

CITY OF TOLEDO

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On March 9, 2004 the City of Toledo joined 34 other U.S. cities and 14 counties that have passed remote control safety resolutions opposing the use of remote control locomotives within the city. Use of remote control locomotives is known to present significant danger to persons and property with respect to collision, derailment and possible release of hazardous material. The risk is especially worrisome in the face of a federal government safety alert related to vandalism and terrorist threats against railroads.

This resolution calls for an end to the use of remote controlled locomotives in the city until the Federal Railroad Administration conducts a review of the safety of remote control operations and develops comprehensive regulations to ensure that the public's safety will not be jeopardized by remote control operations. The City of Toledo Safety Director must also implement a plan to provide for evacuation and emergency response before such remote control operations are implemented

The resolution also calls for:

- 1) The railroads to notify the Office of Mayor before implementing operation of remote control locomotives
- 2) Remote control 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 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.
- 4) 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.

Enclosed is a copy of the resolution for your information.

Best,

Bob McCloskey

Cc: *Joe Walter, Safety Director for the City of Toledo*
Michael Bell, Director of Fire and Rescue Operations for the city of Toledo and chair of Homeland Security in Lucas County

RES. 137-04

Opposing the Use of Remote Control, Unmanned Locomotives within the City of Toledo.

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

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

WHEREAS, there have been reported cases of lost radio signals between the operator and the engine — creating possible "runaway" train situations; 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 Toledo consists of hazardous materials; 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 but have significantly less training, testing, and qualification; 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, testing, and qualification; and

WHEREAS, these remote controlled locomotives will be operated by railroads in the City of Toledo 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 Council of the City of Toledo:

SECTION 1. That no railroad shall operate remote controlled locomotives within the boundaries of Toledo until all of the following safety considerations are met:

