

Resolution No. 465-2020

By Council Members Zone, Kelley and Cleveland

FOR ADOPTION
June 3, 2020

AN EMERGENCY RESOLUTION

Condemning Norfolk Southern Corporation for rerouting daily trains carrying highly toxic flammable crude oil and ethanol through the City of Cleveland, without public notice; strongly urging Norfolk Southern Corporation to immediately cease this rerouting; urging Norfolk Southern Corporation to withdraw its request to the Federal Railroad Administration to reduce the rail and traffic handling capacity of the only reliever route between Chicago and Pittsburgh, thus causing more traffic through Cleveland; and further urging that all hazardous materials shipments not originating or terminating in the City of Cleveland be moved to less populous routes.

WHEREAS, on April 7, 2020, without public notice, Norfolk Southern Corporation (NS) permanently rerouted through the City of Cleveland several daily trains in each direction, each comprised entirely of more than 100 tank cars filled with highly toxic and flammable crude oil and ethanol, as well as empty backhauls; and

WHEREAS, these trains travel between the Bakken Region of North Dakota and refineries near Philadelphia; each railroad tank car carries about 30,000 gallons of product while each train carries about 3 million gallons; when combined with existing traffic through Cleveland, more than 10 million gallons of crude oil or ethanol pass through Cleveland each day; and

WHEREAS, these loaded oil and ethanol trains have been permanently rerouted from a much less populated route called the Fort Wayne Line, going through Fort Wayne, Indiana, and travelling east through the cities of Lima, Mansfield and Canton, Ohio; as of April 7, 2020, the trains began traveling east of Fort Wayne through the cities of Fostoria, Bellevue, Vermilion, Elyria, Berea, Brook Park, Cleveland, Garfield Heights, Maple Heights, Bedford, Macedonia, Hudson and on the way to near Pittsburgh; and

WHEREAS, the crude oil and ethanol trains have been rerouted from a rail corridor through nine Ohio counties (Van Wert, Allen, Hardin, Wyandot, Crawford, Richland, Ashland, Wayne, Stark) with a combined population of **892,077** to a rail corridor through 12 Ohio counties (Paulding, Putnam, Hancock, Seneca, Sandusky, Huron, Erie, Lorain, Cuyahoga, Summit, Portage, Stark) with a combined population of **3,558,133**; and

WHEREAS, the crude oil and ethanol trains cross over several rivers near their Lake Erie mouths, most especially the Cuyahoga River in downtown Cleveland.; tthe trains cross the Cuyahoga River on a lift bridge at its mouth, only three nautical miles from the Lake Erie water intake crib which provides Greater Cleveland with most of its water supply; and

WHEREAS, the rerouted NS crude oil and ethanol trains travel within a few feet of the Greater Cleveland Regional Transit Authority's (GCRTA) Red Line rapid transit for 6.5 miles with no physical barrier between the two rail corridors to prevent derailed freight cars, each weighing up to 125 tons, to enter the path of GCRTA trains that carry more than 20,000 passengers each weekday; and

WHEREAS, the rerouted crude oil and ethanol trains through Cleveland also cause these dangerous shipments to share tracks with four nightly Amtrak passenger trains that carry more than 600,000 travelers per year, or an average of 1,600 passengers per night; and

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WHEREAS, in July 2012, 17 cars of an NS freight train derailed due to a broken rail near the Ohio State Fairgrounds in Columbus; tank cars carrying ethanol caught fire and exploded, forcing the evacuations of more than 100 homes; that train had a variety of rail cars and shipments in it, unlike the trains that are being rerouted through Cleveland which are comprised entirely of over 100 tank cars carrying crude oil and ethanol; and

WHEREAS, in October 2007, two ethanol tank cars in a 112-car CSX freight train ruptured and caught fire during a derailment of 31 cars in Painesville, Ohio, forcing the evacuations of 1,300 residents within a half-mile of the scene; the incident was caused by the incorrect installation of a new rail; firefighters were able to keep the ethanol cars cool to prevent explosions and created a makeshift dam to prevent leaking hazardous materials from poisoning the Mentor Marsh; and

WHEREAS, additionally, on March 20, 2020, NS filed with the Federal Railroad Administration a request to reduce the rail traffic handling capacity of NS's only bypass route around Greater Cleveland; this was the route that NS's crude oil and ethanol trains had been using until April 7, 2020.

WHEREAS, specifically, NS has requested permission to remove about 33 miles of parallel second main track over a 100-mile section of its Fort Wayne Line route between mileposts 84.8 (near Alliance, Ohio) and 188.3 (near Crestline, Ohio); this second main track allows two trains traveling in opposite directions to safely pass each other; the loss of this second main track would greatly reduce the rail traffic handling capacity of this route which is NS's only reliever route between the nation's rail and traffic interchange gateway in Chicago and NS's major rail yard at Conway, PA near Pittsburgh; and

WHEREAS, downgrading the Fort Wayne Line east of Crestline, Ohio will permanently and significantly diminish the capacity of NS's only bypass route around Greater Cleveland and the only traffic congestion and emergency relief route for NS's very busy Chicago Line (west of Cleveland) and Cleveland Line (east of Cleveland) into Conway Yard and points East; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, this Council condemns Norfolk Southern Corporation for rerouting daily trains carrying highly toxic flammable crude oil and ethanol through the City of Cleveland, without public notice; strongly urges Norfolk Southern Corporation to immediately cease this rerouting; urges Norfolk Southern Corporation to withdraw its request to the Federal Railroad Administration to reduce the rail and traffic handling capacity of the only reliever route between Chicago and Pittsburgh, thus causing more traffic through Cleveland; and further urges that all hazardous materials shipments not originating or terminating in the City of Cleveland be moved to less populous routes.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to: Norfolk Southern Corporation c/o Marque Ledoux, Vice President, government relations; the Federal Railroad Administration; the U.S. Surface Transportation Board; the Public Utilities Commission of Ohio; the Ohio Rail Development Commission; Congresspersons Marcy Kaptur, Marcia Fudge, Bob Gibbs,

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David Joyce and Tim Ryan; Senators Sherrod Brown and Rob Portman; and all members of the Ohio General Assembly whose districts include the City of Cleveland.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MZ:rns
6/3/2020

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**REPORT
after second Reading**

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READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JUNE 3, 2020

PRESIDENT

CITY CLERK

APPROVED

MAYOR