



City of Chicago



SR2014-522

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

7/30/2014

Sponsor(s):

Burke (14)
O'Shea (19)
Beale (9)

Type:

Resolution

Title:

Call for amendment of U.S. Department of Transportation comprehensive rulemaking proposal to provide more stringent restrictions in High Threat Urban Areas for trains carrying 15 or more tank carloads of flammable liquids

Committee(s) Assignment:

Joint Committee: Finance; Transportation and Public Way

SUBSTITUTE
RESOLUTION

WHEREAS, the City of Chicago is the busiest rail hub in the United States, boasting the largest intermodal system in the country and the third largest in the world; and

WHEREAS, Chicago handles one-fourth of the nation's freight rail traffic, with an estimated 500 freight trains with 37,500 cars passing through Chicago each day; and

WHEREAS, according to the Association of American Railroads (AAR), approximately seven percent of all rail traffic involves the movement of hazardous materials; and

WHEREAS, in 2010, railroads in Illinois handled approximately 33.712 million tons of hazardous materials; and

WHEREAS, in July 2013, a runaway train carrying crude oil derailed and exploded in Lac-Megantic, Quebec, killing 47 people and destroying more than 100 homes and businesses; and

WHEREAS, in December 2013, a mile-long train carrying crude oil derailed and exploded after colliding with another train in North Dakota, triggering a giant fireball and huge clouds of black smoke and forcing the evacuation of most of the residents in nearby Casselton, North Dakota; and

WHEREAS, last April, an oil train traveling through Virginia from Chicago derailed in Lynchburg, Virginia, sparking a fire and spilling oil into a river, which forced a partial evacuation of the city's downtown; and

WHEREAS, these and other recent derailments and fires prompted a warning from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration, which stated that the type of crude oil currently being transported from North Dakota may be more flammable than traditional heavy crude oil; and

WHEREAS, the structural integrity of one particular type of tank car, known as the DOT-111 tank car, has come under scrutiny following these accidents; and

WHEREAS, the National Transportation Safety Board has conducted several investigations and safety studies establishing that DOT-111 cars have a high incidence of failure during crashes, a higher rate of failure than those of pressure tank cars, such as DOT-105 or DOT-112, which have thicker shells and heads; and

WHEREAS, despite the high incidence of failure during crashes, DOT-111 cars currently comprise approximately 69% of the nation's tank car fleet; and

WHEREAS, on July 23, 2014, the U.S. Department of Transportation released details of its comprehensive rulemaking proposal for the safe transportation of crude oil and other flammable materials; and

WHEREAS, USDOT issued a Notice of Proposed Rulemaking (NPRM) for enhanced tank car standards and an Advanced Notice of Proposed Rulemaking (ANPRM) seeking to expand oil spill response planning requirements for shipments of flammable materials; and

WHEREAS, the NPRM proposes enhanced tank car standards, a classification and testing program for mined gases and liquids and new operational requirements for high-hazard flammable trains (HHFT) that include braking controls and speed restrictions; and

WHEREAS, the NPRM further proposes, within two years, to phase out the use of older DOT-111 tank cars for the shipment of packing group I flammable liquids, including most Bakken crude oil, unless the tank cars are retrofitted to comply with new tank car design standards; and

WHEREAS, the ANPRM seeks further information on expanding comprehensive oil spill response planning requirements for shipments of flammable materials; and

WHEREAS, both the NPRM and the ANPRM are open for 60 days of public comment; and

WHEREAS, the City of Chicago would assume the responsibility of providing emergency response units to manage the impact of a rail accident or derailment involving hazardous material within the city limits; and

WHEREAS, the transportation of hazardous material through the City of Chicago poses a serious risk to public safety; NOW THEREFORE

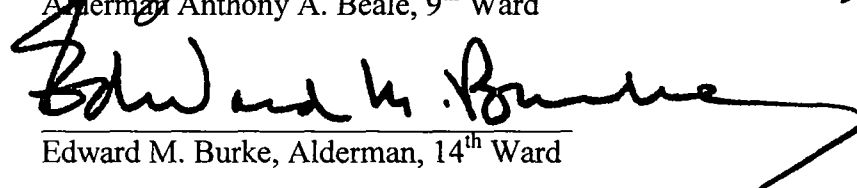
BE IT RESOLVED, that the City Council of the City of Chicago hereby declares that the July 23, 2014 U.S. Department of Transportation comprehensive rulemaking proposal should be amended to provide more stringent restrictions in High Threat Urban Areas (HTUA), as defined in 49 CFR 1580.3, by: (1) defining HHFT as a train carrying 15 or more tank carloads of flammable liquids (including crude oil and ethanol); (2) requiring the development and implementation of a written sampling and testing program for all mined gases and liquids; (3) requiring all rail carriers to perform a routing analysis for HHFT that would consider safety and security factors and select a route based on future findings of the route analysis; (4) codifying the USDOT's May 2014 emergency order that requires rail carriers transporting one-million gallons or more of Bakken crude oil to provide notification to the City regarding the operation of these trains through the City of Chicago; (5) requiring HHFTs that contain any tank car not meeting the proposed enhanced tank car standards to travel at a maximum speed of 35-MPH within the City of Chicago; (6) requiring all HHFTs to be equipped with alternative brake signal


propagation systems; (7) requiring the implementation of new standards for tank cars constructed after October 1, 2015 and retrofitting existing tank cars to meet new performance standards; and (8) imposing a hazardous material transportation fee on those responsible for the transportation of hazardous material to be used by local governments for a purpose related to transporting hazardous material, including, but not limited to, planning, developing, and maintaining a capability for emergency response; and

BE IT FURTHER RESOLVED, that the City Council of the City of Chicago hereby orders the Corporation Counsel to take all necessary action to timely submit comments, as listed above, to the aforementioned rules proposed by the U.S. Department of Transportation.


Alderman Anthony A. Beale, 9th Ward

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Edward M. Burke, Alderman, 14th Ward


Matthew J. O'Shea, Alderman, 19th Ward

James A. Balcer 11
Pat Dowell 3rd
Billie Blechman 20

Jt. COF/Trans
#1

CHICAGO September 10, 2014

To the President and Members of the City Council:

Your Joint Committee on Finance and Committee on Transportation and Public Way
having had under consideration

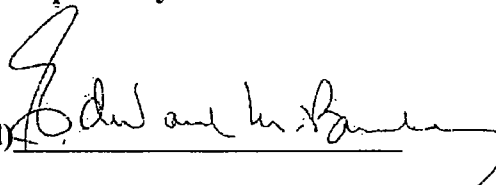
^{Substitute}
A proposed resolution concerning the U.S. Department of Transportation's comprehensive
rulemaking proposal to improve the safe transportation of large quantities of flammable
materials by rail.

R2014-522

Having had the same under advisement, begs leave to report and recommend that
your Honorable Body pass the proposed ^{Substitute} Resolution Transmitted Herewith

This recommendation was concurred in by _____ (a viva voce vote)
of members of the committee with _____ dissenting vote(s).

Respectfully submitted

(signed) 

Chairman