

THAT, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Weilnau seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Weilnau, Aye; Mrs. McKeen, Aye

Adopted: April 24, 2003

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal, Volume #135.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator _____
Michael J. Bixler