



# Office of the City Clerk

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## Legislation Text

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**File #:** SOr2013-788, **Version:** 1

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Committee on Finance

### ORDER

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 National Transportation and Safety Board (NTSB) has conducted several investigations establishing that DOT-111 tank cars have a high incidence of failure during crashes; and

WHEREAS, according to the NTSB, DOT-111 cars have 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, DOT-111 cars currently comprise approximately 69% of the nation's tank car fleet; and

WHEREAS, on June 19, 2009, 15 DOT-111 cars carrying ethanol derailed in Cherry Valley, IL; and

WHEREAS, after the derailment, the tank cars leaked fuel, which then ignited, causing a massive fireball which resulted in one fatality and the evacuation of 600 homes within a half-mile radius; and

WHEREAS, following its investigation into the Cherry Valley accident, the NTSB asked the U.S. Department of Transportation's Pipeline Hazardous Materials Safety Administration to "require that all newly manufactured and existing general service tank cars authorized for transportation of denatured fuel ethanol and crude oil in Packing Groups I and II have enhanced tank head and shell puncture resistance systems and top fittings protection that exceeds existing design requirements for DOT-111 tank cars"; and

WHEREAS, on July 6, 2013, a freight train with DOT-111 tank cars carrying crude oil derailed in Lac-Megantic, Quebec, causing a fiery explosion which devastated the center of town and killed three dozen people; and

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

WHEREAS, the Chicago and St. Louis lenninal switching districts are the two key points of interchange between rail systems nationwide and handle more than 40,000 rail cars on a typical weekday; and

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

WHEREAS, the City of Chicago hereby declares DOT-111 tank cars carrying hazardous materials to be a public nuisance, which constitutes a serious threat to the public health, safety and welfare; now, therefore

BE IT ORDERED, that the Corporation Counsel of the City of Chicago is hereby ordered to take legal action against the operators of dangerous and defective DOT-111 tank cars to enjoin their use within the City of Chicago; and

BE IT FURTHER ORDERED, that the Corporation Counsel is hereby ordered to take all necessary action to fomially petition the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration to promulgate rules that will mandate the retrofit of existing DOT-111 tank cars, which will enhance the safe transportation of hazardous materials within the City of Chicago.