



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** R2015-829

**Type:** Resolution **Status:** Failed to Pass

**File created:** 10/21/2015 **In control:** City Council

**Final action:**

**Title:** Call for U.S. Congress and Illinois General Assembly to take action to ensure railroads are sufficiently regulated regarding amelioration of nuisance conditions on property and in connection with railroad operations

**Sponsors:** Villegas, Gilbert, O'Shea, Matthew J., Ramirez-Rosa, Carlos, Waguespack, Scott, Willie B. Cochran, Sposato, Nicholas, Reboyras, Ariel, Taliaferro, Chris, Moreno, Proco Joe, Maldonado, Roberto, Laurino, Margaret, Solis, Daniel, Scott, Jr. Michael, Mitts, Emma, Munoz, Ricardo, Quinn, Marty, Foulkes, Toni, Moore, David H., Curtis, Derrick G., Zalewski, Michael R., Lopez, Raymond A.

**Indexes:** ILLINOIS, STATE OF, UNITED STATES GOVT.

**Attachments:** 1. R2015-829.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
10/21/2015	1	City Council	Referred	

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### RESOLUTION

WHEREAS, Unsafe, unattractive and bothersome conditions on railroad property are a continuing source of frustration for Chicago residents and for their aldermen, who on a daily basis field many complaints from residents upset by overgrown vegetation on railroad property, unreasonably long obstructions of crossings at grade, delayed access to emergency services at such crossings, excessive train idling, diesel fuel emissions and other problems; and

WHEREAS, Chicago is the most important railroad center in North America. More lines of track radiate in more directions from Chicago than from any other city in the United States. Chicago is the hub of our Nation's freight network, and ranks second only to New York City with respect to the volume of commuter rail passengers carried each day. Rail lines cross roadways at numerous points in Chicago, and are an integral and visible part of our communities; and

WHEREAS, Due to the number, type and scope of various Federal and State preemptions that restrict the ability of local municipalities to regulate rail carriers by ordinance, Chicagoans are at the mercy of railroad companies, and the Federal and State administrative bodies charged with responsibility for overseeing them, to ensure that railroad property is properly maintained; that railroad crossings do not block vehicular and pedestrian traffic for unreasonably long periods of time; that locomotives spend as little time as possible idling; and that the noise produced by trains does not constantly disrupt the peace and tranquility of surrounding neighborhoods; and

WHEREAS, At the Federal level, rail carriers are governed by several statutes, the bulk of which are administered by the U.S. Secretary of Transportation through various regulatory bodies, including the Federal Railroad Safety Act, administered through the Federal Railroad Administration; Hazardous Material Transportation Act (HMTA), administered through the Pipeline and Hazardous Material Safety Administration (PHMSA); Railroad Revitalization and Regulatory Reform Act and Rail Passenger Service Act, to name but a few. The Interstate Commerce Commission Termination Act, administered through the Surface Transportation Board, provides broad and extensive regulation of the activities of freight railroads operating in interstate commerce. In addition, because locomotives spend a substantial amount of time idling, the United States Environmental Protection Agency regulates diesel line-haul and passenger and switch locomotives, with a view toward reducing the time during which locomotives emit harmful pollutants, consume fuel and make noise; and

WHEREAS, In Illinois, the Illinois Commercial Transportation Law gives the Illinois Commerce Commission "exclusive power" to regulate rail carriers in Illinois and "all intrastate and interstate rail carrier operations within this State, except to the extent that its jurisdiction is preempted by . . . valid federal statute, regulation or order"; and

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WHEREAS, Because this complex web of Federal and State preemptions makes it virtually impossible for the City of Chicago to regulate railroads in any meaningful way, it is incumbent upon Federal and State authorities to actively monitor the activities of railroads, in light of the very real needs and concerns of local residents, to ensure that the railroads are in compliance with all applicable laws, and to routinely undertake a systematic review of existing laws for the purpose of determining whether, in various areas, those laws should be modified to hold railroads to a higher standard of accountability to local residents than is currently the case; and

WHEREAS, There is no good reason why railroad property should be allowed to deteriorate to the point of blighting entire neighborhoods. Large weeds, frequently in excess of 15 inches in height, rusted and broken fencing, damaged lighting, graffiti and garbage strewn railroad viaducts, and inadequate rodent control on railroad property are commonplace. The urban landscape is being ruined and average citizens are suffering from an inability to enjoy life in their own homes and neighborhoods. Shielded by laws containing exceptionally broad preemptions covering every conceivable subject matter, railroads have no incentive whatsoever to address the legitimate concerns of local residents and, as a result, have become increasingly arrogant and unwilling to work with local governmental leaders to help solve the simplest of problems; and

WHEREAS, Our citizens deserve better. These conditions are unacceptable and should not be tolerated by the governmental entities charged with railroad oversight. An economically viable national railroad system should not come completely at the expense of quality of life in our Nation's communities; now, therefore,

BE IT RESOLVED, That we, the Mayor and Members of the City Council of the City of Chicago, assembled this fourteenth day of October, 2015, do hereby urge Congress and the Illinois General Assembly to take appropriate action to ensure that railroads are sufficiently regulated or otherwise incentivized, including

through the vigorous application of monetary penalties, to ameliorate nuisance conditions on their property and in connection with railroad operations; and

Alderman Gilbert Villegas, 36<sup>th</sup> Ward

BE IT FURTHER RESOLVED, That the City Clerk be directed to provide suitable copies of this resolution to the President pro tempore of the Senate and Speaker of the House of Representatives of the Congress of the United States, to each member of the Illinois congressional delegation, to the U.S. Secretary of Transportation; and to the Chairman of the Illinois Commerce Commission, as a sign of our concern for this important issue.