

RESOLUTION NO. 2003-015

INTRODUCED BY: MAYOR SANTO T. INCORVAIA AND COUNCILMAN RICHARD A. TAYLOR

CO-SPONSORED BY: COUNCILMEMBERS PAUL O. PRIEBE, THEODORE E. LOCKMILLER, JR., FRANK C. ARTINO, JR., MICHAEL A. WHITE, MICHELLE R. LOWERY AND B. LEE MIAMI

MOTION FOR ADOPTION BY:

COPY

A RESOLUTION ENCOURAGING MEMBERS OF THE OHIO STATE LEGISLATURE TO INTRODUCE AND PASS LEGISLATION ADDRESSING SECURITY AND SAFETY CONCERNS SURROUNDING THE USE OF REMOTE CONTROL LOCOMOTIVES AND ENCOURAGING STATE AND FEDERAL AGENCIES THAT REGULATE RAILROAD OPERATIONS TO WORK WITH THE DEPARTMENT OF HOMELAND SECURITY TO ESTABLISH REGULATIONS ADDRESSING SAFETY AND SECURITY CONCERNS ARISING FROM THE USE AND OPERATION OF REMOTE CONTROL LOCOMOTIVES, AND DECLARING AN EMERGENCY.

WHEREAS, this Resolution constitutes an emergency measure necessary for the daily operation of municipal departments, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law; and

WHEREAS, the federal government has identified rail shipments of hazardous material as potential terrorist targets; and

WHEREAS, various rail line operators have begun the use of or are considering the use of remote control locomotives within Cuyahoga County; and

WHEREAS, the use of remote control locomotives raises a number of safety and security concerns, particularly with respect to hazardous cargo; and

WHEREAS, the use of remote control locomotives is being reviewed by various government agencies and legislative bodies; and

WHEREAS, Senate Bill 299 prohibiting the operation of a non-passenger train locomotive by remote control outside a railway yard was introduced in the Ohio Senate last year; and

WHEREAS, this Council encourages members of the Ohio Legislature to introduce and pass legislation, in calendar year 2003, addressing security and safety concerns surrounding the use of remote control locomotives; and

WHEREAS, the Federal Railroad Administration is the regulatory and enforcement agency responsible for promoting safe and successful railroad transportation within the United States; and

WHEREAS, this Council encourages the state and federal agencies that regulate railroad operations to work with the Department of Homeland Security to establish regulations addressing safety and security concerns arising from the use and operation of remote control locomotives.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maple Heights, County of Cuyahoga, and State of Ohio, that:

Section 1. This Council encourages members of the Ohio State Legislature to introduce and pass legislation addressing the security and safety concerns surrounding the use of remote control locomotives.

Section 2. This Council encourages state and federal agencies that regulate railroad operations to work

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with the Department of Homeland Security to establish regulations addressing safety and security concerns arising from the use and operation of remote control locomotives.

Section 3. The Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs-Jones, the Secretary of the United States Department of Transportation, the Secretary of the Department of Homeland Security, the Administrator of the Federal Railroad Administration and all members of the Ohio Senate and Ohio House of Representatives representing the City of Maple Heights.

Section 4. This Ordinance shall be in effect from and after the earliest period allowed by law.

PASSED: _____, 2003

Jeffrey A. Lansky
President of Council

ATTEST:

Linda J. Sigado
Clerk of Council

Santo T. Incorvaia
Mayor

I, Linda J. Sigado, Clerk of Council of the City of Maple Heights, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that same has been and will remain duly posted beginning _____, 2003, for a period of fifteen (15) days as required by law.

_____, 2003

Clerk of Council