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Legislation Details (With Text)

File #: O2014-59

Type: Ordinance **Status:** Failed to Pass

File created: 1/15/2014 **In control:** City Council

Final action: 5/20/2015

Title: Amendment of Municipal Code Chapter 9 -124 by adding new Section 9-124-500 regarding hazardous material transportation fees for railroad tank cars

Sponsors: Burke, Edward M., O'Shea, Matthew J., Austin, Carrie M., Laurino, Margaret, Harris, Michelle A., Lane, Lona, Beale, Anthony, Balcer, James, Willie B. Cochran, Reboyras, Ariel, Mitts, Emma, Foulkes, Toni

Indexes: Title 9 - Vehicles, Traffic & Rail Transportation

Attachments: 1. O2014-59.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	
1/15/2014	1	City Council	Referred	

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Chicago is the largest rail hub in the United States; and

WHEREAS, with a railroad network of approximately 7,400 miles, Illinois has the country's second largest rail system; and

WHEREAS, the Chicago and St. Louis terminal switching districts are the two key points of interchange between eastern, western, northern and southern rail systems and handle over 40,000 rail cars on a typical weekday; and

WHEREAS, in 2010, railroads in Illinois handled 481.6 million tons of total freight and 10.989 million carloads of freight and is first in the nation for carloads carried and third for total rail tonnage handled; 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, last July a runaway train carrying crude oil derailed and exploded in Lac-Megantic, Quebec,

which killed 47 people and destroyed more than 100 homes and businesses; and

WHEREAS, on December 30, 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, 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 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 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, hazardous material transported through the City of Chicago has the potential to severely impact the environment and public if inadvertently released into the environment; and

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

WHEREAS, the City Council of the City of Chicago hereby finds that it is in the best interest of the public health, safety and welfare to plan, develop, and maintain a capability for a hazardous material emergency response; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 9-124 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-124-500 as follows:

9-124-500 Railroad tank cars - hazardous material transportation fee.

a) Definitions. For purposes of this section, the following definitions apply:

"Hazardous material" means a substance or material that the U.S. Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law, 49 U.S.C. 5103. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials,

materials designated as hazardous in the Hazardous Materials Table listed and designated pursuant to 49 CFR 172.101.

"Railroad tank car" means a railroad tank car authorized to transport hazardous material under federal law.

b) No person may receive, deliver, transfer, store, handle, or otherwise transport a railroad tank car containing a hazardous material within the City of Chicago unless it has paid to the city a hazardous material transportation fee.

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c) The hazardous material transportation fee shall be determined by the commissioner of health, the fire commissioner, the superintendent of police, the executive director of emergency management and communications, or their respective designees, and shall: (i) be based on the fair approximation of the railroad tank car's physical presence within the City of Chicago; and (ii) be used by the City for a purpose related to transporting hazardous material, including enforcement and planning, developing, and maintaining a capability for emergency response.

d) Any person who receives, delivers, transfers, stores, handles, or otherwise transports a railroad tank car containing a hazardous material within the City of Chicago shall prepare, upon the request of the commissioner of health, the fire commissioner, the superintendent of police, the executive director of emergency management and communications, or their respective designees, or on a schedule prescribed by regulation, reports on such railroad tank cars containing hazardous material within the city.

e) The commissioner of health, the fire commissioner, the superintendent of police, the executive director of emergency management and communications, and their respective designees are authorized: (i) to inspect, at reasonable hours or in case of an emergency, any place of business using or maintaining any hazardous material for the purpose of determining compliance with the requirements of this section; (ii) to examine the applicable books and records of such place of business to corroborate the quantities of hazardous material reported or required to be reported by a person under this section; (iii) to enforce the requirements of this section; and (iv) to promulgate rules and regulations to implement the requirements of this section.

(f) Penalty. Any person who violates any requirement of this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Matthew J. O'Shbd Alderman, 19th Ward

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SECTIO^^T This ordinance shall be in full force and effect 30 days after its passage and pu